

**EAST CONTRA COSTA
REGIONAL FEE AND FINANCING AUTHORITY**

Antioch – Brentwood – Contra Costa County – Oakley – Pittsburg

A JOINT EXERCISE OF POWERS AGENCY

255 Glacier Drive, Martinez, CA 94553

**AGENDA
Board of Directors**

**Thursday, August 8, 2024
6:30 p.m.**

**Tri-Delta Transit Meeting Room
801 Wilbur Avenue
Antioch, California**

This is an in-person meeting of the Board of Directors with the option for members of the public to appear in person or to participate via Zoom teleconference. Persons who wish to address the Board during public comment or with respect to an item on the agenda may comment in person or may call in or log in to the meeting via Zoom.

To participate by phone, dial +1 669 444 9171 US.

The meeting ID is 962 0052 1926 Passcode: 280296

To participate online using Zoom, hold down CTRL + click the following:

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Meeting ID: 962 0052 1926 Passcode: 280296

Public comments will generally be limited to two minutes. The Board Chair may reduce the amount of time allotted for each public comment at the beginning of each item or public comment period depending on the number of comments and the business of the day. Your patience is appreciated. A break may be called at the discretion of the Board Chair. At the discretion of the Board Chair, agenda items may be considered out of order. If the Zoom connection malfunctions for any reason, the meeting may be paused while a fix is attempted. If the connection is not reestablished, the Board will continue the meeting in person without remote access.

To obtain a copy of a staff report or other written materials related to an open session item on the agenda, please contact Dale Dennis by email to Dale.Dennis@pw.cccounty.us, or by phone at (925) 595-4587.

Board of Directors:

Lamar Thorpe, City of Antioch – Chair
Joel Bryant, City of Brentwood – Vice Chair
Aaron Meadows, City of Oakley
Shanelle Scales-Preston, City of Pittsburg
Diane Burgis, Contra Costa County

Authority Staff Office:

Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 313-2000

**EAST CONTRA COSTA
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Antioch – Brentwood – Contra Costa County – Oakley – Pittsburg

A JOINT EXERCISE OF POWERS AGENCY

255 Glacier Drive, Martinez, CA 94553

**Agenda
August 8, 2024**

1. Call to Order
2. Public Comment
3. Consent Items
 - A. **APPROVE** minutes of the June 13, 2024, meeting (July 2024 meeting cancelled).
 - B. **RECEIVE** staff report from Stephen Kowalewski, Chief Deputy Director, Contra Costa County Public Works Department, regarding the Authority's contract with PDM Group, Inc., for Program Management Services.
4. Determination
 - A. **ADOPT** ECCRFFA Resolution 2024/02 – Approving a revised ECCRFFA Fifth Amendment to the ECCRFFA Joint Exercise of Powers Agreement that prioritizes two projects in the City of Pittsburg as Third Priority projects in lieu of the James Donlon Extension project, adds 18 new projects to the ECCRFFA project list consistent with the 2024 Program Update approved on June 13, 2024, and directs taking related actions; and **APPROVE** an updated August 2024 ECCRFFA Strategic Plan reflecting the new project prioritization.
5. Boardmember Comments
6. Adjournment

The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Staff at least 24 hours before the meeting, at (925) 595-4587. Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the East Contra Costa Regional Fee and Financing Authority to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection at the meeting location and at 255 Glacier Drive, Martinez, CA during normal business hours. To obtain a copy of any such materials by email after the meeting, please contact Dale Dennis at Dale.Dennis@pw.cccounty.us.

Board of Directors:

Lamar Thorpe, City of Antioch – Chair
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**EAST CONTRA COSTA
REGIONAL FEE AND FINANCING AUTHORITY
Antioch - Brentwood - Oakley - Pittsburg and Contra Costa County**

JOINT EXERCISE OF POWERS AGENCY

June 13, 2024

The regular meeting of the EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY (ECCRFFA) was convened as an in-person meeting with the option for members of the public to appear in person or to participate via Zoom teleconference. Members of the public were permitted to participate in the meeting online, or by telephone, and in lieu of making public comments at the meeting, members of the public could submit public comments before or during the meeting through Dale.Dennis@pw.cccounty.us.

The regular meeting was called to order by Chair Lamar Thorpe at 7:20 P.M.

ROLL CALL

PRESENT: Diane Burgis (Contra Costa County), Aaron Meadows (Oakley), Juan Banales, Alternate for Shanelle Scales-Preston (Pittsburg), and Chair Lamar Thorpe (Antioch)

ABSENT: Vice Chair Joel Bryant (Brentwood)

STAFF: Dale Dennis, Program Manager
Stephen Siptroth, Assistant County Counsel

PUBLIC COMMENT

No written comments were submitted, or oral comments made, by any member of the public.

PUBLIC HEARING

- A. HEARING to consider adopting Resolution No. 2024/01, approving a nexus study to update the Regional Transportation Demand Impact Mitigation (RTDIM) fee program to add 18 new projects to the ECCRFFA fee program, recommending ECCRFFA member agencies approve a Fifth Amendment to the ECCRFFA Joint Exercise of Powers Agreement and updates to their fee ordinances, and taking related actions, with no change to current RTDIM fees.

Program Manager Dale Dennis recommended that the Chair open the public hearing, give a brief presentation, accept comments from the public, and close the public hearing.

Chair Thorpe OPENED the public hearing.

Mr. Dennis presented the Draft Final Report for the East County RTDIM fee program update.

Julie Morgan, Fehr & Peers, reported the firm had been developing the fee program update. The RTDIM had been in place for 30 years since 1994, and had been used for a wide range of transportation improvements such as the SR4 Bypass. The last comprehensive update had been in 2005, and there had been a targeted update in 2020, specifically to add the Sand Creek Road Extension project to the ECCRFFA fee program. Fehr & Peers had been working to assess the current program to see how it had been working as well as the status and progress of the projects in the program. Following the Board's direction, Fehr & Peers had conducted a comprehensive update.

As part of that update, Ms. Morgan explained that Fehr & Peers had looked at the 15 projects in the fee program, the amount of growth that had happened in East County, the amount of fee revenue collected, and she had compared that data to the projections from previous studies. She reported that the program had made progress to attract funds from other sources, which had been used to deliver projects in the fee program. The program was on track with the expectations of the previous nexus study.

For the nexus study update itself, Ms. Morgan reported that time had been spent working with the member agencies and staff to identify capital projects that should be included in an updated program. She presented a list of projects that met all those criteria. The nexus study included a summary and a map of the area to identify the location of the proposed new projects.

Ms. Morgan stated the nexus study evaluation confirmed the descriptions and estimated costs of the projects. Each project had been reviewed for existing deficiencies, and traffic modeling had been conducted to determine how each of the proposed projects would service the traffic demand from new development in ECCRFFA's jurisdiction.

The conclusion was that the report supported the addition of 18 new projects to the program. She recommended approval of the nexus study.

Mr. Dennis advised that upon completion of and the closing of the public hearing, the Board was to ADOPT Resolution 2024/01, to:

MAKE the findings set forth in the resolution;

APPROVE the May 2024 Draft East Contra Costa Regional Fee Program Update that adds 18 new projects into the ECCRFFA Fee Program;

APPROVE a Fifth Amendment to the JEPA for ECCRFFA to add the 18 new projects to the ECCRFFA project list, remove the existing project prioritization, and make other technical changes;

RECOMMEND that each member agency consider and approve the Fifth Amendment to the JEPA for ECCRFFA, which would be effective upon the approval of all member agencies;

APPROVE maintaining the RTDIM fee rates established in the 2005 ECCRFFA Fee Program Update subject to increases based on changes in the Construction Cost Index, in conjunction with the 15 percent rebate that had been extended through December 31, 2025 at the ECCRFFA Board Meeting on December 14, 2023, and any future fee rebates approved by the Board; and

RECOMMEND that each member agency amend its ECCRFFA fee ordinance or resolution to incorporate the new projects among ECCRFFA projects that would be funded with RTDIM fees.

Mr. Dennis also advised that the Board would have to DIRECT the Program Manager to work with the member agencies to take steps necessary to approve the Fifth Amendment to the JEPA for ECCRFFA and to amend fee ordinances or resolution to add the 18 new projects into the list of projects to be funded with RTDIM fee revenues, with no change to the RTDIM fee rates, and to ACKNOWLEDGE the ECCRFFA Fee Program shortfall described in the 2024 Program Update.

