



VENTURA COUNTY TRANSPORTATION COMMISSION

AIRPORT LAND USE COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
CONSOLIDATED TRANSPORTATION SERVICE AGENCY
CONGESTION MANAGEMENT AGENCY

www.goventura.org

AGENDA*

**Actions may be taken on any item listed on the agenda*

CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, MARCH 1, 2019
9:00 AM

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Commission meeting, please contact the Clerk of the Board at (805) 642-1591 ext 101. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

- 4. PUBLIC COMMENTS** – *Each individual speaker is limited to speak three (3) continuous minutes or less. The Commission may, either at the direction of the Chair or by majority vote of the Commission, waive this three minute time limitation. Depending on the number of items on the Agenda and the number of speakers, the Chair may, at his/her discretion, reduce the time of each speaker to two (2) continuous minutes. In addition, the maximum time for public comment for any individual item or topic is thirty (30) minutes. Also, the Commission may terminate public comments if such comments become repetitious. Speakers may not yield their time to others without the consent of the Chair. Any written documents to be distributed or presented to the Commission shall be submitted to the Clerk of the Board. This policy applies to Public Comments and comments on Agenda Items.*

Under the Brown Act, the Board should not take action on or discuss matters raised during Public Comment portion of the agenda which are not listed on the agenda. Board members may refer such matters to staff for factual information or to be placed on the subsequent agenda for consideration.

5. **CALTRANS REPORT** - *This item provides the opportunity for the Caltrans representative to give update and status reports on current projects.*
6. **COMMISSIONERS / EXECUTIVE DIRECTOR REPORT** - *This item provides the opportunity for the commissioners and the Executive Director to report on attended meetings/conferences and any other items related to Commission activities.*
7. **ADDITIONS/REVISIONS** – *The Commission may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Commission subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Commission. If there are less than 2/3 of the Commission members present, adding an item to the agenda requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.*
8. **CONSENT CALENDAR** - *All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no discussion of these items unless members of the Commission request specific items to be removed from the Consent Calendar for separate action.*

8A. APPROVE SUMMARY FROM FEBRUARY 1, 2019 VCTC MEETING – PG. 5

Recommended Action:

Approve

Responsible Staff: Donna Zimmermann

8B. MONTHLY BUDGET REPORT – PG. 9

Recommended Action:

Receive and File

Responsible Staff: Sally DeGeorge

8C. HERITAGE VALLEY TRANSIT SERVICE AGREEMENT EXTENSION – PG.17

Recommended Action:

Pending action by the Heritage Valley Policy Advisory Committee, authorize the Executive Director to issue written notice to MV Transportation to extend the Heritage Valley Transit Services Agreement, and, authorize the Executive Director to negotiate rates for the Agreement extension.

Responsible Staff: Aaron Bonfilio

8D. SUB-RECIPIENT AGREEMENTS WITH THE CITY OF SIMI VALLEY AND CITY OF MOORPARK FOR THE ADMINISTRATION OF PROPOSITION 1B TRANSIT CAPITAL FUNDS- PG.19

Recommended Action:

- *Approve the attached Sub-Recipient Agreement with the City of Simi Valley for the administration of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) funds for the CNG Fueling Facility Upgrade Project (Attachment 1), and*
- *Approve the attached Sub-Recipient Agreement with the City of Moorpark for the administration of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) funds for the expansion of the Moorpark Metrolink Station North Parking Lot, subject to legal review (Attachment 2).*

Responsible Staff: Judith Johnduff

8E. CONTRACT FOR PROFESSIONAL AUDITING SERVICES - PG. 33

Recommended Action:

Approve the contract (separate Attachment A) with Conrad, LLP for professional TDA financial and compliance auditing services at a not to exceed cost of \$110,000 each year for Fiscal Years 2018/2019 through 2020/2021 with two (2) one (1) year optional periods for Fiscal Years 2021/2022 and 2022/2023 at the same price

Responsible Staff: Sally DeGeorge

9. TRANSPORTATION ELECTRIFICATION PARTNERSHIP PRESENTATION - PG. 35

Recommended Action:

Receive and File

10. LEGISLATIVE UPDATE AND POSITIONS ON BILLS– PG. 37

Recommended Action:

Adopt “Support” position on AB 252 (Daly), to make permanent the delegation to Caltrans of National Environmental Protection Act (NEPA) project approval.

Responsible Staff: Peter De Haan

11. QUARTERLY VCTC BUS AND RAIL TRANSIT RIDERSHIP AND PERFORMANCE MEASURES REPORT -PG. 47

Recommended Action:

Receive and File

Responsible Staff: Heather Miller

12. VCTC GENERAL COUNSEL’S REPORT

13. AGENCY REPORTS

14. CLOSED SESSION –

15. ADJOURN to 9:00 a.m. Friday, April 5, 2019

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Item #8A

Meeting Summary

VENTURA COUNTY TRANSPORTATION COMMISSION

LOCAL TRANSPORTATION AGENCY
AIRPORT LAND USE COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
CONSOLIDATED TRANSPORTATION SERVICE AGENCY
CONGESTION MANAGEMENT AGENCY

CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, FEBRUARY 1, 2019
9:00 AM

MEMBERS PRESENT: Manuel Minjares, City of Fillmore, Vice Chair
Charlotte Craven, City of Camarillo
Ken Simons, City of Moorpark
Randy Haney, City of Ojai
Bryan MacDonald, City of Oxnard
Cheryl Heitmann, City of San Buenaventura
Jenny Crosswhite, City of Santa Paula
Mike Judge, City of Simi Valley
Claudia Bill- de la Peña, City of Thousand Oaks
Steve Bennett, County of Ventura
Robert Huber, County of Ventura
John Zaragoza, County of Ventura
Brian Humphrey, Citizen Rep., Cities
Jim White, Citizen Rep., County
Shirley Choate, Caltrans District 7

ABSENT: Linda Parks, County of Ventura, Chair
Ken Simons, City of Moorpark
Will Berg, City of Port Hueneme
Kelly Long, County of Ventura

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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ELECTION OF VICE CHAIR

Commissioner Bennett nominated **Commissioner Craven**. **Commissioner MacDonald** nominated **Commissioner Bill-de la Peña**. **Commissioner Bill-de la Peña** withdrew her name and supported **Commissioner Craven**, as she was nominated first. The motion to nominate **Commissioner Craven** was seconded by **Commissioner Huber** and passed by the following roll call vote:

Yes: Commissioners Craven, Judge, Huber, Bill-de la Peña, Zaragoza, Heitmann, Bennett, White, Humphrey, MacDonald, Haney, Minjares

No: None

Abstain:None

Absent: Commissioners Parks, Simons, Berg, Long, and Crosswhite

PUBLIC COMMENTS - None

CALTRANS REPORT -

Over \$30 million in projects will begin this Spring in Ventura County. There are also 5 Fire and Storm Damage Projects underway, and PCH is currently closed in both directions between Ventura and Malibu.

There is a soft closure on Rt 33 from Fairview to Lockwood Valley as 7 inches of rain is expected in the area. More closures are likely after this next storm.

EXECUTIVE DIRECTOR REPORT -

Under VCTC's Administrative Code, the start of reviews for the Executive Director and General Counsel begins in February.

ADDITIONS/REVISIONS – None

9. CONSENT CALENDAR –

Commissioner MacDonald made a motion to approve all items on the Consent Calendar as recommended. The motion was seconded by **Commissioner Haney** and passed unanimously, with **Commissioners Minjares, Humphrey and Huber** abstaining on Item #9A.

