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# A G E N D A

Wednesday, June 26, 2013  
10:45 a.m.

Board of Supervisors Chambers  
175 Fulweiler Avenue  
Auburn, California 95603

- A. **Flag Salute**
- B. **Roll Call**
- C. **Approval of Minutes: October 24, 2012** **Action**  
Pg. 1
- D. **Agenda Review**
- E. **Public Comment**
- F. **Consent Calendar** **Action**  
Pg. 4

These items are expected to be routine and non controversial. They will be acted upon by the Board at one time without discussion. Any Board member, staff member, or interested citizen may request an item be removed from the consent calendar for discussion.

  - 1. Letter of Task Agreement for Financial Auditing Services for FY 2013/14 – GALLINA LLP Pg. 5
  - 2. Letter of Task Agreement for Legal Services for FY 2013/14 – Miller & Owen Pg. 7
  - 3. Letter of Task Agreement for Accounting Oversight Services for FY 2013/14 – Hal Weber, CPA Pg. 9
  - 4. Acceptance of Financial Audit
- G. **Comprehensive Update of the Regional Transportation and Air Quality Mitigation Fee Program for 2013** **Action**  
Pg. 10
- H. **FY 2013/14 Administrative Budget** **Action**  
Pg. 13

**Board of Directors Meeting Agenda**  
**SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY**  
**June 26, 2013**  
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- |           |   |                       |
|-----------|---|-----------------------|
| <b>I.</b> | <b>First Amendment to the Tier II Memorandum of Agreement (MOA) for Development Impact Fees</b> | <b>Info</b><br>Pg. 15 |
| <b>J.</b> | <b>Executive Director's Report</b><br>1. SPRTA Board meeting frequency                          |                       |
| <b>K.</b> | <b>Board Direction to Staff</b>   |                       |
| <b>L.</b> | <b>Informational Items</b>  | <b>Info</b>           |
|           | 1. Technical Advisory Committee Minutes:  |                       |
|           | a. May 7, 2013  | Pg. 23                |
|           | b. June 11, 2013  | Pg. 24                |
|           | 2. Quarterly Financial Statements (under separate cover)  |                       |

**SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY  
MINUTES  
OCTOBER 24, 2012**

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The South Placer Regional Transportation Authority met on Wednesday, October 24, 2012 at 10:55 a.m. at the Placer County Board of Supervisors Chambers, 175 Fulweiler Avenue, Auburn, California.

<b>ATTENDANCE:</b>	John Allard	Celia McAdam
	Jack Duran	Scott Aaron
	Peter Hill	Shirley LeBlanc
	Gabriel Hydrick	Luke McNeel-Caird
		Sue Sholtis

**APPROVAL OF MINUTES**

Upon motion by Hill and second by Hydrick, the Board approved the minutes of the June 27, 2012 meeting as submitted, with Duran abstaining.

**AGENDA REVIEW**

None.

**PUBLIC COMMENT**

None.

**SOUTH PLACER REGIONAL TRANSPORTATION AND AIR QUALITY MITIGATION FEE PROGRAM UPDATE**

Celia McAdam noted at our January Board meeting the Board directed staff to update the fee program to incorporate the Institute of Transportation Engineers (ITE) 8<sup>th</sup> Edition trip generation manual, which is the latest version and conforms to actions taken in member jurisdictions. This update does not change the development unit equivalent (DUE) fee levels but updates the rates that are applied to land uses to reflect current traffic generation data.

Upon motion by Hill and second by Hydrick, the Board unanimously approved Resolution #12-01 amending the Fee Program to conform to the latest trip generation rates provided by the Institute of Transportation Engineers (ITE).

**TIER II DEVELOPMENT FEE PROGRAM DEFERRAL PROPOSAL**

Celia McAdam indicated the South Placer Regional Transportation Authority (SPRTA) is the administrator of the Tier II fee program. The cities of Lincoln, Rocklin, and Roseville, along with Placer County, entered into a Memorandum of Agreement (MOA) to impose this additional traffic impact fee on new development areas as a way of funding primarily the Placer Parkway.

McAdam introduced Scott Gandler from the City of Roseville who outlined the fee deferral proposal for the Tier II fees as a way to stimulate economic development in the South Placer area. Gandler presented SPRTA's Tier II fee history for the Placer

Parkway project, outlined the objectives, assumptions, proposed parameters, and provided the mild, moderate and aggressive absorption scenarios.

Jack Duran supports spurring development and expressed his concerns that we ensure payments are made. This assurance needs to be in writing. Duran further commented the review period should be shorter than the 12-year period mentioned.

Peter Hill inquired about the timing of construction based on the moderate absorption chart. Celia McAdam responded that much of the construction depends on the development in that area. There is phasing in the Metropolitan Transportation Plan (MTP) and the timelines may not line up exactly but the driving force is the absorption rate and plans can be updated to reflect more recent activity.