Bruce 'Ole' Ohlson, a resident of Pittsburg, stated the East County bicycle community had a couple of concerns with the project list. He stated bicyclists expected that new roads would get bicycle lanes on the shoulders, although some of the projects listed adjustments to existing roads. He emphasized that routes of regional significance for motorists were also important to bicyclists. He noted that the update to roads parallel to Highway 4 and several of the projects had indicated changes from two lanes to four lanes and the bicycle community wanted to be ensured that space for bicycles, pedestrians, and all transportation would be included in the projects.

Mr. Ohlson added that some of the projects listed established connections from East County to other areas, primarily Central County, but also to Highway 239, and he stated the bicycle community expected to be included in some kind of bicycle list. For projects related to Marsh Creek Road and parts of Clayton, he asked if those projects would be expanded in width to include bike lanes. With respect to the truck climbing lane on Willow Pass Road, he stated bicyclists expected a nice wide shoulder in that area. For Bailey Road improvements, City of Pittsburg to the city limits, he expected that bike lanes would be included given the connection from East County to Central County. On Standard Oil Avenue, he stated the houses on each side of that street had been built pretty close and he proposed that bike lanes or Class IV facilities on one side of the street be provided. He added that the East County bicycle community looked forward to the connection.

There being no one else to speak, Chair Thorpe CLOSED the public hearing.

Director Banales stated that Pittsburg had concerns with the fee program update regarding prioritization of new projects in lieu of the James Donlon Extension project and recommended continuing the item to the next meeting until those concerns could be worked out. He wanted to make sure that the substitute projects would be prioritized to the same extent as the James Donlon Extension project.

Mr. Dennis reported that City of Pittsburg staff had proposed to submit substitute projects and while he hoped that information would have been submitted at this meeting, he expected the City of Pittsburg to be ready to move forward at the next meeting.

Mr. Dennis recommended getting input from the City of Pittsburg and continuing the item to a special meeting to avoid the need to wait until August given that the regular July meeting (July 11) had been cancelled due to a conflict with the Mayors' Conference.

Director Burgis wanted to move the item forward given the need to follow-through with the program update. She emphasized that the agencies intended to honor commitments to Pittsburg, but the nexus study needed to be adopted so that progress could be made and so that the funds could be put to their best use sooner rather than later. She did not want projects to be delayed.

Director Banales stated that Pittsburg wanted the best projects to be selected. He apologized for any delays but wanted to make sure that everyone understood the City's priorities and he wanted something in writing as a guarantee that the substitute projects in Pittsburg would be prioritized to the same extent as the James Donlon Extension.

Mr. Dennis noted that the action could be continued to the August Board meeting but the sooner the nexus study was approved the sooner ECCRFFA fee revenue could be committed to the new projects added to the program. He explained it may take time for each agency to adopt the necessary documentation to approve the JEP A amendment.

Stephen Siptroth, Assistant County Counsel and Authority counsel, clarified that the resolution, even if adopted at this time, would not become effective until it had been approved by all the member agencies, so if Pittsburg would not sign the Agreement in the current form, no time would be saved through the adoption of the Agreement at this time. A new agreement addressing Pittsburg's concerns would need to be brought back.

The different ways to prioritize projects either in the JEP A or through the strategic planning process were noted with the understanding that there were different ways to approach the issue. The impacts of a delay and how a delay would affect projects were noted.

As to when Pittsburg would be ready, it was explained that the Pittsburg City Council would discuss proposed changes to the Fifth Amendment to the JPA, with the Pittsburg City Attorney in closed session on July 1, and information from Pittsburg could conceivably be available to ECCRFFA staff on or about July 2.

Director Burgis supported a special meeting the first week of July to approve the nexus study; however, a special meeting was not set.

On motion by Director Burgis, seconded by Director Meadows, the Authority adopted the staff recommendation as identified at the meeting and as shown in the staff report dated June 13, 2024, with the added statement that the Board recognized the concern expressed by Pittsburg and that there was absolutely no intention of taking anything away from Pittsburg, carried by the following vote:

AYES: Burgis, Meadows, Thorpe

NOES: Banales

ABSTAIN: None

ABSENT: Bryant

CONSENT ITEMS

On motion by Director Meadows, seconded by Director Burgis, the Authority adopted the Consent Calendar with the removal of Item D for discussion. The motion carried by the following vote:

- A. APPROVED minutes of the April 11, 2024 meeting (May 2024 meeting cancelled).
- B. APPROVED Fiscal Year 2023/24 End of Year Budget.
- C. APPROVED Fiscal Year 2024/25 Budget.
- D. **[REMOVED FROM CONSENT AND NOT INCLUDED IN MOTION]** APPROVE an amendment to the Consulting Services Agreement between the Authority and PDM Group, Inc., to increase the payment limit by \$194,688, to a new payment limit of \$2,255,391, and to extend the termination date from June 30, 2024 to a new termination date of June 30, 2025, for continued Program Manager services, and AUTHORIZE the Secretary, or designee, to execute the amendment on behalf of the Authority.
- E. APPROVED an amendment to the Consulting Services Agreement between the Authority and Fehr & Peers, to increase the payment limit by \$40,000 from \$290,500, to a new payment limit of \$330,550, and to extend the termination date from June 30, 2024, to a new termination date of June 30, 2025, to prepare the nexus study and provide technical support.
- F. APPROVED an amendment to the Consulting Services Agreement between the Authority and L. Lucy Owens, to increase the payment limit by \$72,000, from \$199,900, to a new payment limit of \$271,900, and to extend the termination date from June 30, 2024, to a new termination date of June 30, 2025, to provide right-of-way services and staff support to the Program Manager.

- G. APPROVED amendment to agreement with Anita L. Tucci-Smith – Minute Taking Services for the Authority, to extend the termination date from June 30, 2024, to a new termination date of June 30, 2025, with no change in payment limit.

AYES: Banales, Burgis, Meadows, Thorpe
NOES: None
ABSTAIN: None
ABSENT: Bryant

The following item, Item D, was removed from Consent for discussion.

APPROVE an amendment to the Consulting Services Agreement between the Authority and PDM Group, Inc., to increase the payment limit by \$194,688, to a new payment limit of \$2,255,391, and to extend the termination date from June 30, 2024 to a new termination date of June 30, 2025, for continued Program Manager services, and AUTHORIZE the Secretary, or designee, to execute the amendment on behalf of the Authority

Stephen Kowalewski, Chief Deputy Director, Contra Costa County Public Works Department, ECCRFFA's Secretary Designee, stated the department was responsible to provide staff to both ECCRFFA and the State Route 4 Bypass Authority, and had hired Dale Dennis a number of years ago through a contract that had been extended several times, the most recent of which would expire on June 30, 2024. The recommendation was to extend the contract an additional year, through June 30, 2025, for Program Manager services for ECCRFFA. He reported that Mr. Dennis had done an outstanding job managing the program, managing projects, and coordinating efforts with the Contra Costa Transportation Authority (CCTA).

Director Burgis suggested there needed to be information in the staff report to identify the length of the contract and to offer more information on the history of the contract.

Mr. Kowalewski stated he could provide the proposal and rate sheet but noted that bringing in someone new at this point would be an additional expense to ECCRFFA, while having Mr. Dennis continue would be an efficient option for the Board to consider. He noted there was an escalator limiting changes in the hourly rates. At one point in the past, after Mr. Dennis's contract was not renewed, Public Works staff had to look for other program manager services and had not received a lot of interest. At that time, it was determined not to pursue the candidates who had applied, and he had been the Interim Program Manager at that time. A year later, Mr. Dennis agreed to enter into a new contract with ECCRFFA to provide Program Manager services.

Mr. Kowalewski also clarified that the contract covered not only Mr. Dennis but also Nancy Wein, who supported ECCRFFA.

Director Burgis explained that she had expected a more in-depth staff report. She recognized that Mr. Dennis was well respected and she appreciated the work he did but, she needed a brief history of the contract that would expire on June 30, 2024.

