

**AMENDMENT NO. 1 TO  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
AGREEMENT NO. 17-SM**

This Amendment No. 1 to the above-entitled agreement (“Agreement”) is dated, for reference purposes only, June 20, 2017, and consists of three (3) pages.

**RECITALS:**

1. On July 25, 2016, the Bay Area Air Quality Management District (“Air District”) executed the above-referenced Agreement with the City/County Association of Governments (“County Program Manager”) (hereinafter jointly referred to as the “Parties”), concerning the fiscal year ending (FYE) 2017 Transportation Fund for Clean Air (TFCA) County Program Manager (CPM) Program.
2. Pursuant to the Agreement, County Program Manager agreed to implement one or more projects that were intended to improve the air quality in the San Francisco Bay Area Air Basin.
3. On August 1, 2016, Air District notified the County Program Manager of a recent amendment to California Health and Safety Code Section 44233. This amendment increased the allowable administrative cost to 6.25%, from 5%.
4. On November 16, 2016, the Air District Board of Directors approved a change to FYE 2017 TFCA CPM Program Fund Policy #16 to increase the administrative costs limit to 6.25% to align it with the recent amendment to California Health and Safety Code Section 44233.
5. The Parties have discussed amending the limit for administrative costs described in Section II, Paragraph 10 of the Agreement in order to align the limit for administrative costs with the amended California Health and Safety Code Section 44233 and the approved change to FYE 2017 TFCA CPM Program Fund Policy #16.
6. This proposed modification to the Agreement does not affect the Total TFCA Funds Allocated to the County Program Manager.
7. The Parties desire and agree to amend the Agreement pursuant to, and in accordance with, Section IV Paragraph 8 of the Agreement, as follows:

**TERMS AND CONDITIONS OF AMENDMENT TO AGREEMENT:**

1. By this Amendment No. 1 to Agreement, the Air District and County Program Manager amend Section II, Paragraph 10, by replacing the language with the following:

“To limit administrative costs to conduct the Program to no more than six point two five percent (6.25%) of the FYE 2017 TFCA Monies received by the County Program Manager.”

2. This Amendment to Agreement hereby amends Attachment A, Paragraph 5, by replacing the language with the following:

Estimated TFCAs monies budgeted for administration: Line 5: \$ 53,040  
(Note: This amount may not exceed 6.25% of Line 3.)

3. The amended Attachment A, "Summary Information" is annexed hereto and made a part of the Agreement.
4. All other terms and conditions of the Funding Agreement shall remain in effect.
5. The Effective Date of this Amendment to Funding Agreement is the date that the Air District's Executive Officer/Air Pollution Control Officer or designee has executed this Amendment to Funding Agreement.

IN WITNESS WHEREOF, the PARTIES to the Agreement have caused this Amendment No. 1 to Agreement to be duly executed on their behalf by their authorized representatives.

**FOR COUNTY PROGRAM MANAGER:**

by: \_\_\_\_\_  
Alicia C. Aguirre  
City/County Association of Governments

Approved as to legal form (optional):

by: \_\_\_\_\_  
City/County Association of Governments

**FOR AIR DISTRICT:**

by: \_\_\_\_\_ Date: \_\_\_\_\_  
Jack P. Broadbent  
Executive Officer/APCO  
Bay Area Air Quality Management District

Approved as to legal form:

by: \_\_\_\_\_  
Brian C. Bunker, District Counsel  
Bay Area Air Quality Management District

## SUMMARY INFORMATION

County Program Manager Agency Name: City/County Association of Governments

Address: 555 County Center, 5th Fl., Redwood City, CA 94063

### PART A: NEW TFCA FUNDS

- |   |                |                           |
|---|----------------|---------------------------|
| 1. Estimated FYE 2017 DMV revenues (based on projected CY2015 revenues):                  | Line 1:        | <u>\$1,091,850</u>        |
| 2. Difference between prior-year estimate and actual revenue:                             | Line 2:        | <u>\$18,867</u>           |
| a. Actual FYE 2015 DMV revenues (based on CY2014):  |                | <u>\$1,067,865</u>        |
| b. Estimated FYE 2015 DMV revenues:   |                | <u>\$1,048,998</u>        |
| <i>('a' minus 'b' equals Line 2.)</i>   |                |                           |
| 3. Estimated New Allocation (Sum of Lines 1 and 2):                                       | Line 3:        | <u>\$1,110,717</u>        |
| 4. Interest income. List interest earned on TFCA funds in calendar year 2015.             | Line 4:        | <u>\$ 0</u>               |
| 5. Estimated TFCA monies budgeted for administration: <sup>1</sup>                        | Line 5:        | <u>\$53,040</u>           |
| <i>(Note: This amount may not exceed 6.25% of Line 3.)</i>                                |                |                           |
| <b>6. Total new TFCA funds available in FYE 2017 for projects and administration</b>      | <b>Line 6:</b> | <b><u>\$1,110,717</u></b> |
| <i>(Add Lines 3 and 4. These funds are subject to the six-month allocation deadline.)</i> |                |                           |

### PART B: TFCA FUNDS AVAILABLE FOR REPROGRAMMING

- |  |                |                         |
|--|----------------|-------------------------|
| <b>7. Total amount from previously funded projects available for reprogramming to other projects.</b>                      | <b>Line 7:</b> | <b><u>\$166,323</u></b> |
| <i>(Enter zero (0) if none.)</i>   |                |                         |
| <i>(Note: Reprogrammed funds originating from pre-2006 projects are not subject to the six-month allocation deadline.)</i> |                |                         |

### PART C: TOTAL AVAILABLE TFCA FUNDS

- |  |                |                           |
|--|----------------|---------------------------|
| <b>8. Total Available TFCA Funds</b> (Sum of Lines 6 and 7)                | <b>Line 8:</b> | <b><u>\$1,277,040</u></b> |
| 9. Estimated Total TFCA funds available for projects (Line 8 minus Line 5) | Line 9:        | <u>\$1,224,000</u>        |

<sup>1</sup> The "Estimated TFCA funds budgeted for administration" amount is listed for informational purposes only. Per California Health and Safety Code Section 44233, County Program Managers must limit their administrative costs to no more than 6.25% of the actual total revenue received from the Air District.