9A. APPROVE SUMMARY FROM JANUARY 11, 2019 VCTC MEETING – Receive and file

9B. MONTHLY BUDGET REPORT – Receive and File

9C. PASSENGER RAIL UPDATE – Receive and File

9D. REVISION TO PROPOSITION 1B TRANSIT CAPITAL PROGRAM -

- Approve reprogramming \$191,364 from the Ventura County Transportation Commission (VCTC) Heritage Valley Bus Purchase Project and \$11,597 from the East-West Connector Bus Purchase Project plus accrued interest to the Gold Coast Transit Operations Center Construction Project.
- Amend the FY 18/19 VCTC Transit Grant Administration budget to increase the Proposition 1B Transit Capital revenue by \$202,961 plus accrued interest of \$3,400 and expenditures of \$206,361 for the Pass through line item.
- Authorize the Executive Director to execute all grant documents and cooperative agreements to implement the project.

9E. ARTICLE 3 FISCAL YEAR 2018/2019 CARRY-OVER BUDGET AMENDMENT -: Amend the Fiscal Year 2018/2019 TDA Administration budget to increase LTF revenues and Article 3 – Bicycles and Pedestrians expenditures by \$49,828

9F. **ORIGIN/DESTINATION, TRANSFER AND CUSTOMER SATISFACTION SURVEYS REQUEST FOR PROPOSALS** - *Approve Release of the Origin/Destination, Transfer and Customer Satisfaction Surveys Request for Proposals*

9G. **LEGISLATIVE UPDATE-** *Receive and file*

10. **FISCAL YEAR 2019/2020 TRANSPORTATION DEVELOPMENT ACT (TDA) UNMET TRANSIT NEEDS PUBLIC HEARING** – *No speakers, no action required*

11. **CASH MANAGEMENT FOR DELAYED FEDERAL TRANSIT ADMINISTRATION FUNDS** – *Commissioner Humphrey made a motion to authorize the Executive Director to utilize State Transit Assistance fund balance for cash-flow purposes for the General Fund, VCTC Intercity Fund and Valley Express Fund expenditures until the federal budget is approved allowing access to existing Federal Transit Administration (FTA) funds. He added that this will be a one-time action. The motion was seconded by Commissioner Judge and passed by the following roll call vote:*

Yes: Commissioners Craven, Judge, Huber, Bill-de la Peña, Zaragoza, Heitmann, Bennett, White, Humphrey, MacDonald, Haney, Minjares

No: None

Abstain:None

Absent: Commissioners Parks, Simons, Berg, Long, and Crosswhite

Commissioner Crosswhite arrived at the meeting.

12. **FUNDING SUPPORT FOR VENTURA COUNTY US CENSUS COMPLETE COUNT-**
Commissioner MacDonald made a motion to:

- *Pending concurrence by Caltrans Division of Mass Transit approve \$50,000 payment to the County of Ventura to support United States 2020 Census Complete Count program.*
- *Approve FY 2018-19 budget amendment increasing revenues and expenditures in the Management and Administration in the amount \$50,000. Funding source is Local Transportation Fund Contingency Reserve*
- *Approved revised 2018-2019 Transportation Development Act (TDA) Local Transportation Funds (LTF) apportionment to reflect a transfer of \$50,000 from Contingency Reserve to VCTC Administration as shown below in Table 1.*

The motion was seconded by Commissioner Zaragoza and passed by a unanimous roll call vote.

13. **TRANSPORTATION DEVELOPMENT ACT (TDA), LOCAL TRANSPORTATION FUND (LTF), DRAFT APPORTIONMENT FOR FISCAL YEAR 2019/2020** –

Commissioner Judge made a motion to approve the Local Transportation Fund Draft Apportionment for Fiscal Year 2019/2020 apportioning \$38.55 million as shown in Attachment 1. The motion was seconded by Commissioner Huber and passed by a unanimous roll call vote.

14. **UPDATE ON CALIFORNIA AIR RESOURCES BOARD INNOVATIVE CLEAN TRANSIT REGULATION -**

Commissioner Craven made a motion to receive an update on the recently approved California Air Resources Board (CARB) Innovative Clean Transit (ICT) Rule. The motion was seconded by Commissioner Huber and passed unanimously. Commissioner Humphrey commented that we will need to recognize the costs of these mandates on staff in future budgets.

15. **POTENTIAL PURCHASE OF VCTC INTERCITY FLEET PROVIDED BY RATP DEV –**
Commissioner MacDonald made a motion to:
 - Authorize staff to conduct due diligence activities related to potential acquisition of the remainder of the VCTC Intercity fleet currently provided by RATP Dev, including engaging third-party inspection and appraisal services; and,
 - Authorize the Executive Director to negotiate with RATP Dev regarding potential terms for a transfer agreement for the remainder of the fleet.

The motion as seconded by **Commissioner Huber** and passed by a unanimous roll call vote.
16. **ACTIVE TRANSPORTATION PROGRAM CYCLE 4 METROPOLITAN PLANNING ORGANIZATION (MPO) COMPONENT – REGIONAL PRIORITIZED LIST OF PROJECTS-**
Commissioner Zaragoza made a motion to:
 - Approve the regional point assignments and the Prioritized List of Projects (attached), allowing the Ventura County Transportation Commission (VCTC) to advance projects for funding in the MPO Component of the Cycle 4 Active Transportation Program (ATP).
 - Authorize the Executive Director to submit the Prioritized List of Projects to the Southern California Association of Governments and approve any future technical changes or substitutions if funds are made available through project cancellations or savings (subject to CTC approval).

The motion was seconded by **Commissioner Huber** and passed by a unanimous roll call vote.
17. **U.S. 101 HOV WIDENING, PROJECT APPROVAL / ENVIRONMENTAL DOCUMENT (PAED) PHASE, PROJECT UPDATE –**
Commissioner Craven made a motion to receive and file the update. The motion was seconded by **Commissioner Haney** and passed unanimously.
18. **VCTC GENERAL COUNSEL’S REPORT- None**
19. **AGENCY REPORTS**
Commissioner MacDonald reported that the City of Oxnard lost a signal at Gonzalez and Victoria from the storm and they are still working to get full operation.
20. **CLOSED SESSION – No Report From Closed Session**
Conference with Legal Counsel - Existing Litigation (Pursuant to Government Code Section 54956.9(d)(2)) potential amicus brief related to Los Angeles County Metropolitan Transportation Authority v. The Southern California Gas Company (Case No. BC658988)
21. **ADJOURN to 9:00 a.m. Friday, March 1, 2019**



Item #8B

March 1, 2019

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file the monthly budget report for January 2019

DISCUSSION:

The monthly budget report is presented in a comprehensive, agency-wide format on a modified accrual basis. The reports include a combined Balance Sheet, a Statement of Revenues, Expenditures and Changes in Fund Balance detailed by fund and an Investment Report by institution. There are six funds presented consisting of the General Fund, the Local Transportation Fund (LTF), the State Transit Assistance (STA) fund, the Service Authority for Freeway Emergencies (SAFE) fund, the VCTC Intercity fund and the Valley Express fund. The Statement of Revenues, Expenditures and Changes in Fund Balance also includes the annual budgeted numbers that are updated as the Commission approves budget amendments or administrative budget amendments are approved by the Executive Director. Staff monitors the revenues and expenditures of the Commission on an on-going basis.

The January 31, 2019 budget report indicates that the revenues were approximately 36.79% of the adopted budget while expenditures were approximately 35.59% of the adopted budget. The revenues and expenditures are as expected unless otherwise noted. Although the percentage of the budget year completed is shown, be advised that neither the revenues nor the expenditures occur on a percentage or monthly basis. Furthermore, revenues are often billed and reimbursed in arrears.