On motion by Director Burgis, seconded by Director Meadows, the Authority APPROVED an amendment to the Consulting Services Agreement between the Authority and PDM Group, Inc., to increase the payment limit by \$194,688, to a new payment limit of \$2,255,391, and to extend the termination date from June 30, 2024 to a new termination date of June 30, 2025, for continued Program Manager services, and AUTHORIZED the Secretary, or designee, to execute the amendment on behalf of the Authority, and directed that a more in-depth staff report about the contract and its history be submitted to the Board at its next meeting, carried by the following vote:

AYES: Banales, Burgis, Meadows Thorpe
NOES: None
ABSTAIN: None
ABSENT: Bryant

DETERMINATION

There were no determination items.

BOARDMEMBER COMMENTS

There were no Boardmember comments.

ADJOURNMENT


Chair Thorpe adjourned the meeting of the East Contra Costa Regional Fee and Financing Authority at 8:02 P.M. to Thursday, August 8, 2024, at 6:30 P.M. or other day/time deemed appropriate.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

**EAST CONTRA COSTA
REGIONAL FEE AND FINANCING AUTHORITY**

DATE: August 8, 2024

TO: Board of Directors 

FROM: Stephen Kowalewski, Contra Costa County Chief Deputy Public Works Director

SUBJECT: RECEIVE staff report from Stephen Kowalewski, Chief Deputy Director, Contra Costa County Public Works Department, regarding the Authority's contract with PDM Group, Inc., for ECCRFFA Program Management services.

Recommendation: RECEIVE staff report from Stephen Kowalewski, Chief Deputy Director, Contra Costa County Public Works Department, regarding the Authority's contract with PDM Group, Inc., for ECCRFFA Program Management services.

Discussion:

In June, the Board approved an amendment to the Consulting Services Agreement for PDM Group, Inc., to provide continued Program Management services for ECCRFFA through FY2024-25, but directed County staff to provide a staff report to the Board at its next meeting regarding the length of the contract and its history. The purpose of this staff report is to provide the Board the information requested.

Contract History. The Authority entered into the current contract with PDM Group Inc. effective March 19, 2013. Subsequently, amendments were approved and executed with PDM Group Inc. as follows: July 1, 2016; April 18, 2018; February 13, 2020; March 11, 2021; and June 8, 2023. These amendments provided for continued Program Manager services through Fiscal Year 2023-24, and the last amendment approved in June extends the contract through FY 2024-25.

Contract Approval Process. Prior to each Amendment, the following process is implemented. PDM submits a scope of services and proposed rate sheet. The Secretary Designee from Contra Costa County Public Works reaches out to each Public Works Director from each member agency and provides a copy of the scope of services and rate sheet. Each member agency is asked to check with their elected representative on the Board if there are any concerns with the proposed amendment. (The Public Works Directors and elected representatives do not communicate among

ACTION OF BOARD ON _____

APPROVED AS RECOMMENDED ___ **OTHER** ___

VOTE OF DIRECTORS

_____ UNANIMOUS (ABSENT _____)

AYES: _____ **NOES:** _____

ABSENT: _____ **ABSTAIN:** _____

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

ATTESTED _____
Secretary to the Authority

themselves.) Finally, staff adds the item to the agenda for consideration by the ECCRFFA and SR4BA Boards.

Contractor Services. Under the contract, Program Manager Services are provided by Dale Dennis. Historically, staff support was provided by County staff, primarily Nancy Wein, through June 2022. In June 2022, Nancy Wein retired from the County and joined PDM Group, Inc. For FY 2022-23, PDM Group Inc. provided Program Management Services, with Dale Dennis serving as the Program Manager and Nancy Wein providing staff support. This continued in FY2023-24. For FY 2024-25, PDM Group Inc. will continue to provide Program Management Services, with Dale Dennis serving as the Program Manager and Nancy Wein continuing to provide staff support. Attached is the Scope of Services and Fee Proposal for the June 2024 Amendment.

Review of Hourly Rates. While this contract is for specialized services and does not need to be awarded to the lowest-cost service provider, County staff actively review rates charged by PDM Group, Inc. and compare them to known rates charged by firms, like Mark Thomas, Fehr & Peers, WSP, other Consultants, and the County, which have professionals with qualifications similar to those of the PDM Group, Inc. professionals. The hourly rates charged by PDM Group, Inc. fall within the ranges of hourly charge rates for other firms, consultants, and the County. Historically, PDM Group Inc. used County support staff at a fully burdened rate (base/overhead/benefits) of \$368.55 (recent rate). The arrangement to have PDM Group Inc. provide support staff services resulted from lack of County staffing resources to perform the services and a competitive rate in comparison to County fully-burdened rates. Rates are also provided to all member agency Public Works Directors to review and approve for reasonableness prior to contracts appearing before the ECCRFFA and SR4BA Boards. See rate comparison table below.

Firm/Consultant	Position	Rate
ECCRFFA/SR4BA	Program Manager	\$300.00/hr
	Senior Civil Engineer	\$248.00/hr
County	Division Manager	\$449.33/hr
	Senior Civil Engineer	\$268.55/hr
Firm 1	Principal	\$280-\$400
	Senior Engineer/Planner	\$180-\$235
Firm 2	Division Manager	\$290-420
	Senior Project Engineer	\$210-\$300
Firm 3	Construction Manager	\$428.62
	Lead Civil Engineer	\$260.13
Consultant 1	Project Manager	\$330.39
Consultant 2	Project Manager	\$309.00
Consultant 3	Project Manager	\$308.34

Staff Report Language. Typically for contract amendments, it is common practice in staff reports to identify the amount of the current amendment and the total authorized amount from original approval of the contract. The large dollar amount in the recent amendment was the total authorized amount since March 19, 2013, when the contract was first entered into.

APPENDIX A

Program Management Services East County Regional Fee and Financing Authority (ECCRFFA) Scope of Services

OBJECTIVE: PDM Group Inc. will be providing Program Management Services for the East County Regional Fee and Financing Authority (ECCRFFA). Dale Dennis will hold the position of Program Manager and Nancy Wein will be providing support. The Program Manager has overall responsibility for the day-to-day administrative operations of the ECCRFFA and will manage and or oversee or coordinate the delivery of transportation projects in the ECCRFFA Program.

Typical duties and responsibilities include:

- Interface with the ECCRFFA Board of Directors;
- Staff the ECCRFFA Board Meetings and be responsible for preparation of Agenda Packets for the monthly or periodic meetings;
- Complete the preparation and implementation of a comprehensive nexus study update for the ECCRFFA Fee Program;
- Prepare annual budgets and schedules for ECCRFFA activities;
- Work with the member agencies and the Board to establish new project priorities;
- Review proposed project budgets and schedules from sponsors;
- Prepare and implement updated Strategic Plan;
- Prepare Cooperative Agreements and Funding Resolutions for the new priority projects;
- Oversee a multimillion-dollar transportation program fund;
- Prepare and distribute ECCRFFA Fee Schedule annually;
- Prepare of annual AB 1600 Report;
- Manage preparation and implementation of new ECCRFFA policies, as appropriate;
- Address questions on ECCRFFA policies and implementation of the Regional Transportation Development Impact Mitigation (RTDIM) Fee Program;
- Manage and oversee the preparation of periodic ECCRFFA Fee Program Assessments;
- Manage and oversee the ongoing operation and maintenance of the ECCRFFA website;
- Participate in the overall planning for the East County Transportation projects;
- Prepare and present written and oral reports related to East County transportation projects;
- Coordinate and oversee the delivery of transportation projects in the ECCRFFA Program through project sponsors;
- Ensure that contractual obligations, ordinances, safety procedures, budgets and policies related to transportation projects and ECCRFFA policies are met;
- Confer with officials, member agency staff, contractors, and others involved in major transportation projects;
- Assist sponsors with interviewing and selecting consultants and contractors as appropriate;
- Ensure payment requests are handled according to JEPA policies and procedures;

APPENDIX A

- Manage consultant contracts as appropriate and process contract amendments and invoices, etc.
- Coordinate with Contra Costa Transportation Authority on the SR4 Balfour Road Interchange Project and the Mokelumne Bicycle/Pedestrian Overcrossing Projects and review and process invoices as required.
- Coordinate with TRANSPLAN staff as necessary.

Staff Assistance:

- Staff assistance would be provided by Contra Costa County Public Works and Lucy Owens.

