



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: March 8, 2016

Subject: Amendment No. 1 to the Joint Exercise of Powers Agreement/Contribution Agreement with East Contra Costa Regional Fee and Financing Authority

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute, on behalf of the County, Contract Amendment No. 1 to the Joint Exercise of Powers Agreement/Contribution Agreement between East Contra Costa Regional Fee and Financing Authority (ECCRFFA) and Contra Costa County for Phase 1 of the State Route 4 Bypass to increase the maximum reimbursement amount from \$3.0 million to \$3.35 million and extend the payment date from June 30, 2011 to June 30, 2020, East County area.

FISCAL IMPACT:

The Joint Exercise of Powers Agreement/Contribution Agreement involves disbursement of Proposition 1B funds for Phase 1 of the State Route 4 Bypass. Amendment No. 1 will increase the reimbursement to the County to account for interest.

BACKGROUND:

Proposition 1B was approved by voters at the November 7, 2006 general election. As part of the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, it authorized the issuance of \$19.9 billion

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/08/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 8, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Nancy Wein
925-313-2275

cc:

BACKGROUND: (CONT'D)

of general obligation bonds to fund a variety of transportation priorities. Of the \$19.9 billion, \$2 billion was designated for cities and counties to fund the maintenance and improvement of local transportation facilities. The County received a total of approximately \$24 million in Proposition 1B funds in four disbursements. The first disbursement was received in March 2008 in the amount of \$9.7 million. Cities and counties were given three fiscal years from the end of the fiscal year the funds were received to expend the Proposition 1B funds.

On March 11, 2008, the Board of Supervisors approved the Joint Exercise of Powers Agreement/Contribution Agreement (Agreement) with ECCRFFA for use of Proposition 1B funds for Phase 1 of the State Route 4 Bypass. At that time, revenues for the State Route 4 Bypass were expected to come in at lower than expected levels resulting in funding shortfalls. The Agreement allowed the County to contribute \$3 million of Proposition 1B funds to ECCRFFA to assist with funding shortfalls and assured that bond proceeds would be expended within the three-year timeline. In return, the County would receive \$3 million of Regional Transportation Development Impact Fees for the Vasco Road Safety Improvement Project.

The County has expended all allocations of Proposition 1B funds, including contribution of \$3 million to ECCRFFA for Phase 1 of the State Route 4 Bypass. The original Agreement intended to include interest with the reimbursement, however, the interest was not included, which was strictly an oversight at the time. Thus, Amendment No. 1 provides for up to \$350,000 in interest to be reimbursed to the County for a total not-to-exceed amount of \$3,350,000. Interest is to be calculated as if the funds had been invested in the County Pooled Investment Earnings Account. Payment of funds by ECCRFFA is to be made a priority and must be completed by June 30, 2020. ECCRFFA has already approved Amendment No. 1 at the Board of Directors Meeting held on January 14, 2016.

CONSEQUENCE OF NEGATIVE ACTION:

The County will not receive reimbursement from ECCRFFA for interest on Proposition 1B funds contributed to Phase 1 of the State Route 4 Bypass.

ATTACHMENTS

ECCRFFA signed Prop 1B Agreement
Amendment No. 1