Hill commented the Community Facilities District (CFD) bond allows the developer to defer paying fees. In response to Hill's inquiry, Gandler confirmed the CFD is on the homeowners and the money collected from the CFD would be adequate to be under the cost estimates for the construction of each phase. This deferral would move the cost from the developer to the homeowner. Hill stated that he understands the idea of stimulating development but frankly doesn't believe in it; and that when the market comes back this deferral would be unnecessary. Hill agrees with the deferral concept but agrees with Duran's concern about the timing of the 2020 review period.

Gabriel Hydrick shared the points and concerns brought up regarding the deferral process. Hydrick does not oppose this concept but wants to approach it cautiously.

John Allard agrees with Duran's comment about the timing of the review, recognizing if the economy does come back this needs to be reviewed sooner rather than later and that needs to be reflected in the amendment to the MOA.

McAdam noted the next steps would be for the individual jurisdictions (Roseville, Rocklin, Lincoln and Placer County) to take this issue back to their City Councils/Board of Supervisors for direction on moving forward with the deferral process. All four jurisdictions would need to be in agreement and the certainty of repayment and a shorter review period would need to be incorporated into the amendment to the MOA.

The Board directed staff to work with the jurisdictions to place this item on the Council/Board agendas.

### **SELECTION OF CHAIR AND VICE CHAIR FOR 2013**

Celia McAdam indicated this will probably be the last SPRTA Board meeting for this calendar year and asked the Board to designate the Chair and Vice Chair for 2013 per the rotation schedule, effective January 1, 2013. Staff requests the Board designate the representative from Placer County to act as Chair and the representative from the City of Lincoln to act as Vice Chair for 2013.

Upon motion by Hill and second by Hydrick, the Board unanimously designated the representative from Placer County to act as Chair and the representative from the City of Lincoln to act as Vice Chair for 2013.

**EXECUTIVE DIRECTOR'S REPORT**

Celia McAdam commented that the grand opening event for the Lincoln Bypass was very successful and very well attended, noting that it was exciting to see something that SPRTA's fees have gone into concrete results.

Meeting adjourned at 11:26 a.m.

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Celia McAdam  
Executive Director

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Kirk Uhler, Chair



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**TO: Board of Directors**

**DATE: June 11, 2013**

**FROM: Celia McAdam, Executive Director**

**SUBJECT: CONSENT CALENDAR**

Below is the Consent Calendar item for the June 26, 2013 agenda for your review and action.

1. Letter of Task Agreement for Financial Auditing Services for FY 2013/14 – GALLINA LLP  
Staff recommends Board approval of the attached Letter of Task Agreement for financial auditing services for the fiscal year ending June 30, 2013 from GALLINA LLP for an amount not to exceed \$6,350.
2. Letter of Task Agreement for Legal Services for FY 2013/14 – Miller & Owen  
Staff recommends Board approval of the attached Letter of Task Agreement for FY 2013/14 legal services from Miller & Owen with primary legal counsel, Nancy Miller, at a billing rate of \$265 per hour.
3. Letter of Task Agreement for Accounting Oversight Services for FY 2013/14 – Hal Weber, CPA  
Staff recommends Board approval of the attached Letter of Task Agreement for accounting oversight services from Hal Weber, CPA for FY 2013/14 at a rate of \$110 per hour.
4. Acceptance of Financial Audit  
Accept the 2011/12 annual financial audit of the South Placer Regional Transportation Authority (audit under separate cover).



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June 26, 2013

Brad Constantine, CPA  
GALLINA LLP  
925 Highland Pointe Drive, Suite 450  
Roseville, CA 95678

SUBJECT: LETTER OF TASK AGREEMENT #13-01  
BETWEEN GALLINA LLP AND  
THE SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY

Dear Mr. Constantine:

This letter, when countersigned, authorizes work under the "Master Agreement between the Placer County Transportation Planning Agency (PCTPA) and GALLINA LLP." dated June 23, 2010.

- 1) Incorporated Master Agreement: This Letter of Task Agreement is the statement of contract-specific requirements applicable to the work effort to be undertaken by GALLINA LLP in fiscal year 2013/2014 for the South Placer Regional Transportation Authority (SPRTA). This signed Letter of Task Agreement comprises the contract between GALLINA LLP and SPRTA, with PCTPA acting as contract administrator.
- 2) Term: Consultant services are to commence July 1, 2013 and shall be completed in such a sequence as to assure its expeditious completion in light of the purposes of this Letter of Task Agreement, but in any event, all of the services required herein shall be completed no later than December 31, 2013.
- 3) Scope of Services:
  - Consultant will perform the tasks for the fiscal year ending June 30, 2013 as described in the proposal submitted to PCTPA, dated March 12, 2010, in accordance with standard accounting practices and standards for government entities, including the preparation of an independent fiscal audit of SPRTA and the State Controller's Financial Transactions Report for SPRTA.
  - GALLINA LLP engagement letter, dated May 1, 2013, is an integral part of this agreement and further clarifies the scope of services to be conducted and audit objectives and procedures.
- 4) Personnel: Consultant shall provide its own personnel to perform the work in the proposal. Consultant shall provide administrative support and overhead expenses.