**Program Manager and Support Services
for the
East Contra Costa Fee and Financing Authority (ECCRFFA)**


Period: June 13, 2024 through June 30, 2025

		FY 24/25	FY 24/25	
Staff	Average Hours/Week	Hours/Year	Charge Rates	Amount
Dale Dennis	10	520	\$ 300	\$ 156,000
Nancy Wein	3	156	\$ 248	\$ 38,688
Total				\$ 194,688

Note: Rates are increased by 3% each year.

**EAST CONTRA COSTA
REGIONAL FEE AND FINANCING AUTHORITY**

DATE: August 8, 2024

TO: Board of Directors
FROM: Dale Dennis, Program Manager 
SUBJECT: ECCRFFA JEP A Fifth Amendment

Recommendation: Staff recommends the Board take the following actions:

1. **ADOPT** Resolution No. 2024/02 (Staff Report Attachment 1) to: **APPROVE** a revised Fifth Amendment to the Joint Exercise of Powers Agreement (JEP A) for ECCRFFA (Resolution Attachment A) to do all of the following among other things: add 18 new projects described in the 2024 Program Update to the ECCRFFA Project List; prioritize two replacement projects (West Leland Road – Extend as a 4-lane arterial, Santa Teresa Drive to Avila Road and Pittsburg-Antioch Highway – Widen to 4 lanes, Loveridge Road to Eastern City of Pittsburg Limits) (“Replacement Projects”) as Third Priority Projects in lieu of the James Donlon Extension (JDE) Project; reallocate funds reserved for the JDE Project to the Replacement Projects; and retain the JDE Project on the ECCRFFA Project List with any future prioritization to be determined through the strategic planning process; **RECOMMEND** that each Member Agency consider and approve the revised Fifth Amendment to the JEP A for ECCRFFA, which will be effective upon the approval of all Member Agencies; and **RECOMMEND** that each Member Agency amend its ECCRFFA fee ordinance or resolution to incorporate the new projects among ECCRFFA projects that will be funded with RTDIM fees.
2. **DIRECT** the Program Manager to work with the Member Agencies to take steps necessary to approve the revised Fifth Amendment to the JEP A for ECCRFFA and to amend fee ordinance or resolution to add the 18 new projects into the list of projects to be funded with RTDIM fee revenues, with no change to the RTDIM fee rates.
3. **APPROVE** the updated August 2024 ECCRFFA Strategic Plan (Staff Report Attachment 3), which replaces the JDE Project with the following projects: 1) the West Leland Road – Extend as a 4-lane arterial, Santa Teresa Drive to Avila Road; and 2) Pittsburg-Antioch Highway – Widen to 4 lanes, Loveridge Road to Eastern City of Pittsburg Limits.

Discussion:

ACTION OF BOARD ON _____

APPROVED AS RECOMMENDED ___ **OTHER** ___

VOTE OF DIRECTORS

_____ **UNANIMOUS (ABSENT** _____)

AYES: _____ **NOES:** _____

ABSENT: _____ **ABSTAIN:** _____

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

ATTESTED _____
Secretary to the Authority

On June 13, 2024, by a 4-1 vote, the East Contra Costa Regional Fee and Financing Authority Board of Directors adopted Resolution No. 2024/01, which made certain findings and took several actions, including adopting the Fehr & Peers May 2024 East Contra Costa Regional Fee Program Update ("2024 Program Update") adding 18 new projects to the ECCRFFA Project List to mitigate the regional transportation impacts of new development within ECCRFFA's jurisdiction through 2040. The resolution also recommended the Authority's member agencies – i.e., the Cities of Antioch, Brentwood, Oakley, and Pittsburg, and Contra Costa County – approve a Fifth Amendment to the ECCRFFA Joint Exercise of Powers Agreement.

The Fifth Amendment approved and recommended by Resolution No. 2024/01 would have removed the priority of the JDE Project as a Third Priority Project, and it would have provided that all further project prioritization would be determined by the Board through the adoption of a strategic plan.

The City of Pittsburg's representative on the Board voted "no" on Resolution No. 2024/01 and indicated that the City would not approve the Fifth Amendment in its current form because it did not expressly prioritize other projects on the ECCRFFA project list benefitting Pittsburg in lieu of the JDE Project, and it did not expressly reallocate to those other projects the funds that had been reserved for the JDE Project. (All five Member Agencies must approve and execute an amendment to the ECCRFFA joint exercise of powers agreement in order for the amendment to be effective. Each other action taken by Resolution No. 2024/01 required only a majority vote of the Board.)

City of Pittsburg has requested that two projects on the ECCRFFA Project List be prioritized in lieu of the JDE Project, and that the funds reserved for the JDE Project should be reallocated to these two replacement projects (see Pittsburg letter attached – Attachment 2). The revised Fifth Amendment to the ECCRFFA joint exercise of powers agreement, attached hereto as Attachment A to Resolution 2024/02 ("revised Fifth Amendment"), prioritizes the following two projects in lieu of the JDE Project: 1) the West Leland Road – Extend as a 4-lane arterial, Santa Teresa Drive to Avila Road; and 2) Pittsburg-Antioch Highway – Widen to 4 lanes, Lovridge Road to Eastern City of Pittsburg Limits (together the "Replacement Projects"). The revised Fifth Amendment also prioritizes the Replacement Projects as Third Priority Projects, and reallocates funds reserved for the JDE Project to these two projects. While the JDE Project will remain on the ECCRFFA Project List, it will no longer have a particular priority and would be subject to prioritization through the strategic planning process. The updated August 2024 ECCRFFA Strategic Plan, with the Replacement Projects added and the JDE Project deleted is attached (see Attachment 3).

Staff recommends that the Board take each of the actions listed in the Recommendation section, above. After the Board approves this item, all Member Agencies will need to update their fee ordinances or resolutions and approve the revised Fifth Amendment to the ECCRFFA JEPA before RTDIM fee revenue could be used to fund any of the 18 new projects being added into the fee program.

Attachments:

Attachment 1: Resolution 2024/02 (Attachment A, revised Fifth Amendment to the JEPA)

Attachment 2: Letter from City of Pittsburg

Attachment 3: Updated August 2024 ECCRFFA Strategic Plan

ECCRFFA
Resolution No. 2024/02

RESOLUTION NO. 2024/02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY APPROVING A REVISED FIFTH AMENDMENT TO THE ECCRFFA JOINT EXERCISE OF POWERS AGREEMENT

The Board of Directors of the East Contra Costa Regional Fee and Financing Authority hereby **FINDS** as follows:

1. On June 13, 2024, by a 3-1 vote (Ayes: Directors Burgis, Meadows, and Thorpe; Noes: Director Banales; Absent: Director Bryant), the East Contra Costa Regional Fee and Financing Authority ("Authority") Board of Directors ("Board") adopted Resolution No. 2024/01, which made certain findings and took several actions, including adopting the Fehr & Peers May 2024 East Contra Costa Regional Fee Program Update ("2024 Program Update") adding 18 new projects to the ECCRFFA Project List to mitigate the regional transportation impacts of new development within ECCRFFA's jurisdiction through 2040. The resolution also recommended the Authority's member agencies – i.e., the Cities of Antioch, Brentwood, Oakley, and Pittsburg, and Contra Costa County (collectively, the "Member Agencies") – approve a Fifth Amendment to the ECCRFFA Joint Exercise of Powers Agreement ("Fifth Amendment").

2. The form of the Fifth Amendment approved and recommended by Resolution No. 2024/01 would have removed the priority of the James Donlon Extension Project ("JDE Project") as a Third Priority Project, and it would have provided that all further project prioritization would be determined by the Board through the adoption of a strategic plan.

3. The City of Pittsburg's ("Pittsburg") representative on the Board voted "no" on Resolution No. 2024/01 and indicated that Pittsburg would not approve the Fifth Amendment in its current form because it did not expressly prioritize other projects on the ECCRFFA project list benefitting Pittsburg in lieu of the JDE Project, and it did not expressly reallocate to those other projects the funds that had been reserved for the JDE Project. (All five Member Agencies must approve and execute an amendment to the ECCRFFA joint exercise of powers agreement in order for the amendment to be effective. Each other action taken by Resolution No. 2024/01 required only a majority vote of the Board.)

