

MEETING NOTICE AND AGENDA

DATE & TIME: July 28, 2023 • 8:00 AM – 10:00 AM

LOCATION: City of El Cerrito, Council Chambers
10890 San Pablo Avenue (at Manila Ave)
El Cerrito, California (Accessible by AC Transit #72, #72M & #72R)

REMOTE ACCESS:

<https://us02web.zoom.us/j/7321058840?pwd=c1dMVjJyd1BoYk0yYWVlZWVlWHZ4Zz09>
Meeting ID: 732 105 8840

Phone: =

+Dial the following number, enter the participant PIN followed by # to confirm:

+1 669 900 6833

Meeting ID: 732 105 8840

Password: 066620

Public Comment via Teleconference

Participants may use the chat function on Zoom or physically raise their hands to indicate if they wish to speak on a particular item.

The ability to participate and observe via Zoom or teleconference is predicated on those technologies being available and functioning without technical difficulties. Should they not be available or become non-functioning or should the WCCTAC Board otherwise encounter technical difficulties that make those platforms unavailable, the WCCTAC Board will proceed with business in person unless otherwise prohibited by law.

Written Comment (accepted until the start of the meeting, unless otherwise noted on the meeting agenda). Public comments received by 5:00 p.m. on the evening before the Board meeting date will be provided to the WCCTAC Board. Comments may be submitted by email to vjenkins@wcctac.org.

Comments may also be submitted via e-mail to vjenkins@wcctac.org at any time prior to closure of the public comment portion of the item(s) under consideration. All written comments will be included in the record.

El Cerrito

Hercules

Pinole

Richmond

San Pablo

Contra Costa
County

AC Transit

BART

WestCAT

1. **Call to Order and Board Member Roll Call.** *(Paul Fadelli – Chair)*
2. **Public Comment.** The public is welcome to address the Board on any item that is not listed on the agenda.

CONSENT CALENDAR

3. **Minutes of June 23, 2023 Board Meetings.** *(Attachment; Recommended Action: Approve).*
4. **Monthly Update on WCCTAC Activities.** *(Attachment; Information only).*
5. **Financial Reports.** The reports show the Agency's revenues and expenses for June 2023. *(Attachment; Information only).*
6. **Payment of Invoices over \$10,000.** None. *(Attachment; Information only).*

REGULAR AGENDA ITEMS

7. **Appeal of STMP Fee for 1711-1755 Eastshore Boulevard.** Baco Properties, the developer of a storage facility project in El Cerrito, is seeking a waiver of its STMP fees. WCCTAC staff and counsel have reviewed the request and concluded that the City of El Cerrito applied the fee appropriately and that there is no basis for a fee waiver. *(John Nemeth, Executive Director and Kris Kokotaylo, WCCTAC Counsel; Attachments; Recommended Action: Deny the STMP fee waiver request).*
8. **AC Transit Realign.** AC Transit is reviewing its bus service through the Realign Plan, a process of evaluating the service network with both data and rider feedback. It is now moving into Phase 2 of a five-phase process, scheduled to conclude in September 2024. Staff from AC Transit will provide an overview of the Realign process and the work completed to date. *(David Berman, AC Transit staff; No Attachment; Recommended Action: Information Only).*
9. **Joint Power Agreement (JPA) – Review of Comments on Draft Update.** WCCTAC is in the process of updating its JPA which has not been amended since 2003. Staff sent a draft of proposed changes to its nine members agencies, and CCTA, in early April and received 25 comments. Most comments are minor edits while a few are more complex and warrant Board discussion. Staff proposes to incorporate most of these comments into the Draft JPA Update. *(John Nemeth, Executive Director, Attachment; Recommended Action: Incorporate changes to the draft JPA document as proposed by staff).*

STANDING ITEMS

10. Board and Staff Comments.

- a. Board Member Comments, Conference/Meeting Reports (AB 1234 Requirement), and Announcements
- b. Report from CCTA Representatives (*Directors Fadelli & Kelley*)
- c. Executive Director's Report

11. General Information Items.

- a. Letter to CCTA Executive Director with Summary of Board Actions for June 23, 2023
- b. Acronym List

12. Adjourn. Next regular meeting is: September 22, 2023 @ 8:00 a.m.

- In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in the WCCTAC Board meeting, or if you need a copy of the agenda and/or agenda packet materials in an alternative format, please contact Valerie Jenkins at 510.210.5930 prior to the meeting.
- If you have special transportation requirements and would like to attend the meeting, please call the phone number above at least 48 hours in advance to make arrangements.
- Handouts provided at the meeting are available upon request and may also be viewed at WCCTAC's offices.
- Please refrain from wearing scented products to the meeting, as there may be attendees susceptible to environmental illnesses. Please also put cellular phones on silent mode during the meeting.
- A meeting sign-in sheet will be circulated at the meeting. Sign-in is optional.

**West Contra Costa Transportation Advisory Committee
Board of Directors Meeting
Meeting Minutes June 23, 2023**

MEMBERS PRESENT: Paul Fadelli, Chair (El Cerrito), Rita Xavier, Vice Chair (San Pablo), John Gioia (Contra Costa County), Dion Bailey (Hercules), Cameron Sasai (Pinole), Eduardo Martinez, (Richmond), Soheila Bana (Richmond), Cesar Zepeda (Richmond), Chris Peeples (AC Transit), Tom Hansen (WestCAT)

STAFF PRESENT: John Nemeth, Joanna Pallock, Coire Reilly, Valerie Jenkins,
Kris Kokotaylo (legal counsel)

ACTIONS LISTED BY: WCCTAC Staff

Meeting Called to Order: 8:01 a.m.

Public Comment: None

CONSENT CALENDAR

Motion by **Director Gioia**; seconded by **Director Bailey**

Yes- P. Fadelli, R. Xavier, C. Sasai, C. Peeples, J. Gioia, D. Bailey, C. Zepeda, S. Bana, E, Martinez

No- None

Abstention- None

Motion passed unanimously.

Item #3. *Approved:* Minutes of May 26,2023, Board Meeting

Item #4. *Received:* Monthly Update on WCCTAC Activities

Item #5. *Received:* Financial Reports for May 2023

Item #6. *Received:* Payment of Invoices over \$10,000. (*None*)

Item #7. *Approved:* Fiscal Year 2024 Measure J 19b Funds for WestCAT and AC Transit

Item #8. *Approved:* Resolution 23-05, WCCTAC's FY2024 Work Program, Budget, and Dues

REGULAR AGENDA ITEMS

ITEM/DISCUSSION	ACTION
<p>Item #9 Updated WCCTAC’s Salary Schedule for Fiscal Year 2024.</p>	<p>Kris Kokotaylo, WCCTAC counsel, provided a brief oral report on the proposed salary schedule for Fiscal Year 2024, which includes the WCCTAC Executive Director, and is required by SB 1436.</p> <p>Motion by Director Peeples; seconded by Director Gioia to approve Resolution 23-06 Yes- P. Fadelli, R. Xavier, C. Sasai, C. Peeples, J. Gioia, D. Bailey, C. Zepeda, S. Bana No- None Abstention- None Motion passed unanimously.</p>
<p>Item #10 Temporary Closures of Interstate 80</p>	<p>Information Only Andrew Baskerville and Bart Ney, of Caltrans staff, discussed pending closures of I-80 for pavement rehabilitation between State Route 4 and the Carquinez Bridge. Caltrans staff stated that there will be four scheduled closures over the summer: on eastbound I-80 during the weekends of July 21, August 4, and August 18 and westbound on Labor Day weekend, from Thursday at 5pm until 5am the following Tuesday. Projected completion is scheduled for late 2023.</p>
<p>Item #11 Pedestrian, Bike, and Trail Facilities (PBTF) Funds for the East Bay Regional Park District (EBRPD)</p>	<p>Michael Stangl, of EBRPD staff, presented information to the Board and sought approval for the use of \$500k in Measure J PBTF funds for the repaving of 1.2 miles of Wildcat Creek Trail in Pt. Pinole Regional Shoreline Park. Mr. Stangl shared photos of the segments of the trail that needed rehabilitation.</p> <p>Motion by Director Martinez; seconded by Director Peeples, to recommend EBRPD’s funding request to CCTA. Yes- P. Fadelli, R. Xavier, C. Sasai, C. Peeples, J. Gioia, D. Bailey, C. Zepeda, S. Bana, E Martinez, T. Hansen No- None Abstention- None Motion passed unanimously.</p>

<p>Item #12 Measure J 28b funds for CCTA's OBAG 3 Grant</p>	<p>John Nemeth, Executive Director, explained that CCTA required a match for its OBAG 3 grant and had proposed the use Measure J 17 (TDM) funds. WCCTAC staff, however, recommended the use of Measure J 28b funds instead and sought Board concurrence.</p> <p>Motion by Director Peeples; seconded by Director Gioia, to approve Resolution 23-07 authorizing the use Measure J 28b funds for CCTA's OBAG 3 Grant.</p> <p>Yes- P. Fadelli, R. Xavier, C. Sasai, C. Peeples, J. Gioia, D. Bailey, C. Zepeda, S. Bana, E Martinez T. Hansen No- None Abstention- None Motion passed unanimously.</p>
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Meeting Adjourned: 9:38 a.m.

TO: WCCTAC Board

DATE: July 28, 2023

FR: John Nemeth, Executive Director

RE: Monthly Update on WCCTAC Activities

All Aboard: Hercules to the San Francisco Transit Center



This summer, the WCCTAC Travel Training is in full swing. Janet Bilbas and Joanna Pallock recently led two outings with senior and disabled members of the Hercules Senior Center in late June and early July. Each program outing is unique and based on the particular needs of the group. These two recent trips included staff from both the Hercules Senior Center staff and WestCAT, which was extremely helpful and included the use of a double decker bus!

Janet and Joanna also recently presented a two-hour overview on the purpose of travel training, and how it works, to summer interns in Supervisor Gioia's office. The Travel Training program, including outings, will continue through the summer and into the fall. Staff is now aiming to focus on trips to County health services in Martinez, and also aiming to do outreach to unincorporated areas of West County.

Pass2Class and Student Bus Pass Program Applications Now Open



Applications for West County’s student transit programs are now open. Pass2Class, run by WCCTAC staff/511 Contra Costa and funded by the Air District’s Transportation Fund for Clean Air, provides two months of free passes at the beginning of the school year to any student in West Contra Costa County.

The Student Bus Pass Program (SBPP), administered by the West Contra Costa Unified School District (WCCUSD) and funded by Measure J, provides bus passes all school year to students who are part of the Free and Reduced Lunch Program, including all high school students and middle school students (grades 6th-8th grade) from the following schools: Mira Vista, Montalvin Manor, Peres, Stewart, & Verde.

Students who qualify for the SBPP are encouraged to apply to that program (instead of Pass2Class) as it is a better deal, providing passes all school year long.

