

Fresno County Transportation Authority Measure C Extension

Administrative Code

Approved October 24, 2007



Introduction to Ordinance No.5:

06/18/25

FRESNO COUNTY TRANSPORTATION AUTHORITY
ADMINISTRATIVE CODE
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Fresno County Transportation Authority Extension Measure C

Administrative Code

Measure "C" was originally passed on the November 1986 countywide ballot and put into operation the provisions of Division 15 (commencing with Section 142000) of the Public Utilities Code. This division known and cited as the Fresno County Transportation Improvement Act created the Fresno County Transportation Authority and authorized the Authority to adopt a local sales tax (1/2%) to provide for highway capital improvements and to meet local transportation needs.

In November of 2006 Fresno County voters approved a ballot Measure extending Measure C for 20 years. This extension of Division 15 (commencing with Section 142000) of the Public Utilities Code continues the authorization and collection of a half-cent local sales and retail tax in Fresno County to provide for highway capital improvements and to meet local transportation needs until June 30, 2027.

Section 142101 requires that the Authority adopt an administrative code, by ordinance, which prescribes the powers and duties of the Authority officers, the method of appointment of the Authority employees, and methods, procedures, and systems of operation and management of the Authority. Division 15 as previously described is incorporated into this administrative code by reference.

I. TRANSPORTATION AUTHORITY POWERS AND FUNCTIONS

The legal powers of the Authority are delineated in Division 15 of the Public Utilities Code and include the Authority's ability to:

- Adopt a seal and alter it at its pleasure;
- Sue and be sued;
- Make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, but not limited to, contracts and stipulations to indemnify and hold harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of its power granted in this division;
- Contract with any department or agency of the United States, any public agency or with any person upon any terms and conditions that the Authority finds in its best interest;
- Contracts for the purchase of services, supplies, equipment, and materials in excess of ten thousand dollars (\$10,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by the authority or by an executive committee to which the authority has delegated responsibility to make that declaration. If after rejecting bids received under the above, the Authority determines and declares that, in its opinion, the services, supplies, equipment, or materials may be purchased at a lower price on the open market, the authority may proceed to purchase these services, supplies, equipment, or materials in the open market without further observance, of these provisions regarding contacts, bids, or advertisements;
- Impose a retail transaction and use tax ordinance (1/2% sales tax) upon approval of the electors, and;
- Allocate the revenues from the sales tax for transportation improvement purposes consistent with the following:
 - ***PUBLIC TRANSIT (24%)*** – to be allocated by the Authority to local transit providers and participating local agencies to expand mass transit programs that have a demonstrated ability to get people out of their cars and improve air quality as further defined in the approved Measure C Extension Expenditure Plan.

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- ***LOCAL TRANSPORTATION PROGRAM (34.6%)*** – to be allocated by the Authority to local jurisdictions to improve each individual jurisdiction’s local transportation systems as further defined by the approved Measure C Extension Expenditure Plan.
- ***STREET AND HIGHWAY TRANSPORTATION PROGRAM (30.4%)*** – to be allocated by the Authority either directly to projects awarded by the Authority or to local jurisdictions for projects that will:
 - Improve freeway interchanges
 - Add additional lanes to existing streets, roads, and highways
 - Increase Public Safety
 - Improve major commuter corridors

as further defined by the approved Measure C Extension Expenditure Plan.

- ***ALTERNATIVE TRANSPORTATION (6%)*** - to be allocated by the Authority to projects or programs to provide local matching funds for the consolidation of rail lines through Fresno as further defined in the approved Measure C Expenditure Plan.
- ***ENVIRONMENTAL ENHANCEMENT (3.5%)*** – to be allocated by the Authority to projects or programs to improve air quality and the environment through two programs:
 - The School Bus Replacement Program which will replace the oldest school buses in the Fresno County fleet (2.3%), and
 - Transit Oriented Infrastructure for In-Fill Development (TOD) to assist local cities and the county in planning for alternate transit services.

as further defined by the approved Measure C Extension Expenditure Plan.

- ***ADMINISTRATIVE/PLANNING (1.5%)*** – to be allocated by the Authority to the Fresno County Governments (0.5%) and to the Fresno County Transportation Authority (1.0%) to:
 - Prepare Expenditure Plan updates
 - Develop allocation program requirements
 - Administer and conduct specified activities identified in the other five programs described above

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- Issue bonds payable solely from the proceeds of the ½ percent sales tax.

The functions of the Authority are contained throughout Division 15 of the Public Utilities Code and include the Authority's ability to:

- Provide for the Authority Board Membership;
- Adopt rules for its proceedings;
- Adopt an annual budget;
- Adopt an administrative code;
- Cause an annual audit of the financial transactions and records of the Authority;
- Do any and all things necessary to carry out its legal requirements;
- Consult with, and coordinate its actions to secure funding for the completion and improvement of all projects and programs identified in the Measure C Extension Expenditure Plan with all cities in the county, the board of supervisors, the ~~Fresno County Council of Governments~~ **Fresno Council of Governments**, and the Department of Transportation for the purpose of integrating its planned improvements with the other transportation improvement plans and operations of other transportation agencies impacting Fresno County;
- Prepare and adopt an annual report each year on progress made to achieve the objective of improving transportation conditions related to priority highway operations and local transportation needs;
- Approve the 2006 Measure C Extension Expenditure Plan adopted pursuant to Section 142255, 142256, and 142257 or amended pursuant Sections 142258, 142259 and 142260 of Division 15, and
- Prepare and submit an annual Expenditure Plan progress report.

II. AUTHORITY OFFICERS/POWERS AND DUTIES

The Transportation Authority consists of nine members, selected as follows:

Two members from the Board of Supervisors, appointed by the board, consisting of one member from rural district 1, 4, or 5 and one member from the urban district 2 or 3.

Two members representing the City of Fresno, consisting of the mayor thereof and a member of the city council of that city appointed by the city council.

One member representing the City of Clovis appointed by the Clovis City Council.

Two members representing the other cities within the county, consisting of one Westside member appointed by a committee comprised of the mayors of each of those cities west of SR99, and one Eastside member appointed by a committee comprised of the mayors of each of those cities east of SR99.

Two members of the public at large, consisting of one rural member appointed by the board of supervisors with the appointee residing outside of the incorporated areas of Fresno and Clovis, and one urban member appointed jointly by the city councils of Fresno and Clovis with the appointee residing within the incorporated area of Fresno and Clovis.

Except for the Mayor of the City of Fresno, the members of the Authority Board shall serve for a term of two years.

If any member other than a public member ceases to be an elected official, that member shall cease to be a member of the Authority Board, and another member shall be appointed for the remainder of the term pursuant to Section 142051.

The Authority Board, annually at the first meeting each calendar year, shall elect a chairperson who shall preside at all meetings, and a vice chairperson who shall preside in his or her absence. In the event of their absence or inability to act, the members present, by an order entered into the minutes, shall select one of their members to act as chairperson pro tempore, who, while acting shall have all the authority of the chairperson.

The Authority Board shall adopt rules for its proceedings consistent with the law of the state.

III. MANAGEMENT AND OPERATIONS

Public Meetings/Brown Act:

All meetings of the Authority and its appointed standing committees shall be conducted pursuant to Chapter 9 commencing with Section 54950 of Part 1 of Division 2 of Title 5 of the Government Code (referred to here as the Brown Act Open Meeting Requirements).

