



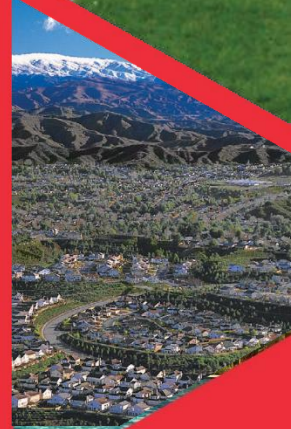
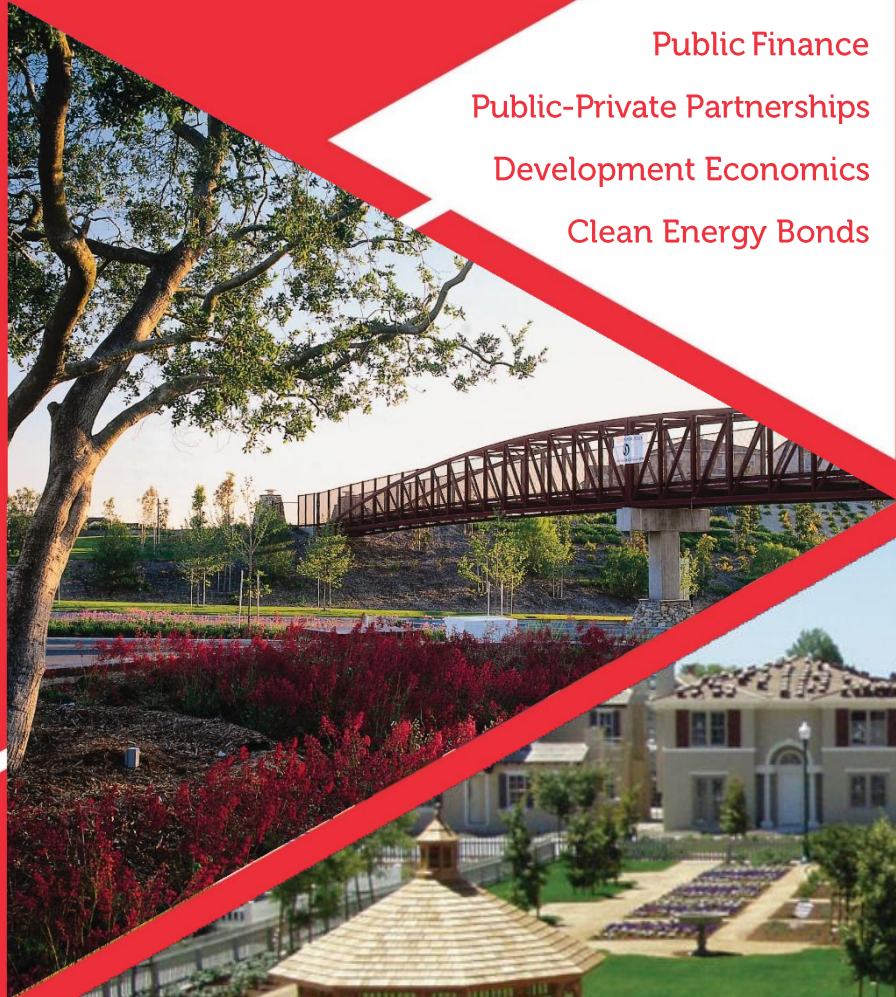
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RESPONSE TO REQUEST FOR PROPOSALS (RFP)

RFP #23-023

CITY OF RIALTO

COMPREHENSIVE DEVELOPMENT IMPACT
FEE, USER FEE UPDATE, AND NEXUS STUDY
UPDATE

PROPOSAL SUBMISSION DATE:

January 6, 2023

Newport Beach | San Jose | San Francisco | Riverside
Dallas | Houston | Raleigh | Tampa

CITY OF RIALTO



RFP #23-023

COMPREHENSIVE DEVELOPMENT IMPACT FEE, USER FEE UPDATE, AND NEXUS STUDY UPDATE

PROPOSAL SUBMISSION DEADLINE:

JANUARY 6, 2023, AT 5:00 P.M.

Prepared for:

City of Rialto

Purchasing Division

150 South Palm Avenue

Rialto, CA 92376

Attention: Shanita Simmons, Purchasing Manager

Ms. Shanita Simmons
Purchasing Manager
City of Rialto
Purchasing Division
150 South Palm Avenue
Rialto, CA 92376
E-mail: SSimmons@RialtoCA.gov

January 6, 2023

RE: Request for Proposals ("RFP") #23-023 for a Comprehensive Development Impact Fee, User Fee Update, and Nexus Study Update

Dear Ms. Simmons:

DTA, in conjunction with MGT of America Consulting, LLC ("MGT"), is pleased to submit this proposal to the City of Rialto (the "City"). It is our understanding that the City is seeking a qualified consultant(s) to update the City's Comprehensive Development Impact Fee ("DIF"), User Fees, and Nexus Study, including an evaluation of fee modification and reduction strategies to help implement the City's housing policies. The City's fees must comply with any applicable State and Federal law, including the Mitigation Fee Act [California Government Code Section 66000 *et seq.*, also known as Assembly Bill ("AB") 1600]. The AB 1600-compliant DIF Nexus Study ("DIF Study") would recommend the appropriate fee justification methodology and fee levels to support specific types of City-selected capital facilities needed to serve new growth. The City currently assesses impact fees on new residential, commercial, and industrial development to mitigate the fiscal impact of such development on general facilities, law enforcement facilities, fire protection facilities, park development facilities, open space facilities, library facilities, regional traffic, street medians, and storm drain facilities. **DTA will prepare the DIF Study for this engagement, while MGT will serve as the cost allocation and user fee study expert for all the City's cost recovery needs.**

With respect to DIF Nexus Studies, each of DTA's AB 1600 studies includes a cost-benefit analysis and the determination of nexus between the facilities financed and the development by land use type that will be paying the DIF(s). DTA has prepared approximately 500 fee justification studies to date for a variety of public improvements, including transportation, water, sewer and flood control facilities, fire and police stations, parks, libraries, and other types of infrastructure. In recent years, our firm has prepared AB 1600-compliant DIF justification studies for the Cities of Anaheim, Blythe, Brawley, Calexico, Cathedral City, Cerritos, Chino Hills, Colton, Coronado, Costa Mesa, Desert Hot Springs, Fontana, Hesperia, King City, Los Banos, Mammoth Lakes, Pasadena, Paso Robles, Perris, Redlands, San Bernardino, San Francisco, San Jacinto, San Jose, San Luis Obispo, Temple City, Torrance, Tustin, Upland, Victorville, and Yucaipa and the Counties of Kings, San Bernardino, and Santa Barbara, among others, as further discussed in the enclosed proposal.

Notably, DTA has been hired by several of these and other municipalities specifically to update their fees to comply with AB 602. We are currently working on AB 602-compliant studies for the County of San Bernardino and the Cities of Coronado, Daly City, Paso Robles, Redlands, Redwood City, San Jose, Upland, and Yucaipa. DTA is well suited for this role as we closely followed the evolution of AB 602 and are currently implementing recently amended Government Code Sections 65940.1 and 66019 and the added Section 66016.5. These revisions to the California Mitigation Fee Act will be required for the City's updated DIF Study as the City will be adopting its new DIF ordinance after July 1, 2022. Information on AB 602 and DTA's experience in other states with similar impact fee requirements is included in the enclosed proposal.

As described in greater detail in the attached proposal, DTA is a public finance consulting firm with offices in Newport Beach, San Jose, San Francisco, and Riverside, California, as well as Dallas and Houston, Texas, Raleigh, North Carolina, and Tampa, Florida. Since its establishment in 1985, DTA staff has completed consulting assignments for more than 3,000 clients in 19 states. During this

period, the firm has been involved in the formation of more than 2,000 public finance districts, with total bond authorizations exceeding \$75 billion. Our financing programs have utilized a variety of public financing mechanisms, such as Assessment Districts ("ADs"), Community Facilities Districts ("CFDs"), Enhanced Infrastructure Financing Districts ("EIFDs"), Certificates of Participation, Tax Allocation Bonds, Sewer and Water Revenue Bonds, Marks-Roos Bond Pools, Landscaping and Lighting Districts ("LLDs"), Integrated Financing Districts, and various types of fee programs. **DTA is licensed and registered with the U.S. Securities and Exchange Commission ("SEC") and Municipal Securities Rulemaking Board ("MSRB") as a Municipal Advisor (No. 867-01160) and follows all the fiduciary requirements associated with this designation.**

MGT, a national consulting firm, began operations in 1974 and has judiciously expanded its consulting capabilities over the years. The firm specializes in assisting public sector clients in operating more efficiently and effectively. User fee studies are one of MGT's core services and the firm is thoroughly familiar with all relevant Federal and State of California user fee requirements. The firm also has an outstanding record of past performance. MGT's teams are composed of proven professionals with the goal of providing the best quality of service while meeting project schedules and budgets. The firm's expert consulting team is proficient at managing user fee projects precisely like the one requested by the City. In fact, lead staff on the firm's proposed team have over 30 years' experience performing planning, building, and engineering fee studies, both on the revenue side and process improvement/management side.

DTA, in association with MGT, has assembled a project team for the City with the breadth of experience required to provide public finance consulting services in a professional and timely manner. **This project would be primarily handled out of DTA's Riverside office.** I, David Taussig, President/CEO, would be the Principal-in-Charge and have the City's primary account responsibility. I would be assisted by Kuda Wekwete, a Managing Director at DTA, Steve Runk, P.E., Vice President of Engineering Services at DTA, and Richard Ruiz, a Senior Associate at DTA, in addition to other support staff. DTA would work side-by-side with MGT staff led by Cindy Sconce, a Director at MGT. Ms. Sconce would be assisted by Diana Hancock, a Manager at MGT, Bruce Cowans, a Vice President at MGT, Jamie Radcliff, a Manager at MGT, and Sophia Burgess, an Analyst at MGT.

Mr. Wekwete holds a Series 50 license as a Municipal Advisor with the SEC/MSRB under rules promulgated following the Dodd-Frank Act in 2010. Brief resumes for each of our team members are included in Section IV of this proposal. Key personnel will be available to the extent proposed, or designated by the City, for the duration of the project and no person designated as "key" to the project shall be removed or replaced without the prior written concurrence of the City. All personnel will be available full-time (100%) for the duration of the project and proposed schedules can be found in Section I.

I am authorized to act on behalf of and bind the entity. If you have questions regarding this proposal, please feel free to call me or Kuda Wekwete at (800) 969-4DTA. We look forward to having the opportunity to work with the City on this engagement.