More information and application for Pass2Class can be found here: www.pass2class.org

More information and application for Student Bus Pass program can be found here: <https://www.wccusd.net/Page/15742>

San Pablo Ave Multimodal Corridor Study - Follow Up

When the San Pablo Avenue Multimodal Corridor Study was completed, the WCCTAC Board embraced a package of small-scale projects aimed at improving pedestrian safety. It also encouraged staff to continue exploring a potential bus-only lane demonstration that could work for both AC Transit and one or more local jurisdiction. WCCTAC, El Cerrito, Richmond, and AC Transit staff have discussed the prospect of submitting a joint application for STMP funding for consultant support to continue refining a bus-only lane demonstration project on a segment of San Pablo Avenue.

Medical Trip Pilot Program - Update

On July 20, 2023, CCTA’s consultant, Nelson Nygaard, presented an overview of the medical-trip pilot program being developed in West County to the Accessible Transportation Task Force Working Group. The pilot would aim to run for 18 months and would involve the City of San Pablo’s paratransit service taking residents over age 50 (or disabled residents over age 18) in the 94806 zip code to County medical facilities in Martinez. If ultimately approved by the Authority, the pilot could receive some available Contra Costa County Measure X funding. WCCTAC also staff noted that financial participation from WCCTAC, using Measure J 28b funds, may also be possible.

Richmond Parkway Outreach Beginning

The [interactive webmap](#) for the Richmond Parkway Transportation Plan (RPTP) is now live! This tool creates an opportunity for members of the public to provide feedback about their current transportation experiences along Richmond Parkway and ideas they have for improvements.

As of now, the webmap is planned to be open until September 3rd. Staff has asked the RPTP Technical Advisory Committee and Public Advisory Group to help get the word out. If you would like a flyer to print, or share electronically with your networks, or use for other outreach opportunities (e.g. newsletters), please email Leah Greenblat, WCCTAC Transportation Planning Manager at LGREENBLAT@wcctac.org.



Alternatively feel free to use the language below:

Help Improve Richmond Parkway!

The Richmond Parkway Transportation Plan is an opportunity to explore strategies that equitably expand transportation options, support safe travel, and reduce public health impacts of truck and vehicle traffic along Richmond Parkway and Castro Street between I-80 and I-580. If you live, work, or travel along the Parkway, we'd love to hear from you! An [interactive webmap](#) is now live and comments are welcome on current transportation challenges and ideas. The webmap will be available for input through September 3, 2023. Visit the [project website](#) to learn more.

Alongside this digital engagement tool, WCCTAC staff and its consultant are finalizing plans for in-person and neighborhood council engagement over the next couple of months. Those plans aim to reach a broad and representative swath of the residents in the corridor area, including low-income residents and people of color. Please let Leah Greenblat know of any upcoming events that would fit well with RPTP outreach efforts.

General Ledger Monthly Budget Report

User: AnnC
 Printed: 7/12/2023 8:08:54 AM
 Period 12 - 12
 Fiscal Year 2023



Account Number	Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance Encumbered	Available	% Avail
7700	WCCTAC Operations							
770-7700-41000	Salary	0.00	564,484.00	564,484.00	334,010.18	230,473.82	230,473.82	40.83
770-7700-41200	PERS Retirement	0.00	0.00	0.00	104,502.12	-104,502.12	-104,502.12	0.00
770-7700-41310	Medical Insurance	0.00	0.00	0.00	81,788.01	-81,788.01	-81,788.01	0.00
770-7700-41311	Retiree Healthcare	0.00	0.00	0.00	2,226.13	-2,226.13	-2,226.13	0.00
770-7700-41400	Dental	0.00	0.00	0.00	4,440.76	-4,440.76	-4,440.76	0.00
770-7700-41500	Flexible Spending Account	0.00	0.00	0.00	-395.55	395.55	395.55	0.00
770-7700-41800	LTD Insurance	0.00	0.00	0.00	4,635.20	-4,635.20	-4,635.20	0.00
770-7700-41900	Medicare	0.00	0.00	0.00	15,312.36	-15,312.36	-15,312.36	0.00
770-7700-41901	Other Insurances	0.00	0.00	0.00	-368.10	368.10	368.10	0.00
770-7700-41904	Life Insurance	0.00	0.00	0.00	1,779.74	-1,779.74	-1,779.74	0.00
770-7700-41911	Liability Insurance	0.00	4,639.00	4,639.00	0.00	4,639.00	4,639.00	100.00
770-7700-41912	Unemployment Insurance	0.00	0.00	0.00	679.00	-679.00	-679.00	0.00
770-7700-43500	Salary and Benefits	0.00	569,123.00	569,123.00	548,609.85	20,513.15	20,513.15	3.60
770-7700-43501	Office Supplies	0.00	4,500.00	4,500.00	5,006.99	-506.99	-506.99	-11.27
770-7700-43520	Postage	0.00	1,500.00	1,500.00	1,292.01	207.99	207.99	13.87
770-7700-43600	Copies/Printing/Shipping/Xerox	0.00	3,200.00	3,200.00	3,039.99	160.01	160.01	5.00
770-7700-43900	Professional Services	0.00	64,250.00	64,250.00	69,915.95	-5,665.95	-5,665.95	-8.82
770-7700-44000	Rent/Building	0.00	22,750.00	22,750.00	21,643.29	1,106.71	1,106.71	4.86
770-7700-44320	Special Department Expenses	0.00	10,000.00	10,000.00	2,762.47	7,237.53	7,237.53	72.38
	Travel/Training Staff	0.00	4,000.00	4,000.00	1,548.61	2,451.39	2,451.39	61.28
	Service and Supplies	0.00	110,200.00	110,200.00	105,209.31	4,990.69	4,990.69	4.53
	Expense	0.00	679,323.00	679,323.00	653,819.16	25,503.84	25,503.84	3.75
7700	WCCTAC Operations	0.00	679,323.00	679,323.00	653,819.16	25,503.84	25,503.84	3.75
7720	WCCTAC TDM							
772-7720-41000	Salary	0.00	332,637.00	332,637.00	207,248.42	125,388.58	125,388.58	37.70
772-7720-41200	PERS Retirement	0.00	0.00	0.00	65,333.86	-65,333.86	-65,333.86	0.00
772-7720-41310	Medical Insurance	0.00	0.00	0.00	43,820.88	-43,820.88	-43,820.88	0.00
772-7720-41400	Dental Insurance	0.00	0.00	0.00	2,324.60	-2,324.60	-2,324.60	0.00
772-7720-41800	LTD Insurance	0.00	0.00	0.00	1,584.20	-1,584.20	-1,584.20	0.00
772-7720-41900	Medicare	0.00	0.00	0.00	9,582.87	-9,582.87	-9,582.87	0.00
772-7720-41901	Other Insurances	0.00	0.00	0.00	-368.10	368.10	368.10	0.00
772-7720-41904	Life Insurance	0.00	0.00	0.00	444.82	-444.82	-444.82	0.00
772-7720-41911	Liability Insurance	0.00	4,639.00	4,639.00	0.00	4,639.00	4,639.00	100.00
	Salary and Benefits	0.00	337,276.00	337,276.00	329,971.55	7,304.45	7,304.45	2.17

Account Number	Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance	Encumbered	Available	% Avail
772-7720-43300	MembershipsSubscriptions	0.00	1,750.00	1,750.00	375.00	1,375.00	0.00	1,375.00	78.57
772-7720-43500	Office Supplies	0.00	1,400.00	1,400.00	1,194.51	205.49	0.00	205.49	14.68
772-7720-43501	TDM Postage	0.00	0.00	0.00	2,239.58	-2,239.58	0.00	-2,239.58	0.00
772-7720-43502	TDM Postage	0.00	1,500.00	1,500.00	0.00	1,500.00	0.00	1,500.00	100.00
772-7720-43520	CopiesPrintingShippingXerox	0.00	3,000.00	3,000.00	3,616.15	-616.15	0.00	-616.15	-20.54
772-7720-43600	Professional Services	0.00	66,000.00	66,000.00	53,665.24	12,334.76	0.00	12,334.76	18.69
772-7720-43900	RentBuilding	0.00	22,000.00	22,000.00	21,643.40	356.60	0.00	356.60	1.62
772-7720-44000	Special Department Expenses	0.00	341,730.00	341,730.00	173,329.20	168,400.80	0.00	168,400.80	49.28
772-7720-44320	TravelTraining Staff	0.00	3,000.00	3,000.00	1,743.86	1,256.14	0.00	1,256.14	41.87
	Service and Supplies	0.00	440,380.00	440,380.00	257,806.94	182,573.06	0.00	182,573.06	41.46
	Expense	0.00	777,656.00	777,656.00	587,778.49	189,877.51	0.00	189,877.51	24.42
7720	WCCTAC TDM	0.00	777,656.00	777,656.00	587,778.49	189,877.51	0.00	189,877.51	24.42
7730	STMP								
773-7730-41000	Salary	0.00	75,000.00	75,000.00	101,727.74	-26,727.74	0.00	-26,727.74	-35.64
	Salary and Benefits	0.00	75,000.00	75,000.00	101,727.74	-26,727.74	0.00	-26,727.74	-35.64
773-7730-44000	Special Department Expense	0.00	6,825,536.00	6,825,536.00	556,540.35	6,268,995.65	0.00	6,268,995.65	91.85
	Service and Supplies	0.00	6,825,536.00	6,825,536.00	556,540.35	6,268,995.65	0.00	6,268,995.65	91.85
	Expense	0.00	6,900,536.00	6,900,536.00	658,268.09	6,242,267.91	0.00	6,242,267.91	90.46
7730	STMP	0.00	6,900,536.00	6,900,536.00	658,268.09	6,242,267.91	0.00	6,242,267.91	90.46
7740	WCCTAC Special Projects								
774-7740-43500	Office Supplies	0.00	0.00	0.00	112.81	-112.81	0.00	-112.81	0.00
774-7740-44000	Special Department Expense	0.00	249,109.00	249,109.00	131,532.41	117,576.59	0.00	117,576.59	47.20
774-7740-44320	TravelTraining Staff	0.00	0.00	0.00	6.00	-6.00	0.00	-6.00	0.00
	Service and Supplies	0.00	249,109.00	249,109.00	131,651.22	117,457.78	0.00	117,457.78	47.15
	Expense	0.00	249,109.00	249,109.00	131,651.22	117,457.78	0.00	117,457.78	47.15
7740	WCCTAC Special Projects	0.00	249,109.00	249,109.00	131,651.22	117,457.78	0.00	117,457.78	47.15
Expense Total		0.00	0.00	8,606,624.00	2,031,516.96	6,575,107.04	0.00	6,575,107.04	76.3959