Meetings - Board/Committee Requirements

Quorum Requirements: A majority of the members of the Authority and its appointed standing committees constitutes a quorum for the transaction of business. All official acts of the Authority and its appointed standing committees require the affirmative vote of the majority of the members of the Authority or committee.

Motions, Resolutions, Ordinance Requirements: The acts of the Authority shall be expressed by motion, resolution, and/or ordinance. An Ordinance is specifically required in adoption of the administrative code, and the retail transactions and use tax (1/2%); resolutions are specifically required for the issuance of limited tax bonds. All actions by advisory committees established by the Authority will be by motion.

Rules of Procedures: All meetings of the Authority and its appointed standing committees will, in the absence of any requirements of Division 15 or other law, operate under Roberts Rules of Order as revised.

Conflict of Interest Code

The Authority has adopted the State of California's conflict of interest code applicable to all its members. (see Schedule VII, Appendix F).

All authority members ~~the Citizens Oversight Committee~~ and staff are subject to Form 700, a Statement of Economic Interest for Designated Employees. Categories include:

- Investments,
- Interest in Real Property,
- Income,
- Gifts,
- Business positions,
- Commission income and income from real property.

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Board Member Compensation

The Authority has adopted a board member compensation policy that provides for payment of \$75.00 per meeting to a maximum of \$150.00 per month for attendance at meetings.

Property Management

The Authority will maintain its own inventory of fixed assets, primarily equipment and office furniture, while providing for the monitoring, treatment, valuation (over \$5,000.00 purchase price) depreciation, and disposition through its financial management system consistent with the accounting standards and procedures for counties, the State of California and the County of Fresno.

Property which is no longer required by the Transportation Authority shall be classified as surplus property. On an as-needed basis, the Transportation Authority Executive Director shall determine whether or not property is to be classified as surplus. Such classification shall be subject to review and approval by the Transportation Authority Board.

To facilitate the Transportation Authority Board review, surplus property information should be presented to the Board in a format that includes a description of the property, explanation of surplus status, estimated current value and how value was derived, intended disposition and approximate acquisition date.

Employee Appointment Process

Legislation provides that the Authority may hire an independent staff of its own and may fix the compensation of its officers and employees.

The Authority may not expend more than one percent (1.0%) of the funds generated pursuant to Division 15 in any one year for salary and benefits of its staff.

In all matters of interpretation of conditions of the Executive Director's employment, the employment agreement will take precedence over the adopted Administrative Code of the Authority or other adopted Authority policies where there is an inconsistency.

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Other Authority employees will be hired through Authority recruiting procedures consistent with the employment agreement of the Authority Executive Director. All employees will be hired on an at-will basis with a written employment agreement between the Authority and the employee. In all matters of interpretation of conditions of employment, the employee agreement will take precedence over the adopted Administrative Code of the Authority or other adopted Authority policies where there is an inconsistency.

Personnel Rules

General Policies:

All conditions and definitions of employment for Authority employees are delineated in the individual employee contracts, administrative code, other Authority policies, and the Council of Fresno County Governments Employee Manual dated August 1, 2002, and as revised. Any interpretation of conditions will follow this same hierarchy where an inconsistency may arise.

All Authority employees serve, under contract, as at-will employees of the Authority.

The Authority will provide the Executive Director and staff with office space and furniture, telephone, data processing, secretarial support and other items and equipment necessary to enable them to perform Authority services.

The Authority provides the Executive Director with full authority to administer the Authority programs, including decisions related to selection and termination of employees, subject to conditions and restrictions imposed by federal and state law or agreements between the Authority and such employees.

The Executive Director is responsible for negotiating salary and fringe benefits with the employees, subject to guidelines from and approval of the Authority governing board.

All files, notes, documents, data, specifications, correspondence, memoranda, drawings, reports and other materials prepared by or furnished to the Executive Director in connection with the Authority work remains the property of the Authority.

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Fringe Benefits:

For purposes of receiving benefits not specified in the employees' contract agreement or this administrative code, employees shall be considered to be employees of the ~~Council of Fresno County Government's~~ **Fresno Council of Government's**, subject to the conditions as delineated in the ~~Council of Fresno County Governments~~ **Fresno Council of Governments** Employee Manual.

The employer paid contributions to the International City Management Association (ICMA) Retirement Corporation, Section 401(a) and Section 457, Internal Revenue Code defined contribution and deferred compensation will be set by the Authority not to exceed the maximum allowable rate.

All fringe benefits provided by the Authority and those through the ~~Council of Fresno County Governments~~ **Fresno Council of Governments** may be modified or replaced by other and/or different fringe benefits consistent with the Authority actions.

Travel and Miscellaneous Expenses

Where the Authority members or its employees travel on Authority business, the following travel and expense reimbursement policies and rates will apply:

- Board and employee travel expenses shall be limited to Fresno County Transportation Authority business, or conferences and meetings from which the Authority will derive a specific benefit through the attendance of a representative.
- All travel shall be approved by the Executive Director, consistent with the above policy and the adopted Annual Budget of the Authority and all claims for reimbursement shall be submitted on the currently approved County of Fresno Claim for Payment Form.

Transportation:

- Airline travel will be at the Coach rate with receipt required.
- Ground transportation such as bus, taxi, etc., will be reimbursed at actual cost with receipt required.

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- Private automobile will be reimbursed at the current government rate per mile.
- The actual costs of parking and tolls will be reimbursed (receipt required).

Meals:

- The current federal standard meal allowance per location will apply and includes all meals as well as all tips.

Lodging:

- Reimbursement will be at actual cost, single room rate, and government rate will be requested (receipt required). Lodging will be at the headquarters hotel or the available hotel most proximate to the site of the meeting(s).

Advisory Committees

Policy Advisory Committee: Section 142105(d) of Division 15 requires appointment of a Policy Advisory Committee composed of one representative of each City in the County and one representative of the County with each representative on the Committee required to be an elected official. If a representative ceases to be an elected official, that representative shall cease to be a member of the Committee, and another representative from that City of County shall be appointed. This Section further requires that no person shall serve on the Authority Board and the Committee at the same time. In response to this Section of Division 15, the Transportation Authority hereby designates the Policy Board of the Council of Fresno County Governments as the Policy Advisory Committee of the Authority to advise the Board on all significant issues encountered in delivery of the Extension Program as requested or otherwise called for in this Administrative Code with the condition that any Authority Board Member simultaneously serving on the Policy Board of the ~~Council of Fresno County Governments~~ **Fresno Council of Governments** designate an alternate elected official from his or her jurisdiction to serve on the Policy Advisory Committee.

Citizen Oversight Committee: Section 142105(e) of Division 15 requires establishment of a Citizen Oversight Committee with membership, method of appointment, roles and responsibilities in accordance with and defined in the initial Expenditure Plan prepared for the extension ballot measure. The Authority hereby designates the Citizen Oversight Committee selected by the Mayor Select Committee and the Chair of the Fresno County

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Board of Supervisors pursuant to the 2006 Measure C Expenditure Plan (Section VII, Appendix A) as the Citizen Oversight Committee to the Authority.

