

**EL DORADO COUNTY
BOARD OF SUPERVISORS
AGENDA TRANSMITTAL
Meeting of May 20, 2003**

GENDA TITLE Guidelines for RIF / TIM Reimbursement Projects

| | | |
|---|--------------------------|---------------------|
| DEPARTMENT: Transportation | DATE: May 8, 2003 | <u>CAO USE ONLY</u> |
| CONTACT: Matt Boyer, Director <i>Matt</i> | PHONE: 621-5900 | |

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

- Amend the adopted "Guidelines for RIF/TIM Reimbursement Projects" to suspend Section 7.0 "Cost Reimbursement Policies," as pertains to the El Dorado Hills / Salmon Falls Road Impact Fee.
- Direct the Bond Screening Committee to recommend appropriate adjustments to the Guidelines for future consideration of the Board of Supervisors. In the interim, authorize staff to negotiate reimbursement agreements in the context of the concerns expressed herein.

CAO RECOMMENDATION:

| | |
|----------------------------------|--|
| Financial impact? () Yes (X) No | Funding Source: () Gen Fund () Other |
|----------------------------------|--|

BUDGET SUMMARY:

| | |
|---------------------------|----------|
| Total Est. Cost | \$ 0 |
| Funding | |
| Budgeted | \$ _____ |
| New Funding | \$ _____ |
| Savings | \$ _____ |
| Other * | \$ _____ |
| Total Funding Available | \$ _____ |
| Change in Net County Cost | \$ 0 |

CAO Office Use Only:

| | |
|-------------------|----------------|
| 415's Vote Req'd. | () Yes () No |
| Change in Policy | () Yes () No |
| New Personnel | () Yes () No |

CONCURRENCES:

Risk Management _____
 County Counsel _____
 Other _____

* Explain

BOARD ACTIONS:

Vote: Unanimous _____ Or

Ayes:

Noes:

Abstentions:

Absent:

Rev. 2/96 j:\agenda\win95

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.

Date: _____

Attest: DIXIE L. FOOTE, Board of Supervisors Clerk

By: _____



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Phone: (530) 642-4988
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MATTHEW C. BOYER
Director of Transportation

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May 8, 2003

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Dear Board Members:

Title: Guidelines for RIF / TIM Reimbursement Projects

Meeting Date: May 20 , 2003

Requested Actions:

1. Amend the adopted "Guidelines for RIF/TIM Reimbursement Projects" to suspend Section 7.0 "Cost Reimbursement Policies," as pertains to the El Dorado Hills / Salmon Falls Road Impact Fee.
2. Direct the Bond Screening Committee to recommend appropriate adjustments to the Guidelines for future consideration of the Board of Supervisors. In the interim, authorize staff to negotiate reimbursement agreements in the context of the concerns expressed herein.

Reason for Recommendation:

Background

On January 23, 1996 the Board adopted "Guidelines for RIF/TIM reimbursement projects". A copy of these guidelines is attached. Each time DOT begins to discuss reimbursement terms with a specific developer, these Guidelines, and past reimbursement agreement terms, are looked to as starting points. However, as is explained herein, current circumstances require consideration of a new approach to reimbursements that is different from the existing guidelines and past agreements, at least as relates to the El Dorado Hills / Salmon Falls Road Impact Fee.

These guidelines accomplish many things including specifying the terms under which developers are reimbursed from future traffic impact fees for transportation projects that are advance constructed. The guidelines (page 1) recognize "that special circumstances may require deviation and/or modification of these guidelines to satisfactorily complete the projects..." in compliance with applicable laws, agreements, or "other criteria which are equally important and consistent with sound public policy..."

Page 1 of the Guidelines states that the "Bond Screening Committee may approve any deviation and/or modification to these guidelines."

The Bond Screening Committee includes the Assessor, Auditor-Controller, Chief Administrative Officer, County Counsel, Director of Transportation, and Treasurer-Tax Collector. While some of these Committee members may not have a direct interest in the subject of impact fee reimbursements, the time-sensitivity of the matter suggests that the Board may wish to take advantage of an existing procedure rather than create a new one. Also, the subject of advanced road projects has related to the formation of Community Facilities District bond issuances that are at the core of the Bond Screening Committees' purpose.

While a comprehensive review of these guidelines might be appropriate at some future date, the Department of Transportation believes that changing one particular component of the guidelines is needed more imminently – specifically that related to cost reimbursements.

Section 7.0 of the Guidelines define "Cost Reimbursement Policies".

- Section 7.1 establishes that "authority for general cost reimbursement policies will be set by the Board of Supervisors by approval of these guidelines."
- Section 7.2 states that eligible projects are those of County or regional benefit that are also in the 5 year Capital Improvement Program.
- Section 7.3 states the County's ability to reimburse is dependent upon the amount of uncommitted funds available in the impact fee programs, and indicates that the Director of Transportation will determine the allocation of uncommitted available funds that may be reserved for future or higher priority projects.
- Section 7.4 establishes the typical timing under which projects identified in the 5 year Capital Improvement Program will be reimbursed, generally with zero interest and over a four-year period with 25% repaid each year. (Note: the introduction on Page 1 acknowledges that the specific terms of any Board – approved reimbursement agreement takes precedence over these guidelines).