4. Pittsburg has determined that two projects on the ECCRFFA Project List should be prioritized in lieu of the JDE Project, and that the funds reserved for the JDE Project should be reallocated to these two replacement projects. The revised Fifth Amendment to the ECCRFFA joint exercise of powers

agreement, attached hereto as Attachment A, ("Revised Fifth Amendment") prioritizes the following two projects in lieu of the JDE Project: the West Leland Road – Extend as a 4-lane arterial, Santa Teresa Drive to Avila Road; and Pittsburg-Antioch Highway – Widen to 4 lanes, Loveridge Road to Eastern City of Pittsburg Limits (together the "Replacement Projects"). The Revised Fifth Amendment also prioritizes the Replacement Projects as Third Priority Projects, and reallocates funds reserved for the JDE Project to these two projects. While the JDE Project will remain on the ECCRFFA Project List, it will no longer have a particular priority and would be subject to prioritization through the strategic planning process.

5. The Board desires to recommend that the ECCRFFA Member Agencies consider and approve the Revised Fifth Amendment when they approve the 2024 Program Update.

NOW, THEREFORE, the Board of Directors of the East Contra Costa Regional Fee and Financing Authority **RESOLVES**, as follows:

1. The Board of Directors **APPROVES** the attached form of the Revised Fifth Amendment to the Joint Exercise of Powers Agreement for ECCRFFA (Attachment A) to do all of the following, among other things: add 18 new projects described in the 2024 Program Update to the ECCRFFA Project List; prioritize the Replacement Projects as Third Priority Projects in lieu of the JDE Project; reallocate funds reserved for the JDE Project to the Replacement Projects; and retain the JDE Project on the ECCRFFA Project List with any future prioritization to be determined through the strategic planning process. This Paragraph 1 supersedes and replaces Paragraph 2 on page 5 of Resolution No. 2024/01.

2. The Board of Directors **RECOMMENDS** that each Member Agency consider and approve the Revised Fifth Amendment (Attachment A), which will be effective upon the approval of and execution by all Member Agencies. This Paragraph 2 supersedes and replaces Paragraph 3 on page 5 of Resolution No. 2024/01.

3. Except to the extent Paragraphs 1 and 2 in this Resolution No. 2024/02 supersede Paragraphs 2 and 3, respectively, in Resolution No. 2024/01, Resolution No. 2024/01, and each action taken therein, remain unchanged and in full force and effect.

PASSED AND ADOPTED at a regular meeting of the Board of Directors held August 8, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Attest: _____
Chair

Secretary to the Board

SMS
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Revised Fifth Amendment
to the
Joint Exercise of Powers Agreement
for
ECCRFFA

**FIFTH AMENDMENT TO JOINT EXERCISE
OF POWERS AGREEMENT FOR EAST
CONTRA COSTA REGIONAL FEE AND
FINANCING AUTHORITY**

1. EFFECTIVE DATE AND PARTIES

Effective _____, 2024, the CITY OF ANTIOCH, a municipal corporation duly organized and existing under the laws of the State of California ("Antioch"), the CITY OF BRENTWOOD, a municipal corporation duly organized and existing under the laws of the State of California ("Brentwood"), the CITY OF OAKLEY, a municipal corporation duly organized and existing under the laws of the State of California ("Oakley"), the CITY OF PITTSBURG, a municipal corporation duly organized and existing under the laws of the State of California ("Pittsburg"), and the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (the "County"), as member agencies of the East Contra Costa Regional Fee and Financing Authority, mutually agree as follows:

2. PURPOSE

Effective August 9, 1994, Antioch, Brentwood, Pittsburg, and the County formed the East Contra Costa Regional Fee and Financing Authority (ECCRFFA), a separate joint powers agency, by entering into a written agreement entitled "EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT" (referred to as the "Agreement"). ECCRFFA was formed to assist in establishing and administering a uniform regional development fee program and in funding and implementing regional road improvement projects in the East County area. The Agreement has previously been amended as follows: a First Amendment, dated October 4, 1999, added Oakley as additional party; a Second Amendment, dated July 11, 2005, coordinated activities of ECCRFFA and East County Transportation Improvement Authority (ECTIA) and revised ECCRFFA regional fee schedule; a Third Amendment dated September 10, 2013, readmitted Pittsburg after its withdrawal, revised provisions for withdrawal, provided for appointment of ECCRFFA Board members, and provided uniformity of ECCRFFA fees collected by member agencies, among other changes; and a Fourth Amendment, dated February 16, 2021, to add the Sand Creek Road Extension to Deer Valley Road project to the list of ECCRFFA projects. Antioch, Brentwood, Oakley, Pittsburg, and the County now desire to enter into this Fifth Amendment to the Agreement, to add 18 new projects to the ECCRFFA list of projects (Attachment 2), to revise the project prioritization provisions that were established under the Third Amendment, and to make other technical changes to the Agreement, as previously amended. Attachment 1 to the Agreement also will be amended to refer to the "April 2024 Final Report, East Contra Costa Regional Fee Program Update," with no change to ECCRFFA's Regional Transportation Development Impact Mitigation ("RTDIM") fees.

3. AMENDMENTS TO AGREEMENT

- A. Attachment 1 (2020 Amendment) is replaced in its entirety with Attachment 1 (2024 Amendment) attached to this Fifth Amendment, with no changes to the fees in the RTDIM fee schedule. The fees on the fee schedule reflect the current RTDIM fees inclusive of the 2024 fee increases based on changes in the Construction Cost Index authorized under the Agreement, as previously amended. Other changes included in Attachment 1 make it current and bring it up to date.
- B. Attachment 2 (2020 Amendment) is replaced in its entirety with Attachment 2 (2024 Amendment) attached to this Fifth Amendment, to add 18 new projects to ECCRFFA's list of projects.

4. CITY OF PITTSBURG PROJECTS

The Agreement no longer prioritizes the James Donlon Extension project ("JDE Project") as a Third Priority project. The Agreement now includes two new Third Priority projects in Attachment 2, both within Pittsburgh. Notwithstanding anything to the contrary in this Agreement, the funds that had been reserved for the JDE Project ("JDE Funds") are reallocated to and encumbered for the ECCRFFA share of the cost of the new Third Priority Projects. .

5. REMAINING PROVISIONS

Subject to the changes made by this Fifth Amendment and all previous amendments, all provisions of the Agreement shall remain in full force and effect. If this Fifth Amendment is determined by a court to be invalid or unenforceable, the Agreement, as previously amended through the Fourth Amendment, shall remain unchanged and in full force and effect.

6. COUNTERPARTS

This Fifth Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original instrument.

7. SIGNATURES

These signatures attest the parties' agreement to this Fifth Amendment.

[Remainder of page left blank. Signatures on next page.]

CITY OF ANTIOCH

FORM APPROVED:
Thomas Lloyd Smith, City Attorney

By: _____
Kwame Reed, Acting City Manager

By: _____

CITY OF BRENTWOOD

FORM APPROVED:

By: _____
Tim Ogden, City Manager

By: _____
City Attorney

CITY OF OAKLEY

FORM APPROVED:
Cole Huber, LLP

By: _____
Joshua McMurray, City Manager

By: _____
Derek Cole, City Attorney

CITY OF PITTSBURG

FORM APPROVED:
Donna Mooney, City Attorney

By: _____
Garrett Evans, City Manager

By: _____

COUNTY OF CONTRA COSTA

FORM APPROVED:
Thomas L. Geiger, County Counsel

By: _____
Monica Nino, County Administrator

By: _____
Stephen M. Siptroth
Assistant County Counsel

Attachment 1 – 2024 Amendment
to
East Contra Costa Regional Fee and Financing Authority
Joint Exercise of Powers Agreement

IMPLEMENTATION OF REGIONAL TRANSPORTATION DEVELOPMENT IMPACT
MITIGATION (RTDIM) FEE PROGRAM

A. Imposition of RTDIM Fees by Antioch, Brentwood, Oakley, and County. In order to fund the Program and Projects of the Authority, the parties agree that the following Regional Transportation Development Impact Fees (“RTDIM Fees”), which were originally adopted in 2005, shall continue to be implemented by Antioch, Brentwood, Oakley, and the County (each agency and Pittsburg is sometimes referred to as a “Member Agency” and, together, as the “Member Agencies”).