Financial and Technical Advisory Committee: Over the past 20 years of operation, the Authority has found it beneficial to seek advice and recommendations from knowledgeable professionals with expertise in financial and technical matters and representing member jurisdictions. Accordingly, the Authority has formed a Financial Advisory Committee comprised of the City Manager's of Clovis and Fresno together with the County Administrative Officer, or designees, to advise on all significant financial issues facing the Authority Board.

Similarly, the Authority formed a Technical Advisory Committee comprised of the Public Works Directors from the City and the County of Fresno, the Planning and Development Services Director of the City of Clovis and the Caltrans District 6 Director, or their designees, to fulfill a similar role related to project technical issues encountered in delivering the Authority's projects and programs.

The Authority hereby continues both of these Committees, with their current membership and duties to advise the Board on issues facing the Extension's programs and projects.

IV. FINANCIAL MANAGEMENT SYSTEM

The Authority shall contract with the Fresno County Auditor/Controller-Treasurer/Tax Collector's office for financial management services to ensure payment procedures and monitoring controls that assure high accountability in the expenditure of public money.

Financial management services shall include but not be limited to:

- Processing and maintaining records of all financial transactions including, but not limited to, preparation of financial statements and other reports needed;
- Separately accounting for Authority funds and maintaining records of expenditures in accordance with administrative code requirements adopted by the Authority;
- Processing and maintaining records of all bonds issued pursuant to a resolution adopted at any time by an affirmative vote of a majority of the members of the Authority;
- Paying the principal and interest on any issued bonds in lawful money of the United States at the office of the Auditor/Controller-Treasurer/Tax Collector of Fresno County and other places as may be designated by the Authority;
- Signing all bonds and interest coupons issued by the Authority;
- Accounting for all proceeds of any bond issue including accrued interest and premiums received on the sale of said bonds; and,
- Developing and processing a Request for Proposal for the purpose of furnishing independent audit services for the Authority on at least an annual basis by a certified public accountant.

Annual Budget/Control Procedures

The Authority shall adopt an annual budget. Notice of the time and place of a public hearing on the adoption of the annual budget will be published pursuant to Section 6061 of the Government Code not later than the 15th day prior to the day of the hearing. The proposed annual budget will be available for public inspection at least fifteen (15) days prior to the hearing.

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The Authority budget shall be based on California Public Utilities Code Section 142109 which states that the Authority shall rely, to the extent possible, on existing state, regional, and local transportation planning and programming data and expertise, rather than on a large duplicative staff and set of plans.

The annual budget is a line-item budget consisting of several categories (object level) including Salaries and Employee Benefits, Services and Supplies, Equipment, Other Charges, Regional Urban and Rural Projects and other Measure C Extension Expenditure Plan projects and programs as needed.

Wherever feasible, the Authority has contracts that are negotiated and established on a not-to-exceed basis with a delineation of the goods and/or services to be provided.

The Fresno County Transportation Authority is not required to adhere to the specific requirements of the County Budget Act.

As a matter of policy, the Authority intends to maintain the flexibility necessary to manage a program with a small complement of staff with emphasis on delivering its program.

The Authority intends to adhere to the following policies:

- Relative to petty cash, the Authority has adopted a policy of a standing authorization approving payments to a petty cash fund. The replenishment funds to be \$200.00 in amount, with expenditures not to exceed \$400.00 in any one month.
- All expenditures of the Authority will be on a "claims" approval basis tracked against approved budget categories.
- In the absence of an Authority policy to the contrary, the Standards and Procedures for Counties, and the State of California, will be used as the Authority guide on fiscal matters.

Claims Approval Process/Procedures

This adopted process, as part of the Financial Management System of the Authority, provides for a high degree of accountability, monitoring, and tracking. All expenditures must be claim based, i.e., a bill or claim for payment in writing. This initiates an immediate paper trail.

- All claims are reviewed against an approved budget line item.

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- All claims must reconcile.
- All claims must meet the claims approval process of the Authority.
- After "approval" all claims must again be reviewed by independent agents (Auditor-Controller/Treasurer-Tax Collector's Office) before payment, (i.e., funds must be in the category).
- After payment, reports can be generated tracking the expenditures, the categories, the level of expenditures and the amount available for future spending.

The claims approval process adopted by the Authority is:

- All claims shall be first submitted to the attention of the Executive Director of the Fresno County Transportation Authority. Timeliness is important and when possible claims should reflect work performed during the preceding thirty (30) day period.
- Claims will be reviewed by the Authority Executive Director for their appropriateness.
- The Executive Director shall take formal action to approve all claims.
- The Authority Executive Director shall forward all claims to the Fresno County Auditor-Controller/Treasurer-Tax Collector along with a memo authorizing payment.

Purchasing Policies/Procedures

The Authority may contract with any department or agency of the United States, with any public agency, including but not limited to, the Department of Transportation, the ~~Council of Fresno County Governments~~ **Fresno Council of Governments**, or any county, city or district, or with any person upon any terms and conditions that the Authority finds in its best interest.

Contracts for the purchase of services, supplies, equipment, and materials in excess of ten thousand dollars (\$10,000.00) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by the Authority or by an executive committee to which the Authority has delegated responsibility to make that declaration.

If after rejecting bids received under the above, the Authority determines and declares that, in its opinion, the services, supplies, equipment or materials may be purchased at a lower price on the open market, the Authority may proceed to purchase these services, supplies,

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equipment, or materials in the open market without further observance of the provisions regarding contracts, bids, or advertisements.

The Authority may use the purchasing/bidding capabilities of the County, City, or Council of Fresno County Governments, or in conjunction with other governmental entities, where timely application and their larger volume purchasing abilities would be advantageous to the Authority.

Contract Policies and Fiscal Responsibilities of Auditor-Controller/Treasurer

The Transportation Authority Executive Director is authorized on behalf of the Transportation Authority to enter into agreements and contracts or purchases for services and supplies up to a maximum amount of \$10,000 per vendor per year or for multi-year contracts up to a maximum of \$10,000.

Contracts or purchases with vendors exceeding \$10,000 limit must be presented to the Transportation Authority Board for approval. Consistent with the terms of Authority approved contracts; any individual claim for payment under \$10,000 may be approved for payment by the Authority Executive Director. Public Contract Code Sections 20123.5 and 20150.11 pertaining to contract splitting will be observed.

The Auditor-Controller/Treasurer-Tax Collector, will serve as financial officer of the Authority, will exercise the fiscal responsibility to audit, review and recommend to the Authority denial of any claim or payment that is not consistent with an Authority approved contract and/or any annual budget approved appropriation at any fund, budget, or object level.

Annual Audit

The Authority is required to cause a post audit of its financial transaction and records to be made at least annually by a certified public accountant.

Selection of the auditing firm will follow adopted selection procedures of the Authority for consultant selection. The process requires an RFP, Financial Advisory Committee Review and recommendation and Authority approval.

Local Agency Pass-Through Funds

Because of the significance of the allocation and distribution of Local Agency Pass-Through Funds, the final procedures for administration of these funds follow in its entirety:

**FRESNO COUNTY TRANSPORTATION AUTHORITY FINAL PROCEDURES
FOR ADMINISTRATION OF FUNDS FOR LOCAL
TRANSPORTATION PURPOSES**

General Purposes:

California Public Utilities Code Section 142257 provides that the County Expenditure Plan, which was approved prior to and provided the basis for the ballot measure considered by the voters at the November 7, 2006 election, shall specify the amount and the formula by which the retail transaction and use tax shall be allocated to each city and the county for local transportation purposes determined to be priority projects by local governments to which funds are allocated. The section also provides for certifications required of local agencies and findings of the Fresno County Transportation Authority, and maintenance of records of financial transactions.