Areas of Concern

Sections 7.2 through 7.4 are not fully reflective of existing circumstances. Moreover, these policies are incomplete and do not address several current circumstances, particularly as relates to the El Dorado Hills / Salmon Falls Road Impact Fee area.

- ✓ How should the County handle reimbursements for projects not in the 5-year CIP?
- ✓ There is, and will continue to be, an increasing amount of advanced projects compared with the projected stream of new impact fees. If the County fully commits

the stream of new fees to reimburse project advances how will the County deliver projects that are needed but not conditions of any specific development?

- ✓ The guidelines imply an overly optimistic situation with respect to near-term RIF cash flow as compared to the cost of road improvements needed to maintain acceptable traffic flows.

As DOT staff has described on a number of occasions, the County has entered a period of time when a number of RIF road improvements are necessary in a short period of time to alleviate specific points of congestion. From a cash-flow perspective, the El Dorado Hills / Salmon Falls Road Impact Fee (RIF) is unable to keep pace with the need for new projects and this circumstance is projected to exist for a number of years. **From a practical standpoint, the County may not have any funds to provide reimbursements for a number of years and still ensure delivery of critical congestion-relieving projects.**

A related issue is crediting the cost of eligible fee program projects against the payment of impact fees. Example: a development owes traffic impact fees of \$200,000, and is required to advance construct a \$500,000 road improvement. Often the County will grant fee credits for the improvements such that no impact fees would be paid, and the reimbursement owed would be \$300,000.

To the extent that the County commits to repay existing advances with impact fee receipts more quickly than is perhaps necessary, or grants fee credits to minimize the outstanding balance on an advance, the County is further disadvantaged in building other critical road improvements in a timely manner.

The cash situation in the RIF, and eventually other fee programs, is such that the County may need to reconsider providing fee credits for road improvements. As an alternative, the County may need to consider requiring both full payment of traffic impact fees and advanced construction of appropriate road projects (subject to reimbursement), to the extent allowable within the County's legal authorities.

It should be noted that this cash flow issue is not related to whether the current impact fee schedules are sufficient. Inherent in any comprehensive fee-based financing system are these problems.

- ✓ There will be a "lag" between the time fees are paid and the time road improvements are delivered with cash until the theoretical end of the program when the fees associated with the last building permit allow for construction of the last road improvement; or,
- ✓ There will be a time when the sum of advanced-funded road improvements causes significant cash shortages until the theoretical end of the program when the fees associated with the last building permit allow for the final re-payment of the last remaining advance.

- ✓ Inherent in this agenda item is a suggestion that the County needs to move from the former of these two scenarios to the latter.

As each new improvement is completed, the County will have additional road capacity for a future period of time. A revision to the policies that front-loads road building while deferring reimbursements will help to mitigate the problems inherent in the current system.

Long-term the County may need to consider alternative structures for financing road improvements that complement the comprehensive impact fee programs without modifying the obligations of new development under the provisions of Measure Y.

Pending Reimbursement Agreements

Several new reimbursement agreements are currently being discussed with developers and are at various stages.

- ✓ White Rock Road Improvements, between 5th Avenue to Latrobe Road, (AKT Development and Creekside Greens/Lennar).
- ✓ Silva Valley Parkway connection to White Rock Road, including upgrades to White Rock Road (Serrano Associates).
- ✓ White Rock Road – west, adjacent to Euer Ranch (AKT/Northridge Development).
- ✓ El Dorado Hills Boulevard at Wilson Boulevard, traffic signal (Sterling Ranch Associates).
- ✓ El Dorado Hills Boulevard at Olson, traffic signal (AKT Development).

Some of the financing terms of the pending agreements listed above are defined in prior approvals.

Other road projects are likely in the next year or two that will receive reimbursements pursuant to the terms of existing reimbursement agreements.

Other discretionary land use decisions are pending that could lead to new conditions of approval, and eventually result in the need for additional reimbursement agreements.

Recommendations

The Department of Transportation recommends that the Board suspend Section 7.0 of the reimbursement guidelines and refer the matter to the Bond Screening Committee. It is further recommended that your Board direct that the Bond Screening Committee recommend appropriate revisions Section 7.0 of the guidelines in light of current circumstances.

As your Board must ultimately approve all reimbursement agreements, and consistent with the existing Guidelines, the terms of any specific agreement take precedent over the Guidelines, the most important aspect of this recommendation is to provide notice to potentially affected parties that the County will be extremely limited in its ability to enter into a series of new reimbursement agreements modeled after past practice.

Summary of the Purposes of the Recommendations

In summary, the primary purposes of these recommendations are as follows.

- ✓ Ensure that DOT, the Board of Supervisors, other County Departments, and other interested parties, have a common understanding of financing issues related to the RIF program and to receive Board direction that an amendment to the current guidelines is necessary and appropriate.
- ✓ Continue to strengthen the County's financial position in the El Dorado Hills / Salmon Falls Road Impact Fee program area to meet upcoming obligations in the delivery of all key RIF projects.
- ✓ Ensure an appropriate sharing of long-term financial responsibility, consistent with existing approvals and entitlements, with the development community.
- ✓ Set the stage for the establishment of a more realistic, predictable, but equally "level" playing field, for all future reimbursement agreements.
- ✓ Ensure that private parties desiring to enter into future reimbursement agreements have a more-clear upfront understanding of the issues described herein that will impact the possible range of financial terms of any advance and reimbursement.