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June 26, 2013

Nancy Miller  
Miller & Owen  
428 J Street, Suite 400  
Sacramento, California 95814

SUBJECT: LETTER OF TASK AGREEMENT #13-01  
BETWEEN MILLER & OWEN AND  
THE SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY

Dear Ms. Miller:

This letter, when countersigned, authorizes work under the "Master Agreement between the South Placer Regional Transportation Authority (SPRTA) and Miller & Owen" dated June 27, 2012.

1. Incorporated Master Agreement: This letter of Task Agreement is the statement of contract-specific requirements applicable to the work effort to be undertaken by Miller & Owen to provide legal counsel to SPRTA.
2. Term: Consultant services are to commence July 1, 2013 and shall be completed in such a sequence as to assure that services are completed in a timely manner. This contract shall end on June 30, 2014. Extensions to this contract may be made with the agreement of both parties. During the term of this contract, you are not to engage in other work that would be deemed a conflict of interest with SPRTA interests.
3. Scope of Services: Consultant will perform the tasks described below. Celia McAdam, Executive Director, will act as Project Manager.
  - a. Provide legal review and advice to the Agency on documents, agreements, memoranda of understanding, and funding agreements between agencies and analysis of legislation as it may affect Agency programs.
  - b. Provide legal review and advice to the Agency on documents, agreements, and responsibilities relating to administration and personnel issues for a public agency;
  - c. Attend Board meetings as may be required on an "as needed" basis as requested by the Executive Director;
  - d. Other legal services as may be needed and requested by the Executive Director or the Board of Directors.
4. Personnel: Nancy Miller will provide primary legal counsel; Consultant will provide additional personnel to perform above noted services as needed.

5. Compensation: For services rendered, Consultant will be compensated at the following rates:

Miller & Owen Staff	Hourly Billing Rate
Nancy C. Miller	\$ 265
William L. Owen	\$ 265
Paul J. Chrisman	\$ 250
Christiane E. Layton	\$ 250
Madeline E. Miller	\$ 225
Jennifer V. Gore	\$ 225
Matthew M. McOmber	\$ 190
Other Associates	\$ 165 - 250
Paralegals	\$ 105

Documented mileage for this assignment will be reimbursed at the current IRS rate. Other actual costs and expenses (excluding travel time) incurred by the firm will also be reimbursed (at actual cost, no markup). All costs and expenses billed will be fully itemized. Consultant will invoice on a monthly basis for work completed. Such invoices shall include tasks completed, hours associated with each task, and hourly rate. Invoices will be paid within thirty (30) days of receipt.

If this Letter of Task Agreement meets with your approval, please sign and return one copy. Questions concerning this agreement and the project in general should be directed to Celia McAdam at (530) 823-4030.

Sincerely,

Accepted by:

\_\_\_\_\_  
Celia McAdam, Date  
Executive Director  
South Placer Regional Transportation Authority

\_\_\_\_\_  
Nancy Miller Date  
Miller & Owen

CM/sl



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June 26, 2013

Hal Weber, CPA  
9223 Whittimore Drive  
Elk Grove, CA 95624

SUBJECT: LETTER OF TASK AGREEMENT #13-01  
BETWEEN HAL WEBER, CPA AND  
THE SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY

Dear Mr. Weber:

This letter, when countersigned, authorizes work under the "Master Agreement between the Placer County Transportation Planning Agency (PCTPA) and Hal Weber" dated June 23, 2010.

1. Incorporated Master Agreement: This letter of task agreement is the statement of contract - specific requirements applicable to the work effort to be undertaken by Hal Weber, CPA to provide accounting oversight of the South Placer Regional Transportation Authority (SPRTA). This signed Letter of Task Agreement comprises the contract between Hal Weber and SPRTA, with PCTPA acting as contract administrator.
2. Term: Consultant services are to commence July 1, 2013 and shall be completed in such a sequence as to assure that timelines are met. This contract shall end on June 30, 2014. Extensions to this contract may be made with the agreement of both parties.
3. Scope of Services: Consultant will perform accounting tasks as required in consultation with the Fiscal/Administrative Officer. Such duties may include: review of SPRTA accounting, assistance with complex accounting issues, and assistance with the annual independent fiscal audit.
4. Personnel: The sole consultant is to perform the work in this Letter of Agreement and will provide his own administrative support and overhead expenses.
5. Compensation: For services rendered, Consultant will be compensated at a rate of \$110.00 per hour for a total amount not to exceed \$500. Consultant will invoice on a monthly basis for work completed. Invoices will be paid within thirty (30) days of receipt. Documented mileage for this assignment will be reimbursed at the current IRS rate. Other actual and necessary telephone costs will also be reimbursed. Telephone bills, invoices, etc. must be provided for any reimbursements.