The 2006 Measure C Extension Expenditure Plan (Section VII, Appendix A) creates a number of transportation programs to be funded by participating jurisdictions with Measure C funds passed through from the Authority to the jurisdiction implementing the effort. These various programs have differing requirements, exemptions and formulas for calculating pass-through funding levels. Programs and subprograms identified as eligible for pass-through funding are:

Regional Public Transit Program

Public Transit Agencies
ADA/Seniors/Paratransit

Local Transportation Program

Local Allocation
Pedestrian/Trails
Bicycle Facilities

Regional Transportation Program

Fresno Airports

Administration/Planning Program

Fresno Council of Governments

Program requirements and exemptions for these subprograms may change from time to time as local jurisdiction population changes or mandated programs are satisfied. In an effort to fully explain the various program provisions, the Authority, together with the ~~Fresno County Council of Governments~~, **Fresno Council of Governments**, created a “Measure C Extension

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2007 Local Agency Handbook” which discusses each pass-through program in detail and calculates pass-through funding levels for each in the 2007-08 fiscal year. This handbook was replaced by the Measure C Extension Strategic Implementation Plan (SIP). The referenced SIP is included in Section VII, Appendix B and incorporated herein by reference. The version of the SIP incorporated into this Administrative Code at any point in time is the updated version for the current fiscal year.

The following procedures have been prepared to govern the Authority's administration of the funds for Local Transportation Program.

Determining Estimates of Available Funds and the Annual Apportionment for Local Transportation Program:

The Fresno County Transportation Authority shall request an annual estimate from the Fresno County Auditor-Controller/Treasurer-Tax Collector of the total amount of transaction and use tax funds anticipated to be available pursuant to California Public Utilities Code Section 142000 et. seq. Such estimate should be provided by May 1st of each year.

The Authority shall annually determine the percentage to be apportioned for Local Transportation Purposes. In determining the percentage, the Authority must at least consider funds dedicated toward payment of debt service for any outstanding bonds approved and issued by the Authority, plus some reasonable margin of funding above such debt service requirement which is determined to be prudent. Further, the Authority should consider the plans for the expenditure of funds prepared by the Fresno Council of Governments related to the amount of funding anticipated to be needed to implement planned transportation projects over the term of the Fresno County Transportation Act program. In no event shall the percentage of funds available for pass-through to fund the below listed programs be less than:

- Regional Public Transit Programs – nineteen and sixty-six one hundredth percent (19.66%)
- Local Transportation Program - thirty-four and six tenths’ percent (34.6%)
- Regional Transportation Fresno Airports Program – one percent (1%)
- Administration/Planning Program – Fresno COG – one half percent (0.5%)

of the proceeds of the retail transactions and use tax.

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The Authority shall determine the Local Transportation Purposes Apportionment no later than May 31st of each year with the exception of the 2007-08 fiscal year during which the estimate will be determined no later than October 31, 2007

Apportionments to Local Agencies

Determination of the Apportionment:

California Public Utilities Code Section 142257 provides that;

“(a) The expenditure plan shall specify the amount and the formula by which the retail transactions and use tax shall be allocated to each city and the county for local transportation purposes determined to be priority projects by local governments to which funds are allocated. For purposes of this subdivision, the population of the county is the population of the unincorporated area of the county.

(b) Prior to the authority allocating funds, each local government shall certify to the authority that the funds will not be substituted for property tax funds which are currently utilized to fund existing local transportation programs. If the local government is unable to segregate property tax revenues from other general fund revenues which cannot be so distinguished, substitution of funds from the authority for general funds is also prohibited.

(c) The authority shall require that local governments to which funds are allocated to separately account for those funds and maintain records of expenditures in accordance with administrative code requirements adopted by the authority.”

The ~~Council of Fresno County Governments~~ **Fresno Council of Governments** shall annually provide a table, as part of a “SIP (Local Pass-Through Funding)”, which, utilizing updated revenue, street miles and population estimates, identifies each city and county resulting percentage shares, itemized by Local Agency Program and Subprogram, for the purpose of distributing monies, as they are received, to each jurisdiction and in accordance with claims submitted by eligible claimants. This table should be available by May 31st of each year.

Allocations to each jurisdiction for Regional Transit Program, Regional Transportation Program – Fresno Airports, and Administration/Planning Program – Fresno Council of Governments shall be as identified in the current “SIP”.

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The Measure C Extension Expenditure Plan calls for the allocation to each jurisdiction for Local Transportation Program projects to be calculated as follows:

“A minimum base of \$100,000 per year shall be allocated to each local agency, and then the annual 75% population / 25% road mile formula would be applied to determine the total funding allocation by local agency under this Subprogram.

The County of Fresno is annually required to spend a portion of its local allocation in the unincorporated urban area using the 75% population / 25% road mile formula in appropriate proportion to its total allocation.”

After the \$100,000 base allocation to each jurisdiction is deducted, a formula in which twenty five percent (25%) of the remaining funds are allocated based upon proportionate total street miles and seventy-five percent (75%) are allocated on the basis of proportionate population using the latest estimate of population.

The allocation calculated by this formula shall finance local agency priority projects in the following subprograms:

- Street Maintenance/Rehabilitation
- Flexible Funding
- ADA Compliance*
- Pedestrian/Trails*
- Bicycle Facilities*

* NOTE: Additional requirements/exemptions, which are discussed in more detail in the current “Measure C Extension Strategic Implementation Plan” affect these programs.

Determination of Population and Road Mileage Data for the Apportionment Formula:

The Fresno County Transportation Authority shall request an annual estimate of total street miles from the California Department of Transportation. Such estimates should be provided by May 1st of each year.

The Fresno County Transportation Authority shall use the most recent annual estimates of population by jurisdiction to be provided by the California Department of Finance. Such

estimates should be available by May 1st of each year.

Resolution of Apportionment:

The Fresno County Transportation Authority Executive Director shall annually prepare, or cause to be prepared, a Resolution of Apportionment of Funds for Local Transportation Purposes. The Resolution shall include a table which identifies each city and county, the total street mileage and estimated population within each jurisdiction. The table shall also include the resulting percentage shares, itemized by Local Agency Program and Subprogram, for the purpose of distributing monies, as they are received, to each jurisdiction and in accordance with claims submitted by eligible claimants. The Authority shall adopt this resolution by May 31st of each year with the exception of the 2007-08 fiscal year in which the resolution shall be adopted by October 31, 2007.

Notification of Local Agencies:

Following adoption of the Resolution of Apportionment each year, the Fresno County Transportation Authority Executive Director shall notify each city and the county in writing; such notification to include a copy of the Resolution. The Executive Director shall also request each agency to submit certifications and claims for the apportioned funds.

