

## RESOLUTION NO.

**Resolution Of The City Council Of The City Of Emeryville Setting Compensation To The Emeryville Transportation Management Association (TMA) To Operate The Emery Go Round Shuttle Service During The 2017 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Three Million Two Hundred Ninety Eight Thousand Six Hundred And Eighty One Dollars (\$3,298,681) And Authorizing Payment From The Emeryville Property Based Business Improvement District (PBID) Fund 805; And Approving The Emeryville TMA 2017 Operating Budget And Authorizing An Additional Thirty One Thousand Nine Hundred And Fifty Nine Dollars (\$31,959) To Be Appropriated To Fund 805 From The General Fund For The General Benefit**

**WHEREAS**, after a vote of approval by Emeryville commercial property owners, the City Council established the Citywide Property Based Business Improvement District (PBID) to fund the Emery Go Round Shuttle and other alternative transportation programs on July 31, 2001 (Resolution No. 01-122) in accordance with the Property and Business Improvement District Law of 1994 (Section 36600 et. Seq. California Streets and Highway Code), the PBID Law, for a period of five years through FY 2005-06 (service year 2006); and

**WHEREAS**, after a vote of approval by Emeryville commercial property owners, on July 18, 2016 the City Council, adopted Resolution No. 06-141 extending the PBID for another ten years through FY 2015-16 (service year 2016); and

**WHEREAS**, after a vote of approval by Emeryville commercial and residential property owners, on August 4, 2015 the City Council adopted Resolution No. 15-104 extending the PBID for another fifteen years through FY 2029-30 (service year 2030); and

**WHEREAS**, the Emeryville Transportation Management Association (TMA) is a private, non-profit organization representing commercial and residential property owner that contribute funds to the PBID; and

**WHEREAS**, the City Council authorized the City Manager to enter into a contract with the TMA to administer and operate the Emery Go Round through December 31, 2030, with each year's compensation to be set by Council Resolution; and

**WHEREAS**, the TMA Board has adopted an annual operating budget for the Emery Go Round shuttle and related services for service year 2017 of \$4,252,500; and

**WHEREAS**, under the TMA contract to operate the Emery Go Round, the annual compensation is set at the lesser of the total approved TMA annual shuttle budget, net the developer fees collected directly by the TMA and certain other TMA revenue or the annual revenue generated by the PBID, net administrative costs and estimated uncollectable levy fees; and

**WHEREAS**, in FY 2016-17, the PBID is projected to generate \$3,298,681 in revenue, net administrative fees; and

**WHEREAS**, PBID funds can only be used to operate the Emery Go Round shuttle and related alternative transportation services/programs and to cover the PBID's administrative expenses, both County and City administrative fees; and

**WHEREAS**, a General Benefit is a benefit to the public at large resulting from the implementation of District services; and

**WHEREAS**, the Management District Plan determined that 12.29% of the Emery Go Round users were engaged in general benefit activities; now therefore be it

**RESOLVED**, that the City Council of the City of Emeryville hereby approves setting the compensation to the Emeryville Transportation Management Association (TMA) to operate the Emery Go Round shuttle and related services during the 2017 calendar year, under the terms of the service agreement for an amount not to exceed three million two hundred ninety eight thousand six hundred and eighty one dollars (\$3,298,681) and authorizes payment from the Emeryville Property-Based Business Improvement District Fund 805; and be it further

**RESOLVED**, that the City Council of the City of Emeryville approves the TMA 2017 Operating Budget; and authorizes an additional thirty-one thousand nine hundred and fifty-nine dollars (\$31,959) be appropriated to fund 805 from the General Fund to cover the additional cost of the General Benefit.

**ADOPTED** by the City Council of the City of Emeryville at a special meeting held January 17, 2017.

AYES:  \_\_\_\_\_  
NOES:  \_\_\_\_\_  
ABSTAIN:  \_\_\_\_\_  
ABSENT:  \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST: APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY