

EXHIBIT A

Addendum II to the Joint Powers Agreement

ADDENDUM II
TO
JOINT EXERCISE OF
POWERS AGREEMENT

PERTAINING TO
**Tri-Valley Transportation Development
Fees for Traffic Mitigation**

BY AND AMONG
The County of Alameda,
The County of Contra Costa,
The City of Dublin,
The City of Livermore,
The City of Pleasanton,
The City of San Ramon, And
The Town of Danville

**ADDENDUM II TO JOINT EXERCISE OF POWERS AGREEMENT PERTAINING TO
TRI-VALLEY TRANSPORTATION DEVELOPMENT FEES FOR TRAFFIC
MITIGATION**

This Second Addendum to Joint Exercise of Powers Agreement Pertaining to Tri-Valley Transportation Development Fees for Traffic Mitigation ("Addendum") is entered into by and among the County of Alameda, a political subdivision of the State of California ("Alameda County"); the County of Contra Costa, a political subdivision of the State of California ("Contra Costa County"); the City of Dublin, a municipal corporation duly organized and existing under the laws of the State of California ("Dublin"); the City of Livermore, a municipal corporation duly organized and existing under the laws of the State of California ("Livermore"); the City of Pleasanton, a municipal corporation duly organized and existing under the laws of the State of California ("Pleasanton"); the City of San Ramon, a municipal corporation duly organized and existing under the laws of the State of California ("San Ramon"); and the Town of Danville, a municipal corporation duly organized and existing under the laws of the State of California ("Danville"). Alameda County, Contra Costa County, Dublin, Livermore, Pleasanton, San Ramon and Danville may hereafter be referred to collectively as the "Parties" and individually as a "Party." The effective date of this Addendum shall be the date the Addendum is approved and signed by all Parties.

RECITALS

- A. On or about April 22, 1998, the Parties entered into a Joint Exercise of Powers Agreement Pertaining to Tri-Valley Transportation Development Fees for Traffic Mitigation ("JEPA").
- B. Section 3 of the JEPA provides that one of the purposes of the JEPA is to establish a framework for the enactment by the Parties of a Tri-Valley Transportation Development Fee (TVTD Fee).
- C. Section 13 of the JEPA provides that the Parties "may agree to adjust the TVTD Fee to reflect revisions in the project list in the Tri-Valley Transportation Plan/Action Plan, program revenue, increases in land values over the inflationary increase or other factors. The amount of such adjustments shall be included in a written addendum to this Agreement that shall be approved by each Party and in amendments of each adopted fee resolution or ordinance."
- D. Section 16 of the JEPA provides that the JEPA "may be amended at any time by an amendment mutually executed by the [Parties]. Such amendments shall be approved by the governing board or council of each Party."
- E. On or about September 8, 1999, the Parties approved a reduction of the TVTD Fee rate for developments in the "Other Uses" category.

- F. On or about September 7, 2004, the Parties approved Addendum I to Joint Exercise of Powers Agreement, which amended the JEP A to adjust the TVTD Fee for developments in the Multi-Family Residential, Office and Industrial categories.
- G. The Parties now desire to amend the JEP A to restore the TVTD Fee rate in the "Other Uses" category to the rate that was supported by the original Fee Nexus Study, completed in 1995, and prepared to support the enactment of the TVTD Fee; allow for fee exemptions for certain low income units; provide for fees to be collected after building permit issuance under specified circumstances; and allow specified fee revenues to be used to pay administrative staffing costs of the Tri-Valley Transportation Council ("TVTC") to the extent permitted by law.

NOW THEREFORE, the Parties agree to amend the JEP A as follows:

ADDENDUM

1. Section 5 of the JEP A is amended by deleting Subsection 5.b. in its entirety and replacing it with the following:
 - b. To require each project developer to pay the Tri-Valley Transportation Development Fee for the project to the extent permitted by law according to the terms of Section 12 of this Agreement.
2. Section 5 of the JEP A is amended by adding the following as Subsection 5.f:
 - f. To adopt standards for the approval of fee waivers for affordable and/or inclusionary housing units, as such units may be defined by state or local laws or regulations, with affordability terms as determined by each Party in its sole discretion.
3. Section 9 of the JEP A is hereby deleted in its entirety, and replaced with the following:

Section 9.

