

TRI-VALLEY TRANSPORTATION COUNCIL

RESOLUTION NO. 2009-02

A RESOLUTION OF THE TRI-VALLEY TRANSPORTATION COUNCIL APPROVING ADDENDUM II TO JOINT EXERCISE OF POWERS AGREEMENT PERTAINING TO TRI-VALLEY TRANSPORTATION DEVELOPMENT FEES FOR TRAFFIC MITIGATION

WHEREAS, on or about April 22, 1998, the Joint Exercise of Powers Agreement Pertaining to Tri-Valley Transportation Development Fees for Traffic Mitigation ("JEPA") was entered into by and among the County of Contra Costa, the City of San Ramon, the Town of Danville, the County of Alameda, the City of Dublin, the City of Livermore, and the City of Pleasanton (the "Parties"); and

WHEREAS, Section 3 of the JEPA provides that one of the purposes of the JEPA is to establish a framework for the enactment by the Parties of a Tri-Valley Transportation Development Fee (TVTD Fee); and

WHEREAS, Section 13 of the JEPA provides that the Parties "may agree to adjust the TVTD Fee to reflect revisions in the project list in the Tri-Valley Transportation Plan/ Action Plan, program revenue, increases in land values over the inflationary increase or other factors. The amount of such adjustments shall be included in a written addendum to this Agreement that shall be approved by each Party and in amendments of each adopted fee resolution or ordinance;" and

WHEREAS, Section 16 of the JEPA provides that the JEPA "may be amended at any time by an amendment mutually executed by the [Parties]. Such amendments shall be approved by the governing board or council of each Party;" and

WHEREAS, on or about September 8, 1999, the Parties approved a reduction of the TVTD Fee rate for developments in the "Other Uses" category; and

WHEREAS, on or about September 7, 2004, the Parties approved Addendum I to Joint Exercise of Powers Agreement, which amended the JEPA to adjust the TVTD Fee for developments in the Multi-Family Residential, Office and Industrial categories; and

WHEREAS, the Parties now desire to amend the JEPA to restore the TVTD Fee rate in the "Other Uses" category to the rate that was supported by the original Fee Nexus Study, prepared to support the enactment of the TVTD Fee and completed in 1995; allow for fee exemptions for certain low income units; provide for fees to be collected after building permit issuance under specified circumstances; and allow specified fee revenues to be used to pay administrative staffing costs of the Tri-Valley Transportation Council ("TVTC") to the extent permitted by law.

NOW, THEREFORE, BE IT RESOLVED that the Parties agree to amend the JEPA by approving Addendum II to Joint Exercise of Powers Agreement Pertaining to Tri-Valley Transportation Development Fees for Traffic Mitigation (Exhibit A).

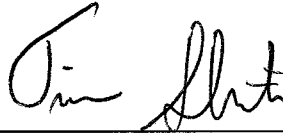
PASSED, APPROVED AND ADOPTED at the meeting of July 20, 2009, by the following votes:

AYES: Arnerich, Haggerty, Horner, Hudson, Piepho, Sbranti and Sullivan

NOES: None

ABSENT: None

ABSTAIN: None



Tim Sbranti
Chair, Tri-Valley Transportation Council

ATTEST:



Jaimee Bourgeois, TVTC Staff