General Ledger Monthly Budget Report

User: AnnC
 Printed: 7/12/2023 8:05:51 AM
 Period 12 - 12
 Fiscal Year 2023



Account Number	Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance	Encumbered	Available	% Avail
0000	Non Departmental								
773-0000-34310	CC County STMP Fees	0.00	0.00	0.00	-2,174,515.87	2,174,515.87	0.00	2,174,515.87	0.00
773-0000-34315	El Cerrito STMP Fees	0.00	0.00	0.00	-238,416.09	238,416.09	0.00	238,416.09	0.00
773-0000-34325	Pinole STMP Fees	0.00	0.00	0.00	-20,066.55	20,066.55	0.00	20,066.55	0.00
773-0000-34330	Richmond STMP Fees	0.00	0.00	0.00	-1,281,778.09	1,281,778.09	0.00	1,281,778.09	0.00
773-0000-34335	San Pablo STMP Fees	0.00	0.00	0.00	-504,868.35	504,868.35	0.00	504,868.35	0.00
	Licenses and Permits	0.00	0.00	0.00	-4,219,644.95	4,219,644.95	0.00	4,219,644.95	0.00
770-0000-36102	Interest	0.00	0.00	0.00	-234.39	234.39	0.00	234.39	0.00
773-0000-36102	Interest	0.00	0.00	0.00	-96,004.71	96,004.71	0.00	96,004.71	0.00
	Use of Property and Money	0.00	0.00	0.00	-96,239.10	96,239.10	0.00	96,239.10	0.00
770-0000-34010	STMP Administration	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
770-0000-34111	Member Contributions	0.00	0.00	0.00	-556,329.00	556,329.00	0.00	556,329.00	0.00
770-0000-39906	Other Revenue	0.00	0.00	0.00	-69,924.14	69,924.14	0.00	69,924.14	0.00
772-0000-39906	Other Revenue	0.00	0.00	0.00	-532,933.08	532,933.08	0.00	532,933.08	0.00
773-0000-34010	STMP Administration	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
774-0000-39906	Other Revenue	0.00	0.00	0.00	-131,157.93	131,157.93	0.00	131,157.93	0.00
	Miscellaneous Revenue	0.00	0.00	0.00	-1,290,344.15	1,290,344.15	0.00	1,290,344.15	0.00
	Revenue	0.00	0.00	0.00	-5,606,228.20	5,606,228.20	0.00	5,606,228.20	0.00
0000	Non Departmental	0.00	0.00	0.00	-5,606,228.20	5,606,228.20	0.00	5,606,228.20	0.00
7700	WCCTAC Operations								
770-7700-34111	Member Contributions	0.00	556,329.00	-556,329.00	0.00	-556,329.00	0.00	-556,329.00	100.00
	Intergovernmental	0.00	556,329.00	-556,329.00	0.00	-556,329.00	0.00	-556,329.00	100.00
770-7700-39906	Other Revenue	0.00	100,150.00	-100,150.00	0.00	-100,150.00	0.00	-100,150.00	100.00
	Miscellaneous Revenue	0.00	100,150.00	-100,150.00	0.00	-100,150.00	0.00	-100,150.00	100.00
	Revenue	0.00	656,479.00	-656,479.00	0.00	-656,479.00	0.00	-656,479.00	100.00
7700	WCCTAC Operations		656,479.00	-656,479.00	0.00	-656,479.00	0.00	-656,479.00	100.00
7720	WCCTAC TDM								
772-7720-33403	Grants	0.00	777,656.00	-777,656.00	0.00	-777,656.00	0.00	-777,656.00	100.00
	Grants	0.00	777,656.00	-777,656.00	0.00	-777,656.00	0.00	-777,656.00	100.00
	Revenue	0.00	777,656.00	-777,656.00	0.00	-777,656.00	0.00	-777,656.00	100.00
7720	WCCTAC TDM		777,656.00	-777,656.00	0.00	-777,656.00	0.00	-777,656.00	100.00
7730	STMP								
773-7730-34310	County STMP Fees	0.00	50,000.00	-50,000.00	0.00	-50,000.00	0.00	-50,000.00	100.00
773-7730-34330	Richmond STMP Fees	0.00	1,600,000.00	-1,600,000.00	0.00	-1,600,000.00	0.00	-1,600,000.00	100.00

Account Number Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance Encumbered	Available	% Avail
773-7730-34335	0.00	1,300,000.00	-1,300,000.00	0.00	-1,300,000.00	-1,300,000.00	100.00
San Pablo STMP Fees Licenses and Permits	0.00	2,950,000.00	-2,950,000.00	0.00	-2,950,000.00	-2,950,000.00	100.00
773-7730-34315	0.00	800,000.00	-800,000.00	0.00	-800,000.00	-800,000.00	100.00
El Cerrito STMP Fees	0.00	20,000.00	-20,000.00	0.00	-20,000.00	-20,000.00	100.00
773-7730-34325	0.00	820,000.00	-820,000.00	0.00	-820,000.00	-820,000.00	100.00
Pinole STMP Fees Grants	0.00	18,000.00	-18,000.00	0.00	-18,000.00	-18,000.00	100.00
773-7730-36102	0.00	18,000.00	-18,000.00	0.00	-18,000.00	-18,000.00	100.00
Interest - LAIF	0.00	18,000.00	-18,000.00	0.00	-18,000.00	-18,000.00	100.00
Use of Property and Money	0.00	3,788,000.00	-3,788,000.00	0.00	-3,788,000.00	-3,788,000.00	100.00
7730	0.00	3,788,000.00	-3,788,000.00	0.00	-3,788,000.00	-3,788,000.00	100.00
7740	0.00	3,788,000.00	-3,788,000.00	0.00	-3,788,000.00	-3,788,000.00	100.00
WCCTAC Special	0.00	249,109.00	-249,109.00	0.00	-249,109.00	-249,109.00	100.00
Projects	0.00	249,109.00	-249,109.00	0.00	-249,109.00	-249,109.00	100.00
774-7740-39906	0.00	249,109.00	-249,109.00	0.00	-249,109.00	-249,109.00	100.00
Other Revenue	0.00	249,109.00	-249,109.00	0.00	-249,109.00	-249,109.00	100.00
Miscellaneous Revenue	0.00	249,109.00	-249,109.00	0.00	-249,109.00	-249,109.00	100.00
7740	0.00	249,109.00	-249,109.00	0.00	-249,109.00	-249,109.00	100.00
WCCTAC Special	0.00	249,109.00	-249,109.00	0.00	-249,109.00	-249,109.00	100.00
Projects	0.00	0.00	0.00	0.00	0.00	0.00	0
Expense Total	0.00	0.00	0.00	0.00	0.00	0.00	0

TO: WCCTAC Board

MEETING DATE: July 28, 2022

FR: John Nemeth, Executive Director

RE: Appeal of STMP Fee for 1711-1755 Eastshore Boulevard

REQUESTED ACTION

WCCTAC staff recommends denying the STMP fee waiver request for the proposed project at 1711-1755 Eastshore Boulevard in El Cerrito.

BACKGROUND AND DISCUSSION

Details Related to the STMP Appeal

Baco Properties, the developer of a proposed self-storage facility at 1711-1755 Eastshore Boulevard in El Cerrito, is appealing their Subregional Transportation Mitigation Program (STMP) fees. The City of El Cerrito applied the “storage facility” land use designation from the STMP Administrative Guidelines and collected a fee of \$94,241.70. Subsequently, the applicant requested that the Executive Director waive the STMP fees and provide a refund. WCCTAC staff reviewed the request and concluded that the fees were applied appropriately by El Cerrito staff. When that request was denied, the applicant filed a formal appeal in accordance with the STMP Administrative Guidelines.

When a new use is proposed on a site that contains an existing building, the STMP Administrative Guidelines provide that if the building has been vacant for fewer than three (3) years, the applicant will pay the STMP Fee based only on any intensification of use of the site. If the building has been vacant for more than three (3) years, the project is treated as new construction and the STMP fee is applied to the entire project.

The applicant is arguing that because a hardware store previously occupied the site, and because the new use is expected to generate fewer trips than the hardware store, the impact fee should be waived. The hardware store, however, closed ten (10) years ago in 2013 and the building has been vacant since that time. The full appeal letter from the applicant is included as Attachment A.

Staff Assessment

It is WCCTAC’s staff’s assessment that the City of El Cerrito was correct in applying the fee and that there is no basis for waiving the fee.

The purpose of the STMP is to mitigate the regional impacts of new trips generated by development. The impact of new development cannot be determined without first defining the current baseline condition and whether trips qualify as “new”. When a condition previously existed on a site, but has gone away, a determination needs to be made as to whether that prior condition should be considered part of the current baseline for the purpose of assessing impacts. To accomplish this, time thresholds are often used in impact fee programs to establish a current baseline. Similar processes are used for many government activities, such as conducting environmental reviews under CEQA, for which it is necessary to establish a baseline against which to compare a proposed future condition.

WCCTAC uses a three-year threshold. If a site with a previous use was active within the last three years, that previous use would be considered part of the current baseline. The STMP’s three-year threshold is similar to, or longer than, the thresholds used by many other public agencies for establishing a baseline for the purposes of development impact fees. In this case, the site being vacant for 10 years far exceeds the three-year time period established by the Administrative Guidelines for considering a prior use part of the current baseline.

Lastly, it should be noted that the developer paid the City of El Cerrito’s Transportation Impact Fee (TIF), which was calculated based on the proposed new use in its entirety, and did not challenge that fee on the basis of a prior use from ten years ago.

ATTACHMENTS

- A. Appellant's STMP Appeal Letter to WCCTAC for 1711-1755 Eastshore Boulevard
- B. Appellant's STMP Appeal PowerPoint Presentation

July 18, 2023

West Contra Costa Transportation Advisory
Committee
6333 Potrero Avenue
El Cerrito, CA 94530

Re: BD22-0634 - 1711-1755 Eastshore Boulevard Self-Storage STMP Fee Appeal

To the Board of the West Contra Costa Transportation Advisory Committee:

I write in response to the June 5, 2023 email determination (“Email”) from West Contra Costa Transportation Advisory Committee (“WCCTAC”) Executive Director, John Nemeth, regarding the imposition of Subregional Transportation Mitigation Program Fees (“STMP Fees”) on the self-storage facility that Baco Properties is developing at 1711-1755 Eastshore Blvd. (“Site”) in the City of El Cerrito (“Self-Storage Project” or “Project”). Despite Director Nemeth’s acknowledgement that the Self-Storage Project will generate fewer trips and substantially reduce traffic (a reduction of an estimated 1,363 trips per day) as compared to the hardware store that previously occupied the Site, Director Nemeth determined that imposition of approximately \$94,241.70 in STMP Fees were applicable to the Project.

In doing so, Director Nemeth cited Section B.2 of WCCTAC’s STMP Fee Administrative Guidelines (“Guidelines”) which states that “[i]f a vacancy ha[s] occurred greater than three years prior to the date of the building permit application, then the STMP Fee shall be applied as if the project was New Construction.” Although Director Nemeth recognized that STMP Fees would be waived if the Site had been vacant for less than three years, Director Nemeth determined that the STMP Fees applied because the Project site has purportedly been vacant since 2013. This rationale fails to satisfy appropriate legal standards.