Regional Transportation-Development Impact Mitigation (RTDIM) Fees			
Type of Use	Fee Units	Fee Schedule	
		2005	2024*
Single family residential units, duet homes, and residential condominiums	Per dwelling unit	\$15,000	\$24,066
Multiple family residential	Per dwelling unit	\$9,207.92	\$14,773
Commercial	Per square foot of gross floor area	\$1.25	\$2.35
Office	Per square foot of gross floor area	\$1.10	\$2.04
Industrial	Per square foot of gross floor area	\$1.10	\$2.04
Other	Per peak hour trip as determined	\$15,000	\$28,313

* The 2024 fee schedule reflects fees in effect from January 1, 2024, through December 31, 2024, inclusive of the annual adjustments specified in the Authority’s Resolution No. 2005/06. The fees will increase each January 1, in accordance with Section F, below. The figures in parentheses reflect the net residential fee amounts payable after the Authority’s fee rebate last approved December 2023, which provides for a rebate applicable to residential fee rates, as further described in Section B, below. ECCRFFA fees for senior housing shall be calculated in accordance with ECCRFFA’s “Policy on Reduced Fees for Age-Restricted Senior Housing.” ECCRFFA fees for Accessory Dwelling Units (ADUs) shall be calculated in accordance with Government Code section 65852.2 and ECCRFFA’s “Policy for Accessory Dwelling Units.” ECCRFFA’s fees for certain transit-oriented development projects will be calculated in accordance with ECCRFFA’s “Fee Reduction Policy for Certain Transit-Oriented Developments” adopted pursuant to Government Code section 66005.1.

The above fee schedule is based on the June 2005 East Contra Costa Regional Fee Program Update (referred to as the “2005 Report”) prepared by Fehr & Peers, which has been approved by the Authority’s Board. The above fees are unchanged since the fees were last adopted in 2005 and are below the maximum fee rates calculated in the “East Contra Costa Regional Fee Program Update,” dated May 2024, prepared by Fehr & Peers (“2024 Report”). The 2005 Report was previously adopted as the governing program of the Authority and is incorporated in this Agreement by reference. The “East Contra Costa Regional Fee Program Update” (“2020 Report”) was previously adopted to add the Sand Creek Extension Project to the ECCRFFA project list, with no changes to the RTDIM Fees in the above fee schedule. The 2024 Report was adopted to add 18 additional projects to the ECCRFFA project list, with no changes to the RTDIM Fees in the above schedule. The RTDIM Fees in the above fee schedule are subject to annual adjustment, as provided in Section F, below, and as provided in the fee ordinances and/or resolutions adopted by the Member Agencies. In addition to the listed amounts, each Member Agency may collect and retain an administrative charge up to 1% of the listed amounts.

B. Adoption of Revised RTDIM Fees by the Authority. The Authority established an RTDIM Fee rebate program in 2013. The fee rebate program does not change the RTDIM Fees last adopted in 2005. Rather, the fee rebate program provides a rebate on the amount of the RTDIM Fees that are collected by the Member Agencies. Since 2013, the Authority Board of Directors has approved continuing the fee rebate. The Authority Board last approved to continue an RTDIM Fee rebate on December 14, 2023, when the Authority Board authorized a 15% rebate to all applicants who pay RTDIM Fees for residential uses (*i.e.*, single family residential units, duet homes, residential condominiums, and multi-family residential) during the period from January 1, 2024, through December 31, 2025. The fee rebate program is subject to reevaluation at any time by the Authority Board, and the Authority Board has sole discretion to terminate or modify the fee rebate program.

C. Imposition of PRTDIM Fees by Pittsburg. In order to fund the Program and Projects of the Authority, the Member Agencies agree that the following Pittsburg Regional Transportation Development Impact Fees (“PRTDIM Fees”), which were originally adopted in 2010, shall continue to be implemented by Pittsburg as follows:

Beginning October 10, 2013, Pittsburg shall ensure its commercial, office, and industrial fee rates match the Authority’s commercial, office, and industrial fee rates listed in Section A above, including the annual adjustment specified in Section F below.

Should a valid Memorandum of Understanding (MOU) signed prior to September 11, 2010, prevent Pittsburg from collecting commercial, office, or industrial fees at the rates listed above, Pittsburg shall make up the shortfall from its own separate funds and shall forward the full amount to the Authority per the terms of this Agreement.

- (1) Beginning September 10, 2013, Pittsburg shall ensure its residential fee rates are collected as follows:
 - (a) At the same time as the other Authority Members, Pittsburg shall apply fee rebates to match and collect the same net residential fee amounts collected by the other Member Agencies under the ECCRFFA fee rebate program (see Section B, above).
 - (b) In the event that the Authority approves a revised fee schedule, or a new or revised fee rebate program pursuant to Section D below, at the same time as the other Member Agencies, Pittsburg shall adopt and collect the revised fee schedule, or shall apply the new or revised fee rebates, to match and collect the same net residential fee amounts as the other Member Agencies, including the annual adjustment specified in Section F below.
 - (c) The residential fees collected by Pittsburg under this Subsection C(1) shall apply uniformly to all development in Pittsburg, except as provided otherwise for MOUs between Pittsburg and developers.
- (2) Pittsburg shall defend (with counsel selected by Pittsburg), indemnify, save, and hold harmless the Authority, the other Member Agencies, and their officers, agents, and employees from any litigation, claims, costs, expenses, or liability arising from or in any way related to Pittsburg's fee rebate program or Pittsburg's collection of different fee rates pursuant to Subsection C(1) above. The Authority and the other Member Agencies shall not be required to defend, indemnify, save, or hold harmless Pittsburg under Section B of Attachment 2, or otherwise, for claims related to the Pittsburg fee rebate program or Pittsburg's collection of different fee rates pursuant to Subsection C(1) above.

D. Subsequent Approval of Revised Fee Schedule or New or Revised Fee Rebate Program by the Authority. Between January 1, 2016, and December 31, 2030, the Authority Board may, from time to time, approve revised fee schedules, or new or revised fee rebate programs, which shall be subject to the following limitations unless otherwise approved unanimously by the full Authority Board, with all Board members present:

- (1) Any revised residential fees shall not exceed the following maximum rates, subject to the annual adjustment specified in Section F below: Single family residential \$16,176/dwelling unit; Multiple family residential \$9,934/dwelling unit; Other \$16,176/peak hour trip.
- (2) Any new or revised residential fee rebates shall result in net residential fee amounts of at least 50% of the maximum rates listed in Subsection D(1) above.

Within 60 days after such approval, each Member Agency (Antioch, Brentwood, Oakley, Pittsburg, and the County) shall consider adopting a fee ordinance or resolution implementing the revised fee schedule, or shall promptly consider applying the new or revised fee rebates. This procedure does not apply to annual fee adjustments, which are automatic and do not require further approval or action.

E. Fees for Uses Not Listed. The fees for uses not listed shall be determined by the Member Agency with land use authority through information generated by appropriate traffic studies conducted in accordance with ITE standards and applicable Authority policies. These traffic studies shall be approved by the Authority Board before the Member Agency imposes the fees.

F. Annual Fee Adjustment. Every January 1, the fee rates listed above, including any maximum fee rates, shall be automatically adjusted by the amount of the increase or decrease in the Engineering News-Record Construction Cost Index for the San Francisco Bay Area for the one-year period ending September 30 of the preceding year.

G. Credit for Construction Costs or Land Acquisition. Subject to the priority order set forth in Section E of Attachment 2, with prior approval of the Authority Board, credit may be granted against the payment of the fee for a usable portion of any Project. The amount of credit shall be limited to the regional component of the Project, as determined by the Authority Board in its sole discretion. Notwithstanding anything to the contrary, no fee credit shall be granted for any lands that are required to be dedicated as specified in Attachment 2, Section B.

H. Fee Collection and Management. Except for approximately \$5.5 million of PRTDIM fees used by Pittsburg as described in the last paragraph of Section E of Attachment 2, all fee revenues received or collected by the Member Agencies, together with any separate funds and increased fees to eliminate a shortfall, shall be disbursed monthly by the Member Agencies to the Authority. Fees and other revenues shall be held by the Authority in a general fund account; bond proceeds shall be held in accordance with the applicable indenture and may be invested, consistent with the provisions of the applicable indenture, in accounts such as the

CAMP or LAIF fund. Subject to any provision in an applicable indenture, interest accruing on funds held in such accounts and accrued interest on funds held in the general fund account shall be deemed general funds available for any lawful purpose of the Authority. Unless otherwise agreed by the Member Agencies, the total obligation of each Member Agency shall be the contribution of fees collected by that Member Agency from owners seeking issuance of building permits as provided for in this Section. The obligation to contribute fees to the Authority shall terminate on December 31, 2030 (*i.e.*, the termination date specified in Section 3 of the Agreement).