Best Regards,



David Taussig
President/CEO
Phone: (800) 969-4DTA
David@FinanceDTA.com

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I UNDERSTANDING OF THE CITY'S NEEDS

A Project Understanding

DTA, in conjunction with MGT, is pleased to submit this proposal to the City of Rialto (the "City"). It is our understanding that the City is seeking a qualified consultant(s) to update the City's Comprehensive DIF, User Fees, and Nexus Study. The City's fees must comply with any applicable State and Federal law, including the Mitigation Fee Act [California Government Code Section 66000 et seq., also known as AB 1600]. The AB 1600-compliant DIF Study would recommend the appropriate fee justification methodology and fee levels to support specific types of City-selected capital facilities needed to serve new growth. It will also include a section regarding impact fee policies that can reduce fee requirements as necessary to enable the City to achieve its housing goals, including those mandated by the State's Regional Housing Needs Assessment ("RHNA") requirements for the City. The City currently assesses impact fees on new residential, commercial, and industrial development to mitigate the fiscal impact of such development on general facilities, law enforcement facilities, fire protection facilities, park development facilities, open space facilities, library facilities, regional traffic, street medians, and storm drain facilities. **DTA will prepare the DIF Study for this engagement, while MGT will serve as the cost allocation and user fee study expert for all the City's cost recovery needs.**

DTA has prepared approximately 500 fee justification studies to date for a variety of public improvements, including transportation, water, sewer and flood control facilities, fire and police stations, parks, libraries, and other types of infrastructure. In recent years, our firm has prepared AB 1600-compliant DIF justification studies for the Cities of Anaheim, Blythe, Brawley, Calexico, Campbell, Cathedral City, Cerritos, Chino Hills, Colton, Costa Mesa, Desert Hot Springs, Fontana, Fowler, Hesperia, King City, Los Banos, Mammoth Lakes, Palo Alto, Pasadena, Paso Robles, Perris, Redlands, San Bernardino, San Francisco, San Jacinto, San Jose, San Luis Obispo, Temple City, Torrance, Tustin, and Victorville and the Counties of Fresno, San Bernardino, San Jose, San Luis Obispo, Santa Barbara, Shasta, and Yuba, among others. **Most recently, DTA has been hired by the County of San Bernardino and the Cities of Coronado, Daly City, Paso Robles, Redlands, Redwood City, San Jose, Upland, and Yucaipa to prepare comprehensive fee updates in compliance with AB 602.**

User fee studies are one of MGT's core services and the firm is thoroughly familiar with all relevant Federal and State of California user fee requirements. The firm also has an outstanding record of past performance. MGT's teams are composed of proven professionals with the goal of providing the best quality of service while meeting project schedules and budgets. The firm's expert consulting team is proficient at managing user fee projects precisely like the one requested by the City. In fact, lead staff on the firm's proposed team have over 30 years' experience performing planning, building, and engineering fee studies, both on the revenue side and process improvement/management side.

DTA and MGT have worked together on a multitude of projects in numerous states, including Arizona, California, Florida, and West Virginia for over 10 years. **Our firms' services complement one another, allowing the City to have access to experienced consultants with national expertise in fee studies.**

B Project Management Process

DTA utilizes the software application Vision to track project expenditures. This program is always available to DTA's employees and provides detailed project information ranging from the execution of

the contract to completion of the project. To manage this contract effectively in terms of team performance, schedule compliance, and budget adherence, Mr. Wekwete, DTA's Project Manager, will utilize these tools:

- Bi-weekly assignment checklists throughout the life of the contract to ensure each task remains on schedule by utilizing proper staffing assignments.
- Consistent communication with City staff via e-mail, telephone, and in-person meetings, as needed.
- Weekly budget review to ensure no budget overruns occur. DTA's customized accounting system will enable us to track the expenditures to date each week and ensure budget compliance.
- Regular meetings with City staff to discuss progress and any issues and receive guidance.

At DTA, all our multidisciplinary team members come from diverse backgrounds, and we put people first. We pride ourselves on developing strong relationships with our clients and working closely with them to understand the big picture and goals they want to achieve as a result of our engagement, as well as how DTA's work may impact other initiatives both now and in the future. At DTA, we understand that public finance isn't only about raising funds to pay for infrastructure or services. Public finance is about ensuring that communities can thrive by assessing what the best solution is for the community as a whole and what will help the community reach and sustain growth goals.

DTA brings an unbiased perspective combined with real-world experience in working with municipalities, which gives us the ability to understand and communicate with all stakeholders throughout the process. Regarding our engagement approach, we will work closely with City leadership to engage with property owners, business owners, and community leaders to understand any issues or pressure points, as well as what is envisioned for the future.

Finally, DTA will provide independent, objective, and unbiased work product. DTA staff regularly reviews legal opinions, regulations, and statutes that impact or modify public finance-related case law. DTA is committed to providing unbiased deliverables that reflect the most current developments in public finance and real property law.

C DIF Study

C.1 Approach

With respect to the DIF Study, DTA would provide all-inclusive professional and technical support to the City in developing a conceptual project scope, in addition to reviewing the City's 2010 General Plan, Specific Plans, the Housing Element, the Capital Improvement Program ("CIP"), and other conceptual frameworks. DTA's comprehensive review of required impact fee and capacity fee levels shall be documented in a formal Nexus Study prepared under California Government Code 66000 *et seq.* DTA's Final Report would present a fee methodology that satisfies the "rational nexus" tests used by the courts to determine the legality of development exactions. Having previously been subject to legal and developer scrutiny, DTA has developed a streamlined approach and methodology that establishes a rational and substantial nexus between new development and the need for public facilities.

New State Legislation: With the recent approval by the State Legislature of **AB 602**, the City must be in compliance with new nexus requirements that apply to any DIF studies approved by the City Council after January 1, 2022. Starting on that date, if the City decides to adopt infrastructure standards that are above its existing levels of service, the DIF analysis must include an explanation of why the new level of service is necessary. Furthermore, the City's approved impact fees must either be levied on residential

development on a per square foot basis or the DIF Study must include specific findings explaining why square footage is not an appropriate metric to calculate the fees. **DTA is familiar with this new residential square foot metric based on work we have performed on fee studies in California and other impact fee studies outside of California, including fee studies in Arizona and other states where new higher levels of service must be justified.**

General Approach to Development Impact Reviews and Nexus Studies: In determining a reasonable nexus for each specific type of public facility, DTA will utilize one or more of the methodologies discussed below depending upon the data and other information available from the City and its current infrastructure policies. All of these fee methodologies employ the concept of an Equivalent Dwelling Unit ("EDU") to allocate benefit among various land use classes. EDUs are a means of quantifying different land uses in terms of their equivalence to a residential dwelling unit, where equivalence is measured in terms of potential infrastructure use or benefit from each type of public facility. For many types of facilities, EDUs are calculated based on the number of residents or employees generated by each land use class. For other facilities, different measures, such as the number of service calls, quantity of trip miles, or amount of storm water run-off, more accurately represent the benefit provided to each land use class. Transportation facilities typically demand EDU calculations predicated on a per unit or per trip basis, or according to Vehicle Miles Traveled ("VMT") criteria.

The three types of fee methodologies used by DTA to establish EDUs for a public facility within a typical AB 1600 study are based on either an existing Infrastructure Plan, a predetermined capacity amount, or a generic standard.

Plan-Based Fees: The first method of apportioning fees is based on a "plan," such as a Master Plan of Facilities, that identifies a finite set of improvements. These Facilities Plans generally identify a specific set of facilities needed by the public agency and are developed according to assessments of facilities needs prepared by staff and/or outside consultants and adopted by the public agency's legislative body. With this plan-based approach, specific costs can be projected and assigned to all land uses planned in the future, often with a specific time period in mind that reflects new development projections. In preparing an impact fee analysis, facilities costs can be allocated in proportion to the amount of demand caused by each type of future development. It works well when it is difficult to measure the actual service needed by a land use type or where capacity cannot be directly related to demand. Roads and flood control improvements are examples where plan-based fees are often used. These fees are typically per unit assessments. This type of plan-based approach is generally preferable to the two other approaches to cost allocation listed below, but it does require the existence of a Facilities Plan, which is not always available.

Capacity-Based Fees: A second method of fee assessment is based on the "capacity" of a service or system, such as a water tank or a sewer plant. This kind of fee is not dependent on a particular Land Use Plan (i.e., amount or intensity), but rather it is based on a rate or cost per unit of capacity that can be applied to any type of development as long as the system has adequate capacity. This type of fee is useful when the costs of the facility or system are unknown at the outset, but it requires that the amount of capacity used by a particular land use type be measurable or estimable. Capacity-based impact fees are assessed based on the demand rate per unit. This type of fee would most typically be assessed for water or wastewater systems.

Standard-Based Fees: A third method of assessing fees is based on "standards" where costs are based on units of demand. This method establishes a generic unit cost for capacity, which is then applied to each land use per unit of demand. Parks are an excellent example of this type of fee structure. California's

Quimby Act allows cities and counties to establish a service standard, typically 3.0 to 5.0 acres of parkland per thousand residents, that may be required of all new residential development. Thus, this standard is not based on cost but rather on a standard of service. This methodology provides several advantages, including not needing to know the cost of a specific facility, identifying how much capacity or service is provided by the current system, or having to commit to a specific size of facility.

In preparing its analysis, DTA will apply one or more of these three methodologies to each facility type to generate applicable fee levels. However, the results of our quantitative analyses will be tempered by real-world factors to be at least considered by the City prior to the adoption of revised fee levels.

One area in which City input is critical is the development of a Facilities Needs List highlighting those public improvements that provide benefit to an area larger than a single development project, making an impact fee an excellent mechanism to accrue funding. DTA would request copies of the City's CIP, any Master Facilities Plans and approved Specific Plans, and City staff input regarding those improvements to be included on the Facilities Needs List. Details regarding the specific information being requested by City staff are included under Tasks 1 and 3 and in Subsection C.2.

C.2 Proposed Scope of Services

Work products stemming from the work plan described in this section will include a memorandum ("memo") summarizing the fee methodology options, a Facilities Needs List, and the Draft and Final Reports.

DTA has an enviable reputation for producing high-quality work in a quick and efficient manner to correspond with even the most aggressive project schedule. DTA's typical schedule of tasks for a DIF program/DIF Study is outlined below. Given the City's desired project timeline, this timeline of events can and will be completed within the proposed time frame according to the City's specifications. **Notably, the firm shall provide ongoing communication, education, and outreach throughout the duration of the project. DTA will be able to begin work with minimum notice.**

Task 1 – Development of Project Strategy and Kickoff Meeting (Month 1)

DTA staff shall meet with City staff in a project kickoff meeting to finalize the details of the engagement, deliverables, timetables, and tasks, discuss the fee methodologies and best practices, identify needed information (i.e., reports, project/Facilities Needs Lists, stakeholder groups, data, etc.), prepare the final project schedule, discuss the public process, and resolve other concerns, as appropriate.

Task 2 – Develop Population and Dwelling Unit Projections (Months 1-2)

DTA will compile and document existing and future population and development estimates for the City. The projections resulting from this task will ultimately calculate fee levels. This task comprises four subtasks.

- 2A Population Projections:** DTA will gather existing information on present and future population for the City from various sources, including City staff, the General Plan, Municipal Code(s), existing Master Plans, Specific Plans, the U.S. Census, the San Bernardino County Transportation Authority ("SBCTA"), the State Department of Finance, and from other data sources, including the City's CIP.
- 2B Conduct Entitlement Research and Projections:** DTA will coordinate with the City staff to determine existing and future residential and non-residential development within the City over

the planning horizon. To complete this subtask, DTA will review the General Plan/CIP and related plans to determine expected development land use patterns in the City, assess City records to identify existing entitlements for dwelling units and commercial/industrial development, and project the number of new dwelling units and commercial/industrial development based on existing entitlements and population projections for the next 20 years, or such other target year as selected by City staff.

- 2C **Review Current City Fee Structure:** DTA shall review and summarize the City's current DIF structures, City policies and procedures, and other regulatory requirements affecting potential fee structures and revenue program requirements.
- 2D **Review Prior City Fee Justification Studies:** DTA shall review the approach and methodology utilized in prior City fee justification studies so they can be evaluated in light of the City's current needs.

Task 3 – Review Facility/Capital Needs and Levels of Service (Months 1-3)

This task entails DTA's review of the facilities and capital needs required to serve new development in the City as projected in Task 2. DTA will use existing City materials as base documents and focus our effort on updating this information.

For any fee program to be comprehensive in its scope, it is necessary to complete a thorough identification and review of all the facilities that will be impacted by additional growth, including those already discussed in the General Plan or CIP. This task will require close coordination with all appropriate City departments.