The United States Supreme Court has determined that a government agency may not condition the approval of a land-use permit on the owner’s relinquishment of a portion of their property unless “there is a nexus and rough proportionality between the government’s demand and the effects of the proposed land use.” (*Koontz v. St. Johns River Water Mgmt. Dist.* (2013) 570 U.S. 595, 599.) This “nexus and rough proportionality” requirement, also known as the *Nollan/Dolan* requirements, must be satisfied even when the government’s demand is for money. (*Id.* at p. 619.) As Baco Properties’ previous appeal letter to WCCTAC describes in detail (see attached May 18, 2023 WCCTAC STMP Fee Appeal Letter (“Appeal Letter”)), California courts will only allow for the imposition of fees under the Mitigation Fee Act (Gov. Code, § 66000 et seq.) when the “*fees are reasonably related to the burden caused by the development.*” (*Boatworks v. City of Alameda* (2019) 35 Cal.App.5th 290, 294, italics added.)

In addition to the reasons stated in the attached Appeal Letter as to why imposition of the STMP Fee in this case would be inappropriate, WCCTAC has failed to show any rational connection or evidentiary support to justify its arbitrary three-year cutoff for re-use of vacant buildings. (See *Sheetz v. County of El Dorado* (2022) 84 Cal.App.5th 394, 415 [courts will overturn fees imposed under the Mitigation Fee Act if the agency’s decision was arbitrary, capricious or entirely lacking in evidentiary support].) Although Director Nemeth makes reference to the “Nexus Study” that was performed for WCCTAC’s 2019 STMP fee in the Email, ostensibly to support his position that there is a nexus or reasonable relationship between the STMP Fees being imposed and the Project’s burden on traffic, nothing in the referenced Nexus Study or in the Guidelines – other than the section that cursorily imposes the three-year cutoff – explains WCCTAC’s reasoning behind imposing such an arbitrary cutoff for re-use of vacant buildings by projects that impose less traffic burdens than the previous use. Because Director Nemeth acknowledged that the STMP Fee would have been waived had the space been occupied in the last three years, and there is no evidentiary support in either the Guidelines or the Nexus Study discussing the reasons for imposing such a cutoff term, WCCTAC has failed to show a reasonable relationship between the STMP Fees and the traffic burdens that will be caused by the Project.

Based on the above, the imposition of STMP Fees on the Project is invalid under the Mitigation Fee Act, and Baco Properties respectfully requests WCCTAC to waive the STMP Fee for the Project.

Sincerely,

DOWNEY BRAND LLP



Andrew M. Skanchy

AMS

Attachment: May 18, 2023 WCCTAC STMP Fee Appeal Letter

1872347v1

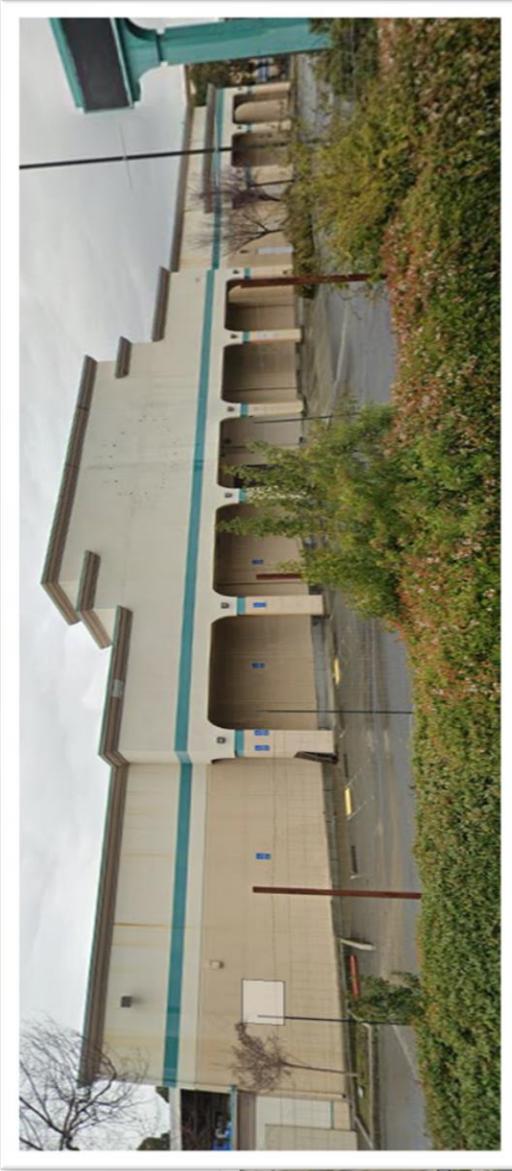
BD22-0634 1711-1755 Eastshore Boulevard Self-Storage STMP Fee Appeal

Appeal to the Board of the West Contra Costa
Transportation Advisory Committee (WCCCTAC)

July 28, 2023

1711-1755 Eastshore Boulevard Project Location

DB



7B-2

1711-1755 Eastshore Boulevard Project Summary

DB

- Existing building is one-story, 50,905 sf, former Orchard Supply Hardware building
- Project would convert building into two-story, 103,298 sf self-storage facility consisting of 664 storage units and a 1,227 square foot retail/rental office with two employees.

Project Traffic Impacts

Table 1 – Trip Generation Summary

Land Use	Units	Daily		AM Peak Hour			PM Peak Hour				
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Existing											
Home Improvement Superstore	50.905 ksf	30.74	-1,565	1.57	-80	-46	-34	2.33	-119	-58	-61
Proposed											
Mini-Warehouse	103.298 ksf	1.51	156	0.10	10	6	4	0.17	18	8	10
Shopping	1.227 ksf	37.75	46	0.94	1	1	0	3.81	5	2	3
Total			-1,363		-69	-39	-30		-96	-48	-48

Note: ksf = 1,000 square feet

Using Institute of Transportation Engineers' Trip Generation Manual, 10th Edition, 2017, a traffic and parking study for the 1711-1755 Eastshore Boulevard Self-Storage determined that the Project is expected to generate 1,363 fewer daily trips compared to the Orchard Supply Hardware that was previously on the site.

Conclusions and Recommendations

- Compared to the previous land use, the proposed project is expected to generate 1,363 fewer weekday daily trips, 69 fewer trips during the weekday a.m. peak hour and 96 fewer trips during the p.m. peak hour.
- The proposed project would be presumed to have a less-than-significant transportation impact on vehicle miles traveled.
- Nearby pedestrian, bicycle, and transit facilities are adequate to serve the project.
- Sight distances at the project driveway are adequate.
- The proposed parking supply of 13 spaces would accommodate the anticipated peak parking demand of 11 spaces.

WCCTAC's Subregional Transportation Mitigation Program (STMP) Fee Administrative Guidelines' Three-Year Re-Use Standard

B. DEVELOPMENT PROJECTS

Agencies shall apply the STMP Fee to building permits associated with all Development Projects as defined in this section, unless exempt under Section D.9 of the Coop Agreement.

1. New Construction

Includes construction of new building space for either residential or non-residential use(s), including the addition of building space to existing developed property.

2. Intensification of Use

Includes the intensification of use of all or part of an existing building, whether vacant or not. An intensification of use occurs when a Development Project would pay a higher fee under the proposed use compared to the existing permitted use based on the current STMP Fee schedule. Accessory dwelling units added within the existing habitable living area footprint are not considered an intensification of use and no STMP Fee would be applied.

In the case of the **re-use of a vacant building, the building's current use shall be the use when the building was occupied if the vacancy had occurred within three years prior to the date of the building permit application.** If the vacancy had occurred greater than three years prior to the date of the building permit application, then the STMP Fee shall be applied as if the project was New Construction. The building permit applicant bears the burden of demonstrating that the building was in use within this time period through submittal of documents acceptable to the Agency such as executed lease agreements or lease payment records.

"The Mitigation Fee Act ("MFA") authorizes local agencies to impose fees on a development project in order to defray the cost of public facilities needed to serve the growth caused by the project, as long as the fees are reasonably related to the burden caused by the development." (*Boatworks, LLC v. City of Alameda* (2019) 35 Cal.App.5th 290, 294, italics added; see also *Dolan v. City of Tigard* (1995) 512 U.S. 374, 391 [impact fees must have a rough proportionality both in nature and extent to the impact of the proposed development].)

A local agency can satisfy the MFA's "reasonable relationship" requirement by:

- (1) identifying the purpose of the fee;
- (2) identifying the use and type of development for which the fee is imposed;
- (3) determining how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; and
- (4) by determining how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. (See Gov. Code, § 66001(a).)

Courts will overturn an agency's decision to impose fees if that decision was "arbitrary, capricious or entirely lacking in evidentiary support." (*Sheetz v. County of El Dorado* (2022) 84 Cal.App.5th 394, 415.)

WCCTAC's Imposed STMP Fees Violates the MFA's Reasonable Relationship Standard

DB

Factors showing that there is not a reasonable relationship between the \$94,241.70 STMP fee and the Project:

- WCCTAC has acknowledged that the Project will result in fewer trips than the previous use of the site, and pursuant to Gov. Code section 66001(g), a "fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan."

WCCTAC's Imposed STMP Fees Violates the MFA's Reasonable Relationship Standard (cont'd)

Factors showing that there is not a reasonable relationship between the \$94,241.70 STMP fee and the Project (cont'd):

- According to WWCTAC's website, STMP fees arise from the participating local municipalities' desire for new development to pay its "fair share" towards transit improvements that are "proportional to the traffic impact the new development will generate." This is reflected in the Nexus Study which focuses on the impacts of new development by estimating the growth between existing and future conditions. (2019 Nexus Update of the Subregional Transportation Mitigation Program (STMP) Impact Fee ("Nexus Study") at pp. 15-18 ["An important step in quantifying the nexus relationship is to determine the amount of new development anticipated in the planning horizon (year 2040) of the study."] **Because the Project will result in fewer trips than the previous use, the Nexus Study's STMP fee calculations do not reflect a reasonable relationship to the lessened traffic burdens that will result from the Project.** (See *City of Lemoore, supra*, 185 Cal.App.4th at p. 572 [existing facilities are already adequate to continue to provide the same level of service, and new development will not burden the current facilities].)

WCCCTAC's Imposed STMP Fees Violates the MFA's Reasonable Relationship Standard (cont'd)

DB

- Additional factors showing that there is not a reasonable relationship between the \$94,241.70 STMP fee and the Project:
- WCCCTAC has determined that the Project should be assessed as "New Construction" per their Administrative Guidelines because the Site has purportedly been vacant longer than three years. This determination, however, lacks evidentiary support and is therefore arbitrary and capricious because there is no further discussion of vacant properties in either the Administrative Guidelines or the Nexus Study. Because WCCCTAC is unable to show any rational connection or evidentiary support for this arbitrary three-year cutoff, and WCCCTAC has conveyed through its Executive Director that the STMP Fee here would have been waived had Orchard Supply Hardware occupied the space within the last three years, imposition of STMP Fees on the Project would violate the Mitigation Fee Act and should, accordingly, be waived.



San Francisco

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Thank You

Amy R. Higuera



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Ahiguera@downeybrand.com

TO: WCCTAC Board

DATE: July 28, 2023

FR: John Nemeth, Executive Director

RE: Joint Power Agreement (JPA) – Review of Comments on Draft Update

REQUESTED ACTION

Staff recommends that the WCCTAC Board accept and incorporate most of the comments received on proposed changes to the JPA document, as outlined by staff in this report.

