

CITY OF SAN JOSE, CALIFORNIA

Pedestrian/Bicycle Facilities Grant
Metropolitan Transportation Commission
Transportation Development Act Funds, Article III

Independent Auditor's Reports,
Financial Statements and
Supplementary Information

For the Years Ended June 30, 2023 and 2022

CITY OF SAN JOSE, CALIFORNIA
Pedestrian/Bicycle Facilities Grant
Metropolitan Transportation Commission
Transportation Development Act Funds, Article III
For the Years Ended June 30, 2023 and 2022

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Independent Auditor's Report

City Council
City of San José, California

Report on the Audit of the Financial Statements

Opinion

We have audited the financial statements of the Pedestrian/Bicycle Facilities Grant (Grant) made to the City of San José, California (City), by the Metropolitan Transportation Commission, under the Transportation Development Act Funds, Article III, as of and for the years ended June 30, 2023 and 2022, and the related notes to the financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the financial position of the Grant made to the City by the Metropolitan Transportation Commission, under the Transportation Development Act Funds, Article III, as of June 30, 2023 and 2022, and the changes in its financial position for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Emphasis of Matter

As discussed in Note 1 to the financial statements, the financial statements present only the Grant made to the City by the Metropolitan Transportation Commission and do not purport to, and do not, present fairly the financial position of the City, as of June 30, 2023 and 2022, and changes in its financial position, or where applicable, its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Management's Responsibility for the Financial Statements

The City's management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.

Supplementary Information

Our audits were conducted for the purpose of forming an opinion on the Grant's financial statements. The accompanying schedule of construction projects with capital outlay expenditures for the year ended June 30, 2023 is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The schedule of construction projects with capital outlay expenditures has been subjected to the auditing procedures applied in the audits of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS. In our opinion, the supplementary information for the year ended June 30, 2023 is fairly stated, in all material respects in relation to the financial statements as a whole.

**Other Reporting Required by *Government Auditing Standards* and the
Transportation Development Act**

In accordance with *Government Auditing Standards* and the Transportation Development Act, we have also issued our report dated November 13, 2023 on our consideration of the City's internal control over the Grant's financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over the Grant's financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and the Transportation Development Act in considering the City's internal control over the Grant's financial reporting and compliance.

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Walnut Creek, California
November 13, 2023

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CITY OF SAN JOSE, CALIFORNIA
 Pedestrian/Bicycle Facilities Grant
 Metropolitan Transportation Commission
 Transportation Development Act Funds, Article III
 Balance Sheets
 June 30, 2023 and 2022

	2023	2022
Assets		
Due from the Metropolitan Transportation Commission	\$ 1,911,996	\$ 580,666
Liabilities		
Due to other funds of the City	\$ 1,911,996	\$ 580,666
Deferred inflows of resources:		
Unavailable governmental revenue	1,911,996	580,666
Fund balance (deficit):		
Unassigned	(1,911,996)	(580,666)
Total liabilities, deferred inflows of resources, and fund balance (deficit)	\$ 1,911,996	\$ 580,666

See accompanying notes to the financial statements.

CITY OF SAN JOSE, CALIFORNIA
 Pedestrian/Bicycle Facilities Grant
 Metropolitan Transportation Commission
 Transportation Development Act Funds, Article III
 Statements of Revenues, Expenditures, and Changes in Fund Balance
 For the Years Ended June 30, 2023 and 2022

	2023	2022
Revenues:		
Grant	\$ 693,797	\$ 344,258
Expenditures:		
Capital outlay	2,025,127	707,862
Excess of revenues over expenditures	(1,331,330)	(363,604)
Fund balance - beginning	(580,666)	(217,062)
Fund balance - ending	\$ (1,911,996)	\$ (580,666)

See accompanying notes to the financial statements.