Some revenues are received at the beginning of the year while other revenues are received after grants are approved. In many instances, the Ventura County Transportation Commission (VCTC) incurs expenditures and then submits for reimbursement from federal, state, and local agencies which may also cause a slight lag in reporting revenues. Furthermore, the STA, LTF and SAFE revenues are received in arrears. The State Board of Equalization collects the taxes and remits them to the Commission after the reporting period for the business. STA revenues are paid quarterly with a two to three month additional lag and LTF receipts are paid monthly with a two month lag. For example, the July through September STA receipts are often not received until October or November and the July LTF receipts are not received until September. The Department of Motor Vehicle collects the SAFE funds and remits them monthly with a two month lag.

The Commission's capital assets are presented on the Balance Sheet. Capital assets that are "undepreciated" consist of land and rail lines owned by the Commission. Capital assets that are depreciated consist of buildings, rail stations, transit equipment, highway callbox equipment and office furniture and equipment. Capital assets and depreciation are adjusted annually at the end of the fiscal year.

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The Commission's deferred outflows, deferred inflows and pension liability are presented on the Balance Sheet. These accounts represent the accrual information for pension accruals with the implementation of the Government Accounting Standards Board (GASB) Statement 68 (pensions) and Statement 75 (other postemployment benefits). This information is based on actuarial information that is provided once a year. The deferred outflows, deferred inflows and pension liability are adjusted annually at the end of the fiscal year.

The Commission's liability for employee vacation accrual is presented on the Balance Sheet. The vacation accrual is adjusted annually at the end of the fiscal year.

**VENTURA COUNTY TRANSPORTATION COMMISSION
BALANCE SHEET
AS OF JANUARY 31, 2019**

Assets and Deferred Outflows

Cash and Investments	\$ 32,518,967
Petty Cash	130
Receivables/Due from other funds	1,309,793
Prepays and Deposits	137,724
Capital Assets, undepreciated	26,339,301
Capital Assets, depreciated, net	30,726,626
Deferred Outflows	857,586
Total Assets and Deferred Outflows	<u><u>\$ 91,890,127</u></u>

LIABILITIES, DEFERRED INFLOWS AND FUND BALANCE

Liabilities and Deferred Inflows:

Accrued Expenses and Due to Other	\$ 1,516,787
Deferred Revenue	3,876,527
Deposits	67,059
Accrued Vacation	164,628
Pension Liability	2,045,090
OPEB Liability	367,865
Deferred Inflows	282,840
Total Liabilities and Deferred Inflows:	<u><u>\$ 8,320,796</u></u>

Net Position:

Invested in Capital Assets	\$ 56,929,562
Fund Balance	26,639,769
Total Net Position	<u><u>\$ 83,569,331</u></u>

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE SEVEN MONTHS ENDED JANUARY 31, 2019**

	General	LTF	STA	SAFE	SPBL	VCTC	Valley	Fund	Budgeted	Variance	% Year
	Fund Actual	Actual	Actual	Actual	Actual	Intercity Actual	Express Actual	Totals	Actual	Actual	Actual
Revenues											
Federal Revenues	\$ 2,284,110	\$ 0	\$ 0	\$ 0	\$ 0	2,220,629	\$ 322,574	\$ 4,827,313	\$ 23,013,316	(18,186,003)	20.98
State Revenues	472,377	16,147,584	2,306,414	394,381	0	673,678	0	19,994,434	49,029,368	(29,034,934)	40.78
Local Revenues	141,560	0	0	0	332,586	1,516,052	1,170,352	3,160,550	4,640,096	(1,479,546)	68.11
Other Revenues	770	0	0	0	0	0	0	770	0	770	0.00
Interest	31,223	49,126	118,989	51,097	1,289	11,987	3,211	266,922	110,000	156,922	242.66
Total Revenues	2,930,040	16,196,710	2,425,403	445,478	333,875	4,422,346	1,496,137	28,249,989	76,792,780	(48,542,791)	36.79
Expenditures											
Administration											
Personnel Expenditures	1,391,822	0	0	0	0	150,347	37,221	1,579,390	3,066,900	(1,487,510)	51.50
Legal Services	10,372	0	0	0	0	0	0	10,372	25,000	(14,628)	41.49
Professional Services	54,319	0	0	0	0	0	0	54,319	110,700	(56,381)	49.07
Office Leases	87,244	0	0	0	0	0	0	87,244	145,100	(57,856)	60.13
Office Expenditures	204,226	0	0	0	0	88,013	21,789	314,028	534,812	(220,784)	58.72
Total Administration	1,747,983	0	0	0	0	238,360	59,010	2,045,353	3,882,512	(1,837,159)	52.68
Programs and Projects											
Transit and Transportation Program											
Regional Transit Technology	359,398	0	0	0	0	0	0	359,398	2,655,516	(2,296,118)	13.53
Senior-Disabled Transportation	127,109	0	0	0	0	0	0	127,109	263,500	(136,391)	48.24
VCTC Intercity Bus Services	0	0	0	0	0	4,774,447	0	4,774,447	11,735,026	(6,960,579)	40.69
Valley Express Bus Services	0	0	0	0	0	0	790,128	790,128	1,843,400	(1,053,272)	42.86
Transit Grant Administration	563,887	0	0	0	0	0	0	563,887	8,162,542	(7,598,655)	6.91
Total Transit and Transportation	1,050,394	0	0	0	0	4,774,447	790,128	6,614,969	24,659,984	(18,045,015)	26.82
Highway Program											
Motorist Aid Call Box System	0	0	0	419,923	0	0	0	419,923	880,000	(460,077)	47.72
Highway Project Management	552,467	0	0	0	0	0	0	552,467	5,255,120	(4,702,653)	10.51
SpeedInfo Highway Speed Sensor	0	0	0	41,600	0	0	0	41,600	144,000	(102,400)	28.89
Total Highway	552,467	0	0	461,523	0	0	0	1,013,990	6,279,120	(5,265,130)	16.15

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE SEVEN MONTHS ENDED JANUARY 31, 2019**

	General	LTF	STA	SAFE	SPBL	VCTC	Valley	Fund	Budgeted	Variance	% Year
	Fund Actual	Actual	Actual	Actual	Actual	Intercity Actual	Express Actual	Totals	Actual	Actual	Actual
Rail Program											
Metrolink and Commuter Rail	2,408,778	0	0	0	0	0	0	2,408,778	9,460,451	(7,051,673)	25.46
LOSSAN and Coastal Rail	1,192	0	0	0	0	0	0	1,192	5,800	(4,608)	20.55
Santa Paula Branch Line	0	0	0	0	301,233	0	0	301,233	721,000	(419,767)	41.78
Total Rail	2,409,970	0	0	0	301,233	0	0	2,711,203	10,187,251	(7,476,048)	26.61
Commuter Assistance Program											
Transit Information Center	443	0	0	0	0	0	0	443	28,800	(28,357)	1.54
Rideshare Programs	126,577	0	0	0	0	0	0	126,577	257,000	(130,423)	49.25
Total Commuter Assistance	127,020	0	0	0	0	0	0	127,020	285,800	(158,780)	44.44
Planning and Programming											
Transportation Development Act	286,111	15,086,958	49,005	0	0	0	0	15,422,074	31,870,416	(16,448,342)	48.39
Transportation Improvement Program	3,440	0	0	0	0	0	0	3,440	45,600	(42,160)	7.54
Regional Transportation Planning	16,513	0	0	0	0	0	0	16,513	621,000	(604,487)	2.66
Airport Land Use Commission	0	0	0	0	0	0	0	0	9,000	(9,000)	0.00
Regional Transit Planning	209,362	0	0	0	0	0	0	209,362	1,520,174	(1,310,812)	13.77
Freight Movement	2,421	0	0	0	0	0	0	2,421	11,800	(9,379)	20.52
Total Planning and Programming	517,847	15,086,958	49,005	0	0	0	0	15,653,810	34,077,990	(18,424,180)	45.94
General Government											
Community Outreach and Marketing	144,963	0	0	0	0	0	0	144,963	262,800	(117,837)	55.16
State and Federal Relations	67,142	0	0	0	0	0	0	67,142	111,100	(43,958)	60.43
Management and Administration	34,060	0	0	0	0	0	0	34,060	76,000	(41,940)	44.82
Total General Government	246,165	0	0	0	0	0	0	246,165	449,900	(203,735)	54.72
Total Expenditures	6,651,846	15,086,958	49,005	461,523	301,233	5,012,807	849,138	28,412,510	79,822,557	(51,410,047)	35.59

