

**MINUTES OF THE SPECIAL
District Parcel Tax Fiscal Oversight Committee**

Alameda-Contra Costa Transit District
10th Floor Conference Room
1600 Franklin Street
Oakland, CA 94612

Teleconference:
Henry Gardner, ABAG Offices
101 8th Street
Oakland, CA 94607

Carolyn DeRoo, ATU Office
132-9th Street
Oakland, CA 94607

**Thursday, December 3, 2009
3:00 p.m.**

Committee Members	Staff Members
Janet Abelson Eloise Bodine Carolyn DeRoo Henry Gardner	Jim Gleich Lewis G. Clinton, Jr. Kenneth G. Scheidig

Agenda Items

Roll Call

Meeting called to order at 3:05 P.M.
Upon call of the roll, the following committee members responded with their names: Janet Abelson, Henry Gardner, Eloise Bodine and Carolyn DeRoo

Public Comment

None

Action Item(s)

Review and approval of the Minutes of the Measure AA/BB Oversight Committee Meeting of December 5, 2008 and December 17, 2008

Motion: Gardner to approve December 5, 2008 and December 17, 2008 meeting minutes (3)

Ayes: Bodine, DeRoo, Abelson (3)

Noes: - 0

Abstain: - 0

Absent: - 0

Committee/Staff Comments

None

Adjournment – 3:10 p.m.

Meeting Date: December 2, 2010

SUBJECT: FY 2009-10 Measure V V Tax Proceeds to AC Transit Special Transit Service District No. 1

RECOMMENDED ACTION: Briefing Item Recommended Motion

Review and approve the Measure VV Financial Statement (Schedule of Operations and Maintenance Expenses by County and Special Transit Service District, Year Ended June 30, 2010) and attest that funds were used in accordance with the intent of Measure VV and Consider Adoption of Resolution No. 10-01

Budgetary/Fiscal Impact:

Audited financial statements for FY ending June 30, 2010, show Measure V V Tax Receipts of \$28.8 million to AC Transit, Special Transit Service District No. 1.

Background/Discussion:

Measure AA is a 2002 Alameda County and Contra Costa County (Counties) voter approved ballot measure authorizing the Counties to levy and collect a \$24 per year parcel tax over 5 years for the purposes of preserving affordable local transportation services that allow seniors and people with disabilities to remain independent, take students to and from school, help East Bay residents commute to work and reduce traffic and air pollution by reducing the number of cars on the road. The voters in Special Transit District 1 approved Measure BB, in replacement of Measure AA, which authorizes the AC Transit District to levy a special tax in the amount of \$48 per year, per parcel for ten years, commencing July 1, 2005. The voters in Special Transit District 1 approved Measure VV, in replacement of Measure BB, which authorizes the AC Transit District to levy a special tax in the amount of \$96 per year, per parcel for ten years, commencing July 1, 2009. Proceeds from this special tax can only be used to fund the operation and maintenance of bus service within Special Transit Service District (STSD) No. 1.

Revenue Collection History for each Measure

	<u>FY03/04</u>	<u>FY04/05</u>	<u>FY05/06</u>	<u>FY06/07</u>	<u>FY07/08</u>	<u>FY08/09</u>	<u>FY 09-10</u>
AA	\$7.0MM	\$6.9MM					
BB			\$13.8MM	\$13.9MM	\$14.1MM	\$15.1MM	
VV							\$28.8MM

Funds were used for the operation and maintenance of bus services by AC Transit in Special Transit District No. 1 (District 1). Expenditures included all operation and maintenance activities for transportation purposes of the Agency including, but not limited

to; equipment, supplies, fuel and lubricants, personnel, compensation, and payment for maintenance of facilities in District 1.