If this Letter of Task Agreement meets with your approval, please sign and return one copy. Questions concerning this agreement should be directed to Shirley LeBlanc, Fiscal/ Administrative Officer, at 530-823-4034.

Sincerely,

Accepted by:

\_\_\_\_\_  
Celia McAdam                      Date  
Executive Director  
South Placer Regional Transportation Authority

\_\_\_\_\_  
Hal Weber, CPA                      Date



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**TO: Board of Directors**

**DATE: June 7, 2013**

**FROM: Celia McAdam, Executive Director**

**SUBJECT: COMPREHENSIVE UPDATE OF THE REGIONAL TRANSPORTATION AND AIR QUALITY MITIGATION FEE PROGRAM FOR 2013**

### **Action Requested**

Approve Letter of Task Agreement #13-01 with Fehr and Peers Associates to develop a comprehensive update of the Regional Transportation and Air Quality Mitigation Fee Program for 2013.

### **Background**

For the past 11 years of operations, the Regional Transportation and Air Quality Mitigation Fee has provided timely and strategic funding for high priority transportation projects in South Placer County.

The original fee program was enacted in 2002, and annual inflationary adjustments were made in 2003, 2004, 2005, 2007, and 2008. Comprehensive updates to reflect current cost estimates, add projects, and update the traffic model nexus basis were adopted in 2006 and 2009. In 2012, the Board updated the fee structure to reflect the 8<sup>th</sup> edition of the Institute of Transportation Engineers (ITE) trip generation manual. No inflationary adjustments have been made since 2009.

### **Discussion**

Several issues are driving the need for a comprehensive update of the fee program. These include:

- Major land use changes, such as the adoption of the Sierra View Specific Plan, should be included; and
- Project costs should be updated to reflect current costs; and
- Additional regional improvements should be reviewed for inclusion.

The Technical Advisory Committee recommends the Board direct staff to begin work with member jurisdictions and our consultants, Fehr and Peers, to develop the Comprehensive Update for 2013 at a cost not to exceed \$95,000.

The fee program includes \$3,000,000 for administrative costs over the 20 year anticipated buildout period for SPRTA, or an average of \$150,000 per year. While the cost of this update will push this year's Administrative Budget to approximately \$173,000, the cumulative administrative expenditures over the past 11 years are well below target. Including the FY 2013/14 budget shown in Agenda Item H, cumulative administrative expenditures total \$1.09 million, or approximately \$91,000 per year.



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June 26, 2013

Alan D. Telford, P.E.  
Executive Vice President  
Fehr & Peers Associates  
2990 Lava Ridge Court, Suite 200  
Roseville, CA 95661

SUBJECT: LETTER OF TASK AGREEMENT #13-01 BETWEEN FEHR & PEERS ASSOCIATES AND THE SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY

Dear Mr. Telford:

This letter, when countersigned, authorizes work under the "Master Agreement between the South Placer Regional Transportation Planning Authority (SPRTA) and Fehr & Peers Associates, Inc." dated June 23, 2010.

1. Incorporated Master Agreement: This Letter of Task Agreement is the statement of contract-specific requirements applicable to the work effort to be undertaken by Fehr & Peers Associates to provide traffic modeling services for the South Placer Regional Transportation and Air Quality Mitigation Fee Program.
2. Term: Consultant services are to commence July 1, 2013 and shall be completed in such a sequence as to assure that timelines are met. This contract shall end on June 30, 2014. Extensions to this contract may be made with the agreement of both parties. During the term of this contract, you are not to engage in other work that would be deemed a conflict of interest with SPRTA interests.
3. Scope of Services: Consultant will perform the tasks described below. Celia McAdam, Executive Director will act as Project Manager.

Tasks

- Comprehensive update of the South Placer Regional Transportation and Air Quality Mitigation Fee Program, including:
    - Update of the traffic model to include latest land use and transportation facility improvements; and
    - Update of the cost estimates for unconstructed segments of Sierra College Boulevard;
    - Other changes to the Fee Program as directed.
  - Meetings with technical staff, policy makers, and other appropriate parties to gather and/or disseminate information on traffic modeling efforts, as required
4. Personnel: Sarah Brandenburg (Principal) will provide primary consultant services; consultant will provide additional personnel to perform above noted services as needed.

Fehr & Peers Associates  
Letter of Task Agreement #13-01  
June 26, 2013  
Page Two

5. Compensation: For services rendered, Consultant will be compensated for time and materials at a total amount not to exceed \$95,000.

If this Letter of Task Agreement meets with your approval, please sign and return one copy. Questions concerning this agreement and the project in general should be directed to Celia McAdam at (530) 823-4030.