CITY OF SAN JOSE, CALIFORNIA
Pedestrian/Bicycle Facilities Grant
Metropolitan Transportation Commission
Transportation Development Act Funds, Article III
Notes to Financial Statements
For the Years Ended June 30, 2023 and 2022

NOTE 1 – DESCRIPTION OF REPORTING ENTITY

The accompanying financial statements are prepared from the accounts and financial transactions of the City of San José (City) for projects funded under the Transportation Development Act of 1971 (TDA) Article III of the State of California, which include the construction of pedestrian and bicycle paths. The financial statements do not purport to, and do not, present fairly the financial position of the City, as of June 30, 2023 and 2022, and changes in financial position, or where applicable, its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America. The projects represent a portion of the accounts of the City and, as such, are included in the City's basic financial statements.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) *Basis of Presentation*

The Pedestrian/Bicycle Facilities Grant has been accounted for in capital projects funds (the Funds), which is a governmental fund type and is included in the City's basic financial statements. The Funds are used to account for financial resources that are restricted, committed, or assigned to expenditures for capital outlays, including the acquisition of land or acquisition and construction of major governmental facilities.

(b) *Basis of Accounting*

The accompanying financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, expenditures are recorded when the related governmental fund liabilities are incurred. Grant revenues, which are received as reimbursement for specific purposes or projects, are recognized when they become measurable and available (received within 60 days after year-end).

(c) *Due to other funds of the City*

Cash has been advanced to the Pedestrian/Bicycle Facilities Grant projects for expenditures paid by the City's nonmajor capital project fund for the benefit of the TDA Article III projects. The projects are obligated to immediately repay these advances from reimbursement receipts from the Metropolitan Transportation Commission.

(d) *Fund Balance*

The City reports the fund balances for governmental funds in specific classifications (nonspendable, restricted, committed, assigned and unassigned), which creates a hierarchy primarily based on the extent to which the City is bound to the constraints on the specific purposes for which funds can be spent. The Funds only receive restricted revenues.

CITY OF SAN JOSE, CALIFORNIA
Pedestrian/Bicycle Facilities Grant
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Notes to Financial Statements
For the Years Ended June 30, 2023 and 2022

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

(e) Use of Estimates

The preparation of financial statements requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results could differ from those estimates.

NOTE 3 - INTEREST EARNED ON ALLOCATED FUNDS

The City incurred and paid expenditures prior to the receipt of grant reimbursements; as a result, no interest was earned on grant funds.

CITY OF SAN JOSE, CALIFORNIA
 Pedestrian/Bicycle Facilities Grant
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 Transportation Development Act Funds, Article III
 Schedule of Construction Projects with Capital Outlay Expenditures

The following schedule identifies the projects with capital outlay expenditures for the year ended June 30, 2023:

Title of Project	Project Number	Total Awards	Current Year Grant Rescission	Current Year Capital Outlay Expenditures	Award Expiration Date
TDA 20-21 Citywide Bikeway Implementation	21001063	\$ 758,096	\$ -	\$ 710,166	6/30/2023
TDA 20-21 Citywide Pedestrian Safety Improvements	21001064	200,000	-	183,188	6/30/2023
TDA 20-21 Citywide Bicycle Education and Safety	21001065	100,000	-	99,770	6/30/2023
TDA 21-22 Citywide Bikeway Implementation	22001054	749,527	-	749,527	6/30/2024
TDA 21-22 Pedestrian Safety Improvements	22001055	200,000	-	103,436	6/30/2024
TDA 21-22 Citywide Bicycle Parking	22001057	99,625	-	55,121	6/30/2024
TDA 22-23 Citywide Bikeway Implementation	23001047	1,000,000	-	123,669	6/30/2025
TDA 22-23 Pedestrian Safety Improvements	23001048	200,000	-	250	6/30/2025
		\$ 3,307,248	\$ -	\$ 2,025,127	

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**Independent Auditor’s Report on Internal Control Over Financial Reporting and on
Compliance and Other Matters Based on an Audit of Financial Statements
Performed in Accordance With *Government Auditing Standards* and the
Transportation Development Act**

City Council
City of San José, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*), the financial statements of the Pedestrian/Bicycle Facilities Grant (Grant) made to the City of San José, California (City), by the Metropolitan Transportation Commission, under the Transportation Development Act Funds, Article III, as of and for the year ended June 30, 2023, and the related notes to the financial statements, and have issued our report thereon dated November 13, 2023.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City’s internal control over the Grant’s financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control. Accordingly, we do not express an opinion on the effectiveness of the City’s internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Grant's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including the applicable statutes, rules and regulations of the Transportation Development Act, including Section 6666 of Title 21, of the California Code of Regulations, and the allocation instructions and resolutions of the Metropolitan Transportation Commission, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* or the Transportation Development Act.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

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Walnut Creek, California
November 13, 2023