Options

- ✓ Alternatively, the Board could adopt changes to the Guidelines at this time. This is not recommended as the specific language should be carefully considered and staff is not prepared with a specific recommendation at this time.
- ✓ The Board could also direct (specified) staff to return at a future date with revisions for your consideration without referral to the Bond Screening Committee.
- ✓ The Board could determine that no changes are necessary to the existing guidelines, particularly as the current guidelines are non-binding and require that all reimbursement agreements be presented to your Board for approval.
- ✓ The Board could take no action, or could continue the item to a future meeting.

One other consideration is the involvement of non-County stakeholders in the development of proposed new reimbursement policies. Typically, DOT makes exhaustive efforts to involve stakeholders in the development of new plans and policies. In this case, it is not

May 8, 2003

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clear that individual stakeholder involvement would be constructive as there are already fiscally inter-woven considerations. However, it would appear to be in the collective interests of the stakeholders to support the expeditious preparation and adoption of new reimbursement guidelines that provide for greater certainty while preserving evenhandedness.

Fiscal Impact:

There is no fiscal impact associated with this item, although the intent is to lead to an improvement to the County's financial position in the El Dorado Hills / Salmon Falls Road Impact Fee program.

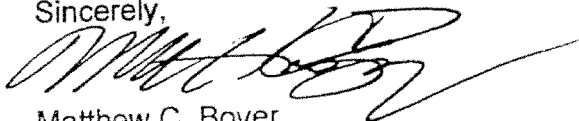
Net County Cost:

There is no net County cost associated with this item.

Action to be Taken Following Approval:

Staff will implement the Board's direction, if any.

Sincerely,



Matthew C. Boyer
Director of Transportation

Attachment

cc: Bond Screening Committee
El Dorado Hills / Salmon Falls Road Impact Fee "stakeholders"
Planning Commission members
Conrad Montgomery, Planning Department

EL DORADO COUNTY
BOARD OF SUPERVISORS
AGENDA TRANSMITTAL

AGENDA TITLE: Guidelines for RIF/TIM reimbursement projects

| | | |
|--|--------------|---------------------|
| DEPARTMENT: Transportation <i>see / in MTS</i> | DATE: 1/2/96 | <u>CAO USE ONLY</u> |
| CONTACT: Barbara Ellis | PHONE: 5907 | <i>C 701/18/96</i> |

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION: The El Dorado Hills Specific Plan (EDHSP) Public Improvements Financing Plan (PIFP), dated December 28, 1988, proposed means for financing construction of specific basic public improvements required to serve full development of the EDHSP area. Section III.B.4. of the EDHSP PIFP discusses reimbursement and/or credits for e.g. developer advance-funded road impact fee (RIF) improvements. It requires that specific details regarding the implementation of the reimbursement and credit provisions of the EDHSP PIFP be agreed upon by the County and the Developer. The El Dorado County Department of Transportation Guidelines for RIF/Traffic Impact Mitigation (TIM) Fee Reimbursement Projects (Guidelines) describe the process of administration, construction, acceptance, and reimbursement of RIF and TIM fee projects. A copy of the Guidelines is on file with the Board Clerk.

The Department of Transportation recommends that your Board approve and adopt the Guidelines.

CAO RECOMMENDATION:

CAO

| | |
|---|--|
| <p>BUDGET SUMMARY:</p> <p>Total Est. Cost \$ <u>-0-</u></p> <p>Funding</p> <p>Budgeted \$ _____</p> <p>New Funding \$ _____</p> <p>Savings* \$ _____</p> <p>Other \$ _____</p> <p>Total Funding Available \$ _____</p> <p>Change in Net County Cost \$ <u>-0-</u></p> <p>*Explain:</p> | <p>Funding Source: () Gen Fund () Other</p> <hr/> <p><u>CAO Office Use Only:</u></p> <p>4/5's Vote Req'd () Yes <input checked="" type="checkbox"/> No</p> <p>Change In Policy () Yes <input checked="" type="checkbox"/> No</p> <p>New Personnel () Yes <input checked="" type="checkbox"/> No</p> <p>CONCURRENCES:</p> <p>Risk Management _____</p> <p>County Counsel <u>yes</u></p> <p>Other _____</p> |
|---|--|

BOARD ACTIONS: JAN 23 1996

APPROVED.

Vote: Unanimous _____ or

Ayes: SUPERVISORS: NIELSEN, SHULTZ, BRADLEY, NUTTING, NIELSEN

Noes: NONE

Abstentions: NONE

Absent: NONE

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors.

Date: _____

Attest: DIXIE L. FOOTE, Board of Supervisors Clerk

BY: _____

COUNTY OF EL DORADO
DEPARTMENT OF TRANSPORTATION
GUIDELINES FOR ROAD IMPACT FEE/TRAFFIC IMPACT MITIGATION FEE
REIMBURSEMENT PROJECTS

INTRODUCTION

The Board of Supervisors authorizes the Department of Transportation (DOT) to oversee the acquisition and reimbursement of Road Impact Fee (RIF) and Traffic Impact Mitigation (TIM) Fee Projects.