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE SEVEN MONTHS ENDED JANUARY 31, 2019**

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	SPBL Actual	VCTC Intercity Actual	Valley Express Actual	Fund Totals	Budgeted Actual	Variance Actual	% Year
Revenues over (under) expenditures	(3,721,806)	1,109,752	2,376,398	(16,045)	32,642	(590,461)	646,999	(162,521)	(3,029,777)	2,867,256	5.36
Other Financing Sources											
Transfers Into GF From LTF	4,683,632	0	0	0	0	0	0	4,683,632	4,913,507	(229,875)	95.32
Transfers Into GF From STA	263,799	0	0	0	0	0	0	263,799	5,008,986	(4,745,187)	5.27
Transfers Into GF From SAFE	12,523	0	0	0	0	0	0	12,523	30,000	(17,477)	41.74
Transfers Into GF From SPBL	37,849	0	0	0	0	0	0	37,849	120,000	(82,151)	31.54
Transfers Into SPBL From LTF	0	0	0	0	37,849	0	0	37,849	120,000	(82,151)	31.54
Transfers Into SPBL From STA	0	0	0	0	0	0	0	0	434,200	(434,200)	0.00
Transfers Into VI From LTF	0	0	0	0	0	18,130	0	18,130	72,980	(54,850)	24.84
Transfers Into VI From STA	0	0	0	0	0	1,500,000	0	1,500,000	4,210,842	(2,710,842)	35.62
Transfers Out of LTF Into GF	0	(4,683,632)	0	0	0	0	0	(4,683,632)	(4,546,630)	(137,002)	103.01
Transfers Out of LTF Into SPBL	0	(37,849)	0	0	0	0	0	(37,849)	(120,000)	82,151	31.54
Transfers Out of LTF Into VI	0	(18,130)	0	0	0	0	0	(18,130)	(72,980)	54,850	24.84
Transfers Out of STA Into GF	0	0	(263,799)	0	0	0	0	(263,799)	(5,008,986)	4,745,187	5.27
Transfers Out of STA Into SPBL	0	0	0	0	0	0	0	0	(434,200)	434,200	0.00
Transfers Out of STA Into VI	0	0	(1,500,000)	0	0	0	0	(1,500,000)	(4,210,842)	2,710,842	35.62
Transfers Out of SAFE Into GF	0	0	0	(12,523)	0	0	0	(12,523)	(30,000)	17,477	41.74
Transfers Out SPBL Into GF	0	0	0	0	(37,849)	0	0	(37,849)	(120,000)	82,151	31.54
Total Other Financing Sources	4,997,803	(4,739,611)	(1,763,799)	(12,523)	0	1,518,130	0	0	366,877	(366,877)	0.00
Net Change in Fund Balances	1,275,997	(3,629,859)	612,599	(28,568)	32,642	927,669	646,999	(162,521)	(2,662,900)	2,500,379	6.10
Beginning Fund Balance w/o capital assets	2,124,655	9,043,014	12,742,549	4,894,909	0	0	0	28,805,127	33,572,663	(4,767,536)	85.80
Long-term Pension/OPEB/Vacation Adjustment*	(1,869,458)	0	0	0	0	(133,379)	0	(2,002,837)	0	(2,002,837)	0.00
Ending Fund Balance	\$ 1,531,194	\$ 5,413,155	\$ 13,355,148	\$ 4,866,341	\$ 32,642	\$ 794,290	\$ 646,999	\$ 26,639,769	\$ 30,909,763	\$ (4,269,994)	86.19

*Government Accounting Standards Board Statement 68 and GASB 75 require the full pension liability, inflows and outflows be accrued on financial statements.

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
INVESTMENT REPORT
AS OF JANUARY 31, 2019**

As stated in the Commission’s investment policy, the Commission’s investment objectives are safety, liquidity, diversification, return on investment, prudence and public trust with the foremost objective being safety. VCTC has the ability to meet its expenditure requirements, at a minimum, for the next six months. Below is a summary of the Commission’s investments that are in compliance with the Commission’s investment policy and bond documents, as applicable.

Institution	Investment Type	Maturity Date	Interest to Date	Rate	Balance
Wells Fargo	Government Checking	N/A	\$3,346.01	0.18%	\$ 1,064,577.61
County of Ventura	Treasury Pool	N/A	217,257.50	2.27%	23,235,209.84
LAIF	State Pool	N/A	\$46,318.05	2.40%	8,186,711.91
Total			\$266,921.56		\$32,486,499.36

Because VCTC receives a large portion of their state and federal funding on a reimbursement basis, the Commission must keep sufficient funds liquid to meet changing cash flow requirements. For this reason, VCTC maintains checking accounts at Wells Fargo Bank. Small portion of interest earned in the Wells Fargo accounts is for unearned revenues and the interest is not recognized until the revenues are recognized.

The Commission’s pooled checking account is swept daily into a money market account. The interest earnings are deposited the following day. The first \$250,000 of the combined balance is federally insured and the remaining balance is collateralized by Wells Fargo bank.

The Commission’s LTF, STA and a portion of the SAFE funds received from the State are invested in the Ventura County investment pool. Interest is apportioned quarterly, in arrears, based on the average daily balance. The investment earnings are generally deposited into the accounts in two payments within the next quarter. Amounts shown above are not adjusted for fair market value.

The Commission’s funds not needed for immediate use are invested in the California Local Agency Investment Fund (LAIF). Interest is apportioned quarterly, in arrears, based on the average daily balance. The investment earnings are generally deposited into the account the month following the quarter end. Amounts shown above are not adjusted for fair market value.

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Item #8C

March 1, 2019

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: AARON B. BONFILIO, PROGRAM MANAGER

SUBJECT: HERITAGE VALLEY TRANSIT SERVICE AGREEMENT EXTENSION

RECOMMENDATION:

- Pending action by the Heritage Valley Policy Advisory Committee, authorize the Executive Director to issue written notice to MV Transportation to extend the Heritage Valley Transit Services Agreement, and, authorize the Executive Director to negotiate rates for the Agreement extension.

BACKGROUND:

At the December 2014 Commission meeting, the Commission approved an agreement with MV Transportation for the operation and maintenance of the brand new Heritage Valley Transit Service, later rebranded as the *Valley Express*. The Valley Express bus was launched later that spring, March 2, 2015, and currently operates fixed route, dial-a-ride and ADA paratransit services throughout the cities and communities within the Heritage Valley area: the Cities of Santa Paula and Fillmore, Piru and the surrounding unincorporated areas.

The service is organized through a Cooperative Agreement entered into May 2014 by the Cities of Fillmore, and Santa Paula, the County of Ventura, and VCTC. The purpose of this Agreement is for the Agencies to cooperatively provide transit service within the Heritage Valley service area. Pursuant to the Cooperative Agreement, the two Cities and the County agree to fund the service, and together form the Heritage Valley Policy Advisory Committee (HVPAC), which provides recommendations to the Commission regarding Valley Express service, including for policy, annual budget, and the service provider contract. The Commission contracts with the service provider and administers the service on behalf of the three funding partners. In addition to the HVPAC, pursuant to the Cooperative Agreement, a technical committee, known as the Heritage Valley Technical Advisory Committee, (HVTAC) which consists of City and County staff, provide recommendations to the HVPAC regarding service, which include direction on service levels, annual budget, and the contractor performance.