Attachment 2 – 2024 Amendment
to
East Contra Costa Regional Fee and Financing Authority
Joint Exercise of Powers Agreement

PROJECTS; FUNDING COMMITMENTS AND ELIGIBLE COSTS;
IMPLEMENTATION SCHEDULE

A. Current List of Projects. The fees provided for in the above fee schedule shall be used for project development, right-of-way acquisition, and construction for the following regional Projects:

Freeway Improvements

1	SR 4 Freeway widening	Railroad Avenue to Loveridge Road, widen to 8 lanes Loveridge interchange Loveridge to Bypass (8 lanes to Hillcrest, 6 lanes to Bypass) Hillcrest interchange expansion
2	SR 4 Bypass Segment 1	Phase 1, 6 lanes to Laurel, interchanges at Laurel Rd and Lone Tree Phase 2, SR 160 interchange Laurel interchange, phase 2
3	SR 4 Bypass Segment 2	Phase 1, 2 lanes Phase 2, 4 lanes, Sand Creek Road to Balfour Road Widen to 6 lanes, Laurel Road to Sand Creek Road Sand Creek interchange and 4 lanes, Laurel to Sand Creek
4	SR 4 Bypass Segment 3	Balfour to Marsh Creek (2 lanes) plus Marsh Creek east-west connector Marsh Creek to Vasco, 2 lanes Segment 3, widen to 4 lanes Balfour interchange Marsh Creek interchange Vasco interchange

Arterial Improvements

5	Laurel Road extension	SR4 Bypass to Empire, 6 lanes
6	SR239: Vasco Road – Byron Highway Connector	New 2-lane roadway between Vasco Road and Byron Highway and associated local improvements
7	SR 239	Pre-construction activities for complete corridor (Contra Costa segment): Includes environmental review, design, and right-of-way protection. No construction costs. Excludes elements covered under Project #6.
8	SR 4 (Main St or Brentwood Blvd) widening	Close gaps and create consistent four-lane arterial between Fifth Street and Delta Road in Oakley, and between Chestnut Street and Balfour Road in south Brentwood
9	Balfour Road	Deer Valley to Brentwood city limits, widen to 4 lanes

Arterial Improvements (Continued)

10	Marsh Creek Road/Deer Valley Road Safety Enhancements	Marsh Creek: Walnut Boulevard to Clayton City Limits; Deer Valley: Balfour Road to Marsh Creek Road
11	Route 84/Vasco Road	Widen to 4 lanes to County line
12	Pittsburg-Antioch Highway	Widen to 4 lanes, Auto Center Drive to Loveridge.
13	Ninth and Tenth Streets	Couplet improvements, A St to L St
14	California Avenue	Widen to 4 lanes, Railroad to Loveridge.
15	Willow Pass Road	Widen to 4 lanes, Range to Loftus and Bailey to City Limits
16	James Donlon Blvd Extension or Buchanan Road Improvements	New 2- to 4-lane arterial, Somersville to Kirker Pass Road Improve traffic flow between Railroad Avenue and Somersville Road; improve intersections at Harbor, Loveridge, and Ventura with additional turn lanes; add bike lanes; widen sidewalks to achieve current design standards; install signal interconnect and adaptive signals.
17	West Tregallas/Fitzuren	Widen to 4 lanes, Lone Tree to Buchanan
18	West Leland Road or Evora Road	Extend as a 4-lane arterial, Santa Teresa Drive to Avila Road Willow Pass Rd (Bay Point) to Willow Pass Rd (Concord), widen to 4 lanes
19	Wilbur Avenue	Widen to 4 lanes, Minaker Drive to SR 160
20	Neroly Road	Widen to 4 lanes, Oakley Rd to Laurel Rd
21	Deer Valley Road	Widen to 4 lanes, Sand Creek Road to Balfour Road
22	Walnut Boulevard	Widen to 4 lanes, Brentwood city limits to SR 4 Bypass
23	John Muir Parkway	New Roadway between Balfour Road and Fairview Avenue
24A	Byron Highway	Safety Improvements between SR 4 and Delta Road
27	Sand Creek Road	Extension of 4-lane roadway between SR 4 and Deer Valley Road
24B	Byron Highway Extension	Extend road between Delta Road and Rock Slough Bridge
28	Empire Avenue Widening and Rail Crossing	Construct four-lane arterial and railroad overcrossing, between Wicklow Way and Neroly Road
29	Laurel Road Extension	Extend Laurel Road as a four-lane arterial from Teton Road to Sellers Avenue
30	Kirker Pass Road Truck Climbing Lane	Construct a southbound truck climbing lane along Kirker Pass Road
31	Camino Diablo Safety Improvements	Safety improvements between Vasco Road and Byron Highway
32	Slatten Ranch Road Extension, South Segment	New 4-lane roadway from Wicklow Street to Wild Horse Road
33	Slatten Ranch Road Extension, North Segment	New 4-lane roadway from Wild Horse Road to existing terminus at the Antioch BART station
34	Viera Avenue Extension	New 2-lane roadway from Oakley Road to Slatten Ranch Road
35	Standard Oil Avenue	New 2-lane road from Delta Fair Boulevard to James Donlon Boulevard
36	Loveridge Road Improvements	Widened sidewalks and improved bicycle facilities between SR 4 and Pittsburg-Antioch Highway

Arterial Improvements (Continued)

37 Bailey Road Improvements	Between Southern City Limits and W Leland Road, add turn lanes, sidewalks, and intersection upgrades.
38 Lone Tree Way Rail Crossing	Union Pacific undercrossing widened from Fairview Avenue to Gann Street
39 SR-4 Operational Improvement Project	Improve operations along SR 4 between 0.3 miles west of the SR 4/SR 242 interchange to the Bailey Road interchange
40 SR-4 Integrated Corridor Management	East County share (i.e., one-half the total cost) of Countywide SR-4 ICM development
41 High Capacity Transit from Antioch BART to Brentwood	Express bus along SR 4 between Antioch and Brentwood
42 Brentwood Intermodal	Park and ride lot south of the Lone Tree Way/SR-4 interchange, adjacent to a future BART station
43 Sellers Avenue Safety Improvements	Upgrade Sellers Avenue to current design standards between Delta Road and Chestnut Road, and between Main Canal and Marsh Creek
44 East Cypress Road Improvements	Construct 4-lane arterial between Jersey Island Road and Bethel Island Road

Regional Transit Projects

25 East County Express Bus	Planning and design of regional rapid bus program
26 Commuter Rail	eBART extension to Antioch

B. Funding Commitments and Eligible Costs. Program revenues shall be available for necessary Project costs through completion of construction. Subject to prior approval by the Authority Board, Project costs paid from program revenues may include environmental clearance, conceptual engineering, traffic studies, design, right-of-way acquisition, utility relocation, litigation and settlement costs, and costs of construction. The commitment to each Project shall be considered complete when the Project is accepted by the sponsor or sponsors.

The Authority's administrative costs shall not exceed 1% of program revenues. Administrative costs include the development of the JPA as well as the administration of duties included in this Agreement.

Eligible Project costs will be determined by the Authority based on cost guidelines and other criteria to be developed by the Authority. Where the Authority deems it advisable in order to avoid undue burdens on Project sponsors, the Authority may advance fund Project expenses on a monthly, quarterly, or other basis. Project costs otherwise will be reimbursed pursuant to procedures to be determined by the Authority.

Project sponsors, as a condition of Project funding through regional fees, commit to protect Project rights-of-way, by, among other things, requiring dedication of right-of-way as a condition of land use entitlement approval or otherwise, pending Project commencement. Project sponsors further commit not to take actions that could adversely impact the cost of Projects, including, but not limited to, utility location or relocation, public development, and the granting of easements in a proposed right-of-way.

The right-of-way dedication policy for the State Route 4 Bypass is as follows. Properties along or fronting the Projects identified in this Agreement shall be required to dedicate right-of-way up to 110 feet wide as measured from the centerline of the adopted precise alignment with no credit or compensation from the regional fee. Any additional right-of-way in excess of the 110-foot width may be either credited toward the regional fee or compensated. However, in circumstances where the allowable density has been transferred off the right-of-way area, then no compensation or credit will be granted for the right-of-way dedicated. The Authority shall develop policies that will encourage the early dedication of lands that are required under this provision.