Measure Revenues as a Percentage of Total Revenues

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Measure VV							8.9%
Measure BB			5%	4.7%	4.1%	4.5%	
Measure AA	3%	2.7%					

See Attachment 2, Measure VV Financial Statement Schedule of Operations and Maintenance Expenses by County and Special Transit Service District, year ended June 30, 2010. The revenue provided by Measure VV funds is essential to the sustainability of District operations.

At November 12, 2008 Board of Directors meeting. The Board approved adoption of Resolution no. 08-064 establishing the Alameda-Contra Costa Transit District Parcel Tax Oversight Committee, appointing its membership, repealing Resolution No. 2098, and amending Resolution Nos. 2067, 2135, 08-051 and 08-044 as appropriate (GM Memo No. 08-284).

In accordance with AC Transit Resolution No. 2067 and 2135 the District Parcel Tax Committee is requested to review the use of Measure VV funds as accounted for on the attached report and to provide a written report to the AC Transit Board of Directors at their Special Board meeting of December 15, 2010.

Resolution 10-01 is attached for your consideration

Prior Relevant Board Actions/Policies:

GM 09-289 Consider Receiving the Report from the District Parcel Tax Fiscal Oversight Committee on Fiscal Year 2009-10 Measure BB Tax Proceeds December 16, 2009

Attachments:

1. Measure VV Financial Statements (Schedule of Operations and Maintenance Expenses by County and Special Transit District, Year Ended June 30, 2010)
2. Resolution 10-01

Approved by: Mary V. King, Interim General Manager
Prepared by: Lewis G. Clinton, Jr., Chief Financial Officer
Date Prepared: November 15, 2010

**ALAMEDA-CONTRA COSTA
TRANSIT DISTRICT**

**Measure VV Schedules with
Independent Accountant's Report**

Year Ended June 30, 2010

**INDEPENDENT ACCOUNTANT'S REPORT
ON APPLYING AGREED-UPON PROCEDURES**

Board of Directors
Alameda-Contra Costa Transit District
Oakland, California

We have performed the procedures enumerated below, which were agreed to by management of the Alameda-Contra Costa Transit District (the District), solely to assist you in evaluating service hours, service miles and the allocation of operations and maintenance expenses by county and special transit service district set forth in the accompanying schedules for the year ended June 30, 2010. The District's management is responsible for the accompanying schedules. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and findings are as follows:

GENERAL

- a. We read the Measure VV voter approved ballot measure noting that the ten-year parcel tax is levied for the purposes of providing essential transportation services, including the operation and maintenance of bus services within District 1.
- b. We traced Measure VV funds received for the year ended June 30, 2010 to the District's general ledger and to the independent confirmations received from the County of Alameda and the County of Contra Costa.

SCHEDULE OF SERVICE HOURS AND SERVICE MILES BY COUNTY AND SPECIAL TRANSIT SERVICE DISTRICT

- a. We tested the schedule for clerical accuracy and noted no clerical errors.
- b. We compared service hours by Special Transit Service District (STSD) for the year ended June 30, 2010 to the worksheets prepared by the District and found them to be in agreement.
- c. We compared STSD No. 1 service hours for the year ended June 30, 2010 to the worksheets prepared by the District and noted agreement of service hours by county.

- d. We recomputed the net changes in service hours during the year ended June 30, 2010 by county and STSD, and noted no errors.
- e. We compared service miles by STSD for the year ended June 30, 2010 to worksheets prepared by the District and found them to be in agreement.
- f. We compared STSD No. 1 miles for the year ended June 30, 2010 to the worksheets prepared by the District and noted agreement of service miles by county.
- g. We recomputed the net changes in service miles during the year ended June 30, 2010 by county and STSD, and noted no errors.