The purpose of these guidelines is to describe the process of administration, construction, acceptance, and reimbursement for RIF and TIM Fee Projects. It is recognized that special circumstances may require deviation and/or modification of these guidelines to satisfactorily complete the projects in compliance with applicable Federal, State, and Local law, previous Agreements, environmental concerns, or other criteria which are equally important and consistent with sound public policy and prudent engineering judgement. The affected County Agency/Department(s) may suggest and the Assessment District Screening Committee aka Bond Screening Committee may approve any deviation and/or modification to these guidelines. It is understood that any applicable agreement between the Developer and the County takes precedence over the guidelines included herein in any area of conflict.

The responsibility within the County for RIF/TIM Projects is assigned as follows:

- a. Project Reimbursement Eligibility - DOT
- b. Plan review and approval - DOT/Construction Unit
- c. Construction Inspection - DOT/Construction Unit
- d. Engineering Review of Reimbursement Request - DOT/Construction Unit
- e. Financial Review of Reimbursement Request - DOT/County Counsel
- f. Reimbursement - Auditor-Controller

1.0 Definitions

- a. Advertisement - Published public notice soliciting bids for the Project, in accordance with public contract law.
- b. Assessment District Screening Committee - also known as the Bond Screening Committee, membership is comprised of key staff from the Department of Transportation, Assessor, Treasurer, Auditor and County Counsel offices.

c. Bid Documents - Plans, specifications, and proposal documents prepared by/under the supervision of the Design Engineer conforming with policies, rules, regulations and laws applicable to the County, suitable for the solicitation and submittal of bids by contractors for construction of the Reimbursement Project.

d. Completed Facilities - Those certain facilities which are determined to be complete by the DOT and ready for acceptance by the County, and are eligible as a Reimbursement Project.

e. Contractor - A contractor who possess the appropriate California contractor license(s) for the work required to be performed in the Reimbursement Project.

f. County Engineer - County Engineer, El Dorado County.

g. Design Engineer (or Engineer of Work) - A licensed California Civil Engineer who has been retained by the Developer for the purpose of Designing and/or supervising construction of the facilities.

h. Developer - An individual, group, corporation, partnership, etc., which meets the requirements of the applicable requirements set forth by the County and which has applied to and has been approved by the County to construct a RIF/TIM Fee Reimbursement Project.

i. Eligible Reimbursement Project - A public road facility which has been determined to be eligible for cost reimbursement from Road Fee funds, as determined by DOT, and as approved within a reimbursement agreement by the Board of Supervisors.

j. Engineer's Estimate - A cost estimate prepared by the Design Engineer and approved by the County Engineer.

k. Facility - The term "Facility" or "Project", if used by itself, shall be taken to mean "RIF/TIM Reimbursement Facility". Facility shall be eligible for reimbursement at such time as it is complete, available for public benefit, and accepted by the County.

l. Guidelines for RIF/TIM Reimbursement Projects (Guidelines) - A framework developed by the County to facilitate the process of administering a RIF/TIM Fee Project.

m. Land Acquisition/Dedication Costs - Those costs associated with acquisitions or dedications of real property upon which public roadway facilities are situated, and which property is either owned by the Developer, or is located with the boundaries of the county approved project (see also off-site easements)

n. Off-Site Easement Costs - Those costs associated with dedications of real property upon which public roadway facilities are situated and which property is located outside the boundaries of the county approved project, and is required by the County to complete the roadway facilities, and is acquired at the Developer's expense.

o. Plans - Final construction drawings prepared by the Engineer of Work and its consultants and approved by the County for construction of the Project.

p. Proposal - A non-publicly advertised private request for proposals to perform public facility work or services, which complies with public contract law regulating fraud and non-collusion.

q. Purchase Price - The amount to be paid by the County for the Facilities in accordance with the provisions of the Reimbursement Agreement.

r. Reimbursement Agreement - An agreement between a Developer and the County of El Dorado, allowing the District to acquire certain public facilities from the Developer and to reimburse the Developer for the costs thereof.

s. RIF/TIM Reimbursement Report - A report prepared by the Engineer of Work as required by these guidelines containing information regarding the public capital facilities proposed for reimbursement.

t. Road Impact Fee (RIF) Reimbursement Project, Traffic Impact Mitigation Fee (TIM) Project - As defined by these guidelines, is a public road facility constructed by a Developer for reimbursement under the provisions of these guidelines and pursuant to the applicable Reimbursement Agreement.

u. Road Facility - Those certain public road facilities which are described in a Reimbursement Agreement.

v. Specifications - Documents prepared by the Engineer of Work or its consultants which describe in detail for construction contract purposes the material and workmanship required to complete the project, including but not limited to, the Standard Specifications for Public Works Construction (APWA), the Uniform Building Code (UBC), applicable DOT Standard Plans and Caltrans specifications, and the contract Special Provisions prepared by the Engineer of Work, which describe in detail for contract purposes, the materials and workmanship required to be performed on the Project.

w. Surety Bonds - Subdivision or construction bonds which provide a financial guarantee that the obligations required by a contract or

agreement will be fulfilled, in conformance with state law and County policy, rules and regulations and ordinances.