DISCUSSION

At its January 27, 2023, meeting, the WCCTAC Board directed staff to pursue an update to the WCCTAC Joint Powers Agreement (JPA), and to return with greater specificity about potential JPA changes. Staff and WCCTAC's counsel identified revisions to the document, which included adding references to Measure J, updating outdated terms, and making other clarifications. These proposed edits also included striking a provision that prohibited Board Member compensation to allow the WCCTAC Board to contemplate meeting stipends.

Staff returned to the WCCTAC Board on February 24, 2023, with a redline version of the JPA and sought Board feedback. The Board did not make any proposed changes to the draft. Per the Board's direction, staff then discussed the redline JPA document with the WCCTAC TAC at its March 13, 2023, meeting. The TAC had a variety of questions about the JPA amendment process and pointed out a typo.

Staff returned to the WCCTAC Board again on March 24, 2023, and recommended that WCCTAC transmit the proposed, amended JPA to member agency (and CCTA) staff and legal counsels for review and comment. That draft is included as Attachment A. It was sent on April 13, 2023, with a request that recipients provide comments by May 12, 2023. Staff allowed additional time for those agencies that requested it. The final set of comments was received on July 20, 2023, from CCTA. Altogether, three member agencies chose not to comment, while six member agencies and CCTA provided feedback. There were 25 comments in total.

The comments fall into three general categories:

1. Minor Edits Recommended. This category includes 19 minor edits, clarifications, and text improvements that both WCCTAC staff and WCCTAC's counsel recommend that the Board accept and incorporate in the draft.

2. Minor Edits Not Recommended. This category includes three (3) minor edits that both WCCTAC staff and WCCTAC’s counsel believe would be better not to accept or to modify differently.

3. Substantive Comments. This category includes three (3) substantive comments that warrant Board discussion. Staff recommends accepting one, not accepting another, and deferring a decision on the third until the September WCCTAC Board meeting.

Category 1: Minor Edits Recommended

The table below lists the minor editorial comments that staff recommends incorporating into an updated JPA document.

	Comment	Made by	Staff Recommendation
1	Typo on Page 1: “whic4” should be “which”	El Cerrito & County	Accept
2	Page 1, fourth recital: Replace “in” with “on”	Pinole & County	Accept
3	Page 1, fifth recital: insert “or individually as an “Agency”	Pinole	Accept
4	Page 2, second recital: insert the word “common” before “power”	Pinole	Accept
5	Page 2, Section 1, first paragraph: Insert the word “and” before “transit district”	Pinole	Accept
6	Section 2(3)(C): Add this clarifying line after “shall each have one vote”: “Under this section, Richmond shall have one vote accordingly”	County	Accept
7	Section 6(A): add “the draft program and budget adopted prior to the end of the fiscal year”	San Pablo	Accept
8	Section 6(H): add “; and”	Pinole	Accept
9	Section 6(I): Change “(STMP)” to “(West County STMP)”,	Pinole	Accept
10	Section 9(1)(a): Add “(11)” after “eleven”	Pinole	Accept
11	Section 9(A)(2)(d)(vi): Treasurers report should remain “in writing”	San Pablo	Accept
12	Section 9(A)(4): Replace the word “less” with “fewer”	San Pablo & County	Accept
13	Section 10: Change “TAC” to “WCCTAC TAC”	Pinole	Accept
14	Section 12: Replace “Finance Division Manager of the City of San Pablo” with “Director of Finance of the City of San Pablo”	San Pablo	Accept

15	Section 12: Typo. Change the “Sevices” heading to “Services”	Pinole	Accept
16	Section 18: After “This Agreement may be amended” add “in writing signed by all Parties”	Pinole	Accept
17	Section 19: Address should say: “Suite 100”	San Pablo	Accept
18	Appendix A: Upgrade/Replace Map	San Pablo	Accept - draft contains an old map and a replacement. Old map will be deleted.
19	Generally, and throughout: Add the new name to the JPA in the agreement	Richmond	Accept, subject to final Board decision on name change

Category 2: Minor Edits Not Recommended

The table below lists the minor editorial comments that WCCTAC staff and counsel recommend against incorporating, or propose to modify. The rationale for each is explained below the table.

	Comment	Made by	Staff Recommendation
1	Consider consolidating Section 2(B) and 2(J)	Pinole	Leave as is
2	Section 9(3)(C): change “consensus on any affirmative vote” to “consensus on its affirmative vote”	County	Modify
3	Section 12(D): Remove “at each Board meeting” and keep the same language “in writing on first day of Oct, Jan, April of each year”.	San Pablo	Modify

Comment #1 recommends consolidating two items in the Definitions section that are similar. However, since one of these definitions is related to the WCCTAC Board, and the other is related to WCCTAC the organization, there is a relevant distinction between the two. For this reason, staff and counsel recommend keeping the text the same.

Comment #2 recommends changing “any” to “its” for greater clarity. The subject of the sentence in question, however, is “Board Members”, meaning that “their” would be a better possessive pronoun than “its”. Staff recommends changing “any” to “their”.

Comment #3 relates to the provision of financial information to WCCTAC by the City of San Pablo. WCCTAC currently has an agreement with the City, most recently updated in 2014, to provide various financial services, which includes providing financial reports *monthly*. The City adheres to that agreement. The current JPA states that financial reports shall be provided quarterly, which conflicts with the agreement. To create consistency, the redline JPA draft

proposed to change the text to say “monthly, prior to each WCCTAC Board meeting”. The City of San Pablo’s, in its comments, requested that the existing language remain the same, as the reviewer may have been unaware of the financial services agreement. Staff suggests that, rather than specifying a frequency in the JPA document, the text in the second sentence of Section 12(D) could be changed to say “The Treasurer of WCCTAC funds shall have custody of all WCCTAC funds and shall verify and report basic financial information on a schedule agreed to by itself and WCCTAC;”

Category 3: Substantive Comments

The table below includes comments that are more substantive, complex, or involve policy decisions. A discussion of each follows the table below.

	Comment	Made by	Staff Recommendation
1	Section 12(C): Consider increasing the Executive Director’s spending limit to \$25,000	San Pablo	Accept or Modify
2	Section 9(A)(1)(b): State explicitly that Board Member compensation is permitted and that the use of Measure J for that compensation is prohibited.	CCTA	Leave as is
3	Preference that WCCTAC not change its name	CCTA	Defer to September

Comment #1 suggests that WCCTAC consider increasing the Executive Director’s spending limit from the current \$10,000 to \$25,000. The \$10,000 spending limit was not part of the original JPA but was added in 1995. Adjusted for inflation, a \$10,000 spending limit in 1995 would be nearly equal to a \$20,000 spending limit today. The JPA update creates an opportunity to bring the spending limit back up to a level intended by the WCCTAC Board in 1995. Alternatively, rather than including a specific dollar figure in the JPA, the text could be amended to state that a spending limit would be determined by the WCCTAC Board by resolution.

Comment #2, from CCTA, recommends that WCCTAC go beyond removing text prohibiting Board Member compensation and add language affirmatively allowing it. This comment also suggests that the JPA should state explicitly that Measure J funds will not be used for Board Member compensation. The full comment can be viewed in the comment letter provided by CCTA and included as Attachment B.

Staff recommends against incorporating potential stipend details in the redline JPA. The WCCTAC Board has not yet made a formal decision about whether to implement a stipend program or finalized any details around such a program. The removal of the explicit prohibition would merely allow this Board, or a future Board, to consider the issue without the JPA itself being a barrier. Additionally, the message from CCTA that it will not permit Measure J funds to be used for WCCTAC Board stipends is well-taken. However, staff does not believe that this information needs to be enshrined in the JPA document.

Comment #3, from CCTA, expresses a preference for WCCTAC not to change its name, given that a change would require an amendment to CCTA's Administrative Code. Again, the full comment can be viewed in the attached comment letter. The WCCTAC Board expressed support for changing WCCTAC's name from the "West Contra Costa Transportation Advisory Committee" to the "West Contra Costa Transportation Commission". WCCTAC is the only Regional Transportation Planning Committee (RTPC) with the term "Advisory" in its name. Additionally, not all RTPC's have the word "Committee" in their name.

It is staff's view that this comment alone should not dissuade the Board from considering a name change. However, given the preference of CCTA, staff recommends that the Board defer a decision on this issue until its September meeting. This will allow WCCTAC's staff and counsel to gather more information and provide a comprehensive assessment of the pros and cons of a name change, as well as the level of effort that would be involved.

Next Steps

Following the meeting, staff will update the redline JPA draft based on direction from the Board. Once a draft is ultimately finalized, it can be transmitted back to member agencies for formal approval.

ATTACHMENT

A: Joint Powers Agreement – Redline of Draft Changes

B: Comment letter from CCTA

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE

JOINT EXERCISE OF POWERS AGREEMENT

This restatement and amendment of the West Contra Costa Transportation Advisory Committee (WCCTAC) Joint Exercise of Powers Agreement (Agreement) is entered into on this X 28th day of X January, 2023 2003, by and between the City of El Cerrito, a municipal corporation; the City of Hercules, a municipal corporation; the City of Pinole, a municipal corporation; the City of Richmond, a municipal corporation and charter city; the City of San Pablo, a municipal corporation; the County of Contra Costa, a political subdivision of the State of California; the Alameda-Contra Costa Transit District (~~AAC Transit~~), a transit district organized and existing pursuant to the provisions of the California Public Utilities Code; the San Francisco Bay Area Rapid Transit District (BART), a transit district organized and existing pursuant to the provisions of California Public Utilities Code; and the Western Contra Costa County Transit Authority (WestCAT), a joint exercise of powers authority operating pursuant to Government Code Section 6500, et. seq.; and restates in full those provisions of the original Agreement, except as amended herein.

WITNESSETH:

WHEREAS, in November 1988, the voters of Contra Costa County approved Measure "C" which established and funded a transportation agenda for Contra Costa County; and

WHEREAS, in response to the adoption of Measure "C", the Parties to this Agreement decided to formalize the previously existing West Contra Costa Transportation Advisory Committee as a legal entity created to address transportation issues; and

WHEREAS, on January 28, 2003, the WCCTAC Board restated and amended its Joint Exercise of Power Agreement; and

WHEREAS, in November 2, 2004, the voters of Contra Costa County approved Measure "J" which is the successor to Measure C; and

WHEREAS, each of the public Agencies which are a party to this Agreement, hereafter referred to collectively as the "Parties", has the power to address transportation issues; and

WHEREAS, each of the Parties to this Agreement believes that a combination of their separate powers and abilities may enable

them to more effectively respond to Measure "JE", the successor to Measure "C" and to address transportation issues; and

WHEREAS, each of the Parties to this Agreement propose by this Agreement to exercise their respective powers jointly for the purpose of responding to the passage of Measure "JE" and addressing existing and future transportation issues; and

WHEREAS, California Government Code Section 6500, et seq. provides that two or more public Agencies by Agreement may jointly exercise any power that any one of the Agencies could exercise separately; and

WHEREAS, the Parties to this Agreement are desirous of conferring upon a separate legal entity the necessary powers with regard to responding to Measure "JE" and for addressing transportation issues for the benefit of each and all of the Parties.