Certifications and Claims Process

Forms and Certifications to be Approved by Local Legislative Bodies:

The Fresno County Transportation Authority Executive Director shall be responsible for preparation of a form to be completed and submitted to the Authority by the individual cities and county. When submitted by claimants, the form shall include evidence of formal action for approval and submittal by the legislative bodies of the cities and the county. An example of the form to be used is included in Section VII Appendix B.

Non-substitution of Property Tax Funds:

The forms to be submitted and certifications to be made by local jurisdictions shall include assurances that funds for Local Transportation Purposes are not being used to substitute for property tax funds which had previously been used for local transportation purposes. Such

substitution of property tax funds is prohibited by California Public Utilities Code Section 142257(b).

Such certification must also require assurance that the local government unit is able and has segregated property tax revenues from other general fund revenues used to support local transportation purposes. If the local agency cannot certify that property tax revenues have been segregated, then the certification for non-substitution of funds must apply to the local unit of government's entire general fund.

Maintenance of Accounting Records and Access for Audit:

The form to be submitted and certifications to be made by local jurisdictions shall include assurances that local agencies are separately accounting for funds for Local Transportation Purposes and maintaining records on the expenditure of such funds for specific eligible purposes. Further, the local agencies must certify that such records shall be maintained current and made available to the Authority for inspection or audit at any time.

Eligible Purposes:

Funds apportioned for Local Transportation Purposes must be used for eligible projects and programs as defined in the 2006 Measure C Extension Expenditure Plan and further detailed in the current "SIP" which is included in Section VII Appendix B, and a priority of local agencies. Section VII Appendix B is a general guideline identifying types of expenditures which are eligible for Local Transportation Program – Flexible Funding subprogram.

Submission of Claim Forms:

At any time following notification of apportionments, the cities and Fresno County may prepare and submit a Claim Form (Section VII Appendix B) to the Fresno County Transportation Authority.

Authority Approval of Claims:

During the next meeting following receipt of claims, (providing sufficient time exists to review the item and include it on the regular noticed agenda); the claims shall be scheduled for consideration of approval. The Authority shall approve the claim, unless it is unable to

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substantiate that the certifications are correct or an audit exception exists that would require resolution prior to such approval.

Allocation of Funds for Approved Claims

Upon approval of individual claims by the Authority Board, the Fresno County Transportation Authority Executive Director shall issue written instructions to the Fresno County Auditor-Controller/Treasurer-Tax Collector indicating the method of payments to the claimants.

Proportionate Monthly Distributions as Funds Are Received:

It is anticipated that the method of allocation to be used, unless otherwise specified by the claimant and approved by the Authority Board, will be to make monthly payments from the funds as they are received based upon the proportionate percentage determined by the formulas to be available to each agency.

Records of Individual Allocation Payments:

The Fresno County Auditor-Controller/Treasurer-Tax Collector shall transmit copies of all individual allocations to the Fresno County Transportation Authority Executive Director.

Financial Recordkeeping and Audit Requirements

Maintenance of Records:

Claimants shall account for all funds received pursuant to California Public Utilities Code Section 142257. Records of expenditures must be maintained in accordance with generally accepted accounting principles and claimants must separately record expenditures for each type of eligible purpose.

Fresno County Transportation Authority Responsible for Audits:

As the entity responsible for assuring that all funds pursuant to California Public Utilities Code Section 142000 are administered and expended in accordance with legal requirements, the Fresno County Transportation Authority shall be responsible, both

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administratively and financially, for all financial and compliance audits, including audits of funds for Local Transportation Purposes. The Authority may approve requests by local governments to include the audit of funds for Local Transportation Purposes in the local agencies' "agency wide financial compliance audit", providing such audits specifically address the Authority's requirements. Such requirements must be included in the agencies' requests for proposals for audit services. The Authority and local agencies may negotiate the Authority's appropriate funding share for such audits.

Access to Records:

The claimants shall provide the Authority or its auditor access to all records of financial transactions. Access shall be subject to at least five (5) working days prior written notice.

Resolution of Audit Exceptions:

In the event that financial or compliance audits indicate that claimants' certifications cannot be substantiated, funds have been inappropriately expended and should be disallowed **or financial or compliance audits are outstanding by 12 months**, the Fresno County Transportation Authority shall take immediate steps to resolve audit exceptions. The following steps should be taken:

*Withhold Future Allocations Until Exceptions are Resolved **or outstanding financial or compliance audits are submitted and reviewed.***

The Authority shall immediately notify the Fresno County Auditor-Controller/Treasurer-Tax Collector to withhold allocation of funds to claimants until the exceptions are **resolved or the outstanding financial or compliance audits are submitted and reviewed.** Funds so withheld shall continue to be held in trust, drawing interest, for the claimant and may be released when the exceptions are resolved.

Claimants to Repay Disallowed Funds

Claimants shall repay the disallowed funds to the Fresno County Auditor-Controller/Treasurer-Tax Collector. Disallowed funds may be expenditures for other than eligible purposes or use of Local Transportation Purposes funds when maintenance of effort requirements for local property tax support for transportation have not been satisfied. Such repayment should be from a fund that is appropriate for local transportation expenditures and not otherwise encumbered, including property tax revenues if appropriate and required. Funds so repaid shall continue to be held in trust for the claimants and reclaimed for eligible purposes.

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Process for Monitoring Financial or Compliance Audits:

On June 30th of each year, the Fresno County Transportation Authority will notice all agencies the previous fiscal year audits are due and must be submitted.

On October 1st of each year, the Fresno County Transportation Authority will send written notices to all agencies which have outstanding audits. This written notice will request the status of the audit and a schedule to submit said outstanding audit.

On January 1st, the Fresno County Transportation Authority will send written notice to each agency whose financial and compliance audit has not been submitted, and their allocation of funds will be withheld until the outstanding audit is submitted and reviewed. The Authority shall immediately notify the Fresno County Auditor-Controller/Treasurer-Tax Collector to withhold allocation of funds to claimants until the exceptions are resolved. Funds so withheld shall continue to be held in trust, drawing interest, for the claimant and may be released when the exceptions are resolved.

Appeals to the Fresno County Transportation Authority:

Claimants may appeal the withholding of funds to the Fresno County Transportation Authority. Grounds for granting an appeal must be based upon a determination that the audit findings are incorrect. Need for funding is not sufficient grounds for granting an appeal to reinstate payments.

Investment Policy:

Because of the significance of the investment of surplus Measure C funds, the final procedures for administration of the investment of those funds follow in its entirety:

Revised 07/27/07

**FRESNO COUNTY TRANSPORTATION AUTHORITY
INVESTMENT POLICY**

The Auditor-Controller/Treasurer-Tax Collector of the County of Fresno is responsible for investing the surplus funds of the Fresno County Transportation Authority (the "Authority") in accordance with principles of sound treasury management, with the provisions of the California Government Code, Sections 53600 et seq., and Resolution No. 88-07 of the Fresno County Transportation Authority. Surplus funds are defined as funds not required for immediate cash flow. These surplus funds will be invested in a manner which seeks to meet the following objectives:

Statement of Objectives

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The basic objectives of the Authority's investment program are, in order of priority:

- Safety of invested funds;
- Maintenance of sufficient liquidity to meet cash flow needs; and
- Attainment of the maximum yield possible consistent with the first two objectives.