- 3A **Survey/Interview City Staff:** DTA shall survey/interview City staff to review projected facilities in the City, along with major equipment needs, the timing at which improvements will be needed, and any physical data that would assist in developing the costs estimated below in Subtask 3C. Based upon the results of the surveys and interviews, DTA will verify and, if appropriate, expand the list of new facilities found in the General Plan/CIP to be included within the fee program for the City.
- 3B **Facilities List:** Based on the information collected in Subtask 3A, DTA shall prepare a Facilities Needs List that details the new facilities and equipment to serve new development in the City's jurisdiction.
- 3C **Review Cost Estimates:** DTA's engineering and technical staff will, as necessary, consult with City department heads and/or engineering staff or equivalent to ascertain and understand in-house cost data for existing and projected facilities and equipment, apply inflation and cost-of-living escalators to the list of projected public facilities to determine future costs, review and/or refine existing cost data, examine major sources of revenue to fund the construction of new public facilities, and provide a proportional estimate between projected costs for new facilities and estimated revenue from mitigation fees and other sources.
- 3D **Infrastructure or Facilities Improvement Plan:** DTA will prepare an Infrastructure or Facilities Improvement Plan that reflects the costs of infrastructure, improvements, real property, financing, other capital and associated appurtenances, equipment, vehicles, furnishings, and other eligible items that are associated with meeting future needs necessary for public facilities, as allowed per State statutes.

Deliverable: Infrastructure or Facilities Improvement Plan ("Facilities Needs List")

Task 4 – Develop Methodology for Calculating New Fee Amounts (Months 2-3)

This task entails developing the methodology used to establish the fee amount for each fee component to the extent appropriate. There are two critical issues that must be considered in developing a fee program. The fee program must generate revenues in a timely manner and the methodology must meet the nexus or benefit requirements of AB 1600. Since fees of any sort are controversial, it is critical that any fee established be legally defensible.

DTA's DIF Study methodology must meet the nexus or benefit requirements of AB 1600, which requires that there be a nexus between the fees imposed, use of the fees, and development projects on which the fees are imposed. Furthermore, there must be a relationship between the amount of the fee and cost of the improvements. In order to impose a fee as a condition for a development project, the methodology must accomplish the following:

- Identify the purpose of the fee;
- Determine the use to which the fee is to be put, e.g., if the use is financing public facilities, the facilities must be identified;
- Establish how there is a reasonable relationship between the fee's use and type of development project on which the fee is imposed; and
- Identify how there is a reasonable relationship between the need for the public facility and type of development project on which the fee is being imposed.

Implicit in these requirements is a stipulation that a public agency cannot impose a fee to cure existing deficiencies in public facilities or improve public facilities beyond what is required based on the specific impacts of new development. The benefit methodology established in this task will be documented in the Final Report.

DTA shall prepare a memo to be submitted to City staff summarizing available methodologies, as well as their respective pros and cons, and providing detailed examples of other cities', counties', or agencies' impact fee programs. Methodologies to review will include programs based on auto vehicle trips or VMT, all mode trips (e.g., auto, transit, bike, and walk), square footages, or household units, etc. The memo will also discuss, as applicable, context-sensitive adjustments and "credits" for capital improvements required as part of a project application. DTA will recommend a Fee Expenditure Plan to ensure that projects can be fully funded and implemented within any required time limits for expenditures of such funds, as well as possible flexibility to allow collected fees to be used to provide the City with a match for grant applications. Finally, the memo will include recommendations for methodology and next steps. Upon review and discussion by City staff, a methodology will be selected.

Deliverable: Memo Summarizing the Fee Methodology Options

Task 5 – Determine Fee Levels (Months 3-4)

This task entails calculating the fee amounts based upon the dwelling unit and commercial/industrial development projections completed in Task 2, facilities needs and costs determined in Task 3, and methodology selected in Task 4. Should the City decide to adopt its fees in a manner consistent with recently approved AB 602, the fee amounts would be calculated on a per square foot basis for residential development.

- 5A **Calculate Recommended Fee Amounts:** DTA shall calculate fees for the City by inputting the data compiled under the preceding tasks and computing each fee to be levied. This work will be done in a spreadsheet format that can be updated annually. DTA will also evaluate this data in comparison to similar California cities and others in San Bernardino County so as to arrive at comparable and palatable fee levels.
- 5B **Document Fee Derivation:** DTA shall document the methodology utilized for the fee calculation model in such a manner that can be easily understood by the City, the public, and various stakeholders. DTA shall prepare written statements documenting the validity of the methodology for deriving each of the fees for the City. These statements will be made to meet the requirements of AB 1600 and documented in the Final Report discussed below.
- 5C **Fee Modification and Reduction Strategies to Encourage Housing Development:** DTA shall provide City staff with a series of options available to lower fees in a manner that encourages housing production and, in particular, affordable housing production. DTA has utilized fee phase-in strategies, fee waivers for certain types of housing development, inclusionary housing in-lieu fees, EIFDs, fee credits for infrastructure oversizing, and similar methods to meet City housing goals, particularly due to a City's RHNA requirements.

Task 6 – Prepare Draft and Final Reports (Months 4-5)

This task entails the preparation of the Draft and Final Reports for consideration by the City Council and City staff. Based on the work completed in Tasks 1-5, DTA will prepare the Draft Report for review and consideration by City staff. The Draft Report will be prepared under the standards of AB 1600 and is expected to include an executive summary, population projections, the facilities and improvements list, areas of benefit (if applicable), fee calculations, recommended fee levels, and the suggested process for keeping fees current. After the incorporation of City staff comments and concerns on the Draft Report, DTA will prepare the Final Report for presentation to the City Council and City staff. Once requested by the City Team, DTA shall provide 14 hardcopies of final reports (13 bound and 1 unbound), as well as electronic copies in both Microsoft Word and PDF.

Deliverables: Draft and Final Reports

Task 7 – Outline Tasks Required for the Implementation and Administration of the Fee Program (Month 5)

DTA will prepare a list of tasks required of the City once it has adopted its new fee program. These tasks include the determination of actual fee levels if the City decides not to impose the maximum fee levels allowed under the DIF Study, the implementation of the fee credit program, and other issues the City may face when implementing the fee program. In addition, DTA shall prepare a Draft Ordinance to adopt the fee program, subject to review and approval by the City's legal counsel.

Deliverable: Draft Ordinance

Task 8 – Attend Meetings and Public Outreach (Months 2-6)

This task entails attendance at a total of three (3) in-person meetings and five (5) additional virtual meetings with the City Manager (or similar), other City staff, focus groups, stakeholders, and the City Council to present information regarding the status of the impact fee program update, Draft DIF Study, and Final Report to obtain input. We can attend additional in-person meetings on a time and materials basis, as requested by the City. During these meetings, DTA will take into account community and stakeholder input. We shall also schedule standing conference calls or virtual

meetings (i.e., weekly or bi-weekly) with City staff, including the kickoff meeting, to stay on track with tasks and deliverables.

D User Fee Schedule Study

D.1 Approach

When a government charges a fee, one might assume that this is a purchase of service. The factual question is whether the price recovers the cost. It helps to think that cost is a fact and price is a policy choice. While you have the ability to set prices at various levels, you want to know the cost of an activity before deciding its price. Many states prohibit any intentional profit on fees, but MGT does not assume that everyone understands the real cost of user fees.

In California, user fees have been charged by local agencies since the mid-1970s. Case law allows cities to charge user fees when a service is contemplated that benefits an individual and not the community as a whole. There are two threshold questions related to user fees:

- Are all fees-for-services fully identified within a city's operations?
- Are the user fees established to recover full costs or are they partially subsidized by the General Fund?

The cost of a fee-for-service includes not only the direct labor, but also benefits, other appropriated expenses, indirect cost, and direct support from other offices. MGT's role in this project is to analyze the information and report how the cost compares to price. This requires not only templates designed to support this analysis but also knowledge of the underlying services so that the model will reflect how they are provided. MGT's job is to understand how you deliver services, determine their costs, and support your policy review. The firm will help the City to understand regional best practices for charging various types of fees, as well as demand elasticities that should be considered.

MGT shall analyze the costs of the City's fees for services and calculate each fee's full costs. The firm will also assist the City to appropriately increase fees to match the desired level of cost recovery. This approach will protect revenues for the City, thereby producing general City financial health and fiscal sustainability, which jointly lead to sustainable community benefits.

Setting fee prices to recover cost is fair. It allows applicants to receive services upon demand and insulates taxpayers from having to pay for services that benefit developers. A well-conceived and managed user fee program will ensure the City is compliant with Federal and State laws, while protecting and augmenting the City's General Fund. Efficient and rational financial policies and practices will enhance City services to the public. New facilities, new programs, and enhancements to the community are all leveraged when the General Fund is healthy and properly supported, which this project will ensure. This project will help the City better serve the citizens of the City.

MGT sees your community as its community. The MGT team has worked in the public sector and understands the challenges you face. Its view and objectives are long-term for both relationships and solutions. That is why MGT is deeply committed to helping you bring out the best in your community.

D.2 Proposed Scope of Services

The following is a detailed work plan that identifies the tasks necessary to complete the study. MGT shall approach this engagement in five separate phases. Each phase reflects a linear progression of the overall project. Within each phase, MGT has identified tasks designed to achieve the City's objectives for this project.

Shown below is MGT's proposed schedule for the engagement. The firm will work with the City to develop clear internal deadlines at the beginning of the project and combine that with intentional and structured communications. **The user fee study will be completed in approximately 5 months from kickoff to the delivery of the Final Report. It is anticipated that draft results will be available for review after 3-4 months.**

MGT shall perform the tasks detailed below to conduct a comprehensive user fee study.

Figure 1: Proposed Work Plan



- Task 1 **Introductory Meeting:** MGT shall refine the project scope, purpose, and uses and goals, develop the work plan/timeline, and discuss the project approach (**Month 1**);
- Task 2 **User Fee Design and Analysis:** MGT will conduct a kickoff meeting with staff, collect basic financial data and volume, discuss current fee structure and any redesign, conduct staff interviews to begin time estimate collection, collect data, prepare the 1st draft results, refine results, prepare 2nd draft results, and finalize the full cost (**Months 1-2**);
- Task 3 **Peer Comparison Survey:** MGT shall identify up to five peer agencies and up to five fees per department that the City would like to include in the comparison survey (**Months 2-3**);
- Task 4 MGT will discuss current cost recovery policies and gather recommendations (**Months 2-3**);
- Task 5 MGT shall present findings to internal stakeholders (**Month 3**);
- Task 6 MGT will write up a report of findings (**Months 3-4**);
- Task 7 MGT shall present findings to the City Council (**Months 4-5**); and
- Task 8 **Project Closeout:** MGT will report on other matters that come to its attention during the course of the evaluation (**Months 4-5**).

II PROJECT MANAGER QUALIFICATIONS

Mr. Wekwete will serve as the Project Manager for the DTA team and be the City's primary point of contact throughout this engagement. He will handle the ongoing execution and completion of the entire Scope of Services and match DTA's work and deliverables with the City's needs and objectives. Mr. Wekwete will also manage the work of DTA's project team, including leading data collection efforts, directing the development of our technical model, providing senior-level analysis, reviewing progress and work products with City staff and stakeholders, presenting study findings at project meetings, and finalizing study documentation. He will be assisted in these tasks by Mr. Runk, Mr. Ruiz, and other support staff. Mr. Wekwete's resume is presented below.

Kuda Wekwete

Managing Director | Kuda@FinanceDTA.com

Project Role – Project Manager

Since joining DTA in 2005, Mr. Wekwete has been involved in all aspects of the formation and implementation of special districts to fund infrastructure and services, as well as the sale of over \$300 million in CFD bonds. His work has involved the preparation of tax spreads and overlapping debt analyses for the formation and/or sale of bonds for over 175 special districts established throughout California. In this role, Mr. Wekwete has prepared Rates and Methods of Apportionment ("RMAs"), CFD and Engineer's Reports, and documents required for the formation of CFDs, sale of property, and annual levying of special taxes. He has also been responsible for preparing PFFPs involving CFDs and other public finance mechanisms. In addition, Mr. Wekwete has experience in the preparation of Fiscal Impact Reports ("FIRs"), tax increment analyses, and Public Facilities Financing Plans ("PFFPs") and has performed due diligence services and developed disclosure documentation for land purchasers, public agencies, and lenders.