The term of the Heritage Valley Transit Services Agreement (Transit Services Agreement) with MV Transportation is for five years, from March 2, 2015 to March 1, 2020. The Commission may, in its sole discretion exercise an option to extend the Transit Services Agreement. The extensions options include an option to extend the Transit Services Agreement for a maximum of three (3) years, either as a single (3) year extension or as individual one (1) year extensions. Should the Commission wish to exercise an extension option, the Commission must provide written notice to the service provider one year prior to the expiration of the expiration of the initial term of the agreement.

March 1, 2019
Item #8C
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At the January 23, 2019 HVTAC meeting, the HVTAC considered the Transit Services Agreement and the extension options provided under the Agreement. The HVTAC recommendation to the Heritage Valley Policy Committee was to move forward with exercise of the Agreement extension option, specifically the single three (3) year extension option. The Heritage Valley Policy Advisory Committee will meet on February 28, 2019, and will review the recommendation made by the HVTAC to exercise the extension provision.

Pending action by the HVPAC, staff's recommendation is that the Commission authorize the Executive Director to issue written notice to MV Transportation to extend the Heritage Valley Transit Services Agreement, and, to authorize the Executive Director to negotiate rates for the term of the Agreement Extension. Should the Commission approve staff's recommendation, negotiations will commence immediately and the subsequent Amendment with the rates for the extension will be brought to the HVPAC and then to the Commission for approval, prior to taking further action.



Item #8D

March 1, 2019

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: JUDITH JOHNDUFF, PROGRAM ANALYST
SUBJECT: SUB-RECIPIENT AGREEMENTS WITH THE CITY OF SIMI VALLEY AND CITY OF MOORPARK FOR THE ADMINISTRATION OF PROPOSITION 1B TRANSIT CAPITAL FUNDS

RECOMMENDATION:

- Approve the attached Sub-Recipient Agreement with the City of Simi Valley for the administration of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) funds for the CNG Fueling Facility Upgrade Project (Attachment 1), and
- Approve the attached Sub-Recipient Agreement with the City of Moorpark for the administration of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) funds for the expansion of the Moorpark Metrolink Station North Parking Lot, subject to legal review (Attachment 2).

BACKGROUND:

At its March 5, 2010 meeting the Ventura County Transportation Commission (VCTC) programmed \$1,267,149 in PTMISEA grant funds for rehabilitation and modernization of Simi Valley compressed natural gas (CNG) fueling facility to expand capacity to serve regional transit needs and increase reliability. On October 5, 2012, the VCTC programmed \$317,000 in PTMISEA grant funds for the expansion of the Moorpark Metrolink North Parking Lot. The City of Moorpark Metrolink Station Parking Lot project requires an additional \$801,877 to complete the project. On the Simi Valley CNG Fueling Facility Project, prior to the award of the construction contract for Phase II of the project, the Project Manager became ill; and, subsequently succumbed to his illness. As a result, the project experienced significant delays, including the expiration of approved permits and contract award provisions. The City has assigned a new staff person to oversee the project and the project is now moving forward. As a result of the delays, Simi Valley needs an additional \$600,000 to complete the project.

DISCUSSION:

On November 2, 2018, VCTC approved programming an additional \$1,400,000 of federal Congestion Mitigation and Air Quality (CMAQ) funds for the Simi Valley CNG Fueling Facility project and concurrently approved the transfer of \$801,877 in State of California Proposition 1B PTMISEA funds from the Simi Valley CNG Fueling Facility Project to the Moorpark Metrolink Station Parking Lot project. This action allows both projects to be fully funded and expedites the completion of both projects. The recommended programming changes were submitted to Caltrans and approved on December 21, 2018. It is therefore recommended that the Commission approve the attached agreements for transferring the funds and administering the PTMISEA grant funds.

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**COOPERATIVE AGREEMENT
BETWEEN
VENTURA COUNTY TRANSPORTATION COMMISSION
AND
THE CITY OF SIMI VALLEY**

THIS AGREEMENT is entered into on March 1, 2019 between Ventura County Transportation Commission (VCTC) and the City of Simi Valley (City) regarding the administration of funds from the state Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) and federal Congestion Mitigation and Air Quality (CMAQ) grant funds.

WHEREAS, California voters in November, 2006, approved the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B), which authorizes state general obligation bonds for transportation infrastructure, including grants for transit system safety, security, and disaster response projects; and

WHEREAS, Senate Bill 88 of the 2007 Statutes appropriate funds from Proposition 1B to the PTMISEA program, administered by the Department of Transportation (Caltrans); and

WHEREAS, at its March 5, 2010 meeting the VCTC programmed \$1,267,149 in PTMISEA grant funds for rehabilitation and modernization of Simi Valley compressed natural gas (CNG) fueling facility to expand capacity to serve regional needs and increase reliability (Project); and,

WHEREAS, on or about June 2010 VCTC entered into a Cooperative Agreement (the PTMISEA Agreement) with the City regarding the administration of funds from the Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) for the programmed amount of \$1,267,149; and

WHEREAS, on June 17, 2017 the Parties entered into a First Amendment to the PTMISEA Agreement extending the date of completion of the CNG fueling facility and grant performance date from July 30, 2013 to June 30, 2018; and

WHEREAS, on May 14, 2018 the Parties entered into a Second Amendment to the PTMISA Agreement which revised the grant performance date to June 30, 2022; and this Agreement affects funds previously provided to City under the PTMISEA Agreement; and

WHEREAS, at its November 2, 2018 meeting the VCTC approved transferring \$801,877 in Proposition 1B Transit Capital funds (Prop. 1B Funds) from the Simi Valley Project to the Moorpark Metrolink Station Parking project, contingent upon approval of the transfer by Caltrans; and,

WHEREAS, at its November 2, 2018 meeting the VCTC approved programming \$1,400,000 of CMAQ funds, for which the Project is eligible, for the rehabilitation and modernization of the Simi Valley CNG fueling Facility project; and,

WHEREAS, on December 21, 2018, Caltrans approved a Corrective Action Plan to transfer the \$801,877 in Proposition 1B Transit Capital Funds from the Simi Valley CNG project to the Moorpark Metrolink Station Parking project.

NOW THEREFORE THE PARTIES DO AGREE AS FOLLOWS:

I. FUNDING/PROGRAM MANAGEMENT

1. **Assignments of Participants:** VCTC hereby agrees to engage the City and the City hereby agrees to carry out the work hereinafter described in connection with the administration of PTMISEA and CMAQ funds. The City will be responsible for assuring that the City meets all grant requirements placed on PTMISEA and CMAQ fund recipients.