Sincerely,

Accepted by:

\_\_\_\_\_  
Celia McAdam,                      Date  
Executive Director  
Placer County Transportation Planning Agency

\_\_\_\_\_  
Alan D. Telford, P.E.              Date  
Executive Vice President, Principal  
Fehr & Peers Associates

CM/sl



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**TO: Board of Directors**

**DATE: June 12, 2013**

**FROM: Celia McAdam, Executive Director**

**SUBJECT: FY 2013/14 ADMINISTRATIVE BUDGET**

**Action Requested**

Board approval of the FY 2013/14 budget for the administration of the South Placer Regional Transportation Authority.

**Background**

Under the Implementation Plan adopted by the Board in April 2002, SPRTA allocates \$3,000,000 over the course of the anticipated 20 year implementation period, or an average of \$150,000 annually for the administration of the Authority. The intent is for that amount to cover administrative contracts, including traffic modeling, legal services, and PCTPA's expenses to administer the Authority on an actual cost basis.

**Discussion**

As shown in Attachment 1, the FY 2012/13 administrative budget is proposed at \$172,981. This significant increase over the FY 2012/13 budget is proposed in anticipation of the Board's action to undertake a comprehensive update of the Fee Program under Agenda Item G, increasing both the traffic modeling/engineering services costs and the staff time to oversee the update.

As noted in the previous agenda item, this proposed budget exceeds the average administrative budget cost for SPRTA. However, the cumulative administrative costs allocated over the past 11 years, including this proposal for FY 2013/14, stand well below the average at \$1.09 million, or at approximately \$110,000 per year.

CM:ss

**Table 1**

**SPRTA Administrative Budget Summary  
FY 2013/14**

<b>Expenditures</b>			
	<b>Adopted</b>		
	<b>Proposed</b>	<b>FY 2012/13</b>	<b>Difference</b>
PCTPA Administrative Contract	\$67,131	\$56,958	\$10,173
Legal Services	\$3,000	\$3,000	\$0
Traffic Modeling/Engineering Services	\$95,000	\$12,000	\$83,000
Financial Audits	\$6,350	\$6,150	\$200
Direct Expenses (note 1)	\$1,000	\$1,000	\$0
Accounting Services	\$500	\$500	\$0
Contingency funds	\$0	\$0	\$0
<b>Total</b>	<b>\$172,981</b>	<b>\$79,608</b>	<b>\$93,373</b>

<b>Revenues</b>			
	<b>Adopted</b>		
	<b>Proposed</b>	<b>FY 2012/13</b>	<b>Difference</b>
SPRTA Fees	\$172,981	\$79,608	\$93,373
<b>Total</b>	<b>\$172,981</b>	<b>\$79,608</b>	<b>\$93,373</b>

<b>Contingency Funds</b>	<b>Proposed</b>	<b>FY 2012/13</b>	<b>Difference</b>
	\$0	\$0	\$0

<b>Revenue to Expenditure Comparison</b>			
	<b>Proposed</b>	<b>Adopted FY 2012/13</b>	
Surplus/(Deficit)	\$0	\$0	

Note 1: Direct expenses include postage, printing, advertising, and meeting expenses.





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**TO: Board of Directors**

**DATE: June 12, 2013**

**FROM: Celia McAdam, Executive Director**

**SUBJECT: FIRST AMENDMENT TO THE TIER II MEMORANDUM OF AGREEMENT (MOA) FOR DEVELOPMENT IMPACT FEES**

**ACTION REQUESTED**

None. For information only.

**BACKGROUND**

In 2009, a Memorandum of Agreement (MOA) was adopted by Placer County and the Cities of Lincoln, Rocklin, and Roseville that each would include a uniform Tier II fee in development agreements for projects in the new growth areas. The focus of this fee program is the development and construction of the Placer Parkway.

While SPRTA is not a party to the MOA, the Agreement specifies that SPRTA is the administrator for the Tier II fee program and other terms of the MOA.

**DISCUSSION**

As a result of a request from the City of Roseville, SPRTA has been working with the member jurisdictions to amend the MOA to provide a mechanism to defer a portion of Tier II fees as a way to stimulate economic development in the area.

A summary of the fee deferral program is as follows:

- The Fee Deferral Program will initially provide for deferral of not more than 50% of the Tier II fees for eligible projects.
- Maximum combined fees for the entire Fee Deferral Program shall not exceed \$29 Million Dollars.
- Fee deferrals shall occur at the time of building permit issuance. Prior to building permit issuance, the Local Jurisdictions will report to SPRTA staff on the total amount of units being deferred.
- A Community Facilities District (CFD) with the ability to implement a second bond issuance or other financing mechanism is required for all participating Dwelling Unit Equivalents (DUEs), as defined in the MOA.
- On January 1, 2026, or upon the participation of 7,000 DUEs in the Fee Deferral Program, whichever is the first to occur, the maximum amount of fees subject to deferral shall be reduced to not more than 30% of the Tier II fees for eligible projects.
- On January 1, 2031, or upon the participation of 14,000 DUEs in the Fee Deferral Program, whichever is the first to occur, no additional DUEs shall become subject to, or participate in, the Fee Deferral Program.

