

Bay Area Toll Authority Oversight Committee

June 12, 2019

Agenda Item 5c

BATA Resolution No. 131 – Establishment of the Regional Measure 3 Independent Oversight Committee

Subject: Establishment of the Regional Measure 3 Independent Oversight Committee

Background: This resolution establishes the Regional Measure 3 (RM3) Independent Oversight Committee. On the June 5, 2018 ballot, RM3 was approved by voters, and on January 1, 2019, BATA implemented the first dollar of the associated toll increase. The law (Streets and Highways Code Section 30923(h)) requires establishment of an Independent Oversight Committee within six months of the effective date of the toll increase. Therefore, BATA must establish the RM3 Independent Oversight Committee by July 1, 2019. The Independent Oversight Committee will be tasked with ensuring that the revenues raised through Regional Measure 3 are spent consistently with the requirements set forth in Section 30914.7 of the Streets and Highways Code. The committee will annually review the expenditure of RM3 funds for the programs and projects specified in the RM3 Expenditure Plan and will prepare and submit a report to the transportation committee of each house of the Legislature summarizing its findings.

The law also requires the Independent Oversight Committee to be composed of two representatives from each county within the jurisdiction of the Metropolitan Transportation Commission, to be appointed by the applicable county Board of Supervisors to serve a four-year term, limited to two terms. In addition, an amendment to the law (Assembly Bill 1041 as codified in Streets and Highways Code Section 30923(h)(3)) specifies eligibility restrictions for the committee: members of the committee cannot be current or former members or staff of MTC or BATA, current employees of an organization or person that has ever received funds from MTC or BATA, or previous employees or contractors of an organization or person that has ever received funds from MTC or BATA within one year of having worked for or contracted with that organization.

On May 3, 2019, staff sent letters to the Boards of Supervisors of each county requesting the names of two individuals appointed to the Independent Oversight Committee within sixty (60) days (example attached). Staff intends to return to BATA as soon as possible with information regarding the counties' nominees. Attachment A to BATA Resolution No. 131 will serve as the committee's roster; any appointees

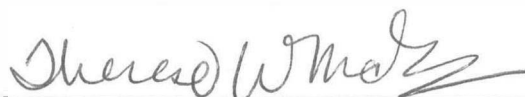
received between the BATA Oversight meeting and the Authority meeting will be added to the attachment and noted for the Authority.

Staff recommends that Independent Oversight Committee members receive a stipend of \$50 per committee meeting attended, plus travel expenses, for up to four committee meetings per year. This policy is outlined in Attachment B to BATA Resolution No. 131.

Issues: Regional Measure 3 is the subject of ongoing litigation. However, to meet the requirements of SHC Section 30923(h), staff recommends that BATA establish the Independent Oversight Committee at this time. The committee would likely not meet until the litigation is resolved.

Recommendation: Staff recommends that the Committee refer BATA Resolution No. 131 to the Authority for approval.

Attachments: BATA Resolution No. 131
Example letter sent to counties on May 3, 2019



Therese W. McMillan

**BAY AREA TOLL AUTHORITY**

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SCOTT HAGGERTY, CHAIR
Alameda County

ALFREDO PEDROZA, VICE CHAIR
Napa County and Cities

JEANNIE BRUINS
Cities of Santa Clara County

DAMON CONNOLLY
Marin County and Cities

DAVE CORTESE
Santa Clara County

CAROL DUTRA-VERNACI
Cities of Alameda County

DORENE M. GIACOPINI
U.S. Department of Transportation

FEDERAL D. GLOVER
Contra Costa County

ANNE W. HALSTED
San Francisco Bay Conservation
and Development Commission

JANEA JACKSON
U.S. Department of Housing
and Urban Development

NICK JOSEFOWITZ
San Francisco Mayor's Appointee

SAM LICCARDO
San Jose Mayor's Appointee

JAKE MACKENZIE
Sonoma County and Cities

GINA PAPAN
Cities of San Mateo County

DAVID RABBITT
Association of Bay Area Governments

HILLARY RONEN
City and County of San Francisco

LIBBY SCHAAF
Oakland Mayor's Appointee

WARREN SLOCUM
San Mateo County

JAMES P. SPERING
Solano County and Cities

TONY TAVARES
California State
Transportation Agency

AMY R. WORTH
Cities of Contra Costa County

THERESE W. MCMILLAN
Executive Director

ALIX BOCKELMAN
Deputy Executive Director, Policy

ANDREW B. FRIEMER
Deputy Executive Director, Operations

BRAD PAUL
Deputy Executive Director
Local Government Services

May 3, 2019

The Honorable Richard Valle
President, Alameda County Board of Supervisors
1221 Oak Street, Room 536
Oakland, CA 94612-4224