2. Transfer of Funds: The City of Simi Valley shall transfer \$801,877 in Proposition 1B Transit Capital Funds to the City of Moorpark and notify VCTC when the transfer has been completed.
3. Parties' Responsibilities: VCTC and the City agree to use their best efforts to ensure that the City receives the CMAQ Funds to replace the Prop. 1B Funds to be transferred to the Moorpark Metrolink Station Parking project. The Parties agree to:
 - a. Take actions consistent with the intent of the November 2, 2018, VCTC action approving CMAQ Funds for the Simi Valley CNG fueling Facility project;
 - b. Work cooperatively to process the City's written request for the CMAQ Funds (the CMAQ Funds Request) and disburse such funds within the 2019 calendar year, depending upon the timing of the City's request for such CMAQ Funds; and
 - c. Use its best efforts to obtain approval from the Southern California Association of Governments (SCAG), the Federal Transit Administration (FTA) and any other necessary agencies to provide the CMAQ Funds to City in an expeditious manner; and
 - d. In the event CMAQ Funds are not provided to City for any reason, VCTC commits to working with the City to find other funding sources for the Simi Valley CNG fueling facility project.
4. Scope of Services:
 - a. Project Description: The Project includes major system upgrades to CNG fueling facility and ancillary equipment as set forth in the scope of work that is the basis of the grant award for the Prop. 1B Funds. City understands and agrees that a a Corrective Action Plan must be submitted to and approved by Caltrans for any changes to the scope of work. The Project incorporates the installation of two fast-fill fueling stations; six above ground high-pressure fuel dispensing storage vessels; upgrades to 26 CNG slow-fill dispensers; a Supervisory Control and Data Acquisition (SCADA) system; Primary and back-up Programmable Logistic control units; security fencing; safety-related signage and painting.
 - b. Project Timeline: In all cases, the City agrees to complete the Project tasks as outlined in the example schedule below, unless otherwise set forward in the CMAQ Funds Request or other communication from City. The City understands and agrees that the Project Closeout Date of January 2022 will not change in order to meet the deadline for Prop. 1B Funds:

PROJECT SCHEDULE	
Task	Completion
Issue RFP for Design and Project Management	February 2019
Award Contracts for Design and Project Management	April 2019
Finalize Design (permits, etc.)	September 2019
Issue RFB for Project Construction	November 2019
Award Contract for Project Construction	January 2020
Initiate Construction	February 2020
Complete Construction, Inspection	June 2021
Project Closeout	January 2022

The final project schedule may be altered as mutually determined in writing by City and VCTC, however the Project Completion Date will remain the same. Failure to complete the Project Closeout according to the schedule could result in the reduction of project funds or termination.

5. Duration of Agreement: The term of this Agreement shall continue until the earlier of the following events: (1) the City has received the CMAQ Funds and all work on the Project is completed and accepted, all contracts to construct the Project are closed or (2) the Agreement is terminated by either the City or VCTC after thirty (30) days written notice.
6. Entire Agreement and Amendments to the Agreement: This Agreement constitutes the entire agreement between the Parties hereto with respect to the administration of funds and obligations described herein for the Project, and supersedes as of the date hereof any prior agreement(s) and amendments between the parties, written or oral, concerning the subject matter of this agreement. The provisions of this Agreement may be amended upon written acceptance and ratification of any such amendment by both VCTC and the City. This provision does not preclude City and VCTC from exchanging written documentation and information in furtherance of this Agreement, including, but not limited to and by way of example, the CMAQ Funds Request and an updated Project Timeline pursuant to Section 4.
7. Method of Payment: The City must keep the unexpended Prop. 1B PTMISEA Funds in a separate interest-bearing account that is audited annually. Any interest that is accrued must be accounted for and used for the Project. Any Project funds received in excess of the final Project cost, or those found to be owed back to VCTC as a result of a final review or audit, must be refunded to VCTC within twenty (20) days of VCTC invoicing the City.
8. Costs: Under no circumstances will VCTC be responsible for funding the Project in excess of the grant funds and the interest earned thereon.

II. CALTRANS PROPOSITION 1B FUNDS REQUIREMENTS

The City shall note the following provisions apply to the state PTMISEA grants, and must take all necessary action to ensure its compliance as though it was the grantee directly

1. Reports: Semi-annual performance reports must be prepared and submitted to VCTC no later than January 31st and July 31st, for the duration of the project performance period, or until all activities are completed and the Project is formally closed. VCTC will then forward the reports to Caltrans in time for the Caltrans deadline. Failure to submit performance reports could result in the reduction of Project funds, termination, or suspension.

Within five (5) months of the Project becoming operable, the City shall provide to VCTC a report on actual project performance to projected project performance. Within (11) months of the Project becoming operable, the City shall provide to VCTC a report regarding the long-term benefits of the project.

2. Department of Industrial Relations (DIR) Monitoring: Per Assembly Bill 436 (Chapter 378, Statutes 2011), public works projects, such as the Moorpark Metrolink North Parking Lot Project, are subject to monitoring and enforcement by the DIR. Monitoring activities are eligible PTMISEA expenses. The City is required to:
 - a. Include language in the bid invitation and public works contract that the Project is subject to monitoring and enforcement by DIR, including the obligation to submit certified payroll records directly to the Compliance Monitoring Unit (CMU) through the CMU's online eCPR system at least monthly;
 - b. Notify both the Division of Apprenticeship Standards and the Division of Labor Standards Enforcement (DLSE) of the Project award per the online PWC 100 form available on the CMU website;

- c. Post, or require the prime contractor to post, at each job site, the notice required by 8 Cal. Code Reg. section 16451(d);
 - d. Cooperate with the CMU and the DLSE in any investigation of suspected violations, which may include random onsite inspections and contractor and worker interviews; and
 - e. Comply with any notice requiring contract payments to be withheld due to contractor's failure to submit proper certified payroll reports or in accordance with any lawful order by DLSE.
3. Other Provisions: The City is subject to all policies and provisions as set forth by Caltrans with regard to the PTMISEA and all applicable laws regarding public works projects, including but not limited to, contract bid procedures and the payment of prevailing wages.
 4. Grant Performance Period: Funds allocated under this grant shall be expended by January 31, 2022. Funds remaining unexpended thereafter shall revert to Caltrans.

III. OTHER PROVISIONS

1. Indemnification: The City shall protect, defend, indemnify, and hold harmless VCTC, its officers, agents, servants, and employees, from any and all liability arising out of, or caused by, any act or omission of the City or its officers, agents, or servants as a result of any act or omission by the City in its performance pursuant to this Agreement.

VCTC shall protect, defend, indemnify, and hold harmless the City, its officers, agents, servants, and employees, from any and all liability arising out of, or caused by, any act or omission of VCTC or its officers, agents, or servants as a result of any act or omission by VCTC in its performance pursuant to this Agreement.

The obligations of the City and VCTC in these indemnity provisions survive the expiration or earlier termination of this agreement.

2. Insurance: With respect to performance of work under the Project Agreement, the City shall ensure that its contractors maintain insurance as described below:

Worker's Compensation Insurance – the City's contractors shall maintain, during the life of the Project, Workers' Compensation Insurance for any contractor or subcontractor employees employed at the sites of projects. In case any class of employees engaged in work under this Agreement at the site of the Project is not protected under any Workers' Compensation law, the City shall provide or shall cause each contractor and subcontractor to provide, adequate insurance for the protection of employees not otherwise protected. The City hereby agrees to indemnify VCTC for any damage resulting to it from failure of any City contractor or subcontractor to take out or maintain such insurance.

Public Liability and Property Damage Insurance. The City is self-insured and/or has excess insurance as allowed by law at least up to the limits provided herein. The City's contractors, if any, shall take out and maintain during the life of this Agreement such public liability and property damage insurance as shall insure VCTC, its elective and appointive boards, commissions, officers, agents, and employees, and any VCTC contractor or subcontractor performing work covered by this Agreement from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from the City's or any contractors or subcontractors operations hereunder, or by anyone directly or indirectly employed by any contractor or subcontractor, and the amounts of such insurance shall be as follows:

- (1) Public Liability Insurance. In an amount not less than \$2,000,000 for injuries, including, but not limited to death, to any one person and, subject to the same limit for each person, in an amount not less than \$4,000,000 on account of any one occurrence:

(2) Property Damage Insurance. In an amount of not less than \$1,000,000 for damage to the property of each person on account of any one occurrence.