These objectives will be met by adhering to the following procedures and policies:

Safety of Invested Funds:

The Authority shall insure the safety of its invested funds by limiting credit and interest rate risk. Credit risk is the risk of loss due to the failure of the issuer of the security.

Interest rate risk is the risk that the market value of securities in the portfolio will fall due to an increase in general interest rates.

- Credit risk will be mitigated by:
 - Limiting investments to the safest types of securities;
 - Pre-qualifying the financial institutions from which the Authority will buy or trade securities or investment instruments;
 - Diversifying the investment portfolio so that the failure of any one issuer will not place an undue financial burden on the Authority; and
 - Monitoring all of the Authority's investments on a regular basis to anticipate and respond appropriately to changes in the securities markets and information on the creditworthiness of individual issuers of securities as it becomes available
- Interest rate risk will be mitigated by:
 - Structuring the Authority's portfolio so that securities mature to meet the Authority's cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to their maturity to meet those specific needs;
 - Investing primarily in shorter-term securities, unless it is anticipated that long-term securities can be held to maturity without jeopardizing liquidity requirements; and
 - Occasionally restructuring the portfolio to minimize the loss of market value and/or maximize cash flows.
- The physical security or safekeeping of the Authority's investments is also an important element of safety. Safekeeping requirements are outlined more thoroughly in a subsequent section of this Policy.

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Liquidity:

The Authority's investment portfolio must be structured in a manner which will provide that securities mature at the same time as cash is needed to meet anticipated demands. Additionally, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets.

This Policy recognizes that maturities as long as five years may be warranted by the timing and cash flow needs of the Authority's capital projects. The specific percentage mix of different investment instruments and maturities is described in Authorized Investments and Limits Section of this Investment Policy.

Yield:

Yield on the Authority's investment portfolio is of secondary importance compared to the safety and liquidity objectives described above. Investments are limited to relatively low-risk securities in anticipation of earning a fair return relative to the risk being assumed. While it may occasionally be necessary or strategically prudent for the Authority to sell a security prior to maturity to either meet unanticipated cash needs or to restructure the portfolio, this Policy specifically prohibits trading securities for the sole purpose of speculating or taking an unhedged position on the future direction of interest rates.

Time Frame for Investment Decisions:

The Authority's investment portfolio shall be structured to provide that sufficient funds from investments are available every month to meet the Authority's anticipated cash needs. Subject to the safety provisions outlined above, the choice of investment instruments and maturities shall be based upon an analysis of anticipated cash needs, existing and anticipated revenues, interest rate trends and specific market opportunities.

Definition of Idle or Surplus Funds:

Idle or surplus funds for purposes of this Policy are all Authority funds which are available for investment at any one time, provided that funds held by a trustee pursuant to an indenture or trust agreement entered into by the Authority in connection with the issuance of bonds shall not be considered surplus funds for purposes of this Policy.

Authorized Investments and Limits

Under the above restrictions and guidelines, the following instruments are currently

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authorized investments for the Authority. Instruments shall be valued at cost when determining their percentage to the surplus of the Treasury. Any additions to or deviations from this list must be permissible under the Government Code and require approval of the Authority for Category I Investments and the Auditor-Controller/Treasurer-Tax Collector for Category II Investments.

Category I: Directed Investments:

The following instruments are authorized investments for all funds directed by Resolution of the Authority as Category I Investments:

- United States Treasury Bills, Notes, or Certificates of Indebtedness, or other securities for which the full faith and credit of the United States is pledged for the payment of principal and interest. There is no percentage limit on the total dollar amount that may be invested in these securities.

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- Obligations issued by Federal Farm Credit Banks, Federal Home Loan Banks, the Federal Home Loan Bank, or obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association; or obligations, participations, or other instruments of or issued by a federal agency or a United States Government sponsored enterprise. Although there is no percentage limit on the total dollar amount that may be invested in these issues, the Rule of Prudence should apply for any single agency name.
- Negotiable Certificates of Deposit issued by a nationally or state-chartered bank, savings and loan association, or state-licensed branch of a foreign bank. Any investment is to be restricted to the top 150 world banks as determined by their total assets and limited to those institutions in this group whose short term debt (commercial paper) is of prime quality of the highest ranking or of the highest letter and numerical rating as provided for by Moody's Investors Service, Inc., or Standard and Poor's Corporation (P1, A1+).

Eligible banks are further limited to those institutions whose other debt has an "A" or higher rating by Standard and Poor's Corporation, or its equivalent or better ranking by a nationally recognized rating service. As an alternative to the credit guidelines above, banks and savings and loan associations having an "AA" or higher rating as provided for by Gerry Findley, Inc., or a comparable rating service, shall be considered eligible institutions for these investments.

Purchases or Negotiable Certificates of Deposit may not exceed 30% of the Authority's surplus money which may be invested. No more than 5% or \$500,000, whichever is greater, of the total portfolio, shall be invested in any one institution.

- Non-negotiable Time Certificates of Deposit issued by a nationally or state-chartered bank or a savings and loan association rated "AB" or better by Gerry Findley Incorporated or rated in a category of similar quality by a comparable nationally recognized rating service. These require full collateralization with government securities (110%) or mortgages (150%) in accordance with Government Code Section 53651. Waiver of collateralization on deposits covered by FDIC or FSLIC insurance (first \$100,000) will require Auditor-Controller/Treasurer's approval. Purchases of Non-negotiable Certificates of Deposit may not exceed 30% of the Authority's surplus money which may be

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invested. No more than 5% or \$500,000, whichever is greater, of the total portfolio shall be invested in any one institution.

- Investment Agreements, Forward Purchase Agreement and Full-Flex Repurchase Agreements for various funds associated with bond proceeds to deal with safety, liquidity, yield and timeframe.

Category II: Fresno County Treasury Investment Pool and LAIF:

All funds not directed for investment by the Authority under Category I guidelines shall be invested by the Auditor-Controller/Treasurer-Tax Collector in the Fresno County Treasury Investment Pool or State of California Local Agency Investment Fund (LAIF). The maximum deposit at any time in LAIF is \$20,000,000. Category II investments shall be made in accordance with the Investment Policy of the Fresno County Auditor-Controller/Treasurer-Tax Collector as in effect from time to time.

Operating Procedures and Guidelines

Length of Investments:

Except for Category I investments, the normal maximum maturity of any investment shall not exceed thirteen months without specific authorization by the Auditor-Controller/Treasurer-Tax Collector. Based on analysis of the anticipated cash flow needs for various capital projects, the Board of the Authority, based on the recommendation of the Authority's financial advisor, the Office of the Auditor-Controller/Treasurer-Tax Collector of the County, and after review by the Authority's Financial Advisory Committee, may authorize specific dollar amounts to be invested as Category I investments for periods up to, but not exceeding, five years. Each specific dollar amount authorized by the Authority shall be defined as a "Category I Investment" for purposes of this Policy. Category I Investments will be based upon an analysis of the then current Measure C Expenditure Plan and the cash flow requirements indicated by the Plan.

The Auditor-Controller/Treasurer-Tax Collector will be instructed to invest such designated funds in Category I Investments described in Authorized Investments and Limits Section of this Investment Policy. The Authority shall specify the maximum length of each Category I Investment. The Auditor-Controller/Treasurer-Tax Collector shall determine the most appropriate Category I Investment instrument for such designated funds and the optimum maturity shall not exceed the maximum maturity

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date specified by the Authority. All Category I Investments shall adhere to the Statement of Objectives contained in this Policy.