In addition, Mr. Wekwete has been actively involved in the preparation of dozens of impact fee studies, especially in the area of transportation infrastructure costing, and apportionment of these costs over various land use types based on benefit criteria. His engineering background has enabled him to assist DTA's Vice President of Engineering Services in applying a variety of apportionment methodologies to the development of fee studies and establishment of Benefit ADs for public sector clients. **Mr. Wekwete's recent work on DIF studies has included engagements for the Cities of Colton, Desert Hot Springs, Fontana, Paso Robles, Perris, Torrance, and Victorville and the Counties of Riverside, San Bernardino, San Luis Obispo, and Santa Barbara, among others.** He is currently engaged as the Project Manager in five fee study engagements throughout California and has completed approximately 18 fee studies, including all phases of each engagement, in the last 10 years.

Mr. Wekwete will be available full-time (100%) for the duration of the project. He anticipates that 3-4 hours per work will be required on his part, plus time spent by other support staff, although the number of hours spent on the project will be adjusted as needed. There will not be any conflicts arising from him performing the City's requested services along with his current responsibilities and engagements.

Mr. Wekwete received his B.S. and M.S. in operations research and industrial engineering from Cornell University and Columbia University, respectively. **He also holds a Series 50 license as a registered Municipal Advisor with the SEC/MSRB under rules promulgated following the Dodd-Frank Act in 2010.**

III FIRM QUALIFICATIONS

Our diverse and multidisciplinary project team for this project has the breadth of experience required to provide public finance consulting services in a professional and timely manner. **This project would be primarily handled out of DTA's Riverside office located at 3390 University Avenue, Suite 200, Riverside, CA 92501.** David Taussig, President/CEO of DTA, would be the Principal-in-Charge and have the City's primary account responsibility. Mr. Taussig would be assisted by Kuda Wekwete, a Managing Director at DTA, Steve Runk, P.E., Vice President of Engineering Services at DTA, and Richard Ruiz, a Senior Associate at DTA, in addition to other support staff. DTA would work side by-side with MGT staff led by Cindy Sconce, a Director at MGT. Ms. Sconce would be assisted by Diana Hancock, a Manager at MGT, Bruce Cowans, a Vice President at MGT, Jamie Radcliff, a Manager at MGT, and Sophia Burgess, an Analyst at MGT.

Notably, DTA and MGT have worked together on a multitude of projects in numerous states, including Arizona, California, Florida, and West Virginia, for over 10 years. **Our firms' services complement one another, allowing the City to have access to experienced consultants with national expertise in fee studies.** DTA will prepare the DIF Study for this engagement, while MGT will serve as the cost allocation and user fee study expert for all the City's cost recovery needs.

A DTA's Firm Qualifications

A.1 Firm Overview

DTA is a public finance and urban economics consulting firm specializing in infrastructure and public services finance. Our firm, which was founded in 1985, provides public finance consulting services to both public and private sector clients. We have offices in Newport Beach, San Francisco, San Jose, and Riverside, California, as well as Dallas and Houston, Texas, Raleigh, North Carolina, and Tampa, Florida. Additional information on DTA is available on our website (www.FinanceDTA.com).

DTA, a corporation, was incorporated in the State of California on May 15, 1986, and has been in business for over 36 years. The firm's headquarters are located at 100 Bayview Circle, Suite 100, Newport Beach, CA 92660. The corporation has two officers, specifically David Taussig, President, and Cecily Burke, Secretary, both of whom are authorized to bind the firm in a contractual agreement. Mr. Taussig is available by phone at (800) 969-4DTA and/or by e-mail at David@FinanceDTA.com. DTA's management personnel consists of four principals identified as David Taussig, President, Kelly Wright, Chief Operating Officer, Andrea Roess, Managing Director, and Kuda Wekwete, Managing Director. **We are not registered with the Department of Industrial Relations ("DIR") as we do not actively participate in tasks that fall under prevailing wage or DIR codes.**

DTA has a diverse, multidisciplinary staff of 55 employees, all of whom are directly involved solely in public finance. Staff members come from backgrounds in several fields, including land development, public administration, civil engineering, investment banking, economic consulting, redevelopment, law, non-profit administration, and land use planning. This diversity of experience and expertise allows DTA to meet a wide variety of challenges related to both the actual work product and client management. DTA's staff members have considerable experience in computer-based financial analyses and modeling, which is a key component of the firm's consulting services. This ensures that the development of any computer model(s) will be in experienced hands.

DTA recently created an internal task force comprised of 10 DTA staff members dedicated to working through and understanding the recent legislation known as AB 602 to ensure that our fee studies comply with all applicable legal requirements. We shall also have other support staff available to assist the City, as needed.

Since its formation in 1985, DTA has assisted over 3,000 public and private sector clients in meeting their infrastructure and public services goals. **DTA has been licensed and registered with the SEC and MSRB as a Municipal Advisor (No. 867-01160) and is following all the fiduciary requirements associated with this designation.**

DTA's consulting services include the following:

- **Proposition ("Prop") 218 and AB 1600-compliant impact fee studies;**
- **Public infrastructure and public services financing strategies;**
- Assessment engineering and special tax consulting;
- Annual administration of ADs and CFDs;
- Public-private partnerships;
- EIFD formation and ongoing management;
- Fiscal and economic impact analyses;
- Clean Energy Bonds;
- Federal and state grant, loan, and tax credit applications;
- Economic development and revitalization studies; and
- Public improvement construction management services.

DTA has been involved in the formation of over 2,000 public finance districts, with total authorized bonded indebtedness over \$75 billion. Our financing programs have utilized a variety of public financing mechanisms, such as CFDs, 1913/1915 Act ADs, 1972 Act LLDs, EIFDs, Certificates of Participation, Tax Allocation Bonds, Sewer and Water Revenue Bonds, Marks-Roos Bond Pools, Integrated Financing Districts, and various types of fee programs. **DTA's level of experience with special district formations is unequalled as our firm is the State of California's leading special tax and assessment consultant, having prepared special tax and assessment formulas on behalf of public agencies for the establishment of over 1,500 CFDs, ADs, and LLDs.** DTA also has considerable experience establishing a variety of financing districts and property owner associations for the purpose of funding public service shortfalls created by new development.

On a Statewide basis, DTA has planned and implemented PFFPs that have ranged from the quantitative analysis of a single financing mechanism for an individual facility to the preparation of a comprehensive financing plan covering multiple facilities and public services through a series of financing mechanisms. Our financial analyses provide public officials, landowners, and other interested parties with the level of information needed to make fully informed decisions regarding land use, infrastructure, and public services financing issues. DTA staff has extensive experience working with various stakeholder groups, including public agencies, public agency municipal staff, residents, local chapters of the Building Industry Association ("BIA"), local Chambers of Commerce, and other interested parties.

In addition to the planning and implementation of public financing mechanisms, DTA is involved in fiscal and economic analyses of land development impacts, project feasibility studies, retail market analyses, and economic development studies. DTA's ability to thoroughly analyze the revenues and costs to a local jurisdiction resulting from new development relates specifically to DTA's extensive experience in Fiscal Impact Analyses ("FIAs") of land development projects. **DTA staff has prepared**

over 700 FIRs estimating the revenue and cost impacts of various land use decisions on cities, counties, and special districts. Our firm has prepared FIRs in conjunction with Specific Plans, Environmental Impact Reports, incorporations and annexations, reuse studies, General Plan Amendments, Development Agreements, and individual project proposals covering different types of residential, commercial/industrial, and mixed-use projects. The quality of DTA's fiscal work has been recognized by the American Planning Association ("APA"). Notably, the APA presented the Award of Merit to DTA for its financing program (which included an FIR) prepared for the County of Santa Barbara.

In terms of economic impact analyses, DTA has prepared over 200 economic impact studies for public agencies and land development firms that identify the general economic impacts of a future or existing development or plan on a municipality in terms of economic output gains or losses and job and wage creation opportunities. DTA utilizes the Impact Analysis for Planning ("IMPLAN") economic analysis database service to determine induced and indirect economic impacts (via input/output modeling multipliers) that complement the direct economic impacts of new development and plans. Our firm's economic analyses also distinguish between one-time impacts that occur on a non-recurring basis as a result of construction activity and impacts that recur annually over the entire term of a development's life.

DTA has earned the trust of public agencies, bond investors, and other industry participants. Our name is synonymous with quality, accuracy, and responsiveness. Our clients understand there is a quantifiable difference to our consulting services that gives us a clear edge over the competition.

DTA is committed to excellence and innovation, which allows us to attract and retain the most experienced and knowledgeable personnel in the industry. We have an enviable reputation for producing high-quality work in a quick and efficient manner to correspond with even the most aggressive project schedule. DTA's clients also receive high levels of personal attention from senior staff, with a Principal, Senior Vice President, or Vice President always available to meet with public agency staff and other groups. Perhaps DTA's most outstanding qualification is the dedication and loyalty of the senior employees in our firm, many of whom have worked for DTA for 15-30 years, enabling our clients to count on the same personnel year after year on the job. As a result, DTA can offer a level of management expertise that is unequalled throughout the fields of public finance and special tax consulting. In fact, every DTA engagement is led by a Principal, Senior Vice President, or Vice President with at least 15 years of experience with our firm.

DTA has provided public finance consulting services to virtually every major city and county in the State. Our county clients have included the Counties of Alameda, Butte, Colusa, Contra Costa, Fresno, Imperial, Los Angeles, Madera, Marin, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Luis Obispo, Santa Barbara, Shasta, Sutter, Stanislaus, and Yuba. Our city and special district clients are too numerous to list individually but include the Cities of Anaheim, Fresno, Irvine, Long Beach, Los Angeles, Riverside, Sacramento, San Diego, San Francisco, and San Jose. DTA has also provided public finance consulting services to over 325 school districts and water districts throughout California.

The result of this experience and expertise is that in 37 years of work establishing over 2,000 financing districts and bond programs, DTA has never once been sued. Our quality control is without peer and one of the key components in ensuring our firm's success. DTA continues to seek innovative solutions and refine our work product to better serve and protect our clients.

A.2 DIF-Specific Experience and Qualifications

As noted previously, DTA has been performing public facilities fee consulting services since DIFs were enacted under AB 1600 by the California Legislature and codified under California Government Code §66000 *et seq.*, also referred to as the Mitigation Fee Act. DTA has extensive experience preparing DIF studies that have complied with Section 66000 *et seq.* of the Government Code and withstood legal scrutiny to the extent that none of our prior studies have been subject to any type of litigation.

DTA has prepared approximately 500 fee justification studies to date for a variety of public improvements, including transportation, water, sewer and flood control facilities, fire and police stations, parks, libraries, school facilities, and other types of infrastructure. Regarding the land valuation calculations that apply to Park Impact Fees and/or Quimby in-lieu fee calculations, DTA staff accesses multiple data resources and employs a variety of analytical strategies to ensure that the final recommended land valuation is one that properly smooths out the data to address the dramatic high and low figures that can be common in the San Bernardino County real estate market. We subscribe to the Costar real estate database that provides us with current and historical sales prices and lease rates for all local real estate transactions.

