

**TRI-VALLEY TRANSPORTATION COUNCIL  
RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE TRI-VALLEY TRANSPORTATION COUNCIL ADOPTING THE TRI-VALLEY TRANSPORTATION COUNCIL 2020 NEXUS FEE UPDATE STUDY**

**WHEREAS**, in 1998, the TVTC, and the City of San Ramon (SAN RAMON) entered into a Joint Exercise Powers of Agreement (JEPA) to provide authority to collect a Tri-Valley Transportation Development Fee (TVTDF) to collect impact fees for the traffic mitigation to be applied to the 11 high priority projects; and

**WHEREAS**, in 1999, the TVTC prepared and approved a Strategic Expenditure Plan (SEP), to guide the expenditure of revenue collected from TVTDF and to identify priorities, project sponsors, and funding for TVTDF projects; and

**WHEREAS**, in 2004, the TVTC adopted an update to the SEP that reflected an update to the regional and sub-regional transportation outlook for the Tri-Valley; and

**WHEREAS**, in 2008, the Tri-Valley Transportation Council (TVTC) completed and adopted the "2008 Nexus Study"; and

**WHEREAS**, the 2008 Nexus Study identified 22 projects for eligibility to receive funding from the Tri-Valley Transportation Development Fee (TVTDF), combining the 11 projects adopted in 1995 with 11 "new" projects added as part of the 2008 Nexus Study; and

**WHEREAS**, in 2017, the TVTC approved the 2008 TVTC Nexus Study Validation Review to confirm that the analysis under the 2008 Nexus remained valid and also adopted the 2017 SEP Update; and

**WHEREAS**, as there have been changes in the funding, planning and traffic conditions under which the TVTDF was originally developed and many of the 22 projects have been completed, TVTC has prepared a new Nexus Study to support updates to the TVTDF; and

**WHEREAS**, the California Mitigation Fee Act law (Government Code §66001) requires jurisdictions to identify certain information and make certain statutory findings when establishing, increasing or imposing a development impact fee. Specifically, jurisdictions are required

1. Identify the purpose for collecting development impact fees;
2. Identify the use to which the fee is to be put, including identifying the facilities to be built;
3. Determine that there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
4. Determine that there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed; and
5. Determine that there is a reasonable relationship (proportionality) between the amount of the fee and the cost of public facilities or portion of the public facilities attributable to the development on which the fee is imposed.

**WHEREAS**, in 2018, TVTC entered into agreement with Kimley Horn and Associates to conduct the TVTC Nexus Study; and

**WHEREAS**, Kimley Horn and Associates have completed the Nexus Study and Work Tasks, including:

- Growth Forecast and Travel Demand Model
- Methodology and Approach
- Household Growth and Employment Growth
- Improvement Projects and Nexus Analysis Methodology
- Non-Fee Funding Source
- Fee Estimation and Nexus Burden Analysis
- Draft Nexus Study; and
- Final Study

**WHEREAS**, the draft Nexus Study was presented to the TVTC during a Study Session on July 19, 2021 and minor edits to the document have been incorporated; and

**WHEREAS**, the Nexus Study incorporates and supports the statutory findings required under California Mitigation Fee Act and provides reasonable growth projections for the Tri-Valley region, as well as a fair allocation of the transportation impacts of growth attributable to new development and a fair apportionment of the costs thereof.

**NOW THEREFORE, BE IT RESOLVED** that the Tri-Valley Transportation Council finds that the above recitals are true and correct and incorporated herein and approves the 2020 Nexus Study Fee Update Study, attached hereto as Exhibit 1 and incorporated herein.

**PASSED, APPROVED AND ADOPTED** at the meeting of August 16, 2021, by the following votes:

**AYES:** Perkins, Josey, Brown, Morgan, Anderson, Haubert, Kiick

**NOES:**

**ABSENT:**

**ABSTAIN:**



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Vice Mayor, Scott Perkins, Chair  
Tri-Valley Transportation Council

**ATTEST:**



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Lisa Bobadilla, TVTC Administrative Staff