NOW, THEREFORE, THE PARTIES TO THIS AGREEMENT DO AGREE AS FOLLOWS:

1. OBJECTIVE AND COMMISSION

The objective of this Joint Exercise of Powers Agreement is to create a city, county, transit district transportation advisory committee which shall protect and advance the interests of West Contra Costa County communities with regard to transportation issues in general and the utilization of Measure "JE" funds in particular. More specifically, the committee created by this Agreement is commissioned to:

- (A) Assist member Agencies with a coordinated and cooperative implementation of ~~the~~ West Contra Costa Action Plan Updates ~~2000~~;
- (B) Participate in the development and implementation of the Countywide Comprehensive Transportation Plan;
- (C) Initiate "area specific" and/or "project specific" transportation studies/plans where appropriate;
- (D) Assist member Agencies with Congestion Management Program compliance requirements;
- (E) Develop regional strategies and meet regional requirements established by Measure "JE";

- (F) Cooperatively address transportation issues, beyond Measure "~~JE~~" requirements, when said issues affect West Contra Costa County interests;
- (G) Assess the transportation needs of the West Contra Costa County area;
- (H) ~~Consider the development of expanded~~ Develop, expand, or improve West Contra Costa County transit services and Transportation ~~Demand~~Systems Management (TDSM) programs;
- (I) Advise the Parties on transportation issues;
- (J) Coordinate the actions and responses of the Parties with regard to transportation issues;
- (K) Formulate transportation policy statements;
- (L) Sponsor educational forums, workshops, ~~TSM Coordinator~~ trainings and discussions on transportation matters;
- (M) Develop and administer a West Contra Costa Regional TDSM program to encourage use of alternatives to single occupant commute travel;
- (N) Gather information necessary to carry out the foregoing purposes;
- (O) Oversee the Subregional Transportation Migration Program (STMP) ~~and~~
- (P) ~~Manage the Richmond Intermodal Station project.~~

2. DEFINITIONS

Certain words as used in this Agreement shall be defined as follows:

- (A) "Agency" shall mean each city, transit district, county or joint exercise of powers authority which is a signatory to this Agreement.
- (B) "Board" or "WCCTAC Board" shall mean the board constituted herein pursuant to this Agreement to administer and execute this Agreement.
- (C) "Congestion Management Program" shall mean the State mandated program which establishes performance

standards and requirements for the transportation system, creates a process to analyze the impact of land use changes on regional transportation, and creates a capital improvement program to maintain the regional transportation system.

- (D) "Countywide Comprehensive Transportation Plan (CCTP)" shall mean a countywide plan required under Measure "C". The CCTP is created from the five regional transportation planning committee action plans and is updated every two years.
- (E) "Subregional Transportation Mitigation Program" or "STMP" shall refer to the program under which developer fees are imposed on properties located in the West Contra Costa County area for use in funding transportation mitigation projects.
- (F) "Transportation ~~Demand Systems~~ Management" or "TDSM" shall mean any combination of measures that are designed to provide information, assistance, and incentives to employees and residents to encourage use of alternatives to single occupant commute travel.
- (G) "TDSM Ordinance" shall mean the Transportation ~~Demand Systems~~ Management ordinance(s) adopted by West Contra Costa cities and Contra Costa County setting forth the purpose, goal, objectives, requirements, and responsibilities of the West Contra Costa Regional TDSM Program.
- (H) "West Contra Costa Action Plan Update ~~2000~~" shall mean the regional transportation plan update for West County adopted ~~in any given year~~ July 2000, required by Measure ~~JE~~, and intended to create a framework for member agencies to jointly and cooperatively address regional transportation issues.
- (I) "West Contra Costa Regional TDSM Program" shall mean a Transportation ~~Demand Systems~~ Management Program managed by the WCCTAC staff on behalf of the member cities with the purpose of reducing vehicle trips and increasing ridesharing and transit usage.
- (J) "West Contra Costa Transportation Advisory Committee" also referred to as "WCCTAC" shall mean the public and separate entity created by this

Agreement"

(K) "West Contra Costa Transportation Advisory Committee- Technical Advisory Committee" also referred to as "WCCTAC-TAC" shall mean the technical advisory committee to the West Contra Costa Transportation Advisory Committee.

3. HEADINGS

All headings contained herein are for convenience or reference only and are not intended to define or limit the scope of any provision of this Agreement.

4. EFFECTIVE DATE

This restatement and amendment of the WCCTAC Joint Exercise of Powers Agreement shall become effective upon the receipt by the WCCTAC ~~Managing-Executive~~ Director of properly executed copies of the Agreement from not less than two-thirds of all member Agencies of WCCTAC.

5. CREATION OF WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE

WCCTAC was formally created as a "Joint Powers Agency" in 1990 pursuant to California Government Code Section 6500, et seq. Through this Agreement it is hereby confirmed that the West Contra Costa Transportation Advisory Committee (hereinafter referred to as "WCCTAC") shall exercise in the manner hereinafter set forth the powers common to each of the member Agencies until this Agreement is amended or terminated. WCCTAC shall be a public entity separate from the member Agencies. No debt, liability, or obligation of the WCCTAC shall constitute a debt, liability, or obligation of any member Agency. Each Agency's obligation hereunder is expressly limited only to the appropriation and contribution of such funds as the parties hereto may agree to and direct in accordance with this Agreement.

6. POWERS

The powers of the WCCTAC shall include and be limited to the following:

(A) to annually adopt a work program along with a budget setting forth all operational expenses for WCCTAC, together with an apportionment of expenses allocated to each Agency. The draft work program and budget of ~~the~~ WCCTAC shall ~~be prepared by April 1 and shall~~ be submitted for review to each member Agency prior to its final adoption by the WCCTAC Board. ~~on or about July 1.~~ ~~Each member Agency shall provide comments to WCCTAC staff concerning the WCCTAC work program and budget by June 1.~~

(B) to make and enter into contracts;

(C) to apply for and accept grants, advances, and contributions;

(D) to employ or contract for the services of agents, consultants, engineers, attorneys, and such other persons or firms as it deems necessary to carry out the objectives of this Agreement;

(E) to conduct studies and develop plans;

(F) to develop and administer the West Contra Costa Sub-Regional TDSM program;

(G) to periodically review transportation plans and TDSM programs and ordinances, and recommend changes thereto; and

(H) to incur debts, liabilities, or obligations, subject to limitations herein set forth.

~~(H)~~ (I) to oversee the West County Subregional Transportation Mitigation Program (STMP).

7. BOUNDARIES

The boundaries of WCCTAC shall be the boundaries as shown in Appendix A which is attached hereto and incorporated herein by this reference.

8. OVERALL ORGANIZATION

The WCCTAC Board shall provide overall policy direction for the coordinated implementation of ~~the~~ West Contra Costa Action Plan Updates 2000 and decision making for general WCCTAC operations, including implementation of the West Contra Costa Regional TDSM Program.

The WCCTAC Board shall also be the final arbiter in matters related to the implementation of the STMP. The WCCTAC-TAC shall provide administrative guidance and technical review to the Board. Staff or consultants hired by WCCTAC shall report directly to the WCCTAC Executive Managing Director, or their designee with consultation from the ~~WCCTAC~~ WCCTAC-TAC.

9. WCCTAC ORGANIZATION

(A) WCCTAC Board

WCCTAC shall be governed by the WCCTAC Board which shall exercise all powers and authority on behalf of WCCTAC. The Board is empowered to establish its own procedures. The Board may do any and all things necessary to carry out the purposes of this Agreement.

(1) Members

- (a) The Board shall consist of eleven members which shall be allocated in the following manner:
 - (i) Three members shall be appointed by the governing body of the City of Richmond;
 - (ii) The governing bodies of the cities of El Cerrito, Hercules, Pinole, and San Pablo shall each appoint one member;
 - (iii) The governing body of the County of Contra Costa shall appoint one member;
 - (iv) The governing bodies of AC Transit and BART shall each appoint one member; and
 - (v) The governing body of WestCAT shall appoint one member provided that the WestCAT member (and said member's alternate) shall not be a representative (either elected or non-elected) from either the City of Hercules or the City of Pinole.

(b) Upon execution of this Agreement, the governing body of each Agency shall appoint the appropriate number of its members to serve as members of the Board and an appropriate number of its members to serve as alternate member(s) of the Board to serve in the absence of its regular appointees. Each member and alternate shall hold office from the first meeting of the Board after appointment until a successor is selected. Each member and alternate shall serve at the pleasure of the governing body or bodies of the appointing Agency or Agencies. In the case of members or alternates who are elected officials, if a member or alternate ceases to be an elected official of the member Agency, he or she shall then be ineligible to serve on the WCCTAC Board, and the appointing Agency shall appoint a successor prior to the next Board meeting. Likewise, if a non- elected member or alternate is replaced, said member or alternate shall be ineligible to serve on the WCCTAC Board, and the appointing Agency shall appoint a successor prior to the next Board meeting. ~~Each member and alternate shall serve without compensation.~~

(2) Officers

The WCCTAC Board members shall select from the WCCTAC Board a Chair and Vice Chair who shall hold office for a period of one year, commencing February 1; provided however, that in the event that a member Agency removes from the Board a member serving as an officer, the Board shall appoint a member from the newly constituted Board to fill the vacant office for the remainder of that year.

- (a) Chair. The Chair shall preside at the meetings of the Board; call meetings to order; adjourn meetings; announce the business and the order it is to be acted upon; recognize persons entitled to the floor; put to vote all questions, moved and seconded; announce result of votes; maintain the rules of order; execute documents and official actions on behalf of the Board when duly approved; and carry out other duties set forth in the by-laws.

- (b) Vice Chair. The Vice Chair shall serve as Chair in the absence of the regularly elected Chair.
- (c) Secretary. The WCCTAC ~~Executive Managing Director, or their designee,~~ shall serve as the Secretary and shall prepare, distribute, and maintain minutes of meetings of the WCCTAC Board, the WCCTAC-TAC and any committees of ~~the~~ WCCTAC (or shall contract for such services). The Secretary shall also maintain the official records of ~~the~~ WCCTAC and shall file notices as required by Paragraph 20 of this Agreement.
- (d) Treasurer. WCCTAC shall employ, or contract for, the services of a Treasurer who shall:
 - (i) Report to the WCCTAC ~~Executive Managing~~ Director;
 - (ii) Receive and provide for the receipt of all funds of the WCCTAC and place them in the treasury to the credit and for the account of the WCCTAC;
 - (iii) Be responsible, upon an official bond, for the safekeeping and disbursement of all funds of the WCCTAC;
 - (iv) Pay, when due, out of funds of the WCCTAC, all sums payable on outstanding Revenue Bonds and other indebtedness of the WCCTAC;
 - (v) Pay any other sum duly authorized for payment from funds of the WCCTAC;
 - (vi) Verify and report, ~~in writing, on the first day of July, October, January, and April of each year to the Board and each member, at each meeting s of the end of the preceding month,~~ the amount of funds held for the WCCTAC, the amount of receipts since the last report and the

amount paid out since the last report; and

- (vii) Invest WCCTAC's funds in the manner provided by law and collect interest thereon for the account of the WCCTAC.

