

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 08-064**

**A RESOLUTION ESTABLISHING THE ALAMEDA-CONTRA COSTA TRANSIT
DISTRICT PARCEL TAX OVERSIGHT COMMITTEE, APPOINTING ITS
MEMBERSHIP, REPEALING RESOLUTION NUMBER 2098, AND AMENDING
RESOLUTIONS NUMBERS 2067, 2135, 08-051 and 08-044 AS APPROPRIATE**

WHEREAS, on November 5, 2002, the voters in Special Transit District 1 approved Measure AA, a \$24 per year parcel tax for a period of five years and the measure required the appointment of an independent fiscal oversight committee composed of community representatives; and

WHEREAS, on July 13, 2003, the Board of Directors adopted Resolution No. 2098 creating the Measure AA Oversight Committee and appointing the members of that committee; and

WHEREAS, on August 4, 2004, the Board of Directors adopted Resolution No. 2135 calling for an election on a special tax measure (designated Measure BB on the ballot) to increase the amount of the parcel tax by an additional \$24.00 per parcel per year (commencing on July 1, 2005), to extend the time period for its collection by ten years and to have the use of the funds reviewed by an independent oversight committee, using the established Measure AA Oversight Committee; and

WHEREAS, on September 7, 2005, the Board of Directors adopted Resolution No. 05-031 repealing Resolution No. 2098 and establishing the Measure AA/BB Oversight Committee and appointing its membership and amending Resolution No. 2067 and Resolution No. 2135 to modify the reporting period from September 30th to December 31st of each year; and

WHEREAS, on July 23, 2008, the Board of Directors adopted Resolution No. 08-044 calling for an election on a special tax measure (designated Measure VV on the ballot) to increase the amount of the parcel tax by an additional \$48 per parcel per year (a total per parcel per year tax of \$96 commencing on July 1, 2009), to extend the time period for its collection by ten years (to June 30, 2019) and to have the use of the funds reviewed by an independent oversight committee, using the established Measure AA/BB Oversight Committee; and

WHEREAS, on November 4, 2008 Measure VV was approved by the voters; and

WHEREAS, due to the requirement of an Oversight Committee in each of the successful measures, to minimize confusion over the funds to be reviewed and to recognize changes in and the desire to increase the membership of the Committee, the following recommendations were considered by the Board of Directors:

- a. The Oversight Committees be redesignated the "Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee";
- b. The Committee convene as soon as convenient to review the most recent fiscal year end audit after it is made available to the District; and
- c. The membership of the Committee be expanded from five to seven members.

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does hereby resolve as follows:

Section 1. Establishes the "Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee" (the Committee) to perform the functions required of that committee by the parcel tax resolutions that have been adopted for Measures AA, BB and VV, and any future parcel tax measure(s). The Committee shall consist of seven members appointed by the AC Transit Board of Directors consisting of the individuals whose names are listed in Exhibit A, attached to and incorporated into this Resolution by reference.

Section 2. The Committee shall comply with the following requirements:

- a. It shall convene at least once a year, as soon as convenient after the receipt by the District of the most recent fiscal year end annual audit independently prepared for the District, to determine that funds generated by the parcel tax measures have been expended in accordance with the intentions of the voters. The Committee shall provide a written report and/or resolution regarding its findings to the appropriate Board Standing Committee and to the Board of Directors at the same meeting that the Chief Financial Officer makes his/her report on the annual fiscal year audit;
- b. The Chair of the Committee shall be selected from among its members and shall serve at the pleasure of a majority of the Committee members;
- c. A quorum for the conduct of business and for decisions of the Committee shall be a majority of the total existing membership of the Committee;
- d. The Committee may establish such administrative rules and regulations, it deems necessary for the Committee to function and perform its responsibilities;
- e. All meetings of the Committee shall conform to the requirements of the Ralph M. Brown Act, Government Code section 54950, et seq.

Section 3. The General Manager shall provide staff support to the Committee.

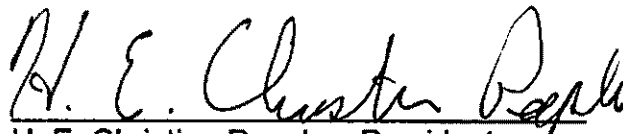
Section 4. Subsection 3.d. of Resolution No. 2067 and Resolution No. 2135 is amended to read:

- a. The Chief Financial Officer shall file a written report with the Board of Directors no later than January 1st of each year the proceeds of the special tax are collected for placement in the account. The annual report shall contain both of the following: (1) the amount of funds collected and expended and (2) the status of the use of the funds for the operation and maintenance of bus service, as provided in subsection 3.a., above. The Board of Directors shall consider the written report at a Special or Regular meeting of the Board following the receipt of a recommendation from the appropriate Board Standing Committee.

Section 5. Resolution No. 2098 is repealed in its entirety and Resolutions No. 2067, 2135 and 08-044 shall conform to the content of this resolution to the extent there is any conflict between this resolution and the aforementioned resolutions.

Section 6. This Resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED this 12th day of November, 2008.


H. E. Christian Peeples, President

Attest:


Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, certify that the foregoing Resolution was passed and adopted at a Regular Meeting of the Board of Directors held on November 12, 2008, by the following roll call vote:

AYES: VICE PRESIDENT KAPLAN, DIRECTORS WALLACE, HARPER, ORTIZ,
FERNANDEZ, DAVIS, PRESIDENT PEEPLES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



Linda A. Nemeroff, District Secretary

Approved as to form:



Kenneth C. Scheidig, General Counsel

EXHIBIT A

TO RESOLUTION NO. 08-064

Alameda-Contra Costa Measure Oversight Committee

Beverly Johnson
Henry Gardner
Maria Veramonte

Janet Abelson
Richard Winnie
Eloise Bodine

Carolyn DeRoo