Authorization for Category I Investments:

All Category I Investments shall be authorized by the Authority specifying the following:

- (1) The dollar amount of the investments;
- (2) The date on which the funds are anticipated to be needed;
- (3) The anticipated use or uses of the funds;
- (4) The Expiration Date for the Category I Investment, which shall be defined as the latest maturity date for the investment.

Competitive Bids:

Investments shall only be made following a minimum of three competitive comparisons with quotes documented and retained for each investment.

Diversification of Category I Investments:

Investments with qualified institutions shall be equally distributed providing yield on investments are comparable. Investments with any one type of institution (banks or savings and loans) shall not exceed 30% of the portfolio and investments with any one institution shall not exceed 5% of the portfolio or \$500,000, whichever is greater, or as further restricted under the section "Authorized Investments and Limits".

Reverse Repurchase Agreements are specifically excluded from authorized Category I investments.

Use Of Dealers/Brokers and Financial Institutions

United States Treasury and Agency instruments Bills of Exchange or Time Drafts, and Commercial Paper shall be purchased from those dealer/brokers authorized by the Auditor-Controller/Treasurer-Tax Collector. All dealer/brokers must complete a questionnaire and certification before approval by the Auditor-Controller/Treasurer-Tax Collector. Negotiable Certificates of Deposit may be purchased either from an authorized dealer/broker or directly from the institution receiving the deposit. All Non-negotiable Time Certificates of Deposit shall be purchased directly from the institution receiving the deposit. Repurchase Agreements shall be purchased from primary dealers who have executed a Tri-Party Agreement with the County. All banks and savings and loans shall be approved by the Auditor-Controller/Treasurer-Tax Collector.

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Transactions with parties other than the authorized dealers/brokers or authorized banks and savings and loans, in the case of Certificates of Deposit, will not be entered into without written approval by the Auditor-Controller/Treasurer-Tax Collector.

Safekeeping

Investments, excluding Non-negotiable Time Certificates of Deposit and Repurchase Agreements, shall be held in safekeeping with the Service Bank or its correspondent or other institutions approved by the Auditor-Controller/Treasurer-Tax Collector.

Investments in Repurchase Agreements shall be held in safekeeping by the Custodian to the Tri-Party Agreement.

Credit of Interest Earnings

Interest earned on Category I investments and the Authority's Category II LAIF investment shall be credited to the Authority when received. Interest earned on all other investments (Category II) shall be credited quarterly to the accumulated gross ending daily cash balance of funds on deposit by the Authority in the County Treasury.

Reports To the Board of Directors

The Auditor-Controller/Treasurer-Tax Collector shall provide the Board of the Authority with a monthly status report of the Authority's investments.

Confirmation

Receipts for confirmation of purchase of authorized securities should include the following information: Trade date, par value, maturity, rate, price, yield, settlement date, description of securities purchased, agency's name, net amount due, and third-party custodial information. Confirmation of all investment transactions should be received by the Auditor-Controller/Treasurer-Tax Collector's office within five business days of the transaction.

Policy Review

This Investment Policy shall be reviewed annually by the Auditor-Controller/Treasurer-Tax Collector, Authority Staff, and the Authority's financial advisor to ensure its consistency with respect to the overall objectives of safety, liquidity and yield, and its relevance to current laws and financial trends. Proposed amendments to the Policy shall be reviewed by the Financial Advisory Committee.

V. MEASURE C PROJECTS

Cost Accounting System

The Authority allocates, manages, and monitors money for the transportation improvement projects. The Authority has adopted a cost accounting system that will track and monitor all expenditures related to project completion. This cost accounting system is managed and maintained by the Authority's Contracts Manager.

Guidelines: Federal/State/County

The Fresno County Transportation Authority enters into agreements, contracts and letters of approval (project specific) that delineate the guidelines and specifications that must be followed in the delivery of each phase of the project, i.e., project contract administration, right of way, project development, project design, project construction.

It is the intent of the Authority that the appropriate federal, state, county, city or district policy guidelines relative to environmental requirements, design standards and specifications, right of way implementation requests, and construction standards are applicable and will be followed for all projects.

Where application of some guidelines and standards may require exception, the appropriate procedures and steps will be followed to obtain that exception from the requirements.

Change Order Policy

Consultant Contracts:

The Executive Director has delegated authority to make commitments up to \$25,000 for changes to ongoing consultant contracts within the approved funding limits of the original contract, as needed to maintain contract schedule. Specifically, this means the Executive Director has the authority to commit the usage of Extra Work funds, designated within the original contract up to the maximum amount of \$25,000 before reporting the use to the Board if such action is necessary to maintain project schedule and the total commitment to the contract does not exceed the original budget approved by the Authority Board. Any change to the contract involving changing the dollar limit on

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services is to be brought to the Board for approval.

Construction Contracts:

The Executive Director is delegated the authority to make commitments from Board approved contract contingency funds for change orders to contracts up to \$25,000 per change order provided that the Authority commitment to the contract remains within the total approved budget for each project. The total approved budget for each project will be either the Expenditure Plan Budget or a contract-specific "contingency" budget as determined by the Fresno County Transportation Authority Board (typically base contract amount plus 5%) whichever is more current. Exceptions to this policy may include areas where immediate public health or safety is involved.

At specific defined intervals (25%, 50%, 75% and 100% of contingency budget commitment) for each construction project, staff will analyze and report to the Board on change order performance, budget impact, and corrective actions that may be necessary.

Agency Contracts:

As designated in the terms of each cooperative agreement.

VI. CONSULTANT SUPPORT

General Selection Procedures

The Authority has adopted the following Selection Procedures for Obtaining Consultant Support;

FRESNO COUNTY TRANSPORTATION AUTHORITY POLICY FOR SELECTION OF CONSULTANTS

General:

The following policy is applicable to the selection of consultants for management, financial, project feasibility master plans, design, construction and related services. Such services may be desired by the Fresno County Transportation Authority to assist in administration of its programs or highway improvement projects funded with Measure C revenues.

Objective:

The intent of this policy is to establish guidelines for a selection process and basis for compensation which will permit the Fresno County Transportation Authority to obtain the most highly qualified and competent consultants who are able to provide services to obtain the lowest total project cost consistent with the highest quality standards of performance.

Consultants must be selected for a specific project based on their experience, ability to perform services within given timeframes, record of success on similar work, and ability to complete the work with effective presentations, and coordination and cooperation between all parties involved. The Fresno County Transportation Authority has the responsibility to establish a selection policy which provides equal opportunity for all interested and qualified consultants to be considered for the services required.

Criteria for Selection:

The following criteria shall be used in selecting a consultant for a particular study or

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project. It is understood that only applicable items from the list will be used pertaining to individual projects, based on scope and magnitude.