RE: Amended Request for Regional Measure 3 Independent Oversight Committee
Representatives from Alameda County

Dear Supervisor Valle:

This letter presents additional information regarding the request for representatives, in follow up to related correspondence sent to you on May 1. Please see below for further details including a new section on page 2 containing information that was inadvertently omitted from the original letter.

Senate Bill 595 (SB 595) required the nine Bay Area counties to conduct a special election, known as Regional Measure 3 (RM3), on a proposed increase to toll rates on state-owned bridges in the region. This election took place on June 5, 2018, with voters approving a three-dollar toll increase, phased in one dollar at a time over the course of six years. Effective January 1, 2019, the base toll rate on these bridges was increased by one dollar. Due to ongoing lawsuits against the measure, collected RM3 revenue is currently being held in an escrow account.

SB 595 also required, if voters approved the RM3 toll increase, that the Bay Area Toll Authority (BATA) establish an independent oversight committee within six months of the effective date of the toll increase. Therefore, BATA will establish the RM3 independent oversight committee by July 1, 2019. This committee will be subject to the Brown Act.

SB 595 specifies the following regarding the functions and membership of the independent oversight committee (Streets and Highways Code Section 30923 (h)):

- BATA shall establish an independent oversight committee to ensure that any toll revenues generated pursuant to the RM3 toll increase are expended consistent with the applicable requirements of the RM3 expenditure plan set forth in Streets and Highways Code Section 30914.7.
- The oversight committee shall include two representatives from each county within the jurisdiction of the commission.
- Each representative shall be appointed by the applicable county board of supervisors and serve a four-year term and shall be limited to two terms.

- The oversight committee shall annually review the expenditure of funds by BATA for the projects and programs specified in Section 30914.7 and prepare and submit a report to the transportation committee of each house of the Legislature summarizing its findings.
- The oversight committee may request any documents from BATA to assist the committee in performing its functions.

In addition, an amendment to the law specifies eligibility restrictions for the committee: A representative appointed to the oversight committee shall not be a member, former member, staff, or former staff of the Metropolitan Transportation Commission (MTC) or BATA, shall not be employed by any organization or person that has received or is receiving funding from MTC or BATA, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from MTC or BATA within one year of having worked for or contracted with that organization or person. (See Streets and Highways Code Section 30923 (h) (3).)

Further, BATA anticipates providing the following support functions to the committee:

- Making meeting space available at the Bay Area Metro Center
- General administrative and clerk support
- Stipend to members for meeting attendance

BATA anticipates that committee matters such as meeting dates, frequency, and length will be established by the members of the committee.

Please notify BATA in writing within sixty (60) days with the name of two individuals from Alameda County appointed by your board to the RM3 Independent Oversight Committee. Thank you for your assistance in the implementation of Regional Measure 3. Please contact Kimberly Ward at (415) 778-5367 with any questions, and do not hesitate to contact me for further discussion.

Sincerely,



Therese W. McMillan
Executive Director

cc: Clerk of the Board of Supervisors

TM:cb

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Date: June 26, 2019
Referred by: BATA Oversight

ABSTRACT

BATA Resolution No. 131

This resolution establishes the Regional Measure 3 Independent Oversight Committee, as set forth in Section 30923(h) of the California Streets and Highways Code and approved by voters on the June 5, 2018 ballot.

Further discussion of this resolution is contained in the BATA Oversight Committee Summary Sheet dated June 12, 2019.