2.0 Pre-Construction Procedures

- 2.1 Developer shall submit the proposed Project Description and Engineers Cost Estimate to the County DOT for an eligibility determination. If eligible as a RIF/TIM Fee Reimbursement Project, the Developer shall submit a proposed Reimbursement Agreement to the County for review and Board of Supervisors approval.
- 2.2 Design Engineer prepares bidding or competitive proposal documents for the Project. As applicable, the Developer or County obtains necessary R/W and negotiates all utility relocations/installations. If Public Contract Law advertisement is not used, a minimum of three competitive proposals for construction are required.
- 2.3 Design Engineer prepares and submits plans to appropriate DOT Divisions for approval. The plans shall indicate a reference to the County facilities which are included and a note indicating the general category of facility eligible for reimbursement. The reference to County facilities on the plans is to assist County staff and other responsible parties with an understanding that some or all of the facilities shown on the plans may be eligible for County reimbursement of costs. However, the reference to County facilities indicated on the plans is for general information only and does not constitute approval or disapproval of project eligibility for cost reimbursement. The actual reimbursement eligibility is determined independent of plan notes and plan approval.
- 2.4 Developer pays DOT plan check and inspection fees (normal and special) in accordance with normal subdivision/permit process.
- 2.5 The County Engineer will determine the necessity of construction security, and if required, the amount.
- 2.6 Design Engineer prepares bidding/proposal documents and submits to County Engineer for review and comment as appropriate. The documents must be in conformance with ordinances, law, policies, rules and regulations applicable to the County construction, but may exclude the following provisions:
 - a. Compliance with all applicable Labor Codes for Public Works Contracts including Prevailing Wage Statement except non-collusion affidavit and fraud compliance.
 - b. Public Advertisement.
 - c. DBE program goals.

2.7 County Engineer reviews the Bidding/Proposal Documents for the following requirements:

a. Scope of Work is specifically described and unambiguous and is included within a Reimbursement Agreement and the Project has been designated and approved by the County as a RIF/TIM Fee Reimbursement Project.

b. Engineers estimate is reasonable and bidding procedures consistent with these guidelines and bid forms clearly describe each bid item and are formatted substantially similar to the Engineer's Report Cost Breakdown.

c. Proposal includes a non-collusion affidavit.

d. The number of allotted working days specified in the contract documents are reasonable for the proposed work.

e. Liquidated damage clauses, if any, are consistent with County policy.

3.0 Bid/Proposal Procedures

3.1 After plans have been approved by appropriate DOT Division(s) and Bid/Proposal Documents have been approved by the County Engineer, Developer may advertise project, or obtain proposals.

3.2 If advertisement is used, the Developer shall advertise project at least three times in a newspaper of general circulation published in the County. If the proposal method is used, the Developer shall obtain at least three competitive proposals.

4.0 Project Award

4.1 Developer shall provide County Engineer a summary of all bids/proposals and a copy of the low bid proposal submitted for project and the Design Engineer's recommendation for award. Included in the recommendation the developer shall provide the following information:

a. That there are no pending disputes over the bidding/proposal procedures.

b. That all bidders received the same set of bid/proposal documents and all of the addenda issued.

c. That all applicable County approvals for the work have been obtained.

d. Any conditions to the bid/proposal.

Developer shall retain the original of all bids/proposals received for a minimum of four years.

- 4.2 Within five working days of receipt of the bid/proposals material in Section 4.1, the County Engineer shall review the bid summary and a copy of the low bid and concur in the Developer recommendation, or advise the Developer that additional review time will be required.
- 4.3 In the event the low bid/proposal is not recommended, or the County Engineer cannot concur with the Developer recommendation, or the County Engineer is aware of any irregularities or possible disputes over the bidding procedure, the Developer or County Engineer shall notify the Director of the Department of Transportation. This notification shall be in writing and shall be submitted to the Director within five days after receipt of the bid material as required by Subsection 4.1. The Director will promptly review the bid documents and procedures in conformity with laws, ordinances, policies, rules and regulations applicable to the County and advise the Developer within ten days of the County's decision relative to award of the contract.
- 4.4 No individual bids/proposals will be rejected by the Developer without concurrence of the County Engineer except for failure to comply with the request for bids/proposals. However, the Developer may at his or her discretion, reject all bids/proposals received for a project.
- 4.5 Prior to award of contract, Developer shall obtain written concurrence for award from the County Engineer.
- 4.6 Design Engineer shall provide the following items within 30 days after the Developer has authorized contractor to proceed:
 - a. Itemized summary of all bids/proposals received on the project.
 - b. Signed contracts for the project specifying the award date.
 - c. Notice to Proceed.
 - d. A written statement that the contract award amount is within the estimates included in the Design Engineers Estimate and does not exceed estimated reimbursement funds available from the County. Should the Project bid/proposal exceed the aforementioned estimate or available funds, the Director of DOT shall determine if additional funds are justified or if no additional funds shall be reimbursed for the project.
- 5.0 Construction
- 5.1 Contractor shall coordinate all inspections on the Project in accordance with normal DOT/Construction Unit procedures.