CITY OF SIMI VALLEY

VENTURA COUNTY TRANSPORTATION
COMMISSION

Keith L. Mashburn, Mayor of the City
of Simi Valley, California

Manuel Minjares, Chairman

Approved as to Form

Approved as to Form

Eric J. Levitt
City Manager

Darren M. Kettle
Executive Director

Lonnie J. Eldridge
City Attorney

Steven T. Mattas
General Counsel

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**COOPERATIVE AGREEMENT
BETWEEN
VENTURA COUNTY TRANSPORTATION COMMISSION
AND
THE CITY OF MOORPARK**

THIS AGREEMENT is entered into on March 1, 2019 between Ventura County Transportation Commission (VCTC) and the City of Moorpark (City) regarding the administration of funds from the Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA).

WHEREAS, California voters in November, 2006, approved the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B), which authorizes state general obligation bonds for transportation infrastructure, including grants for transit system safety, security, and disaster response projects; and

WHEREAS, Senate Bill 88 of the 2007 Statutes appropriated funds from Proposition 1B to the PTMISEA program, administered by the Department of Transportation (Caltrans); and

WHEREAS, at its October 5, 2012 meeting, the VCTC programmed \$317,000 in PTMISEA grant funds for the expansion of the Moorpark Metrolink North Parking Lot (Moorpark Project or Project); and,

WHEREAS, at its November 2, 2018 meeting the VCTC approved transferring \$801,877 in Proposition 1B Transit Capital funds from the Simi Valley Compressed Natural Gas project to the Moorpark Project, contingent upon approval of the transfer by Caltrans; and,

WHEREAS, the Proposition 1B Transit Capital funds are currently in the possession of the City of Simi Valley and must be transferred to the City for use with the Moorpark Project; and,

WHEREAS, on December 21, 2018, Caltrans approved a Corrective Action Plan to transfer the \$801,877 in Proposition 1B Transit Capital Funds from the Simi Valley CNG project to the Moorpark Project; and,

WHEREAS, the \$317,000 in PTMISEA grant funds and the transferred \$810,877 in PTMISEA funds dedicated for the Moorpark Project are hereinafter collectively referred to as the "Grant Funds"; and,

WHEREAS, by this Agreement, City and VCTC desire to set forth the rights and responsibilities of each party with respect to the distribution and use of the Grant Funds.

NOW THEREFORE THE PARTIES DO AGREE AS FOLLOWS:

I. FUNDING/PROGRAM MANAGEMENT

9. Assignments of Participants: VCTC hereby agrees to engage the City and the City hereby agrees to carry out the work hereinafter described in connection with the administration of the Grant Funds. The City will be responsible for assuring that the City meets all grant requirements placed on PTMISEA recipients as detailed in Section II of this Agreement.
10. Transfer of Funds: The City of Simi Valley is expected to transfer \$801,877 in Proposition 1B Transit Capital Funds to the City of Moorpark by March 15, 2019. As soon as practicable

after receipt of such funds, the City shall provide notice to VCTC the funds have been received.

11. Scope of Services:
 - a. Project Description: The City shall expand the Metrolink North Parking Lot to add an estimated thirty (30) parking stalls, redesign and rebuild the existing North Parking Lot to improve its appearance and compliance with current parking lot standards, construct new pedestrian walkways for passengers, add lighting, and construct a new driveway connecting the parking lot to High Street.
 - b. Project Timeline: The City agrees to complete project closeout by December 31, 2020.
 - c. Grant Administration: VCTC and the City shall be responsible for assuring that VCTC and the City meet all requirements placed on PTMISEA fund recipients.
12. Duration of Agreement and Authorization to Proceed: The term of this Agreement shall continue until the earlier of the following events: (1) all work on the Project is completed and accepted and all contracts awarded for the construction of the Project are closed or (2) this Agreement is terminated by either the City or VCTC in accordance with Section III.1. below.
13. Entire Agreement and Amendments to the Agreement: This Agreement constitutes the entire agreement between the parties hereto with respect to the administration of funds and obligations described herein for the Moorpark Project, and supersedes as of the date hereof any prior agreement(s) and amendments between the parties, written or oral, concerning the subject matter of this agreement. The provisions of this Agreement may be amended upon written acceptance and ratification of any such amendment by both VCTC and the City.
14. Method of Payment: The City must keep the unexpended Grant Funds in a separate interest-bearing account. Any interest that is accrued must be accounted for and used for the Project. Any Grant Funds received in excess of the final Project cost, or those Grant Funds found to be owed back to VCTC as a result of a final, independent review or audit, must be refunded to VCTC within twenty (20) days of VCTC invoicing the City.
15. Costs: Under no circumstances will VCTC be responsible for funding the Project in excess of the Grant Funds and the interest earned thereon.

II. CALTRANS PROPOSITION 1B REQUIREMENTS

The City shall note the following provisions apply to PTMISEA grants, and must take all necessary action to ensure its compliance as though it was the grantee directly.

5. Reports: Semi-annual performance reports must be prepared and submitted to VCTC no later than January 31st and July 31st, for the duration of the Project performance period, or until all activities are completed and the Project is formally closed. VCTC will then forward the reports to Caltrans in time for the Caltrans deadline. Failure to submit performance reports could result in the reduction of Grant Funds.

Within five (5) months of the Project becoming operable, the City shall provide to VCTC a report on actual project performance to projected project performance. The City must also provide verification of Project completion as described in the most recent edition of Caltrans' PTMISEA Guidelines available on Caltrans' website at <http://www.dot.ca.gov/hq/MassTrans/Proposition-1B.html>. Within (11) months of the Project becoming operable, the City shall provide to VCTC a report regarding the long-term benefits of the project.

6. Department of Industrial Relations (DIR) Monitoring: Per Assembly Bill 436 (Chapter 378, Statutes 2011), public works projects, such as the Moorpark Project, are subject to monitoring and enforcement by the DIR. Monitoring activities are eligible PTMISEA expenses. The City is required to:
 - a. Include language in the bid invitation and public works contract that the Project is subject to monitoring and enforcement by DIR, including the obligation to submit certified payroll records directly to the Compliance Monitoring Unit (CMU) through the CMU's online eCPR system at least monthly;
 - b. Notify both the Division of Apprenticeship Standards and the Division of Labor Standards Enforcement (DLSE) of the Project award per the online PWC 100 form available on the CMU website;
 - c. Post, or require the prime contractor to post, at each job site, the notice required by 8 Cal. Code Reg. section 16451(d);
 - d. Cooperate with the CMU and the DLSE in any investigation of suspected violations, which may include random onsite inspections and contractor and worker interviews; and
 - e. Comply with any notice requiring contract payments to be withheld due to contractor's failure to submit proper certified payroll reports or in accordance with any lawful order by DLSE.

7. Other Provisions: The City is subject to all policies and provisions as set forth by Caltrans with regard to the PTMISEA and all applicable laws regarding public works projects, including but not limited to, contract bid procedures and the payment of prevailing wages.

8. Grant Performance Period: Funds allocated under this Agreement shall be expended by December 31, 2020. Funds remaining unexpended thereafter shall revert to VCTC, unless City and VCTC mutually agree that the Grant Funds should continue to fund construction of the Project.

III. OTHER PROVISIONS

3. Termination: Either party may terminate this Agreement pursuant to this Section III.1.

The City may terminate this Agreement for cause after giving written notice to VCTC of VCTC's default under this Agreement at least thirty (30) calendar days before the termination is to be effective. Within thirty (30) calendar days after receipt of the City's written notice of the default, the VCTC may cure the default, or, if the default cannot be reasonably cured within that time period, if VCTC has not commenced the cure within that time period, diligently continued to pursue that cure, and completed it within one hundred eighty (180) calendar days after receipt of the notice. The City may not terminate this Agreement if VCTC cures the default in accordance with this Section III.1. If the VCTC does not cure the default and City terminates this Agreement, City shall return any funds that are unused as of the date of the termination and that are not necessary for payment for services provided prior to the termination date.