Any costs of defense and any liability incurred in connection with implementation of the regional fee proposal shall be borne by the Authority. The Authority agrees to the fullest extent permitted to indemnify and hold harmless the parties to this Agreement from any liability, loss, costs, and claims related to the adoption or implementation of the regional fee program. Fee revenues and any other revenues transferred to the Authority by the parties pursuant to this Agreement may be used for this purpose.

C. Implementation Schedule. Subject to environment clearance, right-of-way acquisition and dedication, utility relocation, and other factors, the timing of which may be beyond the control of the Authority, and subject to the availability of regional fee and other funding sources as may be required, the following implementation guidelines shall apply to Project development:

(i) The parties intend that funding will be provided to support steady progress in construction of the State Route 4 Bypass.

(ii) The Authority shall prepare, adopt, and periodically update a Strategic Plan for implementation of the Projects, reflecting current information on Project costs and schedules, the Project sponsor(s) for the various Projects, the availability of other revenue sources, the pace of fee collection, the schedule for and the costs associated with the sale of bonds to advance funds, and other relevant factors.

D. Indemnification. As a condition of funding for Projects in this Program, Project sponsors shall enter into an agreement with the Authority that shall provide indemnification and insurance coverage for the Authority and the parties to this Agreement during design and construction. The indemnification and insurance shall be subject to approval by the Authority.

E. Project and Funding Priorities. The following priority order shall hereafter apply to funding and implementation of the Authority's regional Projects:

First Priority:

Initial projects and ECCRFFA existing commitments:

- (a) SR4 East widening (for project description, see CCTA's Measure J Strategic Plan);
- (b) eBART extension to Hillcrest Avenue, which excludes Railroad Avenue station, with ECCRFFA to provide \$1.2 million to BART by 12/31/2013 (for project description, see CCTA's Measure J Strategic Plan);
- (c) SR4 Bypass projects, including the following:
 - (1) SR4/SR160 Connector Ramps (project involves constructing direct connectors between SR4 Bypass and SR160);
 - (2) Sand Creek Road Interchange (project includes a partial cloverleaf configuration on west side and a tight diamond on east side);
 - (3) Balfour Road Interchange – Phase 1 (project includes partial cloverleaves on both east and west sides and a single bridge over Balfour Road with two-directional traffic);
 - (4) 4-Laning between Lone Tree Way and Balfour Road; and
- (d) Outstanding ECCRFFA commitments (\$13.0 million), consisting of the following:
 - (1) Reimburse Contra Costa County Proposition 1B funds – \$3.0 million;
 - (2) John Muir Parkway – Brentwood: \$2.9 million;
 - (3) Vasco Road – Alameda County: up to \$3.0 million (final amount to be determined based on actual bids received); and
 - (4) Old SR4 relinquishment costs: \$4.1 million.

Second Priority:

eBART extension beyond Hillcrest Avenue – environmental review for the eBART extension (up to \$3.0 million).

Third Priority:

West Leland Road – Extend as a 4-lane arterial, Santa Teresa Drive to Avila Road (up to \$33.5 million); and Pittsburg-Antioch Highway – Widen to 4 lanes, Loveridge Road to Eastern City of Pittsburg Limits (up to \$38 million). The JDE Funds will be reallocated and encumbered in the strategic plan for the Third Priority Projects and may not be reallocated to any other projects without unanimous approval by a full Authority Board.

Other Projects:

All first and second priority projects have been completed. After the Third Priority Projects are fully funded, the priority and funding for all other ECCRFFA Projects will be determined by the Authority Board through the adoption of its strategic plan.

Pittsburg shall use PRTDIM fees collected between September 7, 2010, and the effective date of the Third Amendment to the Agreement (approximately \$5.5 million) as follows: approximately \$5.3 million for JDE (i.e., environmental clearance, right-of-way acquisition, and project design) and the Railroad Avenue eBART station; and up to \$196,000 for legal fees incurred by Pittsburg in the TRANSPLAN/ECCRFFA lawsuit.”

F. Cooperation among ECCRFFA Member Agencies. ECCRFFA and each of its Member Agencies agree to cooperate so as to maximize all regional, state, and federal funding available to complete construction of the Priority Projects, as set forth in Section E above, as soon as reasonably possible, unless the Priority Projects would not compete as well as other candidate projects in East County, due to project readiness or other funding criteria required for project selection. For clarity, the intent is to ensure that the Priority Projects receive priority for available outside funding, while balancing the goal of maximizing funding/delivery of all transportation projects in East County.

Letter from City of Pittsburg



August 2, 2024

Dale Dennis
Sent via email

Dear Mr. Dennis,

On behalf of the City Council of the City of Pittsburg, we are requesting that the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) substitute the Third Priority project in the Joint Exercise of Powers Agreement, James Donlon Extension Project, with the following projects;

- West Leland Road – Extend as a 4-lane arterial, Santa Teresa Drive to Avila Road (up to \$33.5 million).
- Pittsburg-Antioch Highway – Widen to 4 lanes, Loveridge Road to Eastern City of Pittsburg Limits (up to \$38 million).

This request is being made due to the increase in construction cost for the James Donlon Extension Project. This substitution will allow City staff to proceed with the design and construction of these substitute projects and clear the way for other projects in the ECCRFFA program to proceed.

Thank you for your consideration.

Sincerely,

John Samuelson
Public Works Director/City Engineer

CC: City Council
Garrett Evans, City Manager

Updated August 2024
ECCRFFA Strategic Plan

AUGUST 2024 ECCRFFA STRATEGIC PLAN

\$ thousands

Year of Expenditure (YOE) Dollars

DRAFT 08/08/2024

		Prior Years	FY 2024/25	FY 2025/26	FY 2026/27	FY 2027/28	FY 2028/29	TOTAL
REVENUE								
ECCRFFA Fees			\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	
Proj #	PROGRAMMED PROJECTS	Prior Years	FY 2024/25	FY 2025/26	FY 2026/27	FY 2027/28	FY 2028/29	TOTAL
	BART - East Contra Costa Rail Extension							
26	eBART - Extension Beyond Hillcrest Avenue	\$0	\$3,000	\$0	\$0	\$0	\$0	\$3,000
	Subtotal	\$0	\$3,000	\$0	\$0	\$0	\$0	\$3,000
	East County Corridors - Vasco Rd, SR4 Bypass, Byron Highway, Non Freeway SR4							
4	Balfour Rd I/C	\$28,700	\$300	\$0	\$0	\$0	\$0	\$29,000
	Subtotal	\$28,700	\$300	\$0	\$0	\$0	\$0	\$29,000
	Major Streets, Traffic Flow and Safety Improvements							
12	Pittsburg-Antioch Highway (Antioch Segment)	\$0	\$38,000	\$0	\$0	\$0	\$0	\$38,000
17	West Leland Road Extension	\$0	\$33,500	\$0	\$0	\$0	\$0	\$33,500
27	Sand Creek Extension Project	\$5,234	\$7,266	\$0	\$0	\$0	\$0	\$12,500
	Subtotal	\$5,234	\$78,766	\$0	\$0	\$0	\$0	\$84,000
	Transporation for Livable Communities							
3	Mokelumne Trail Bicycle/Pedestrian Overcrossing	\$2,950	\$50	\$0	\$0	\$0	\$0	\$3,000
	Subtotal	\$2,950	\$50	\$0	\$0	\$0	\$0	\$3,000
	TOTAL ALL PROJECTS	\$36,884	\$82,116	\$0	\$0	\$0	\$0	\$121,766

ANNUAL ECCRFFA SHORTFALL (-) / SURPLUS (+)	(\$67,116)	\$15,000	\$15,000	\$15,000	\$15,000
CUMULATIVE ECCRFFA SHORTFALL (-) / SURPLUS (+)	\$131,000	\$63,884	\$78,884	\$93,884	\$108,884

NOTE: \$71.5M is programmed / reserved for Project 15 (Pittsburgh-Antioch Highway (Antioch Segment) and Project 16 (West Leland Road Extension), which then allows other ECCRFFA Projects to be programmed and implemented.