SCHEDULE OF OPERATIONS AND MAINTENANCE EXPENSES BY COUNTY AND SPECIAL TRANSIT SERVICE DISTRICT

- a. We tested the schedule for mathematical accuracy and noted no mathematical errors.
- b. We compared total expenses to the District's unaudited Statement of Revenues, Expenses, and Changes in Fund Net Assets for the Transit Fund for the year ended June 30, 2010, and found them to be in agreement.
- c. We recomputed the total expenses before allocation by county and STSD, and noted no errors.
- d. We compared service hours and service miles by county and STSD to the Schedule of Service Hours and Service Miles by county and STSD and found them to be in agreement.
- e. We recomputed the service hours and service miles allocation percentages and noted no errors.
- f. We traced expenses, allocated by county and STSD, to a worksheet prepared by the District and found them to be in agreement. We noted that the District computed the allocated expenses for Contra Costa County, STSD No. 1 as follows:

$$\begin{array}{r} \text{Total expenses before allocation} \\ \text{by county and STSD}^{(1)} \end{array} \times \frac{\begin{array}{l} \text{(Service hours allocation \% +} \\ \text{Service miles allocation \%)} \end{array}}{2}$$

⁽¹⁾ *Excluding purchased transportation expenses related exclusively to STSD No. 2 (Dumbarton Express)*

We recomputed expenses allocated to Contra Costa County, STSD No. 1 using the above calculation and found the recomputed expenses to be in agreement with amounts calculated by the District after giving effect to rounding.

- g. We compared the method used to allocate operations and maintenance expenses to Alameda STSD No. 2 to the District's stated allocation methodology and found them to be in agreement.

- h. We noted that the District computed the allocated expenses for Alameda County STSD No. 1 as follows:

1.	Total expenses before Allocation by county and STSD	-	Expenses allocated to Contra Costa County STSD No. 1	=	Expenses allocated to Alameda County
2.	Expenses allocated to Alameda County	-	Expenses allocated to Alameda County STSD No. 2	=	Expenses allocated to Alameda County STSD No. 1

We recomputed the total allocation of operations and maintenance expenses to Alameda County and Contra Costa County STSD No. 1, and found the recomputed expenses to be in agreement with amounts calculated by the District.

- i. We noted that the District allocated total operations and maintenance expenses to STSD No. 1 by adding the sum of expenses allocated to Contra Costa County STSD No. 1 plus expenses allocated to Alameda County STSD No. 1.

We recomputed the total allocation of operations and maintenance expenses to Alameda County and Contra Costa County STSD No. 1, and found the recomputed expenses to be in agreement with amounts calculated by the District.

- j. We verified that the Measure VV proceeds received by the District did not exceed the operations and maintenance expenses allocated to STSD No. 1.

We noted that total District operations and maintenance expenses allocated to STSD No. 1 exceeded Measure VV funding of \$28,806,878 by \$291,918,592 for the year ended June 30, 2010.

We were not engaged to, and did not, conduct an audit, the objective of which would be the expression of an opinion on the accompanying schedules. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the District's Board Directors and management and the Measure VV oversight committee and is not intended to be and should not be used by anyone other than those specified parties.

Macias Gini & C Counsel LLP
 Certified Public Accountants

Oakland, California
 December 1, 2010

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
Schedule of Service Hours and Service Miles
by County and Special Transit Service District
Year Ended June 30, 2010

	For the Year Ended June 30, 2009	Net Increase/ (Decrease)	For the Year Ended June 30, 2010
SERVICE HOURS			
Contra Costa - STSD No. 1	243,436	(7,369)	236,067
Alameda - STSD No. 1	1,599,481	(39,457)	1,560,024
Alameda - STSD No. 2	230,798	(1,769)	229,029
Total Alameda service hours	1,830,279	(41,226)	1,789,053
Total STSD No. 1 service hours	1,842,917	(46,826)	1,796,091
SERVICE MILES			
Contra Costa - STSD No. 1	3,304,680	(108,115)	3,196,565
Alameda - STSD No. 1	19,575,445	(469,604)	19,105,841
Alameda - STSD No. 2	3,090,865	(151,228)	2,939,637
Total Alameda service miles	22,666,310	(620,832)	22,045,478
Total STSD No. 1 service miles	22,880,125	(577,719)	22,302,406

See accompanying notes to the schedules.