(3) Vote

(a) Authorized Voting Members

Each member or designated alternate shall be authorized to vote.

(b) WCCTAC Business

For purposes of decisions related to the regular business of the WCCTAC, including policy decisions, preparation of budgets and expenditures of funds, the City of Richmond shall have three votes; the cities of El Cerrito, Hercules, Pinole, and San Pablo shall have one vote apiece; the County of Contra Costa shall have one vote; AC Transit and BART shall have one vote apiece; and WestCAT shall have one vote. ~~A majority vote of six affirmative votes~~ shall be required for the adoption of any course of action related to the regular business of the WCCTAC.

(c) Appointment of Representatives to the Contra Costa Transportation Authority

Decisions related to determining WCCTAC appointments to the Contra Costa Transportation Authority shall be made only by the participating City and County jurisdictions. In these cases, participating cities and the County shall each have one vote. Board members from Richmond shall reach a consensus on any affirmative vote under this section. Four affirmative votes shall be required for any WCCTAC decision related to appointment of representatives to the Contra Costa Transportation Authority. Appointees must be members, or alternates, of the WCCTAC Board.

(4) Meetings of the Board

(a) Regular Meetings

The Board shall meet at least ten times per year unless the necessary business of the Board can be completed with less meetings. The date, hour, and place at which each such regular meeting is held shall be determined by a majority vote by the Board.

(b) Special Meetings

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the California Government Code.

(b) Notice of Meetings

All meetings of the Board shall be held subject to the provisions of the Ralph M. Brown Act, being California Government Code Sections 54950, et seq., and other applicable laws of the State of California requiring notice of meetings of public bodies to be given.

(c) Minutes

The Board shall cause minutes of all meetings to be kept and shall include the minutes in the next agenda packet, or as soon thereafter as they may be prepared and provided, for approval.

(d) Quorum

A majority of the members of the Board shall constitute a quorum for the transaction of business.

(5) Bylaws

The Board shall adopt from time to time such bylaws, rules or regulations for the conduct of its affairs as may be required.

(B) WCCTAC STAFF

(1) Composition

The WCCTAC shall have a staff consisting of an ~~Managing Executive~~ Director who shall serve as

the primary staff person. ~~Other staff may include those with expertise in transportation planning, funding, projects, and programs, or administrative and finance support, a Transportation Project Specialist and clerical support.~~ In addition, independent consultants and/or interns may be engaged on a continuing or short-term basis, as needed. The ~~Managing-Executive~~ Director shall report to the WCCTAC Chair.

(2) Additional Staff

Additional staff may be added with Board approval within ~~budget the~~ constraints. ~~of the then current fiscal year budget.~~

(C) WCCTAC-TAC ORGANIZATION

(1) Composition

The WCCTAC shall have a technical advisory committee which shall be known as the WCCTAC-TAC and which shall be composed of the City Managers of the participating cities or said City Managers' designees; the District Managers of the participating transit authorities or said District Manager's designees; and the County Administrator for Contra Costa County or said County Administrator's designee.

(2) Duties

The WCCTAC-TAC shall study and discuss issues pertaining to WCCTAC and shall make recommendations to the WCCTAC concerning those issues. However, the role of the WCCTAC-TAC in making recommendations to the WCCTAC shall not be deemed to preclude the WCCTAC from considering recommendations from other bodies and concerned individuals.

(3) Officers

The WCCTAC-TAC shall be chaired by the WCCTAC ~~Executive Managing~~ Director.

10. SUPPORT SERVICES

Each of the Agencies shall strive to provide the necessary support to the Board and TAC as may be necessary for the Board and TAC to fulfill ~~its~~their duties.

11. RESTRICTIONS UPON EXERCISE OF POWER OF BOARD

This Agreement is entered into under the provisions of Title 1, Division 7, Chapter 5, Article I, Section 6500, et seq., of the California Government Code, concerning joint powers Agreements. The powers to be exercised hereunder shall be subject to the restrictions upon the manner of exercising the power of the City of San Pablo.

12. FUNDS, AUDIT AND ACCOUNTING SEVICES

Pursuant to the requirements of Section 6505.5 of the Government Code, the Finance Division Manager of the City of San Pablo is designated to be the depository and to have custody of all WCCTAC funds from whatever source, and to perform the following functions, unless the WCCTAC Board determines otherwise. Fiscal responsibilities shall include the following:

- (A) Receive and receipt for all money for WCCTAC for the credit of the Board;
- (B) Be responsible upon official bond for the safekeeping and disbursement of all Board money so held;
- (C) Pay any sums due from the Board from Board money, or any portion thereof, only upon warrants of the WCCTAC Executive Managing Director. There shall be a limit of \$10,000 on the amount of warrants which can be issued without Board approval.
- (D) The Finance Division Manager of the City of San Pablo shall be considered the Treasurer of WCCTAC funds unless otherwise determined by the WCCTAC Board. The Treasurer of WCCTAC funds shall have custody of all WCCTAC funds and shall verify and report at each Board meeting in writing on the first day of October, January, and April of each year; and within ninety (90) days after the close of the fiscal year ended June 30th, to the Board and to the participating Agencies to this Agreement, the amount of money the Treasurer holds for the Board, the amount of receipts, and the amount paid out since the last report to the Board.

The audit of funds shall be conducted annually in compliance with Section 6505 of the Government Code by an independent certified public accountant qualified to perform on behalf of joint power authorities. There shall be strict accountability of all funds and reporting to the Board of all receipts and disbursements. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for municipalities or counties and the audit shall conform to generally accepted auditing standards.

- (E) The ~~Executive Managing~~ Director and the Treasurer are hereby designated as the persons who have charge of and access to the property of WCCTAC. Each such person shall file with the Board an official bond in an amount to be fixed by the Board. The costs of the bonds shall be paid by WCCTAC.

13. OBLIGATIONS OF THE AGENCIES

Each Agency shall:

- (A) Be liable to the WCCTAC for, upon demand, its proportionate share of expenses based upon the budget adopted by the WCCTAC and member Agencies. Invoices shall be prepared by the WCCTAC ~~Executive Managing~~ Director. The proportionate share of each Agency shall be determined according to the following formula:

City of Richmond	27.2%
City of El Cerrito	9.1%
City of Hercules	9.1%
City of Pinole	9.1%
City of San Pablo	9.1%
County of Contra Costa	9.1%
San Francisco Bay Area Rapid Transit District	9.1%
Alameda-Contra Costa Transit District	9.1%
WestCAT	9.1%

(B) The WCCTAC Board will recommend a budget to member Agencies each Fiscal Year and, based upon the formula set forth in Paragraph (A) above, WCCTAC shall annually determine the amount of each member Agency's annual proportionate share.

(C) Commencing on July 1, 1994, and continuing with each July 1 thereafter, the WCCTAC Board shall approve a budget which reflects the annual costs and the proportionate share of required funding to be provided by each member Agency. WCCTAC members shall be invoiced annually on or about July 1 for the next fiscal year and their share shall be payable immediately.

14. NON-DISCRIMINATION STATEMENT

WCCTAC promotes equal opportunities in the workplace. WCCTAC is an equal opportunity employer and does not discriminate based on an applicant's, employee's, intern's, or contractor's race, color, religion, sex, sexual orientation, national origin, citizenship, age, physical or mental disabilities, or any other characteristic protected by state or federal law.

15. DISPOSITION OF WCCTAC FUNDS UPON TERMINATION

WCCTAC funds, including any interest earned on deposits, remaining upon termination of this Agreement after payment of all obligations, shall be returned in proportion to the contribution made by each Agency during the term of this Agreement. Decisions of the Board shall be final in this regard.

16. WITHDRAWAL

Any Agency upon sixty (60) days' written notice given to the Chair of WCCTAC may withdraw from this Agreement; provided, however, that the withdrawing Agency shall be liable for its proportionate share of any expenses incurred, up to the date that the termination becomes effective, which exceeds the withdrawing Agency's contribution under Paragraph 13; and provided further, that in no event shall a withdrawing Agency be entitled to a refund of all or any part of its contribution made under Paragraph 13.

17. TERMINATION

(A) This Agreement shall remain in effect indefinitely unless amended or terminated as provided hereunder.

(B) This Agreement may be terminated by the affirmative vote of the governing bodies of not less than two-thirds of all member Agencies.

18. AMENDMENTS

This Agreement may be amended by the following process:

- (A) The WCCTAC Board shall first consider any and all amendments to this Agreement. A majority vote of the WCCTAC Board shall be required before any recommended amendment to this Agreement is forwarded to the member Agencies for consideration and adoption.
- (B) This Agreement may be amended by an affirmative vote of the governing bodies of not less than two-thirds of all member Agencies.
- (C) Any amendment that is approved shall not become effective until the WCCTAC ~~Executive Managing~~ Director receives properly executed copies of the Agreement from not less than two-thirds of all member Agencies of WCCTAC.

19. NOTICES

All notices to Agencies shall be deemed to have been given when mailed to the governing body of each Agency. Notices to WCCTAC shall be sent to the WCCTAC Board at:

WCCTAC
6333 Potrero Ave. Suite 200
El Cerrito, CA 94609
~~13831 San Pablo Avenue~~
~~San Pablo, CA 94806~~

Should WCCTAC's address of record change, the Executive Director shall provide notices to the Agencies of the change of address and notices to WCCTAC shall be sent there.