- 5.2 Developer shall provide County Engineer with copies of all progress payments to the Contractor.
- 5.3 If the Developer desires to be reimbursed for any change order, the Developer shall obtain DOT approval of work and cost prior to consideration of the additional cost for reimbursement.
- 5.4 Revisions to the plans shall be reviewed and approved by the County Engineer in accordance with the normal permit procedure.
- 5.5 For the purposes of these guidelines, the construction shall be considered complete at such time as the Facility is substantially complete and available for public benefit and when the Developer has obtained the following as applicable:
 - a. Approval of DOT/Construction Unit if grading permit is required.
 - b. Approval of all facilities shown on the Plans or included in the Projects by the affected utility companies and/or other affected County Departments.
 - c. Approval of DOT/Construction Unit of all erosion control facilities required by the Plans and/or grading permit.
 - d. Approval by the County Surveyor of all monumentation.
 - e. Approval of DOT/Construction Unit of all street facilities, storm drains, street lighting, traffic signals, etc., shown on the plans.

6.0 Reimbursement

- 6.1 Developer submits a request for reimbursement to the County Engineer after the completion of the Project or any portion thereof (as indicated in Section 5.5). The request shall follow the format provided in Schedule C, "Developer Reimbursement Request Format", and shall contain, but not be limited to, the following:
 - a. Final quantities and final costs on each contract item, certified by the registered design engineer, and the total of all construction costs for the Project accompanied by copies of the general contractors construction contract and any other supporting documentation necessary to justify reimbursement.
 - b. Approved contract change orders with final quantities and/or final costs.
 - c. Itemized breakdown of other reimbursable costs as delineated in the applicable Reimbursement Agreement.

- d. Copies of invoices, vouchers, canceled checks, etc. to support all expenditures by the Developer to be reimbursed.
- e. Copies of Notice of Completion (recorded).
- f. Copies of Final Mechanics Lien Release for the facility.
- g. Documentation that right-of-way has been transferred to the County or, at the discretion of the County, offered to the County by an Irrevocable Offer of Dedication (IOD).
- h. Copies of the recorded transfer of title to the property or copies of the recorded Irrevocable Offer of Dedication (IOD), as appropriate.
- i. Submittal of written certification from other agencies or utilities involved in the reimbursement request, that the facilities were inspected and completed according to approved plans and specifications, and that any utilities or agency cost reimbursements are disclosed in the reimbursement requests.

In addition, the Developer submits to County Engineer a finalized copy of Official Record Plans which incorporates all approved changes, and a copy of the recorded tract map(s).

- 6.2 County Engineer reviews the request for reimbursement and all supporting data in accordance with review procedures. The County Engineer shall be entitled to rely on the authenticity of all supporting data, documents, representations and certifications provided by the Developer and the respective Engineer of Work without independent verification by the County Engineer. All funds reimbursable from other entities shall be itemized and estimated as part of the submittal.

If additional information is required during the review process to comply with Subsection 6.1, County Engineer requests in writing that the Developer supply the supplemental data. If Developer has not submitted all information requested, the County Engineer requests the additional backup.

- 6.3 County Engineer provides the following upon completion of Subsection 6.2:
- a. Upon receipt of all backup information, County Engineer prepares the "draft" Reimbursement Recommendation including cost summary and County Engineer's checklists attached as exhibit, within thirty (30) working days.

- 6.4 The County Engineer will determine that:

- a. Work has been completed as defined in paragraph 5.5.

- b. Competitive bid/proposal requirements have been met.
- c. Approved Facility Plans or Record Drawings have been received and are acceptable.
- d. Final quantities and costs have been reviewed and are acceptable.
- e. Equipment manuals (if applicable) have been received and are acceptable.
- f. Appropriate documentation has been provided (i.e., release of lien, warranty ...).
- g. Developer/Design Engineer's request for reimbursement is acceptable.

If there are questions or problems with the Reimbursement Request, the County Engineer contacts the Developer and Design Engineer directly.

- 6.5 County Counsel reviews the County Engineer's Reimbursement Recommendation to verify compliance with all agreements, and to ensure that copies of all applicable agreements are on file at the County Counsel's offices.

If there are questions or problems with the Reimbursement Recommendation, or if additional backup data is required (i.e., copies of invoices or checks), County Counsel contacts the County Engineer directly. If there are questions regarding scope or quality of completed work, County Engineer contacts the Developer.

Upon completion of financial review, County Engineer submits the original Reimbursement Recommendation along with originals of supporting documentation, to the Auditor-Controller.

- 6.6 The Auditor-Controller reviews the submitted reimbursement payment request and upon completion of review, Auditor-Controller issues warrant.

7.0 Cost Reimbursement Policies

- 7.1 Authority - The authority for general cost reimbursement policies will be set by the Board of Supervisors by approval of these Guidelines. Administration of cost reimbursement policies is assigned to the Director of Transportation. Appeal of decisions of the Director of Transportation shall be directed to the Board of Supervisors.
- 7.2 Eligibility - Cost reimbursement shall be made only for projects, or portions of projects, which are determined to be eligible by the Director of Transportation. Eligible projects are those of County or regional benefit, and are included within the annually adopted 5 year County Capital Improvement project list.