In recent years, our firm has prepared AB 1600-compliant DIF justification studies for the municipalities listed below, among others. **Most recently, DTA has been hired by the County of San Bernardino and the Cities of Coronado, Daly City, Paso Robles, Redlands, Redwood City, San Jose, Upland, and Yucaipa to prepare comprehensive fee updates in compliance with AB 602.**

- City of Anaheim;
- City of Blythe;
- City of Brawley;
- City of Calexico;
- City of Campbell;
- City of Cathedral City;
- City of Cerritos;
- City of Chino;
- City of Chino Hills;
- City of Colton;
- City of Costa Mesa;
- City of Cypress;
- City of Desert Hot Springs;
- City of Escalon;
- City of Firebaugh;
- City of Fontana;
- City of Fowler;
- City of Glendale;
- City of Hesperia;
- City of Ione;
- City of Kingsburg;
- City of Lakeview;
- City of Live Oak;
- City of Los Banos;
- City of Manteca;
- City of Napa;
- City of Palo Alto;
- City of Pasadena;
- City of Paso Robles;
- City of Perris;
- City of Red Bluff;
- City of Redlands;
- City of San Bernardino;
- City of San Francisco;
- City of San Jacinto;
- City of San Jose;
- City of San Luis Obispo;
- City of Santa Ana;
- City of Soledad;
- City of South San Francisco;
- City of Torrance;
- City of Tustin;
- City of Upland;
- City of Victorville;
- County of Colusa;
- County of Fresno;
- County of Kings;
- County of Pasadena;
- County of Riverside;
- County of San Bernardino;
- County of San Francisco;
- County of San Luis Obispo;
- County of Santa Barbara;
- County of Santa Clara Fire Department;
- County of Shasta;
- County of South Santa Clara Fire District;
- County of Yuba;
- Town of Loomis;
- Town of Mammoth Lakes;
- Beaumont Cherry Valley Recreation and Parks District;
- Denair Community Services District;
- El Dorado Hills Community Services District;
- El Dorado Hills Fire Department;
- Jurupa Area Recreation and Park District;
- San Geronio Memorial Hospital;
- San Geronio Pass Water Agency; and
- South Yuba Transportation Improvement Authority.

B MGT's Firm Qualifications

MGT is a financially stable national consulting firm with local offices and 500+ staff in 16 states. Founded in Florida in 1974 as a higher education research firm, MGT has always taken pride in providing fiercely independent analysis and thoughtful advice to each client and specializes in assisting public sector clients in operating more efficiently and effectively. MGT has acquired a keen understanding of the structures, operations, and issues facing state government agencies. This understanding comes from over 45 years of extensive experience in providing financial and management consulting for state and local governments and the prior work experience of the firm's consultants. Notably, a significant portion of MGT's work is repeat business, reflecting the high level of customer satisfaction in the firm's ability to do the job and do it right.

MGT is a privately held, employee-owned limited liability company. The firm has a deep roster of experienced cost allocation experts, ample resources, and a desire to serve the public. It's the people that are the driving force behind the impact MGT creates. Every member of the firm has a vested interest in the successful completion of every project, for every client. This mindset is embedded in MGT's culture in is at the heart of what they do. **MGT is not registered with the DIR as the firm does not actively participate in tasks that fall under prevailing wage or DIR codes.**

MGT has judiciously expanded its consulting capabilities over the years. User fee studies are one of the firm's core services and the firm is thoroughly familiar with all relevant Federal and State of California user fee requirements. The firm also has an outstanding record of past performance. MGT's teams are composed of proven professionals with the goal of providing the best quality of service while meeting project schedules and budgets. The firm's expert consulting team is proficient at managing user fee projects precisely like the one requested by the City. In fact, lead staff on the firm's proposed team have over 30 years' experience performing planning, building, and engineering fee studies, both on the revenue side and process improvement/management side.

As a consulting group, MGT has delivered more user fee studies to governmental jurisdictions than all current competitors combined. The firm's experience with user fee studies stretches back to the late 1980s when its senior consulting staff worked for David M. Griffith & Associates ("DMG"). The expert consulting team proposed for your project is proficient at managing user fee projects exactly like the one being requested by Rialto. **MGT has completed user fee studies for municipal clients throughout the country, including the States of Arizona, California, Colorado, Florida, Illinois, Michigan, Nevada, Virginia, Texas, and Washington, among others.**

C References

Listed below are references for DTA's and MGT's recent work involving fee studies for municipalities in California. We encourage you to contact our references to learn firsthand how well DTA and MGT staff members meet the needs of our clients.

C.1 City of Paso Robles

Table 1: Reference Information

Location	City of Paso Robles, CA
Client Contact	Warren Frace
Title	Community Development Director
Address	1000 Spring Street, Paso Robles, CA 93446
Phone Number	(805) 237-3970
E-mail Address	WFrace@PRCity.com
Project Dates	November 2006-Present
Project Budget	\$86,000
Project Team	Kuda Wekwete (Project Manager) and Richard Ruiz (Task Specialist)
Work Product	DIF Studies [2014, 2018, and 2022 (Currently in Progress)], FIAs, and CFD Formations
Fee Categories	Transportation, Fire, Law Enforcement, and Parks and Recreation

C.2 City of Upland

Table 2: Reference Information

Location	City of Upland, CA
Client Contact	Stephen Parker
Title	Assistant City Manager
Address	460 N. Euclid Avenue, Upland, CA 91786
Phone Number	(909) 931-4121
E-mail Address	SParker@Ci.Upland.CA.US
Project Dates	December 2021-Present
Project Budget	\$50,000
Project Team	Kuda Wekwete (Project Manager), Steve Runk (Engineer), and Richard Ruiz (Task Specialist)
Work Product	DIF Study (In Progress)
Fee Categories	Public Facilities, Police Facilities, Park Facilities, Transportation Facilities, Water Facilities, Sewer Facilities, and Storm Drain Facilities

C.3 City of Fontana

Table 3: Reference Information

Location	City of Fontana, CA
Client Contact	Gia Kim
Title	Public Works Director/City Engineer
Address	8583 Sierra Avenue, Fontana, CA 92335
Phone Number	(909) 350-6655
E-mail Address	GKim@Fontana.org
Project Dates	2018-2020
Project Budget	\$65,360
Project Team	Kuda Wekwete (Project Manager) and Richard Ruiz (Task Specialist)
Work Product	DIF Study (Adopted)
Fee Categories	Transportation, Fire, Law Enforcement, Public Facilities, Libraries, and Parks and Recreation

C.4 City of Hesperia

Table 4: Reference Information

Location	City of Hesperia, CA
Client Contact	Tina Souza
Title	Management Analyst
Address	9700 Seventh Avenue, Hesperia, CA 92345
Phone Number	(760) 947-1474
E-mail Address	TSouza@CityofHesperia.US
Project Dates	2015-Present
Project Budget	\$50,000
Project Team	Andrea Roess (Project Manager), Steve Runk (Engineer), and Nehal Thumar (Task Specialist)
Work Product	DIF Study (Adopted)
Fee Categories	Fire Facilities, Police Facilities, Animal Control Facilities, City Hall, Records Storage, Transportation Facilities, and Drainage Facilities

C.5 City of Desert Hot Springs

Table 5: Reference Information

Location	City of Desert Hot Springs, CA
Client Contact	Geoffrey Buchheim
Title	Administrative Services Director
Address	11999 Palm Drive, Desert Hot Springs, CA 92240
Phone Number	(760) 329-6411 x227
E-mail Address	GBuchheim@CityofDHS.org
Project Dates	February 2020-November 2021
Project Budget	\$48,680
Project Team	Kuda Wekwete (Project Manager) and Richard Ruiz (Task Specialist)
Work Product	DIF Study (Adopted)
Fee Categories	Law Enforcement, Fire, Park and Recreation, Circulation, Storm Drainage, Community Centers, and Aquatic Centers

C.6 City of San Jose

Table 6: Reference Information

Location	City of San Jose, CA
Client Contact	Rebekah Ross
Title	Planner IV
Address	200 East Santa Clara Street, San José, CA 95113
Phone Number	(408) 793-4186
E-mail Address	Rebekah.Ross@SanJoseCA.gov
Project Dates	June 2021-Present
Project Budget	\$200,000
Project Team	David Taussig (Project Manager), Kyle Martinez (Task Specialist), and Richard Ruiz (Task Specialist)
Work Product	DIF Study (In Progress)
Fee Categories	Park Impact Ordinance and Parkland Dedication Ordinance Fees

C.7 City of Corona

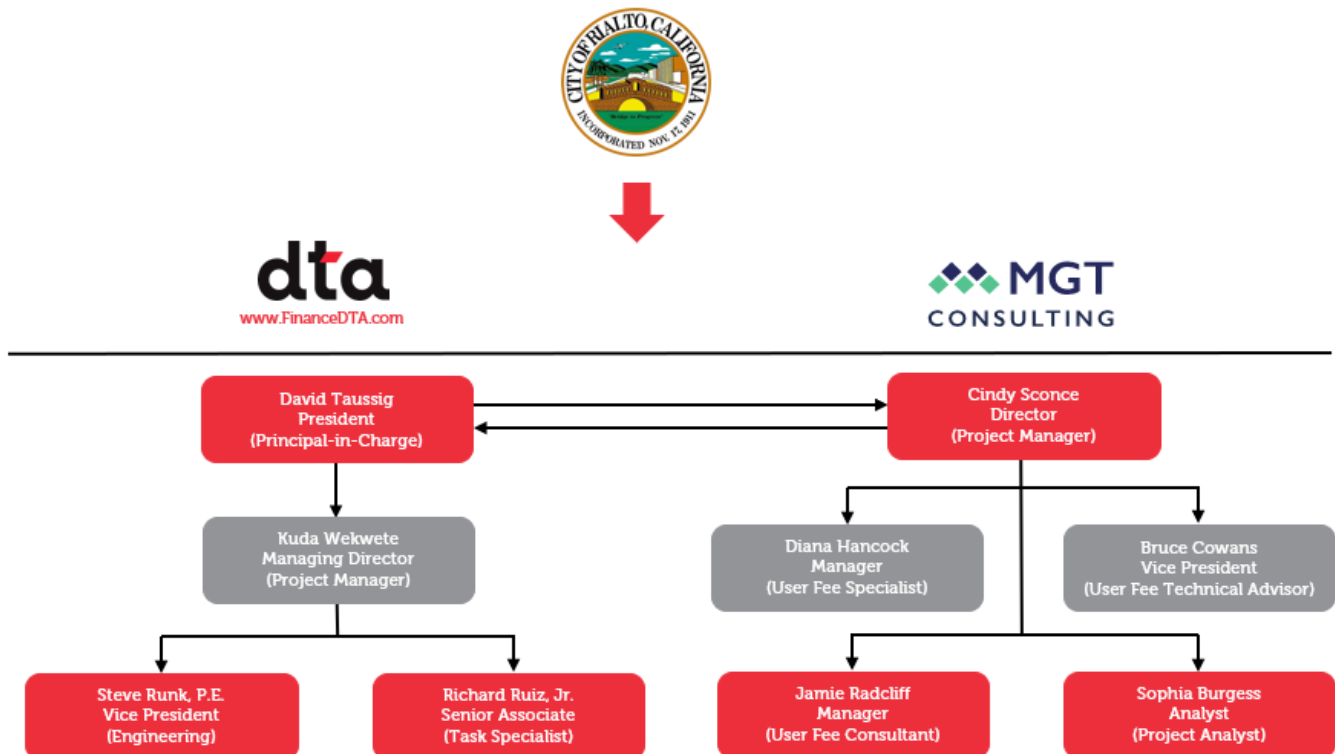
Table 7: Reference Information

Location	City of Corona, CA
Client Contact	Kim Sitton
Title	Finance Manager
Address	400 S. Vicentia Avenue, Corona, CA 92882
Phone Number	(951) 279-3532
E-mail Address	Kim.Sitton@CoronaCA.gov
Project Dates	Fee Study 2018-2019, Cannabis Fee Study 2020, and Updated Fee Study 2022
Project Budget	\$37,895 (Citywide Fee Update), \$12,000 (CAP Update), and \$8,000 (Water User Fee Update)
Project Team	Diana Hancock (Project Manager) and Ruben Rivas (Project Consultant)
Work Product	Comprehensive Citywide User Fee Study and Update to Comprehensive User Fee Study (Studies Included Fee Cost Analysis and Benchmarking of Fire Fees)

IV FIRM RESOURCES

DTA, in collaboration with MGT, has assigned personnel to this project who bring experience and technical expertise to each unique element of study. Our team organization is illustrated below. Project roles of our key team members are described below and followed by professional resumes. All personnel will be available full-time (100%) for the duration of the project.