Date: June 26, 2019
Referred by: BATA Oversight

Re: Regional Measure 3 Independent Oversight Committee

BAY AREA TOLL AUTHORITY
RESOLUTION NO. 131

WHEREAS, on June 5, 2018, a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (individually, each a “County” and, collectively, the “Counties”) to approve a toll increase of three dollars (\$3.00) phased in over time, including a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the state-owned bridges located in the San Francisco Bay Area (“Regional Measure 3”); and

WHEREAS, on September 26, 2018, the Bay Area Toll Authority (“Authority”) adopted Resolution No. 126 accepting certified statements from the Registrar of Voters of the City and County of San Francisco and each of the Counties and observing that a majority of all voters voting on Regional Measure 3 at such special election voted affirmatively for Regional Measure 3; and

WHEREAS, on December 19, 2018, the Authority adopted Resolution No. 128 adopting a toll schedule phasing in the toll increase approved pursuant to Regional Measure 3, effective on January 1, 2019; and

WHEREAS, in accordance with subsection (h) of Section 30923 of the California Streets and Highways Code (“SHC”), the Authority shall, within six months of the effective date of the toll increase, establish an independent oversight committee, with specified composition and duties; now, therefore, be it

RESOLVED, that the Authority specifically finds and declares that the statements, findings and determinations of the Authority set forth in the preambles above are true and correct; and be it further

RESOLVED, that pursuant to SHC § 30923(h), the Authority hereby establishes the Regional Measure 3 Independent Oversight Committee (“Committee”); and be it further

RESOLVED, that the Committee shall annually review the expenditure of funds by the Authority for the projects and programs specified in SHC § 30914.7 and prepare and submit a report to the transportation committee of each house of the Legislature summarizing its findings, and that the Committee may request any documents from the Authority to assist the Committee in performing its functions; and be it further

RESOLVED, that pursuant to SHC § 30923(h)(2), the Committee shall include two representatives from each county within the jurisdiction of the Metropolitan Transportation Commission (the “Commission”), and each representative shall be appointed by the applicable county board of supervisors and serve a four-year term and be limited to two terms; and be it further

RESOLVED, that pursuant to SHC § 30923(h)(3), a representative appointed to the Committee shall not be a member, former member, staff, or former staff of the Commission or the Authority, shall not be employed by any organization or person that has received or is receiving funding from the Commission or the Authority, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from the Commission or the Authority within one year of having worked for or contracted with that organization or person; and be it further

RESOLVED, that the Committee roster, as appointed by the applicable county board of supervisors, is contained in Attachment A to this resolution; and be it further

RESOLVED, that the travel reimbursement rate and stipend policy for members of the Committee is contained in Attachment B to this resolution; and be it further

RESOLVED, that the Chair of the Authority, the Vice Chair of the Authority, the Executive Director, the Chief Financial Officer and other appropriate officers and staff of the Authority, are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the Authority, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this Resolution in accordance with the terms hereof and of applicable provisions of law.

BAY AREA TOLL AUTHORITY

Scott Haggerty, Chair

The above resolution was first entered into
by the Bay Area Toll Authority at a regular
meeting of the Authority held in San
Francisco, California, on June 26, 2019.

Regional Measure 3 Independent Oversight Committee Membership

County	Member Name	Term Length	Term No.
Alameda	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Alameda	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Contra Costa	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Contra Costa	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Marin	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Marin	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Napa	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Napa	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
San Francisco	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
San Francisco	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
San Mateo	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
San Mateo	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Santa Clara	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Santa Clara	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Solano	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Solano	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Sonoma	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Sonoma	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First

Travel Reimbursement Rate and Stipend for Members of the Regional Measure 3 Independent Oversight Committee

1. Individual members of the Regional Measure 3 Independent Oversight Committee (“Committee”) appointed by county boards of supervisors shall each be eligible to receive a stipend of \$50 per meeting of the Committee, as defined below, with a maximum of four meetings per year. Meetings are defined as publicly noticed meetings or subcommittee meetings of the Committee.
2. Members of the Committee may be reimbursed for actual travel expenses, as defined below, for a maximum of four meetings per year.
3. The mileage reimbursement rate is the rate allowable by the Internal Revenue Service when a personal vehicle is used. Related bridge tolls, parking fees and actual expenses for use of public transit will be reimbursed.

All requests for stipend and reimbursement of expenses shall be submitted quarterly to the Committee staff liaison and processed according to the procedures established by MTC's Executive Director.

The MTC Deputy Executive Director, Policy shall administer this Attachment B. Any questions regarding its application shall be decided by the Deputy Executive Director, Policy whose decision shall be final.