

RESOLUTION NO. 21-121

Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (ETMA) 2022 Budget And Setting Compensation To The ETMA To Operate The Emery Go-Round Shuttle Service During The 2022 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Four Million, Two Hundred Forty-Five Thousand, Four Hundred And Fifty-Three Dollars (\$4,245,453); And Authorizing Payment From The Emeryville Property Based Business Improvement District (PBID) Fund 805; And Authorizing An Additional Five Hundred Sixty-Four Thousand, Seven Hundred Twenty-Six Dollars (\$564,726) From The Emeryville Property Based Business Improvement District (PBID) Fund 805 To Cover The General Benefit Contribution

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 (ETMA) is a 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 ETMA 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 ETMA Board has adopted an annual budget for the Emery Go-Round shuttle and related services for service year 2022 of \$4,942,757; and

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

WHEREAS, in FY 2021-22, the PBID is projected to generate \$ 4,245,453 in revenue, net of County Assessor and administrative fees; and

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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 approves the ETMA 2022 Budget, attached hereto as Exhibit A; and, be it further

RESOLVED, that the City Council of the City of Emeryville hereby approves setting the compensation to the Emeryville Transportation Management Association (ETMA) to operate the Emery Go-Round shuttle and related services during the 2022 calendar year, under the terms of the service agreement for an amount not to exceed Four Million, Two Hundred Forty Five Thousand, Four Hundred And Fifty Three Dollars (\$4,245,453); 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 authorizes an additional Five Hundred Sixty-Four Thousand, Seven Hundred Twenty-Six Dollars (\$564,726) from the Emeryville Property Based Business Improvement District (PBID) Fund 805 be paid to the ETMA to cover the General Benefit contribution

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 16, 2021, by the following vote:

AYES:	<u>4</u>	Mayor Martinez, Vice Mayor Donahue, and Council Members Bauters and Medina
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

DocuSigned by:

Dianne Martinez

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MAYOR

ATTEST:

DocuSigned by:

Sheri Hartz

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CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

Andrea Visveshwara

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INTERIM CITY ATTORNEY

2022 Budget
EMERY GO-ROUND

	2022	
Revenue	Anticipated Revenue	Notes
PBID Revenue	(0% Increase)	
PBID Revenue	4,343,798	Total levy per NBS.
District Related Costs	(98,345)	1.7% of assessment to County Assessor + \$24,500 to City for legal and administrative fees.
Net PBID	4,245,453	
Non-PBID Revenue		
City of Emeryville - General Benefit Contribution	564,726	Assumed 12.29% of Total Budget (excluding capital cost for construction of operations facility).
City of Emeryville - Emery Go Round Bus Yard (CIP)	-	
ETMA Billed Revenue	109,578	
BGTMA Revenue	20,000	
Misc. Revenue (Charter services, interest income, etc.)	3,000	
Subtotal Non-PBID Revenues	697,304	
Total Revenue	4,942,757	

	2022	
Expenditures	Estimated Expenditures	ASSUMPTIONS
Direct Costs		
Bus Leases/Purchases	500,000	See note 1.
Bus Maintenance	300,000	
Operations Contract	2,420,000	See note 3.
Fuel	325,000	See note 6.
Communications	55,000	Annual fees for real-time tracking system, GTFS software, driver radios & automated passenger counter's.
Miscellaneous Operating Costs	5,000	Route guides, bus stop sign replacements, rider alert postings, etc.
Subtotal Direct Costs	3,605,000	
Indirect Costs		
Professional Services	550,000	See note 4. Includes management, accounting, audit and legal services.
Occupancy (Bus Yard, Site Security, Site Expenses)	365,000	See note 7.
Membership & Public Outreach Materials	15,000	Annual Report, Annual Membership Meeting Invitations & Rider Satisfaction Survey.
Pilot Projects and Research	25,000	Allowance for implementation of new transit enhancements.
TMA Insurance	25,000	Commercial, Directors & Officers and Special Form Property Coverage.
Conferences, Meetings, Office Expenses	10,000	Shuttle Operations Workshop, office equipment and expenses, etc.
Subtotal Indirect Costs	990,000	
Contingency		
Subtotal Other Costs		
Total TMA Operating Budget/Expenses	4,595,000	
Replenishment of ETMA Cash Reserve		
Deposit to Cash Reserve	347,757	See note 8.
Total Cash Reserve	347,757	
TOTAL BUDGET/EXPENSES	4,942,757	
Estimated Balance/Overrun	(0)	

Reserve Balance Summary (2022)	
Projected Cash Balance on Dec 31, 2021	\$ 2,751,237
2022 Projected Cash Balance	\$ 347,757
Total Projected Cash Balance on Dec 31, 2022	\$ 3,098,994
15% Operating Reserve (per ETMA Policy)	\$ 741,414
Total Available Cash Balance on December 31, 2022	\$ 2,357,580

2022 Budget Assumptions

1. Includes the acquisition of 2 replacement vehicles with 60-month term financing, as well as \$100k for capital equipment reserve for future EV acquisition.
3. Assumes a service increase of 19%, with partial reinstatement of commute service plan in January 2022 at 80% of Pre-COVID levels.
4. Anticipate an increase of 7% for professional services, including additional scope of work for operator and accounting services procurement.
5. Assumes full collection of PBID Revenue.
6. Includes a slight increase for higher fuel costs.
7. Increased by \$185k from Preliminary Budget for site security (7PM-7AM), utilities and yard maintenance services.
8. Revenue balance to be reserved for future funding shortfall.