**SPRTA Board of Directors**  
**MOA FIRST AMENDMENT**  
**June 2013**  
**Page 2**

- SPRTA Board, in its role as administrator of the MOA, is to review by December 31, 2020 and periodically thereafter at its discretion to determine if revisions to or termination of the program are appropriate.

The participation of each jurisdiction's technical staff and attorneys, as facilitated by SPRTA, have resulted in the First Amendment to the Memorandum of Agreement for the Establishment of the Tier II Development Fee Deferral Program, as shown in Attachment 1.

This document will be brought forward to each of the member jurisdictions' governing bodies for adoption in the next two months.

CM:ss

**FIRST AMENDMENT TO THE  
MEMORANDUM OF AGREEMENT**

**Establishment of the Tier II Development Fee Deferral Program**

THIS FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT (“Amendment”) is made effective as of the \_\_\_\_ day of \_\_\_\_\_, 2013, by and among the County of Placer (“**Placer County**”), the City of Roseville (“**Roseville**”), the City of Rocklin (“**Rocklin**”) and the City of Lincoln (“**Lincoln**”). Placer County, Roseville, Rocklin and Lincoln are hereinafter collectively referred to as the “**Local Jurisdictions.**”

**Recitals**

- A. WHEREAS, on May 27, 2009, the Local Jurisdictions entered into a Memorandum of Agreement (“MOA”) for the establishment and collection of Tier II Development Fees for all new development in the Tier II Development Fee Area, as defined in the MOA, for the future funding of the regional Placer Parkway project; and
- B. WHEREAS, the South Placer Regional Transportation Authority (“SPRTA”) was designated as the administrator of the Tier II Development Fees; and
- C. WHEREAS, in consideration of the economic pressures that have resulted in a reduction of the processing and development of projects within the Local Jurisdictions, the Local Jurisdictions desire to provide an opportunity to stimulate near-term development within the South Placer County Region while balancing the need for adequate funding to design and construct portions of Placer Parkway when needed to accommodate future traffic demands; and
- D. WHEREAS, a fee deferral option has been presented that protects the integrity of the fee program, provides an incentive to build, ensures a method of future repayment, minimizes the exposure of the overall fee program by limiting the number of DUEs that can participate, the maximum amount that can be deferred, limiting the time for which the deferral will be made available, and provides the parties with the ability to terminate the deferral program at any time; and
- E. WHEREAS, SPRTA has reviewed and supports the fee deferral program subject to concurrence of the Local Jurisdictions; and
- F. WHEREAS, the Local Jurisdictions remain committed to the Tier II Development Fee Program and to working cooperatively with each other towards the construction of this regionally important facility.

NOW, THEREFORE, the parties hereby agree as follows:

1. Establishment of the Tier II Development Fee Deferral Program. The Local Jurisdictions each agree to the establishment of a Tier II Development Fee Deferral Program that provides opportunity for projects within and subject to the Tier II Development Fee Area (as previously defined in the original MOA) to defer a portion of their Tier II Development Fees as set forth in Paragraph 2. This deferral program establishes a short term incentive to the development community and can be terminated by the Local Jurisdictions according to the termination provisions set forth in Paragraph 8 of the MOA, provided that any preexisting obligations to pay Tier II Development Fees shall include any deferred fee amounts.
  
2. Criteria of Fee Deferral Program. The fee deferral program will be available to all new development projects that establish a Community Facilities District (“CFD”) as reviewed by SPRTA staff, or other financing mechanism approved by the SPRTA Board to pay the deferred fees. The basic program parameters are as follows:
  - A CFD with the ability to implement a second bond issuance or other financing mechanism is required for all participating Dwelling Unit Equivalents (DUEs), as defined in the MOA.
  - Maximum combined fees for the entire Fee Deferral Program shall not exceed \$29 Million Dollars.
  - Fee deferrals shall occur at the time of building permit issuance. Prior to building permit issuance, the Local Jurisdictions will report to SPRTA staff on the total amount of units being deferred.
  - The Fee Deferral Program will initially provide for deferral of not more than 50% of the Tier II fees for eligible projects.
  - On January 1, 2026, or upon the participation of 7,000 DUEs in the Fee Deferral Program, whichever is the first to occur, the maximum amount of fees subject to deferral shall be reduced to not more than 30% of the Tier II fees for eligible projects.
  - On January 1, 2031, or upon the participation of 14,000 DUEs in the Fee Deferral Program, whichever is the first to occur, no additional DUEs shall become subject to, or participate in, the Fee Deferral Program.
  - SPRTA Board to review by December 31, 2020 and periodically thereafter at its discretion to determine if revisions to or termination of the program are appropriate.
  
3. Guarantee of Repayment. All qualifying properties taking advantage of the fee deferral program are obligated to future payment of the deferred fee amount within thirty (30) years from the date of initial deferral. The guarantee of future payment will come in the form of either: (1) a second issuance of the CFD which will be collected with either a second bond sale or continuance of max tax collection (defined as the maximum special tax that can be collected as

determined in the rate and method of apportionment adopted with a CFD) until the fees are paid in full or (2) other financing mechanism as approved by the SPRTA Board until the fees are paid in full. The obligations of the original CFD, which shall run with the land, will specify that the deferred Tier II Development Fees will be paid with proceeds from the second issuance of the CFD or other approved financing mechanism consistent with the requirement that all fees be paid within thirty (30) years of the initial deferral and authorize the city and/or county having jurisdiction to continue to collect taxes. The amount of the deferred fee shall be based upon the amount of the future fee estimated to be charged at the time of payment of the deferred amount. This calculation shall be made utilizing standard methodologies that include calculations for inflation based upon consumer price index growth and other reasonable factors. If for whatever reason the second issuance of the CFD or other financing mechanism does not occur, the county or applicable city which granted the fee deferral will be responsible for future payment of the deferred fees at such time as the fees were otherwise due to be paid. This obligation for repayment by the applicable city or county shall be guaranteed utilizing all lawfully permitted amounts that may be pledged for security, and shall survive the expiration of any applicable development agreement and the subject city or county's participation in the MOA.

4. Actual Deferred Repayment. The repayment amount of the deferred fee shall be the future fee at the time of payment of the deferred amount.
5. Accounting, Tracking and Reporting of Deferred Payments. The Local Jurisdictions shall each provide SPRTA with an annual accounting of the fee deferral program within their respective jurisdictions. The annual accounting report shall include the following:
  - A list of all participating properties, including Assessor's Parcel Numbers (APN's).
  - Date of building permit issuance for participating properties.
  - Identification of underlying CFD or other financing mechanism approved by the SPRTA Board that secures future repayment.
  - Date of CFD origination or other financing mechanism approved by the SPRTA Board.
  - Expiration date of original CFD, and anticipated date of second bond sale or repayment of another financing mechanism approved by the SPRTA Board.
  - Total number of participating parcels, and total amount of deferral to date.
6. SPRTA's Responsibilities.
  - a. SPRTA, as Administrator of the Tier II Development Fees, shall continue to receive that portion of the Tier II Development Fees collected by the Local Jurisdictions which is not part of the fee deferral program and shall remain obligated pursuant to the MOA.

- b. On an annual basis, SPRTA shall collect the fee deferral program annual reports prepared by each Local Jurisdiction and shall deliver copies of such reports to the Local Jurisdictions with the copies of the audit report required by Paragraph 5(e) of the MOA.
- 7. MOA Full Force and Effect. This First Amendment to the MOA is intended to supplement the existing MOA, which is incorporated herein by this reference. All other provisions of the existing MOA shall remain unchanged and in full force and effect.
- 8. SPRTA Review or Approval. In reviewing a CFD or approving other financing mechanism that utilizes a fee deferral program, SPRTA may, in its reasonable discretion, require the City and/or County requesting SPRTA review or approval to provide additional indemnity or other guarantee(s) to SPRTA and/or its member entities to ensure future payment of deferred amounts.
- 9. Section 3 of the MOA is amended in its entirety as follows: On an annual basis, SPRTA and the Local Jurisdictions will meet to review the estimated cost of the Subject Improvements, the continued need for the Subject Improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which the Tier II Development Fees are charged. Based upon their review, the Local Jurisdictions may agree to a special adjustment of the amount of the Tier II Development Fees. If no special adjustment is made, the Tier II Development Fees shall be automatically adjusted based upon averaging the Construction Cost Index (“CCI”) for 20 cities and for San Francisco, as published in the Engineering News Record publication for the preceding twelve (12) months ending April 1<sup>st</sup>.

IN WITNESS WHEREOF, the parties hereto have entered into this First Amendment to the MOA effective as of the date first above written.

ATTEST:

COUNTY OF PLACER

\_\_\_\_\_  
 Clerk of the Board,  
 Placer County

By \_\_\_\_\_  
 Chairman

Approved as to Form:

\_\_\_\_\_  
 County Counsel

ATTEST:

CITY OF LINCOLN  
A Municipal Corporation

\_\_\_\_\_  
City Clerk, City of Lincoln

By \_\_\_\_\_  
Mayor

Approved as to Form:

\_\_\_\_\_  
City Attorney

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ATTEST:

CITY OF ROCKLIN  
A Municipal Corporation

\_\_\_\_\_  
City Clerk, City of Rocklin

By \_\_\_\_\_  
City Manager

Approved as to Form:

\_\_\_\_\_  
City Attorney

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ATTEST:

CITY OF ROSEVILLE  
A Municipal Corporation

\_\_\_\_\_  
City Clerk, City of Roseville

By \_\_\_\_\_  
City Manager

Approved as to Form:

\_\_\_\_\_  
City Attorney

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The South Placer Regional Transportation Authority (SPRTA) hereby consents to the provisions of this MOA and agrees to be bound hereby.