Tri-Valley Transportation Development Fee Amount

The Tri-Valley Transportation Development Fees shall be as follows:

FY 2009-2010 TVTD Fee Schedule

Land Use Type	Fee	Per Unit
Single Family Residential	\$2,181	Dwelling Unit
Multi Family Residential	\$1,387	Dwelling Unit
Office	\$3.91	Square foot of gross floor area
Retail	\$1.46	Square foot of gross floor area
Industrial	\$2.65	Square foot of gross floor area
Other Uses	\$2,181	Average a.m./p.m. peak hour trip*
Affordable Housing	\$0	Dwelling Unit

* Note: Peak-hour trips will be determined from the latest revision to the Institute of Transportation Engineers' *Trip Generation Manual* or other rate schedule as agreed to by the TVTC. Notwithstanding the foregoing, the Parties may provide in their implementing ordinance or resolution that an applicant for a Land Use Entitlement who is dissatisfied with the number of peak-hour trips, as calculated by the Party, may appeal the determination to the Party's legislative body. If such an appeal is granted by the Party, and the Party adjusts the number of peak-hour trips, the Party shall have such decision ratified by five members of the TVTC. Absent such ratification, the Party shall pay the difference between the actual fee imposed and the fee set forth in this Section 9 or the Party shall notify the applicant that the full amount of the fee must be paid by the applicant.

4. Section 12 of the JEP A is hereby deleted in its entirety and replaced with the following:

Section 12 **Time of Payment**

Except as otherwise provided below, fees shall be collected prior to issuance of building permit to the extent permitted by law. At the sole discretion of the Party responsible for issuing building permits, fees may be collected after building permit issuance pursuant to government Code section 66007 provided that the Party and the project developer enter into an agreement regarding payment of the fees. The agreement shall outline the schedule for payment of fees and shall provide for escalation of amount owed based on the increase in the Engineering News-Record Construction Cost Index for the San Francisco Bay Area from the date of building permit issuance to the date of payment of the fees.

5. Section 14 of the JEPA is hereby deleted in its entirety and replaced with the following:

Section 14
Administrative Costs

To the extent permitted by law, up to one-half percent of the TVTD Fees received may be used to pay the administrative costs of the Party acting as the Treasurer and other costs associated with the TVTD Fee, and an additional one-half percent of the TVTD Fees received may be used to pay TVTC administrative staffing costs. Acceptable costs shall be specified in the SEP. In the event of a conflict between this section and provisions in the Joint Powers Agreement By and Among the County of Alameda, County of Contra Costa, Town of Danville and Cities of Dublin, Livermore, Pleasanton and San Ramon, dated March 1, 1991, concerning development of the Tri-Valley Area, this section will control.

6. This Agreement may be executed in counterparts with the signature pages attached to form a complete document.

APPROVED BY:

COUNTY OF CONTRA COSTA

By: _____

Dated: _____

Its: _____

Attest: David J. Twa, Clerk of the Board of Supervisors
and County Administrator

By: _____
Clerk of the Board of Supervisors

COUNTY OF ALAMEDA

By: _____

Dated: _____

Its: _____

Attest:

By: _____

Clerk of the Board of Supervisors

TOWN OF DANVILLE

By: _____

Dated: _____

Its: _____

Attest:

By: _____

Town Clerk

CITY OF DUBLIN

By: _____

Dated: _____

Its: _____

Attest:

By: _____

City Clerk

CITY OF LIVERMORE

By: _____

Dated: _____

Its: _____

Attest:

By: _____

City Clerk

CITY OF PLEASANTON

By: _____

Dated: _____

Its: _____

Attest:

By: _____
City Clerk

CITY OF SAN RAMON

By: _____

Dated: _____

Its: _____

Attest:

By: _____
City Clerk