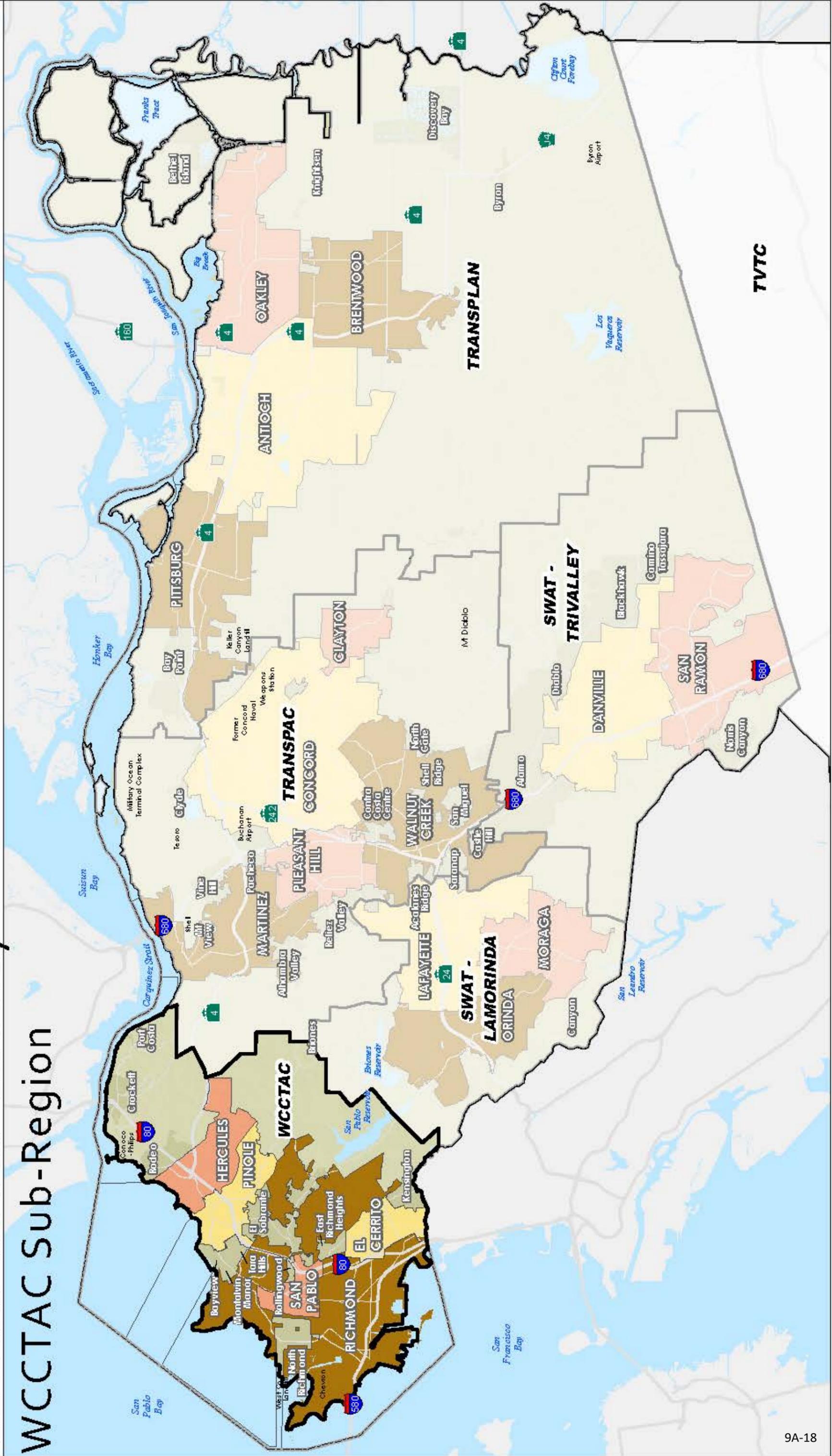
20. FILINGS WITH THE SECRETARY OF STATE

Within 30 days of the effective date of this Agreement, the Chair of WCCTAC shall file with the Office of the California Secretary of State a Notice of a Joint Powers Agreement for WCCTAC pursuant to California Government Code Sections 6505.3 and 6505.7, and a Statement of Facts - Roster of Public Agencies Filing pursuant to California Government Code Section 53051.

IN WITNESS WHEREOF, these signatures attest the parties' Agreement to the provisions of this Joint Exercise of Powers Agreement.

Contra Costa County

WCCTAC Sub-Region



Prepared by the Department of Conservation and Development - GIS Group

Map released on 07/21/2015 by
Contra Costa County Department of Conservation & Development
651 Pine Street, 4th Floor - N. Wing, Martinez, CA 94553-0095
37:59:08.455N 122:06:35.284W



CONTRA COSTA
transportation
authority

COMMISSIONERS

Federal Glover,
Chair

Newell Americh,
Vice Chair

Ken Carlson

Paul Fadelli

Loella Haskew

Chris Kelley

Aaron Meadows

Sue Noack

Scott Perkins

Renata Sos

Lamar Thorpe

Timothy Haile,
Executive Director

July 20, 2023

Via email: jnemeth@wcctac.org

Mr. John Nemeth
Executive Director
West Contra Costa Transportation Advisory Committee
6333 Potrero Ave
El Cerrito, CA 94530

**Re: Proposed Revisions to the West Contra Costa Transportation Advisory Committee
WCCTAC Joint Exercise of Powers Agreement and CCTA Administrative Code**

Dear John:

I want to thank you and the West Contra Costa Transportation Advisory Committee (WCCTAC) Board for providing Contra Costa Transportation Authority (CCTA) with a copy of a March 24, 2023 staff report prepared for the WCCTAC Board on the subject of draft changes to the Joint Exercise of Powers Agreement (JPA). We understand, following a reading of the staff report that WCCTAC's interest in proposing amendments to the JPA is two-fold: 1) providing for monetary stipends for WCCTAC Board members; and 2) a name change from "Committee" to "Commission".

The proposed JPA amendments propose to modify Section 9 (A)(1)(b) by striking "Each member and alternate shall serve without compensation" (thereby leaving open the possibility that the WCCTAC Board members and alternates can serve with compensation). Rather than leaving this question open, it is our opinion that the JPA language should clearly state the stipends are permissible if this is the desire of the WCCTAC Board. Furthermore, the language of the JPA should clearly state the stipends will not be funded by Measure J funds since the payment of a stipend would be inconsistent with the voter-approved expenditure plan for transportation programs and projects.

We also want to underscore the purpose of WCCTAC as articulated in CCTA's Administrative Code. WCCTAC is a Regional Transportation Planning Committee (RTPC). WCCTAC is defined in Section 102.1 (a) (44) as the RTPC for the West County region. Section 104.3(a) of the Administrative Code clearly states "[r]elative to the Authority's programs and processes, the Board shall prescribe the powers, duties, and responsibilities of each RTPC. The RTPCs shall cooperate with the Authority in furtherance of the Authority purposes." Therefore, if the WCCTAC Board wishes to authorize the payment of a stipend to Board members, it should make the language of the JPA clear that such stipends will not be funded by Measure J funds.

2999 Oak Road
Suite 100
Walnut Creek
CA 94597
PHONE:
925.256.4700
FAX: 925.256.4701
www.ccta.net

John Nemeth
WCCTAC
July 20, 2023
Page 2

Additionally, in the event the WCCTAC Board were to amend the JPA to change its name, then depending upon the name change, CCTA's Administrative Code would need to be amended to reflect the name change. Amendments to CCTA's Administrative Code require a public hearing for introduction of an ordinance, followed by another public meeting to formally adopt the ordinance, followed by a waiting period of 30 days for the ordinance to become effective. Accordingly, and in connection with WCCTAC's role as an advisory body to CCTA, we would request the WCCTAC Board retain its current name to include "Committee".

Thank you and please let me know if you have any questions or wish to discuss. Please feel free to contact me at (925) 256-4735 or via email at thaile@ccta.net.

Sincerely,



Timothy Haile
Executive Director

El Cerrito

Hercules

July 11, 2023

Pinole

Mr. Tim Haile, Executive Director
Contra Costa Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek, CA 94597

RE: June 2023 WCCTAC Board Meeting Summary

Richmond

Dear Tim:

The WCCTAC Board, at its meeting on June 23, 2023, took the following actions that may be of interest to CCTA:

San Pablo

1. *Approved* Resolution 23-05, establishing WCCTAC's Fiscal Year 2024 Work Program, Budget, and Dues.
2. *Approved* Resolution 23-06 establishing an updated salary schedule based on a 3.5% cost of living increase for Fiscal Year 2024.
3. *Approved* the use of East Bay Regional Park District's (EBRPD) Measure J PBTF funds for pavement rehabilitation on the Wildcat Creek Trail.
4. *Approved* Resolution 23-07 authorizing the use of Measure J 28b funds for West County's local match to CCTA's OBAG 3 grant.

Contra Costa
County

If you have any questions, feel free to contact me.

Sincerely,



John Nemeth
Executive Director

AC Transit

BART

cc: Tarien Grover, CCTA

WestCAT

ACRONYM LIST. Below are acronyms frequently utilized in WCCTAC communications.

ABAG: Association of Bay Area Governments
ACTC: Alameda County Transportation Commission
ADA: Americans with Disabilities Act
APC: Administration and Projects Committee (CCTA)
ATSP: Accessible Transportation Strategic Plan
ATP: Active Transportation Program
AV: Autonomous Vehicle
BAAQMD: Bay Area Air Quality Management District
BATA: Bay Area Toll Authority
BCDC: Bay Conservation and Development Commission
Caltrans: California Department of Transportation
CBTP: Community Based Transportation Plan
CCTA: Contra Costa Transportation Authority
CEQA: California Environmental Quality Act
CIL: Center for Independent Living
CMAAs: Congestion Management Agencies
CMAQ: Congestion Management and Air Quality
CMIA: Corridor Mobility Improvement Account (Prop 1B bond fund)
CMP: Congestion Management Program
CSMP: Corridor System Management Plan
CTC: California Transportation Commission
CTP: Contra Costa Countywide Comprehensive Transportation Plan
CTPL: Comprehensive Transportation Project List
DAA: Design Alternatives Assessment
DEIR: Draft Environmental Impact Report
EBRPD: East Bay Regional Park District
EIR: Environmental Impact Report
EIS: Environmental Impact Statement
EPCs: Equity Priority Communities
EVP: Emergency Vehicle Preemption (traffic signals)
FHWA: Federal Highway Administration
FTA: Federal Transit Administration
FY: Fiscal Year
HOV: High Occupancy Vehicle Lane
ICM: Integrated Corridor Mobility
ITC or RITC: Hercules Intermodal Transit Center
ITS: Intelligent Transportations System
LOS: Level of Service (traffic)
MOU: Memorandum of Understanding
MPO: Metropolitan Planning Organization

MTC: Metropolitan Transportation Commission
NEPA: National Environmental Policy Act
O&M: Operations and Maintenance
OBAG: One Bay Area Grant
PAC: Policy Advisory Committee
PASS: Program for Arterial System Synchronization
PBTF: Pedestrian, Bicycle and Trail Facilities
PC: Planning Committee (CCTA)
PCC: Paratransit Coordinating Committee (CCTA)
PDA: Priority Development Areas
PSR: Project Study Report (Caltrans)
RHNA: Regional Housing Needs Allocation (ABAG)
RPTC: Richmond Parkway Transit Center
RTIP: Regional Transportation Improvement Program
RTO: Regional Transportation Objective
RTP: Regional Transportation Plan
RTPC: Regional Transportation Planning Committee
SCS: Sustainable Communities Strategy
SHPO: State Historic and Preservation Officer
SOV: Single Occupant Vehicle
STA: State Transit Assistance
STIP: State Transportation Improvement Program
STMP: Subregional Transportation Mitigation Plan
SWAT: Regional Transportation Planning Committee for Southwest County
TAC: Technical Advisory Committee
TCC: Technical Coordinating Committee (CCTA)
TDA: Transit Development Act funds
TDM: Transportation Demand Management
TFCA: Transportation Fund for Clean Air
TEP: Transportation Expenditure Plan
TLC: Transportation for Livable Communities
TOD: Transit Oriented Development
TRANSPAC: Regional Transportation Planning Committee for Central County
TRANSPLAN: Regional Transportation Planning Committee for East County
TSP: Transit Signal Priority (traffic signals and buses)
VMT: Vehicle Miles Traveled
WCCTAC: West County Costa Transportation Advisory Committee
WETA: Water Emergency Transportation Authority