Figure 2: Team Organization Chart



Our diverse and multidisciplinary project team for this project has the breadth of experience required to provide public finance consulting services in a professional and timely manner. **This project would be primarily handled out of DTA's Riverside office.** David Taussig will serve as the Principal-in-Charge of DTA's project team and handle primary account responsibilities for this engagement. Mr. Taussig will attend meetings as necessary and supervise all project staff. He will be assisted in these tasks by Mr. Wekwete, Mr. Runk, Mr. Ruiz, and other support staff. DTA will work side-by-side with MGT staff led by Cindy Sconce, a Director at MGT. Ms. Sconce will be assisted by Diana Hancock, a Manager at MGT, Bruce Cowans, a Vice President at MGT, Jamie Radcliff, a Manager at MGT, and Sophia Burgess, an Analyst at MGT.

DTA and MGT have worked together on a multitude of projects in numerous states, including Arizona, California, Florida, and West Virginia, for over 10 years. **Our firms' services complement one another, allowing the City to have access to experienced consultants with national expertise in fee studies.**

Key personnel will be available to the extent proposed, or designated by the City, for the duration of the project and no person designated as “key” to the project shall be removed or replaced without the prior written concurrence of the City. In addition, DTA is not behind schedule or past the completion date for any active projects and has a long history of delivering projects on a timely basis and adhering to agreements. Notably, DTA has a staff of 55 employees dedicated exclusively to public finance consulting services, at least a dozen of whom have worked on DIF studies. Therefore, DTA is capable of increasing the level of services it could provide the City should there be a demand for increased services. Furthermore, our marketing department works closely with the rest of DTA’s staff to prepare proposal revisions and revised fee schedules within a short period of time, depending upon the complexity of the revisions being requested.

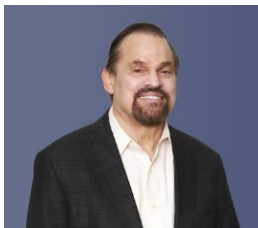
DTA and MGT have an enviable reputation for producing high-quality work in a quick and efficient manner to correspond with even the most aggressive project schedule. DTA’s clients also receive high levels of personal attention from senior staff, with a Principal, Senior Vice President, or Vice President always available to meet with public agency staff and other groups.

A DTA Team Resumes

David Taussig

President | David@FinanceDTA.com

Project Role – Principal-in-Charge



Mr. Taussig has over 45 years of experience in the fields of real estate finance and urban economics. His areas of expertise include municipal finance programs for infrastructure and public facilities development, fiscal and redevelopment impact analyses, and land development project feasibility studies.

Mr. Taussig has an extensive background in computerized financial analyses. Since founding DTA in 1985, Mr. Taussig has developed several state-of-the-art analytical methods and modeling approaches, in addition to directing the formation of over 1,000 public financing districts and subsequent sale of tax-exempt municipal bonds. These districts have funded public infrastructure and services for many types of residential and non-residential development and included several hundred master-planned communities built throughout California and in several other western states. Mr. Taussig’s work has involved both the preparation and implementation of financing plans and his public sector clients have included virtually every major urban county and city within California and hundreds of special districts. He has provided similar consulting services to many of the largest land development firms in the State of California. The financing programs implemented by Mr. Taussig have ranged from land-secured CFDs to redevelopment tax increment programs and lease revenue-based Certificates of Participation. He is also responsible for DTA’s successful efforts related to funding opportunities under various tax credit programs.

Mr. Taussig has also overseen the preparation of numerous feasibility and impact studies involving computerized analyses of project cash flows and/or impacts on public agencies and landowners. He has assumed project management responsibilities for several hundred AB 1600 DIF justification studies, including recent studies prepared on behalf of the Cities of Blythe, Cathedral City, Chino Hills, Coachella, Fontana, Palo Alto, Paso Robles, Perris, San Jose, Temple City, Torrance, Tustin, and Victorville and the Counties of Riverside, San Bernardino, San Luis Obispo, and Santa Barbara. He has also handled the preparation of over 100 fiscal impact studies utilized by public agencies to determine the impact of new development or annexations on a municipality.

Prior to establishing his own firm, Mr. Taussig was the Director of Finance for Gfeller Development Company, where he handled all take-out and construction financing for the company's residential projects and infrastructure. He also prepared development project proformas that were used by prospective lenders and joint venture partners to evaluate the company's proposed projects.

Mr. Taussig was previously employed for 6 years by Mission Viejo Company ("MVC") where, as the Manager of Housing and Community Development, he was involved in the planning and financing of two planned communities encompassing over 50,000 homes. Mr. Taussig handled a substantial portion of MVC's mortgage and infrastructure financing during that period. He also worked for 5 years in the public sector as the Administrator of a Federal housing and community development program and as a Land Use Planner. Mr. Taussig's educational background includes a master's degree in city planning from the University of California at Berkeley and B.A. in economics from Cornell University. He received full certification from the American Institute of Certified Planners in 1982.

Mr. Taussig and the firm are a registered Municipal Advisor with the SEC/MSRB. **He holds a Series 54 license as a Principal Municipal Advisor and Series 50 license as a Municipal Advisor under regulations promulgated by the SEC and MSRB.** Even after 45 years of experience in the industry, to this day, he continues to seek innovative answers to the industry's biggest questions and contributes to the development of public finance and development-related legislation. In addition, he is an active member of the Urban Land Institute's ("ULI's") National Council for Public-Private Partnerships ("NCPPP") and advocates and facilitates the formation of public-private partnerships at Federal, state, and local levels.

Steve Runk, P.E.

Vice President, Engineering Services | Steve@FinanceDTA.com

Project Role – Engineer (State License Number C23473 – California Registered Civil Engineer)

Mr. Runk has over 45 years of experience in the design and construction management of major civil engineering projects, including roadways, bridges, sewer and water improvements, and flood control facilities, grading for public works projects, and construction of commercial and industrial buildings. Mr. Runk's specific responsibilities have included design, quality control, specifications, estimates, construction bid packages, construction coordination and management, cost analyses and cost control, scheduling, manpower forecasting, staffing, and marketing. He has also assisted public agencies and developers in the procurement of funding from the California Department of Transportation ("Caltrans") and other Federal and state agencies.



Mr. Runk has a proven track record of meeting schedules and adhering to budgets. Since joining DTA in 2000, he has worked with local agencies to resolve community issues and negotiate scope changes with contractors to ensure the timely and satisfactory completion of construction projects. He has also acted as the Project Manager for the establishment of ADs and preparation of numerous AB 1600 DIF justification studies. Mr. Runk specializes in preparing assessment apportionment formulas and fee studies for roads, storm drains, and water and wastewater facilities. **He has been involved in preparing Facilities Needs Lists and apportioning facilities costs for many of DTA's AB 1600 studies, including those in the Cities of Anaheim, Brawley, Coachella, Chino Hills, Hesperia, Paso Robles, San Luis Obispo, Tustin, and Victorville, as well as the County of San Bernardino and a number of water districts, including the San Gorgonio Pass Water Agency. He was also closely involved in DTA's previous work as the AB 1600 consultant for the County of Riverside.**

Prior to joining DTA, Mr. Runk, as the Senior Construction Manager for Holmes & Narver, Inc., successfully completed the construction of the SR-41 Freeway in Fresno County, which was the County's first Measure "C" sales tax-funded freeway. Prior to this project, Mr. Runk successfully completed the construction of the SR-71 Freeway in Chino/Chino Hills, California. This \$98 million project was the first Measure "M" sales tax-funded project for the San Bernardino Associated Governments ("SANBAG"). Mr. Runk's responsibilities on both projects included contract management, quality control, public relations, cash flow analyses, project closeout, and compliance with Federal and State funding requirements.

Previously, Mr. Runk held positions with various public and private engineering entities in which he delivered projects requiring a wide variety of engineering expertise. He holds a B.S. in engineering from the University of California at Los Angeles and an M.S. in civil engineering from California State University at Long Beach. Mr. Runk is a registered Civil Engineer in the State of California.

Richard Ruiz, Jr.

Senior Associate | Richard@FinanceDTA.com

Project Role – Task Specialist



Mr. Ruiz has a background in econometrics and industrial organization. Since joining DTA in 2016, Mr. Ruiz has focused on the preparation of DIF justification studies for cities and counties in California. His responsibilities during the impact fee justification and apportionment analysis process for each respective project include the preparation of capital improvement and Facilities Needs Lists, data collection including demographic research, the development and modification of the DIF Report model, the production of a written report, and

interactions with city and county staff and key stakeholders. **His recent work on DIF studies has included engagements for the Cities of Colton, Desert Hot Springs, Fowler, Fontana, San Jose, Upland, Victorville, and Yucaipa and the County of San Bernardino, among others. He has also prepared fee studies for municipalities located in Arizona, Florida, New Mexico, Texas, and West Virginia.**

In addition, Mr. Ruiz has been involved in the formation and administration of numerous CFDs, ADs, and LLDs throughout California and several other states, including North Carolina, Texas, and Utah. His responsibilities related to these projects have included the development of tax spread proforma analyses and preparation of overlapping debt analyses. While at DTA, he has also participated in a variety of projects, including fiscal and economic impact studies for cities and counties throughout California, school district rezoning projects, and city/county annexation projects.

Prior to joining DTA, Mr. Ruiz spent 14 years with an energy economics consulting firm that focused on economic and market research studies, mergers and acquisitions analyses, market entry research strategies, and economic due diligence projects for companies seeking equity funding. He has a degree in economics from California State University at Long Beach with a concentration in public finance.

B MGT Team Resumes

MGT has reviewed the City's RFP in detail and is committed and able to provide the services requested. The firm's current workload will not hinder its ability or commitment to provide the City with the same quality and timely service as received by all of its clients. Each proposed team member is available to begin your project upon receipt of a signed contract.

Should additional resources become required throughout the course of providing services, or should the project schedule become accelerated, MGT can draw from the expertise and resources of its entire firm to help meet your needs. **MGT will commit the resources necessary to get the job done.**

The proposed project team combines rich, deep knowledge and experience in preparing user fees in California, as well as numerous user fee studies throughout the country. MGT's team is more than cost accountants. Team members act as your partners engaged in a common effort with the City to calculate and distribute all levels of costs fairly and equitably. Our objective is to help you achieve your goals by successfully completing and delivering a comprehensive user fee study with minimum controversy, exposure, and disruption. The key staff will all be available and actively engaged in this project for the duration.

Cindy Sconce

Director | Project Role – Project Manager

Cindy Sconce is a Director at MGT and the Practice Lead Specialist for user fee studies at MGT. She has over 19 years of professional consulting experience working with local governmental agencies, having managed and completed more than 100 separate consulting engagements throughout her career for cities, counties, and special districts. Ms. Sconce has worked on complex development user fee studies, such as the City of Phoenix, and is currently working with the City of Oakland and Santa Rosa on their development fees. She has also worked on several other recent user fee studies, including those for the City of Reno, City of Las Vegas, City of Whittier, City of Beverly Hills, City of Goodyear, Santa Barbara County Planning & Development Services, Sonoma County Assessor, and City of Phoenix Planning and Development Services. Ms. Sconce was also a key team member on the CalFire and California Gambling Control Commission cost-of-service studies.



Ms. Sconce is a dedicated professional with an outstanding track record in providing user fee study, Cost Allocation Plan ("CAP"), and State-mandated reimbursement [Senate Bill ("SB") 90] services. Her wide range of experience, along with her exceptional organizational and interpersonal skills, makes her a significant asset to every one of her projects.

Ms. Sconce received a B.S. from California State University, Sacramento.

Diana Hancock

Manager | Project Role – User Fee Specialist



Ms. Hancock has more than 15 years of professional experience in government operations. She has worked with city, county, state, special district, and Joint Powers Authority ("JPA") government agencies on cost accounting and state-mandated cost claiming projects during her consulting tenure. Ms. Hancock's most recent consulting projects focus on user fee studies, including many studies for animal services, compliance with grant program requirements, CAPs, and state-mandated cost consulting.

She brings her professional expertise in all areas of project management, cost analyses, and document development in order for her clients to have a successful project engagement.