By: \_\_\_\_\_  
Chairperson

Dated: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
General Counsel



**SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY**  
**Technical Advisory Committee Meeting Minutes**  
**May 7, 2013**

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ATTENDANCE:                    Ray Leftwich, City of Lincoln  
                                      Andrew Gaber, Placer County Public Works  
                                      Scott Gandler, City of Roseville  
                                      Rhon Herndon, City of Roseville

Celia McAdam, PCTPA  
Luke McNeel-Caird, PCTPA  
Sue Sholtis, PCTPA

**Regional Transportation and Air Quality Mitigation Fee Program Annual Inflationary Adjustment**

Celia McAdam noted in early 2012 the SPRTA Board directed staff to defer the annual inflationary adjustment in favor of a comprehensive update of the fee program in 2013 or 2014. McAdam asked TAC members if we should bring this year's annual inflationary adjustment before the Board, move ahead with the comprehensive update, or push the update back to 2014.

TAC members discussed various strategies, ultimately agreeing to recommending no inflationary increase this year and to move forward with the comprehensive update this July 1. These efforts will necessitate adding that consultant fee into next fiscal year's administrative budget. The comprehensive fee update scope of work will go to the SPRTA Board at its June Board meeting.

**FY 2013/14 Administrative Budget**

Celia McAdam reported Caltrans is questioning PCTPA's procedures for determining direct and indirect expenses in its budget, which may result in a higher overhead calculation which could impact the SPRTA administrative budget. McAdam noted this iteration of the budget does not include the cost for the comprehensive update just agreed upon in the preceding agenda item.

**Other Issues - Cash Flow Update**

Celia McAdam provided TAC members with an updated Summary of Potential Allocations and Cash Flow. McAdam commented the fee revenues have increased a little from the last version, and updated cash flow reflects \$1.8M for this fiscal year. The updated spreadsheet was summarized and discussed with TAC members. McAdam asked TAC members to start thinking about accelerating repayments or adding projects and projecting future dollars on those projects.

Andrew Gaber mentioned at a recent meeting regarding updating the Sheridan Community Plan, Sam Jordan from Caltrans reported on their efforts acquiring right of way for the SR 65/Riosa Road Interchange. McAdam responded there are future interchanges planned for the Lincoln Bypass, but it would be the local jurisdiction's responsibility to build these interchanges. Gaber added the Sheridan residents do not want this interchange and now they want to acquire this right of way land for industrial projects or possibly a transit stop or park and ride lot.

Meeting adjourned.

**SOUTH PLACER REGIONAL TRANSPORTATION AUTHORITY**  
**Technical Advisory Committee Meeting Minutes**  
**June 11, 2013**

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ATTENDANCE: Andrew Gaber, Placer County Public Works  
Rick Forstall, City of Rocklin  
Dave Palmer, City of Rocklin  
Rhon Herndon, City of Roseville

Celia McAdam, PCTPA  
Luke McNeel-Caird, PCTPA  
Sue Sholtis, PCTPA

**Work Program Comprehensive Update**

Celia McAdam reported that she spoke to Sarah Brandenberg from Fehr & Peers who estimated the cost for a comprehensive update at \$95,000. This update will include new costs for every segment on Sierra College Blvd. that hasn't yet been constructed. TAC concurred that this item be brought before the SPRTA Board for consideration at its June 26 Board meeting.

**SPRTA FY 2013/14 Administrative Budget**

Celia McAdam provided copies of SPRTA's FY 2013/14 administrative budget for their review, which includes the \$95,000 for the comprehensive fee update. Rick Forstall inquired about traffic modeling conducted by SACOG and the possibility of tweaking that study to meet our needs. McAdam will contact SACOG regarding this possibility, but we would still need to contract out the costs on Sierra College Blvd. If SACOG is able and interested in providing the traffic modeling services and do the comprehensive fee program update, it will be brought back to the TAC for consideration. If not, the letter of task agreement with Fehr & Peers will remain on the budget as drafted. SPRTA's FY 2013/14 administrative budget will go before the Board at its June meeting.

**Project Cash Flow Update/Proposals for FY 16/17 and Beyond**

Celia McAdam distributed an updated cash flow spreadsheet for TAC members' review and comments. McAdam noted we should end this fiscal year with \$1.8M in revenues, up from approximately \$1M last year. Estimates for projected income are conservative. SPRTA's cash flow and allocations were discussed. It was agreed we will accelerate allocations or add new projects if our cash flow increases.

McAdam asked TAC members to start thinking about potential projects to be added in later years. She noted that Rocklin was moving forward with the Whitney Ranch Rd/Placer Parkway/SR 65 Interchange and has indicated that they will seek reimbursement from SPRTA. She suggested, and Dave Palmer agreed, that Rocklin prepare a letter to go before the SPRTA Board to agree to the reimbursement before Rocklin expends funds. Rhon Herndon mentioned Roseville's Louis Orlando Transfer Project would benefit multiple jurisdictions and could be added to the cash flow plan.

Meeting adjourned at 2:53 p.m.