7.3 Reimbursement Limitations - Projects eligible for County reimbursement shall be reimbursed only from available funds of the RIF or TIM fee fund. The ability of the County to fully reimburse eligible costs is dependent upon the amount of uncommitted funds available in the RIF/TIM fee funds. The Director of Transportation will determine the allocation of uncommitted available funds which may be reserved for future, or higher priority projects.

7.4 Reimbursements

- Projects on the 5-year CIP

a. Timing - Cash reimbursement shall be made on a four-year basis. Payments each year shall be 25% of the eligible cost. Initial payment shall be made within 90 days of Board of Supervisors acceptance of the facility. Subsequent payments shall be made within 90 days of the acceptance anniversary. No interest shall be paid within the four-year plan. If sufficient funds are not available to comply with the four-year plan, interest on the remaining balance shall be paid at the County's net pooled funds rate from the fourth year to a maximum of the tenth year. The remaining principal due shall be reimbursed as the designated RIF/TIM funds become available.

b. Credits - Rather than cash reimbursements, the Developer and County may mutually agree to credit RIF/TIM payments toward the reimbursement. Generally, credits may be applied up to a maximum of 50% of required RIF/TIM payments by the Developer. Reimbursement of the remaining balance, after credits have been applied, shall be made over the subsequent four year period. The exact reimbursement term shall, as stated before, be contingent on the availability of sufficient funds. Reimbursements from EDH RIF collections are to be made after the 30% set-aside to the Silva Valley interchange RIF fund. No such set-aside is made from TIM fee revenues.

- Projects not on the 5-year CIP will be reimbursed only by specific agreement with the Board of Supervisors.

7.5 Reimbursement Categories

a. Construction Costs - Eligible and ineligible reimbursement categories shall be as follows:

Eligible are Costs

Related to:

Grading
Base Course/Paving
Curb & Gutter
Sidewalks

Ineligible are Costs

Related to:

Landscaping
Lighting
Water, sewer
P G & E

Storm Drain
Intersection Facilities
Safety and Signage

Telephone & other utilities
Overhead for the above

If cost eligibility is disputed, the County Engineer shall make a written recommendation to the Director of Transportation, who shall decide final eligibility.

b. Non-Construction Costs - Eligible and ineligible reimbursement categories for non-physical facilities shall be as follows:

Eligible are Costs

Related to:

Planning
Engineering
Permits
Fees
Legal
Management
Administration
Interest on financing
Off-site Easements

Ineligible are Costs

Related to:

Landscaping
Lighting
Water, sewer
P G & E
Telephone & other utilities
Land dedication
Overhead for the above

No reimbursement shall be made for ineligible non-construction costs. Reimbursement for eligible non-construction costs shall be limited to a maximum of 20% of eligible construction cost. Included within the 20% may be an undocumented allowance of 3% of construction cost for Developer internal project management. Expenditure of the remaining 17% cost shall be documented and approved by the County prior to reimbursement. The County will initially accept non-construction cost documentation consisting of an itemized cost summary showing purpose, receiver, and amounts of expenditures, along with a certification by an authorized Developer official. Additional back-up may be requested by the County.

SCHEDULE C

EXAMPLE REIMBURSEMENT REQUEST LETTER

"DEVELOPER LETTERHEAD"

County Engineer
El Dorado County
Placerville, California 95667

ATTENTION:

SUBJECT: RIF/TIM REIMBURSEMENT PROJECT _____
ROAD IMPROVEMENTS REIMBURSEMENT REQUEST

Dear _____:

As required by the County of El Dorado Guidelines for Road Impact Fee Reimbursement Projects and as authorized by the Reimbursement Agreement between the _____, Company and the County of El Dorado, dated _____ 1995, we are submitting this request for reimbursement of eligible project costs from County RIF/TIM funds.

The work included under this reimbursement request includes the rough grading, storm drains and sewer, pavement, curbs and sidewalks, and traffic signals. All of the work involved was shown on the drawings, listed in Attachment 1, approved by the County of El Dorado.

The total amount requested for reimbursement for the subject work is _____. This reimbursement should be taken from County RIF/TIM funds.

Eligible for Reimbursement

Total Contract Costs=
TIM/RIF Eligible Costs=
Developer Funded Costs=
Reimbursements from other Sources (itemize)=

A further breakdown of original contract amounts, change orders, and eligible and not-eligible for reimbursement costs are provided on Attachment 2. Detailed cost breakdowns, actual installed quantities and engineering back-up, as well as other required items, are provided as

described in the Attachments.

_____ Company certifies to County Engineer and the County of El Dorado, that with reference to the subject work of this reimbursement request, that all County construction requirements for public works have been complied with as set forth in the TIM/RIF Reimbursement guidelines.

To the best of the _____ Company's knowledge, no mechanics liens exist against the property that the work was performed on and whose title will be (or has) transferred to the County of El Dorado. A Title Insurance Policy is attached in the amount of _____ for the property involved, herein.

_____ Company warrants to the County of El Dorado that it will repair, at its own expense, any faulty or damaged work originally performed as part of this project. This warranty expires _____.