In addition to her direct work on her consulting engagements, Ms. Hancock has experience with contract administration, proposal writing and coordination, Risk Analysis Report preparation, and the

coordination of client workshops. Prior to working at MGT, she was a supervisor of the Administration Department for the California Health Care Options project, where she successfully reduced staff costs by restructuring functions, eliminating redundancies, and properly training and cross-training staff.

Bruce Cowans

Vice President | Project Role – User Fee Technical Advisor

Mr. Cowans has spent more than 30 years helping hundreds of public officials make decisions on how best to serve the public and properly fund those efforts. He has been a speaker, panelist, and contributor of articles for professional associations throughout his career. He spent 10 years as a City Council member and chair of its Finance Committee.



Mr. Cowans has been a national practice leader with DMG, Maximus, Fiscal Choice, and MGT. He has served as an expert witness on cost-of-service cases for the cities of New York and Chicago, as well as many other smaller jurisdictions.

Recent projects include an operations review and fee study for the City of Atlanta, GA, a process improvement and fee study for Hillsborough County, FL, an operations improvement study for Charles County, MD, and fee studies for the cities of Pittsburgh, PA, Reno, NV, Nashville, TN, Tucson, AZ, and Montgomery County, MD. Mr. Cowans received his Bachelor of Arts in environmental studies from Pitzer College (The Claremont Colleges) and Master of Arts degree in public policy from Duke University.

Jamie Radcliff

Vice President | Project Role – User Fee Consultant



Ms. Radcliff is a Manager with MGT's Performance Solutions Group ("PSG") and has a background in local government budgeting, finance, and project management. Her focus in PSG is within the Financial Solutions Group, regularly supporting clients in user fee studies and CAPs. She offers extensive knowledge in areas of budget development, financial reporting, and grant administration. Ms. Radcliff provides the insight of engaging with elected officials, city leadership, and citizens on a variety of issues within public administration.

Ms. Radcliff earned a bachelor's degree in public health from Utah State University and a master's degree in public administration from Sul Ross State University. She completed the Institute of Government Finance at Texas Tech University program, earning a certification in public finance. Prior to her career in local government, Ms. Radcliff was employed with Idaho State Government and Utah State University. Her experience includes the development and implementation of public health prevention/promotion curriculum, as well as the direction and organization of coalition and volunteer groups, case management, and group facilitation. Her core competencies include strategic planning, teambuilding, customer service, financial analyses, and general accounting practices.

Sophia Burgess

Analyst | Project Role – Project Analyst

Ms. Burgess is an Analyst with MGT Performance Solutions Group (“PSG”) and has excellent financial and program analyst skills. She is a valuable team member on many of MGT’s projects, including extensive work with the firm’s user fee studies, SB 90 claiming and Diversity, Equity, and Inclusion surveys. Ms. Burgess brings exceptional organizational, data analysis, and interpersonal skills to this study. She will assist MGT’s user fee team on data analysis and the peer survey.



V LOCAL BUSINESS PREFERENCE

DTA does not have an office located within the City and is therefore not eligible for the Local Business Preference.

VI REQUESTED CONTRACT EXCEPTIONS

DTA accepts the terms, conditions, and general form of the City's Professional Services Agreement, including the insurance requirements, except for the revisions noted below.¹

■ Article 5.3, "Indemnification"

"To the full extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity ~~arising out of or in connection with~~ **resulting from** the negligent performance of the work, operations, or activities provided herein of Consultant, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which Consultant is legally liable ("indemnitors"), ~~arising~~ **resulting** from Consultant's reckless or willful misconduct, or ~~arising~~ **resulting** from Consultant's or indemnitors' negligent performance of or failure to perform any term, provision, covenant, or condition of this Agreement, and in connection therewith:

(a) Consultant will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Consultant will promptly pay any judgment rendered against the City, its officers, agents, or employees for any such claims or liabilities ~~arising out of or in connection with~~ **resulting from** the negligent performance of or failure to perform such work, operations or activities of Consultant hereunder; and Consultant agrees to save and hold the City, its officers, agents, and employees harmless therefrom;

(c) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Consultant for such damages or other claims ~~arising out of or in connection with~~ **resulting from** the negligent performance of or failure to perform the work, operation or activities of Consultant hereunder, Consultant agrees to pay to the City, its officers, agents, or employees, any and all costs and expenses incurred by the City, its officers, agents, or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

Consultant shall incorporate similar, indemnity agreements with its subcontractors and if it fails to do so Consultant shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes claims or liabilities ~~arising~~ **resulting** from any negligent or wrongful act, error or omission, or reckless or willful misconduct of Consultant in the performance of professional services hereunder. The provisions of this Section do not apply to claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design professionals' indemnity hereunder shall be limited to claims

¹ Text with a strikethrough indicates language we are requesting be removed and the text in red indicates language we'd like added in its place.

and liabilities ~~arising out of~~ **resulting from** the negligence, recklessness, or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of Consultant and shall survive termination of this Agreement."

■ Article 6.1, "Records"

"Consultant shall keep, and require subcontractors to keep, such ledgers books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services. Any and all such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records. **Any information reviewed during an audit shall be treated as confidential and shall not be subject to release as part of a Public Records Act Request.** Such records shall be maintained for a period of 3 years following completion of the services hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the books and records may be given to City, and access shall be provided by Consultant's successor in interest."

- Addition of the following phrase to the end of Article 6.3, "Ownership of Documents": "Notwithstanding the above, computer software (including without limitation financial models, compilations of formulas and spreadsheet models), prepared by Consultant are Instruments of Service of Consultant and shall remain the property of Consultant. Consultant shall likewise retain all common law, statutory and other reserved rights, including the copyright thereto."

This supplemental language has been requested to provide us with adequate trade secret protection. We have developed our computer models over the past 37 years and the formulas inherent in the models are proprietary. However, the ultimate work product itself belongs to the City.

APPENDIX A

City of Rialto
Request for Proposals
RFP #23-023

Comprehensive Development Impact Fee, User Fee Update, and Nexus Study Update



REQUIRED FORMS

- Signature Authorization and Addenda Acknowledgement
- Non-Collusion Affidavit
- Conflict Disclosure Form
- Debarment and Suspension Certification
- Non-Discrimination Certification

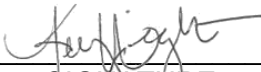
ATTACHMENT "A"

REQUEST FOR PROPOSAL #23-023
Comprehensive Development Impact Fee, User Fee Update
and Nexus Study Update

SIGNATURE AUTHORIZATION

PROPOSER: DTA

- A. I hereby certify that I have the authority to submit this Proposal to the City of Rialto for the above listed individual or company. I certify that I have the authority to bind myself/this company in a contract should I be successful in my proposal.



SIGNATURE

- B. The following information relates to the legal contractor listed above, whether an individual or a company. Place check marks as appropriate:

1. If successful, the contract language should refer to me/my company as:

____ An individual;
____ A partnership, Partners' names: _____

____ A company; (registered in _____)
X A corporation; (incorporated in California)

2. My tax identification number is: 33-0171945

ADDENDA ACKNOWLEDGMENT:

Acknowledgment of Receipt of any Addenda issued by the City for this RFP is required by including the acknowledgment with your proposal. Failure to acknowledge the Addenda issued may result in your proposal being deemed non-responsive.

In the space provided below, please acknowledge receipt of each Addenda:

Addendum(s) # N/A is/are hereby acknowledged.

The "Small Business Concerns Information" sheet shall be included as part of Attachment "A".

Attachment "A" – Small Business Concerns Information

The Proposer shall furnish the following information. Additional sheets may be attached, if necessary.

- (1) Name: DTA
- (2) Address: 3390 University Avenue, Suite 200, Riverside, CA 92501
- (3) Phone No.: (800) 969-4DTA Fax No.: (951) 781-3148
- (4) E-Mail: Support@FinanceDTA.com
- (5) Type of Firm: (Check all that apply)
 Individual Partnership x Corporation
 Minority Business Enterprise (MBE) Women Business Enterprise (WBE)
 Small Disadvantaged Business (SDB) Veteran Owned Business
 Disabled Veteran Owned Business Other
- (6) Business License: x Yes No License Number: BL21-0745
- (7) Tax Identification Number: 33-0171945
- (8) Names and Titles of corporate members of the firm:
David Taussig, President Kuda Wekwete, Managing Director
Cecily Burke, Secretary Kelly Wright, Chief Operating Officer
Andrea Roess, Managing Director
- (9) Three (3) projects of this type recently completed:
- Type of project: DIF Studies [2014, 2018, and 2022 (Currently in Progress)], FIAs, and CFD Formations
- Contract Amount: \$86,000 Date Completed: November 2006-Present
- Owner: City of Paso Robles, Warren Frace Phone: (805) 237-3970
- Type of project: DIF Study (In Progress)
- Contract Amount: \$50,000 Date Completed: December 2021-Present
- Owner: City of Upland, Stephen Parker Phone: (909) 931-4121
- Type of project: DIF Study (Adopted)
- Contract Amount: \$65,360 Date Completed: 2018-2020
- Owner: City of Fontana, Gia Kim Phone: (909) 350-6655

ATTACHMENT "B"

REQUEST FOR PROPOSAL #23-023
Comprehensive Development Impact Fee, User Fee Update
and Nexus Study Update


NON-COLLUSION AFFIDAVIT

The undersigned, being first duly sworn, deposes and says that he or she is the following person authorized to submit the attached proposal from the following firm (herein the "Proposer"):

Kelly Wright

Further, that the Proposal is not made in the interests of, or on the behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Proposal is genuine and not collusive or sham; that the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham Proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any Proposer or anyone else to put in a sham Proposal, or that anyone shall refrain from Proposing; that the Proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Proposal price of the Proposer or any other Proposer, or to fix any overhead, profit, or cost element of the Proposal price, or of that of any other Proposer, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the Proposal are true; and, further, that the Proposer has not, directly or indirectly, submitted his or her Proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereof, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, Proposal depository, or any other member or agent thereof to effectuate a collusive or sham Proposal.

By:


Signature

Title:

Chief Operating Officer

Subscribed and sworn to before this 4 day of January, 2023

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange } S.S.

On 1/4/2023 before me, Angel Jimenez Notary Public
Name of Notary Public, Title

personally appeared Kelly Wright
Name of Signer (1)

Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Angel Jimenez
Signature of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Non Collusion Affidavit

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-fact
☐ Corporate Officer(s)

Title(s)

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____

Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other _____

☐ Additional Signer ☐ Signer(s) Thumbprints(s)

☐ _____

ATTACHMENT "C"
REQUEST FOR PROPOSAL #23-023
Comprehensive Development Impact Fee, User Fee Update and Nexus Study
Update
CONFLICT DISCLOSURE FORM



CITY OF RIALTO

**DISCLOSURES REQUIRED BY PERSONS OR ENTITIES
CONTRACTING WITH THE CITY OF RIALTO***

Pursuant to City of Rialto Municipal Code Section 2.48.510, all persons or business entities supplying any goods or services to the city, or seeking a loan or grant awarded by the city, whether through an application or proposal, shall disclose in such application or proposal whether any city officer, employee, or consultant may have a financial or non-financial interest in the person or business entity, or in any member, employee, owner, or officer of the business entity.

- A financial interest shall mean any interest that is prohibited under state law, including California Government Code Sections 1090 and 87100, and California Code of Regulation Section 18700 *et seq.*
- A non-financial interest shall mean any interest that is prohibited by City of Rialto Municipal Code Section 2.48.450.

For the purpose of helping the City understand whether City personnel might have a conflict of interest in you or your organization, please disclose below whether you or any of your members, employees, paid or unpaid officers, paid or unpaid directors, or owners are (or are related to) a City elected or appointed official, a City officer, or a City employee or consultant.