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
Schedule of Operations and Maintenance Expenses
by County and Special Transit Service District
Year Ended June 30, 2010

<i>Description</i>	Total Expenses		Alameda County		Total	Total STSD #1
	Before Allocation	Contra Costa	STSD #1	STSD #2		
	By County and STSD	County STSD #1				
<i>Expenses</i>						
Operator wages	\$ 65,205,585	\$ 7,929,193	\$ 49,792,371	\$ 7,484,021	\$ 57,276,392	\$ 57,721,564
Other wages	56,017,837	6,811,936	42,776,411	6,429,490	49,205,901	49,588,347
Fringe benefits	82,147,824	9,989,420	62,729,825	9,428,579	72,158,404	72,719,245
Pension expenses	36,745,525	4,468,365	28,059,664	4,217,496	32,277,160	32,528,029
Services	20,062,670	2,439,680	15,320,282	2,302,708	17,622,990	17,759,962
Fuel and lubricants	13,276,319	1,614,440	10,138,079	1,523,800	11,661,879	11,752,519
Office/printing supplies	736,854	89,604	562,677	84,573	647,250	652,281
Bus parts/maintenance supplies	13,080,772	1,590,661	9,988,755	1,501,356	11,490,111	11,579,416
Utilities	3,032,460	368,756	2,315,651	348,053	2,663,704	2,684,407
Insurance	5,767,216	701,311	4,403,968	661,937	5,065,905	5,105,279
Other expenses	2,665,988	324,192	2,035,805	305,991	2,341,796	2,359,997
ADA paratransit joint venture	22,405,542	2,724,581	17,109,348	2,571,613	19,680,961	19,833,929
Interest expense	2,695,242	327,749	2,058,145	309,348	2,367,493	2,385,894
Depreciation	38,470,028	4,678,070	29,376,531	4,415,427	33,791,958	34,054,601
Total expenses	\$ 362,309,862	44,057,958	276,667,512	41,584,392	318,251,904	320,725,470
Measure VV revenues		5,049,198	23,757,680	-	23,757,680	28,806,878
Net deficit		\$ (39,008,760)	\$ (252,909,832)	\$ (41,584,392)	\$ (294,494,224)	\$ (291,918,592)
Service Hours	2,025,120	236,067	1,560,024	229,029		
Allocation Percentage	100.00%	11.66%	77.03%	11.31%		
Service Miles	25,242,043	3,196,565	19,105,841	2,939,637		
Allocation Percentage	100.00%	12.66%	75.69%	11.65%		

See accompanying notes to the schedules.

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

Notes to the Schedule of Service Hours and Service Miles by County and Special Transit Service District and the Schedule of Operations and Maintenance Expenses by County and Special Transit Service District

Year Ended June 30, 2010

(1) General

On November 30, 2004, the voters approved Measure BB, which superseded the Measure AA parcel tax authorizing Alameda and Contra Costa Counties (the Counties) to levy and collect a parcel tax for the purposes of “*preserving affordable local public transportation services that allow seniors and people with disabilities to remain independent, take students to and from school, help East Bay residents commute to work and reduce traffic and air pollution by reducing the number of cars on the road*”. The tax became effective on July 1, 2005 and was to terminate on June 30, 2015. However, on November 4, 2008, the voters approved Measure VV, which supersedes the Measure BB parcel tax. Measure VV became effective July 1, 2009 and increased the annual parcel tax to \$96 per parcel. Measure VV is effective through June 30, 2019. Proceeds from this special tax can only be used to fund the operation and maintenance of bus service within Special Transit Service District (STSD) No. 1. The District received approximately \$28.8 million in Measure VV taxes during the year ended June 30, 2010.