- Education and background of the consultant.
- Experience record of the consultant.
- Past performance of the consultant on work previously performed for the Fresno County Transportation Authority, local agencies or Caltrans.
- Specific individuals within the consultants organization that will be directly responsible for the work and the amount of time they will commit for the project.
- Adequate staff to perform the work within the time allowed.
- Approach proposed for completion of the work.
- Ability of the consultant to make effective public presentations on reports and/or proposed designs.
- Ability of the consultant to work effectively with the Authority staff or other public agencies and related parties.
- New ideas presented by the consultant in the proposal or presentations.
- Knowledge of local conditions, where appropriate.
- Demonstrated interest of the consultant in the success, efficiency, and workability of the program and/or facilities during construction and after they are placed in operation.
- Whether the consultant is currently engaged in another project which has a direct and substantial relationship to the proposed project.
- Past performance of the consultant in keeping costs within project budgets and design estimates and in maintaining schedules.
- Demonstrated attempt to achieve minority business enterprise objectives.
- Demonstrated record of abiding by the terms of subcontract agreements regarding timely payment for services rendered on Fresno County Transportation Authority, local agencies, or Caltrans projects.
- Ability of the consultant to furnish effective supervision, including

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construction supervision, where such services are required.

- All other things being equal, local (within Fresno County) consultants are preferred over non-local consultants.
- All other things being equal, a non-local consultant who associates with a local consultant for purpose of the particular services required shall be preferred to a non-local consultant who does not so associate.
- Errors and omissions insurance as specified in the RFP.

Selection Methods

Selection of consultants for all contracts shall be made using one of the following methods:

Formal Request for Proposals:

Formal RFP's for management, financial, planning, architectural and engineering contracts will be requested for projects where the estimated cost of consulting services is \$30,000.00 or more. Under this selection method, consultants are required to submit formal proposals which include detailed information on project-related questions developed by the Fresno County Transportation Authority staff or other designated representatives. Responses to these questions are to be utilized to determine the professional qualifications and competence of each firm.

For projects requiring RFP's, the consultant will be provided a general description of the scope of required services.

In the case of architectural/engineering project proposals, the consultant will be provided a comprehensive design program which includes a detailed description of the proposed project. Information to be provided as required in the RFP may include but is not limited to:

- Functional area requirements, including general layouts.
- Nature of activity, number of persons and equipment assigned to the project.
- Project time frame and anticipated budget.
- Site conditions, including landscaping, drainage and security.
- Maintenance expectations

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- Mechanical and electrical requirements or criteria.
- Special conditions unique to the project.

In order that all interested parties will have an opportunity to participate equitably, consultants will be notified by one or more of the following:

- RFP's will be furnished to appropriate industry, information services, organizations and to local chapters of professional associations which would then disseminate the information to firms within Fresno County, and to state and national associations with which they are affiliated. At minimum, such professional associations shall include the American Institute of Architects, the American Planning Association and Consulting Engineers and Land Surveyors of Californians. Notice of the availability of RFP's will also be given to appropriate industrial publications.
- Fresno County Transportation Authority staff (to the best of their ability) will distribute RFP's to those firms who have previously shown interest in projects. Interested and qualified firms shall be maintained on lists compiled and updated periodically by the Authority. New names of interested firms may be added to that list at any time during the year by notifying the Authority in writing.
- There may be major or specialized projects for which it may be advantageous for the Fresno County Transportation Authority to actively advertise outside the local area. On those projects, wider advertisement may be made in addition to local notification.

The Authority staff will assemble all proposals received for evaluation by Selection Committee(s). The Selection Committee(s) may evaluate all proposals as submitted or interview the consultants. If several proposals are received for a project, the Committee(s) may interview only the most qualified consultants, usually three to five firms.

For projects involving management or financial services, the Selection Committee shall consist of the Authority's Financial Advisory Committee. For projects involving planning, architectural and engineering services, the Selection Committee shall consist of the Authority's Technical Advisory Committee.

On major projects, the committee(s) may also include a representative knowledgeable in

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the area of project specialty from outside the community or from a university. The Selection Committee(s) shall utilize the list of items set forth in the Criteria for Selection to evaluate the proposals. The Selection Committee(s) shall identify the strong and weak points of each of the three to five firms considered. The Committee(s) shall recommend the firm it prefers for the project. The Fresno County Transportation Authority Board will make final selection from the three to five firms considered by the Selection Committee(s).

The Authority staff with assistance from the Selection Committee(s) will negotiate the terms of the agreement for services and final compensation with the firm after the preferred firm has been selected by the Authority Board. If terms cannot be negotiated that satisfactorily comply with guidance provided to staff by the Authority, the Authority may choose to reconsider selection from the remaining qualified firms on the list for the project.

Prequalification of Consultants – Evaluation of Informal Proposals:

This method will apply to the selection of consultants in projects where the estimated services contract does not exceed \$30,000.

Under this method consultants interested in being included in a list of pre-qualified firms will submit a statement of qualifications and performance data. Architectural and engineering firms shall submit this data on Standard Form 330. These statements will be solicited by the Fresno County Transportation Authority on an annual basis but may be updated by interested firms at any time during the year.

After the list of pre-qualified firms has been established, the Selection Committee(s) shall compile a list of at least three firms that have previously expressed an interest in the type of project for which consultant services are needed. They will be contacted to determine availability and immediate interest. The Selection Committee(s) may request additional information as required and shall submit a recommendation for the project to the Authority Board.

The Authority Board will make final selection from the three qualified consultants listed. Firms selected for services using this method will not be precluded from consideration under the Formal Request for Proposals Methods.

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The Authority staff will negotiate the terms of the agreement for services and final compensation with one firm after the preferred firm has been selected by the Authority Board. If terms cannot be negotiated that satisfactorily comply with guidance provided to staff by the Authority, the Authority may choose to reconsider selection from the remaining qualified firms in the list for the project.

Extension of Contracts

Certain services are of such nature that it is more efficient and economical to expand the scope of the work under an existing contract or enter into a multi-phase for multi-year contract. An extension of an existing contract would be limited to services which have been determined to be logically incorporated into an ongoing contract and to be constructed as a single project. A multi-phase contract is normally negotiated under the Formal Requests for Proposals method, but will not include feasibility studies, master plans, and programming services. Negotiations may be required on existing multi-phase contracts upon completion of each phase prior to proceeding with the next phase. A Multi-year contract is normally negotiated at the time of the original agreement to permit the Authority the option of extending the contract into future fiscal years.

Agreements for these services will be negotiated by the Selection Committee(s) and/or Authority staff when appropriate and will be submitted to the Authority Board for approval

Contracts for Auditing Services

Selection of an auditing firm to perform the annual audit and Federal Single-Purpose Audit shall follow the adopted selection procedures of the Authority for consultant selection.

An RFP for auditing services shall be issued at least every three years. No auditing firm shall be authorized to perform auditing services for more than three consecutive years and that firm shall be prohibited from submitting a proposal to perform auditing services for the next succeeding contract period.

VII. APPENDICES

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Appendix A	2006 Measure C Extension Expenditure Plan
Appendix B	Measure C Extension Strategic Implementation Plan – (Approved 6/04/24)
	Includes:
	Guidelines for All Programs and their Sub Programs listed in the 2006 Measure C Expenditure Plan
	Local Transportation Purposes Certification and Claim Form
	Measure C Extension Annual Expenditure Reporting Form
	Guidelines for Local Transportation Purposes Flexible Funding Category Expenditures
	Enabling Legislation
	Conflict of Interest Code (Updated 06/25/20)
	Reimbursement Policy
	TOD Policy & Guidelines, Invoice and Reporting