Name of Your Organization's Affected Member, Employee, Paid or Unpaid Officer, Paid or Unpaid Director, or Owner	Name of City Elected or Appointed Official, City Officer, a City Employee or Consultant	Relationship Between the Two
N/A	N/A	N/A

By submitting this [application/proposal], or supplying any goods or services to the City, the [applicant/vendor/contractor/consultant] hereby attests under penalty of perjury, personally and/or on behalf of the entity [submitting this application/proposal or supplying any goods or services to the City] that no City of Rialto elected or appointed official, employee or consultant has a financial or non-financial interest, as such terms are defined in California Government Code Sections 1090 and 87100 and in City of Rialto Code of Ordinances Section 2.48.145, in the [applicant/vendor/contractor/consultant], except as specifically disclosed herein.

Name of Person/Entity: DTA

Title: Chief Operating Officer

Signature: [Handwritten Signature] Date: January 4, 2023

Form Date 11/11/2021

**ATTACHMENT “C”
CONFLICT DISCLOSURE FORM**

2.48.450 Employee conflict of interest.

- (1) No covered person shall participate in the making of a grant or contract by the city in which the covered person has a conflicting interest.
- (2) For purposes of this section, the following definitions shall apply:
 - (a) A “covered person” includes any person who holds an elected or appointed City office, a City officer, a City employee, and any person who is a consultant to the City.
 - (b) A “conflicting interest” includes, but is not limited to, those decisions where:
 - (i) A covered person holds or has held within the previous twelve months a position with a potential grant or contract recipient;
 - (ii) A close relative of a covered person holds or has held within the previous twelve months a position with a grant or contract recipient;
 - (iii) A close relative of the spouse or domestic partner of a covered person holds or has held within the previous twelve months a position with a grant or contract recipient.
 - (c) “Position” includes the status of a member, employee, owner, paid or unpaid officer of, paid or unpaid leadership position in, or had an ownership interest in, a grant or contract recipient.
 - (d) A “close relative” includes a spouse, parent, grandparent, child, grandchild, aunt, uncle, or cousin.
 - (e) “Participate in the making of a grant or contract” includes participation in: drafting a solicitation or contract; negotiating, voting on, approving, or executing a grant or contract; discussion of same with any city officer or employee; or attempts in any way to influence the making of a grant or contract.
- (3) This prohibition shall not apply to a contract let by written competitive bid where the contract will be awarded to the person or entity who submits the lowest responsible and responsive bid.
- (4) Except for the Mayor or a member of the City Council, a covered person may request a waiver of any potential conflict of interest in writing from the City Manager. Any request for such a waiver must include full disclosure of the potential conflict of interest and a statement detailing any mitigating factors. The request and the City Manager’s response shall be provided to the City Council prior to any vote to approve the contract or grant, or if City Council approval is not required, at least five days before the contract or grant is approved. The request and the City Manager’s response shall be considered a public record.
- (5) The prohibitions in this section are in addition to any applicable federal or state conflict of interest laws, including but not limited to Government Code section 1090, and Government Code section 87100 *et seq.*

ATTACHMENT "C"
CONFLICT DISCLOSURE FORM

- (6) Any person who violates this section is subject to the following:
- (a) Public censure;
 - (b) If the conflict of interest was in the making of a contract, a prohibition from participation in the making of a contract by the city for a period of time up to twelve (12) months from the date of the imposition of the discipline;
 - (c) If the conflict of interest was in the making of a grant, a prohibition from participation in the making of a grant by the city for a period of time of up to twenty-four (24) months from the date of the imposition of the discipline;
 - (d) An administrative fine pursuant to Chapter 1.10 of this code.
- (7) The discipline specified herein may be imposed:
- (a) By the City Manager in the case of any employee or consultant who violates this section.
 - (b) By the City Council in the case of any person who holds an elected or appointed City office, or any City officer who violates this section.

ATTACHMENT "D"

REQUEST FOR PROPOSAL #23-023
Comprehensive Development Impact Fee, User Fee Update
and Nexus Study Update

DEBARMENT AND SUSPENSION CERTIFICATION

The Consultant, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, and manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;
- Does not have a proposed debarment pending; and
- Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

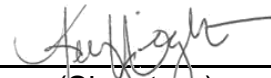
Exceptions will not necessarily result in denial of award but will be considered in determining Proposer responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions.

Consultant Name: DTA

January 4, 2023

(Date)


(Signature)

Kelly Wright, Chief Operating Officer

(Name & Title)

ATTACHMENT "E"

REQUEST FOR PROPOSAL #23-023
Comprehensive Development Impact Fee, User Fee Update
and Nexus Study Update

NON-DISCRIMINATION CERTIFICATION

In connection with its performance under this Agreement, the Consultant hereby certifies that it shall not discriminate in its employment with regard to age, handicap, race, color, religion, gender, gender identity, sex, sexual orientation, or national origin; that it is in compliance with all federal, state, local directives, and executive orders regarding non-discrimination in employment; and that it agrees to demonstrate positively and aggressively the principle of equal employment opportunity in employment.

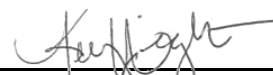
We agree specifically:

1. To establish or observe employment policies which affirmatively promote opportunities for minority persons at all job levels.
2. To communicate this policy to all persons concerned, including all company employees, outside recruiting services, especially those serving minority communities, and to the minority communities at large.
3. To take affirmative steps to hire minority employees within the company.

Consultant Name: DTA

January 4, 2023

(Date)



(Signature)

Kelly Wright, Chief Operating Officer

(Name & Title)

Attached herewith is a copy of the Consultant's currently adopted equal opportunity employment program.

ATTACHMENT "C"
REQUEST FOR PROPOSAL #23-023
Comprehensive Development Impact Fee, User Fee Update and Nexus Study
Update
CONFLICT DISCLOSURE FORM



CITY OF RIALTO

**DISCLOSURES REQUIRED BY PERSONS OR ENTITIES
CONTRACTING WITH THE CITY OF RIALTO***

Pursuant to City of Rialto Municipal Code Section 2.48.510, all persons or business entities supplying any goods or services to the city, or seeking a loan or grant awarded by the city, whether through an application or proposal, shall disclose in such application or proposal whether any city officer, employee, or consultant may have a financial or non-financial interest in the person or business entity, or in any member, employee, owner, or officer of the business entity.

- A financial interest shall mean any interest that is prohibited under state law, including California Government Code Sections 1090 and 87100, and California Code of Regulation Section 18700 *et seq.*
- A non-financial interest shall mean any interest that is prohibited by City of Rialto Municipal Code Section 2.48.450.


For the purpose of helping the City understand whether City personnel might have a conflict of interest in you or your organization, please disclose below whether you or any of your members, employees, paid or unpaid officers, paid or unpaid directors, or owners are (or are related to) a City elected or appointed official, a City officer, or a City employee or consultant.

Name of Your Organization's Affected Member, Employee, Paid or Unpaid Officer, Paid or Unpaid Director, or Owner	Name of City Elected or Appointed Official, City Officer, a City Employee or Consultant	Relationship Between the Two
None		

By submitting this [application/proposal], or supplying any goods or services to the City, the [applicant/vendor/contractor/consultant] hereby attests under penalty of perjury, personally and/or on behalf of the entity [submitting this application/proposal or supplying any goods or services to the City] that no City of Rialto elected or appointed official, employee or consultant has a financial or non-financial interest, as such terms are defined in California Government Code Sections 1090 and 87100 and in City of Rialto Code of Ordinances Section 2.48.145, in the [applicant/vendor/contractor/consultant], except as specifically disclosed herein.

Name of Person/Entity: MGT of America Consulting, LLC

Title: Vice President

Signature:  Date: 01/04/2023

Form Date 11/11/2021

**ATTACHMENT “C”
CONFLICT DISCLOSURE FORM**

2.48.450 Employee conflict of interest.

- (1) No covered person shall participate in the making of a grant or contract by the city in which the covered person has a conflicting interest.
- (2) For purposes of this section, the following definitions shall apply:
 - (a) A “covered person” includes any person who holds an elected or appointed City office, a City officer, a City employee, and any person who is a consultant to the City.
 - (b) A “conflicting interest” includes, but is not limited to, those decisions where:
 - (i) A covered person holds or has held within the previous twelve months a position with a potential grant or contract recipient;
 - (ii) A close relative of a covered person holds or has held within the previous twelve months a position with a grant or contract recipient;
 - (iii) A close relative of the spouse or domestic partner of a covered person holds or has held within the previous twelve months a position with a grant or contract recipient.
 - (c) “Position” includes the status of a member, employee, owner, paid or unpaid officer of, paid or unpaid leadership position in, or had an ownership interest in, a grant or contract recipient.
 - (d) A “close relative” includes a spouse, parent, grandparent, child, grandchild, aunt, uncle, or cousin.
 - (e) “Participate in the making of a grant or contract” includes participation in: drafting a solicitation or contract; negotiating, voting on, approving, or executing a grant or contract; discussion of same with any city officer or employee; or attempts in any way to influence the making of a grant or contract.
- (3) This prohibition shall not apply to a contract let by written competitive bid where the contract will be awarded to the person or entity who submits the lowest responsible and responsive bid.
- (4) Except for the Mayor or a member of the City Council, a covered person may request a waiver of any potential conflict of interest in writing from the City Manager. Any request for such a waiver must include full disclosure of the potential conflict of interest and a statement detailing any mitigating factors. The request and the City Manager’s response shall be provided to the City Council prior to any vote to approve the contract or grant, or if City Council approval is not required, at least five days before the contract or grant is approved. The request and the City Manager’s response shall be considered a public record.
- (5) The prohibitions in this section are in addition to any applicable federal or state conflict of interest laws, including but not limited to Government Code section 1090, and Government Code section 87100 *et seq.*

ATTACHMENT "C"
CONFLICT DISCLOSURE FORM

- (6) Any person who violates this section is subject to the following:
- (a) Public censure;
 - (b) If the conflict of interest was in the making of a contract, a prohibition from participation in the making of a contract by the city for a period of time up to twelve (12) months from the date of the imposition of the discipline;
 - (c) If the conflict of interest was in the making of a grant, a prohibition from participation in the making of a grant by the city for a period of time of up to twenty-four (24) months from the date of the imposition of the discipline;
 - (d) An administrative fine pursuant to Chapter 1.10 of this code.
- (7) The discipline specified herein may be imposed:
- (a) By the City Manager in the case of any employee or consultant who violates this section.
 - (b) By the City Council in the case of any person who holds an elected or appointed City office, or any City officer who violates this section.

ATTACHMENT "D"

REQUEST FOR PROPOSAL #23-023
Comprehensive Development Impact Fee, User Fee Update
and Nexus Study Update

DEBARMENT AND SUSPENSION CERTIFICATION

The Consultant, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, and manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;
- Does not have a proposed debarment pending; and
- Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

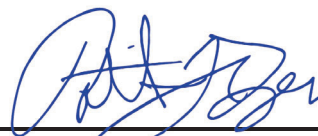
Exceptions will not necessarily result in denial of award but will be considered in determining Proposer responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions.

Consultant Name: **MGT of America Consulting, LLC**

01/04/2023

(Date)



(Signature)

Patrick J. Dyer, Vice President

(Name & Title)

REQUEST FOR PROPOSAL #23-023
Comprehensive Development Impact Fee, User Fee Update
and Nexus Study Update

NON-DISCRIMINATION CERTIFICATION

In connection with its performance under this Agreement, the Consultant hereby certifies that it shall not discriminate in its employment with regard to age, handicap, race, color, religion, gender, gender identity, sex, sexual orientation, or national origin; that it is in compliance with all federal, state, local directives, and executive orders regarding non-discrimination in employment; and that it agrees to demonstrate positively and aggressively the principle of equal employment opportunity in employment.

We agree specifically:

1. To establish or observe employment policies which affirmatively promote opportunities for minority persons at all job levels.
2. To communicate this policy to all persons concerned, including all company employees, outside recruiting services, especially those serving minority communities, and to the minority communities at large.
3. To take affirmative steps to hire minority employees within the company.

Consultant Name: MGT of America Consulting, LLC

01/04/2023

(Date)



(Signature)

Patrick J. Dyer, Vice President

(Name & Title)

Attached herewith is a copy of the Consultant's currently adopted equal opportunity employment program.



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