(2) Summary of Significant Accounting Policies and Schedule Presentation

These schedules are prepared under the guidelines of the agreement between the Contra Costa Transportation Authority and the Alameda-Contra Costa Transit District that essentially allocates expenses between STSD No. 1 and STSD No. 2. Consequently, they do not present the financial position, changes in financial position, or cash flows of the Alameda-Contra Costa Transit District.

(3) Basis of Accounting

The Schedule of Operations and Maintenance Expenses by County and Special Transit Service District has been prepared in accordance with the accrual basis of accounting.

(4) Basis of Expense Allocation

The expenses on the Schedule of Operations and Maintenance Expenses by County and Special Transit Service District are prorated to the Counties and the Special Transit Service Districts. It is based on an equal weighing of the relationship of hours and miles of service between the Counties and the Special Transit Service Districts within the Counties.

DISTRICT PARCEL TAX FISCAL OVERSIGHT COMMITTEE

RESOLUTION NO. 10-01

A RESOLUTION DETERMINING THAT THE MEASURE VV FUNDS COLLECTED DURING THE 2009-2010 FISCAL YEAR HAVE BEEN APPROPRIATED AND EXPENDED IN SPECIAL TRANSIT SERVICE DISTRICT NO. 1 FOR OPERATION AND MAINTENANCE ACTIVITIES

WHEREAS, on November 5, 2002 the voters in Special Transit Service District No. 1 (District 1) approved Measure AA which imposed a \$24 dollar per parcel per year tax on properties in District 1, for five years, for the operation and maintenance of AC Transit's activities in District 1; and

WHEREAS, AC Transit Resolution No. 2098 created the Measure AA Oversight Committee for the purpose of determining that the monies collected under Measure AA were spent in District 1 for the operation and maintenance of AC Transit's services in District 1, as those terms are defined in AC Transit Resolution No. 2067; and

WHEREAS, on November 2, 2004 the voters in District 1 approved Measure BB, increasing the amount of the parcel tax to \$48.00 per parcel per year for ten years commencing on July 1, 2005; and

WHEREAS, as a consequence of the passage of Measure BB (with an increased time period and amount) Resolution No. 05-031 was adopted repealing Resolution No. 2098 and establishing the Measure AA/BB Oversight Committee, appointed its membership and amended Resolution No. 2067 and 2135 modifying the reporting period from September 30th to December 31st of each year; and

WHEREAS, on November 4, 2008 the voters in District 1 approved Measure VV, increasing the amount of the parcel tax to \$96.00 per parcel per year for ten years, commencing on July 1, 2009; and

WHEREAS, a special meeting of the District Parcel Tax Fiscal Oversight Committee (the Committee) was held on December 2, 2010 during which the Committee reviewed information provided by Alameda Contra Costa Transit District's Chief Financial Officer contained in CFO Memo No. 10-01;

NOW, THEREFORE, the District Parcel Tax Oversight Committee does resolve as follows:

SECTION 1. Determines that the monies collected pursuant to Measure VV during the 2009-2010 fiscal year were appropriated and expended for the operation and maintenance of AC Transit services in District 1.

SECTION 2. Authorizes the transmittal of a copy of this resolution to the AC Transit Board of Directors .

SECTION 3. This resolution shall become effective upon its passage by four affirmative votes of the Committee members.

RESOLUTION NO. 10-01 WAS PASSED AND ADOPTED this 2nd day of December 2010.

Eloise Bodine, District Parcel Tax Fiscal Oversight Committee Chair

Attest:

Barbara Daniels, AC Transit Executive Administrative Assistant

I, Barbara Daniels, Executive Assistant for the Alameda-Contra Costa Transit District, certify that the foregoing Resolution was passed and adopted at a Special Meeting of the District Parcel Tax Fiscal Oversight Committee held on the 2nd day of December 2010, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Barbara Daniels, AC Transit Executive Assistant

Approved as to form:

Kenneth C. Scheidig, AC Transit General Counsel