Please see attachments for pertinent correspondence.

We hope that we have satisfied all of the requirements for receiving reimbursement for our costs associated with this work. We anticipate hearing from you no later than 90 days after you receive this package.

Please contact _____ at _____ if you have any questions.

Sincerely yours,

Best Developer in Town

Schedule C ATTACHMENTS
TIM/RIF Project

Developer's Reimbursement Request

Attachments

Description

1. Project Drawing List
2. Contract Breakdown
3. Other Reimbursable costs Summary
4. (____ Sheets) Project contract(s) (fully executed)
5. (____ Sheets) Executed Change Orders and narrative descriptions of the work and why the change was required.
6. Completed Project Approval letters from various agencies.
7. (____ Sheets) Contract Bid Line Items with original and actual installed quantities with original and final costs.
8. Final Cost Breakdown by Road Segments.
9. (____ Sheets) Engineering Back-Up to Final Quantities and Costs.
10. Copy of recorded tract map.
11. Invoice and Payment Summary for construction and non-construction costs.
12. (____ Sheets) Copies of Paid Invoices
13. Canceled Checks (If requested by County)
14. Recorded Notice of Completion
15. Approved Improvement Plans or Record Drawings (under separate cover)
16. Mechanics Lien Releases

Attachments

Description

17. (____ Sheets)

Title Transfer Documents or Irrevocable offer of Dedication (IOD)
as appropriate.

18. (____ Sheets)

Title Insurance Policy

County Engineer's Procedures
For RIF/TIM Reimbursement Projects
County of El Dorado

County Engineer's Checklist for Developer's
Reimbursement Request

Project Identification: _____

Purpose: The developer's engineer will provide this information to document construction and non-construction costs which are requested for reimbursement by the County. Refer to separate Developer's Reimbursement Request for additional documentation.

Section I - Reference documents to be provided separately from developer's reimbursement request.

| Section I: | Construction Documents Reference | Yes/No | By | Date |
|------------|--|--------|-------|-------|
| A. | Construction Documentation Completed | _____ | _____ | _____ |
| B. | Construction Close-out Completed | _____ | _____ | _____ |
| C. | Public Facilities Accepted | _____ | _____ | _____ |
| D. | Property Transfer Completed or Irrevocable offer of dedication with title insurance policy | _____ | _____ | _____ |

Section II: Reimbursement Request

| | | | | |
|----|--|-------|-------|-------|
| A. | Cover Letter Per Schedule "C" Guidelines | _____ | _____ | _____ |
| 1. | Includes project description | _____ | _____ | _____ |
| 2. | Summary of all costs | _____ | _____ | _____ |
| 3. | Certifications per Schedule "C" | _____ | _____ | _____ |
| 4. | Authorized Signatures | _____ | _____ | _____ |

B. Expenditure Documentation (For Non-Construction Costs)

- 1. Invoice and payment summary _____
- 2. Canceled checks received or District Engineer spot check of files completed _____
- 3. Back-up material received _____

C. Expenditure Documentation (For Construction Costs)

- 1. Summary and certification by Engineer-of-Work for final quantities, cost, including change orders. _____
- 2. Canceled checks received or District Engineer spot check of files completed. _____

D. District Engineers Determination of whether improvements are eligible for reimbursement.

- 1. Item reviewed and determined reimbursable
 - Quantities _____
 - Prices _____
 - Invoices and Checks _____
- 2. Determination of no significant deficiencies in the facility _____
- 3. Analysis of reasonable cost. _____
- 4. Recommendation of reimbursement cost. _____

Review Completed By: _____ Date: _____

County Engineer's Procedures
For RIF/TIM Reimbursement Projects
County of El Dorado

County Engineer's Checklist for Construction Documents

Project Identification: _____

Purpose: The developer's engineer will provide this information which will be retained in county files to document compliance with county requirements for reimbursement projects. Additional documents may be required.

Section I - Reference documents to be provided separately from developer's reimbursement request.

| | Location/Person | Yes/No | By | Date |
|--|-----------------|--------|-------|-------|
| A. As - Bid Plans | _____ | _____ | _____ | _____ |
| As - Bid Specifications | _____ | _____ | _____ | _____ |
| As - Bid Engineers Cost Estimate | _____ | _____ | _____ | _____ |
| B. Approved Record Drawing | _____ | _____ | _____ | _____ |
| C. Recorded Property Maps, Deeds, Etc... | _____ | _____ | _____ | _____ |

C. Construction Phase

- 1. Copy of Executed Change Orders Received
_____ Through # _____
- 2. Final Change Order (Payment) and Progress Payments
- 3. Post Construction Security Copy
- 4. Warranties and Guarantees Received (With listing)
- 5. O/M Manuals Received (Listing)
- 6. Real Property Acceptance Letter and Listing of Property
- 7. Other Agency Acceptance Letters (Utilities, etc.)
- 8. Notice of Completion Record Copy
- 9. Final Mechanics Lien Release
- 10. Design Engineers Verification Letter that all construction completed per approved plans of specifications, in compliance with county local requirements, no outstanding claims or liens, cost data is accurate and complete.

Review Completed By: _____ Date: _____