VCTC may terminate this Agreement for cause after giving written notice to City of City's default under this Agreement at least thirty (30) calendar days before the termination is to be effective. Within thirty (30) calendar days after receipt of VCTC's written notice of the default, the City may cure the default, or, if the default cannot be reasonably cured within that time period, if the City has not commenced the cure within that time period, diligently continued to pursue that cure, and completed within one hundred eighty (180) calendar days after receipt of the notice. The VCTC may not terminate this Agreement if City cures the default in accordance with this Section III.1. If the City does not cure the default and VCTC terminates this Agreement, the City may expend PTMISEA funds to pay contractors for Project work completed through the last working day this Agreement is in effect or committed to be spent by that date.

Neither party shall have any other claim against the other party by reason of an early termination of this Agreement.

4. Indemnification: The City shall protect, defend, indemnify, and hold harmless VCTC, its officers, agents, servants, and employees, from any and all liability arising out of, or caused by, any act or omission of the City or its officers, agents, or servants as a result of any act or omission by the City in its performance pursuant to this Agreement.

VCTC shall protect, defend, indemnify, and hold harmless the City, its officers, agents, servants, and employees, from any and all liability arising out of, or caused by, any act or omission of VCTC or its officers, agents, or servants as a result of any act or omission by VCTC in its performance pursuant to this Agreement.

The obligations of the City and VCTC in these indemnity provisions survive the expiration or earlier termination of this agreement.

5. Insurance: With respect to performance of work under the Project Agreement, the City shall ensure that its contractors maintain insurance as described below:

Worker's Compensation Insurance – the City's contractors shall maintain, during the life of the Project, Workers' Compensation Insurance as required by California law for any contractor or subcontractor employees employed at the Project sites. In case any class of employees engaged in work under this Agreement at the site of the Project is not protected under any Workers' Compensation law, the City shall provide or shall cause each contractor and subcontractor to provide, adequate insurance for the protection of employees not otherwise protected. The City hereby agrees to indemnify VCTC for any damage resulting to it from failure of any City contractor or subcontractor to take out or maintain such insurance.

Public Liability and Property Damage Insurance. The City is self-insured and/or has excess insurance as allowed by law at least up to the limits provided herein. The City's contractors, if any, shall take out and maintain during the life of this Agreement such public liability and property damage insurance as shall insure VCTC, its elective and appointive boards, commissions, officers, agents, and employees, and any VCTC contractor or subcontractor performing work covered by this Agreement from claims for damages for personal injury, including death, as well as from claims for property damage which may arise from the City's or any contractors or subcontractors operations hereunder, or by anyone directly or indirectly employed by any contractor or subcontractor, and the amounts of such insurance shall be as follows:

(1) Public Liability Insurance. In an amount not less than \$2,000,000 for injuries, including, but not limited to death, to any one person and, subject to the same limit for each person, in an amount not less than \$4,000,000 on account of any one occurrence:

(2) Property Damage Insurance. In an amount of not less than \$1,000,000 for damage to the property of each person on account of any one occurrence.

6. Attorneys' Fees. In the event that either party to this Agreement shall commence any legal action or proceeding to enforce or interpret the provisions of this Agreement, the prevailing party in such action or proceeding shall be entitled to recover its costs of suit, including reasonable attorneys' fees.

CITY OF MOORPARK

VENTURA COUNTY TRANSPORTATION
COMMISSION

Janice Parvin
Mayor

Manuel Minjares
Chairman

Approved as to Form

Approved as to Form

Troy Brown
City Manager

Darren M. Kettle
Executive Director

Kevin G. Ennis
City Attorney

Steven T. Mattas
General Counsel

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Item #8E

Meeting Date

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: CONTRACT FOR PROFESSIONAL AUDITING SERVICES

RECOMMENDATION:

- Approve the contract (separate Attachment A) with Conrad, LLP for professional TDA financial and compliance auditing services at a not to exceed cost of \$110,000 each year for Fiscal Years 2018/2019 through 2020/2021 with two (2) one (1) year optional periods for Fiscal Years 2021/2022 and 2022/2023 at the same price.

BACKGROUND:

The Ventura County Transportation Commission (VCTC) is responsible for the administration of the Transportation Development Act (TDA) funds which include Local Transportation Fund (LTF) and State Transportation Assistance (STA), as well as the administration of the State of Good Repair (SGR), the Proposition 1B Transit funds, and the Low Carbon Transit Operations Program (LCTOP) funds that flow through Ventura County. As part of its administrative duties, VCTC contracts with an auditing firm on behalf of the cities/County that receive LTF, STA, SGR, Proposition 1B, and LCTOP funds to have the State required annual audits reports completed and filed.

DISCUSSION:

The contract with Conrad, LLP for audits of Fiscal Years 2013/2014 through 2017/2018 is about to expire. In January 2019, a Request for Proposals (RFP) was approved by the Commission. The RFP was sent to twenty-seven auditing firms as well as posted on VCTC's website to reach as many qualified auditors as possible. TDA, Prop 1B and LCTOP audits are specialized audits and, therefore, many firms have limited (or no) experience in this area or may exclude specialized audits from their client load. Six firms responded before the deadline that they would be unable to participate for various reasons including no longer performing government audits, not taking on new clients and schedules did not permit.

Two proposals were submitted to VCTC: Conrad, LLP and Sotomayor and Associates LLP. Following standardized RFP practices for consultation selection, a selection committee was formed consisting of Steve Rosenberg, Director of Finance and Administration of Gold Coast Transit District, Janyne Brown, Assistant Finance Director of Fillmore and Sally DeGeorge, Finance Director of VCTC.

The committee reviewed and evaluated the proposals and interviewed the two firms. The selection committee evaluated the proposing firms understanding and approach of the engagement, the firm's auditing experience with these funds, the adequacy of staffing and associated hours, and the costs to perform the audits.

Based on the evaluations and interviews, the selection committee felt Conrad LLP's proposal best met the criteria of the RFP and the needs of VCTC. Conrad LLP has multiple experienced staff members and significant government and TDA, Prop 1B, LCTOP auditing experience and knowledge including performing audits for Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC and San Diego Association of Governments (SanDag), Los Angeles County Metropolitan Transportation Authority (LACMTA). Conrad's previous contract was under partner Sam Perera and this contract would be under partner Andrea Jayasekara. The committee unanimously recommends that the firm, Conrad, LLP, be retained to conduct the audits for Fiscal Year's ending June 30, 2019, 2020, 2021 with years 2022 and 2023 being optional.

The audit work performed by Conrad, LLP is proposed as a not-to-exceed fee per year. These fees are within the estimated budget for the work required. The contract term is for three (3) years with two (2) one (1) year optional extensions. Below are the proposed audit fees for VCTC for the next five years:

<u>Audit Fee</u>	<u>Fiscal Year</u>
\$110,000	2018/2019
\$110,000	2019/2020
\$110,000	2020/2021
\$110,000	2021/2022 (optional)
\$110,000	2022/2023 (optional)

General Counsel reviewed and approved the contract (see separate Attachment A). The cost of the audits will be financed from the LTF administration funds and included within the TDA Administration budget.



Item #9

March 1, 2019

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

SUBJECT: LOS ANGELES CLEANTECH INCUBATOR PRESENTATION

RECOMMENDATION:

- Receive and file

DISCUSSION:

The Los Angeles Cleantech Incubator (LACI) has convened the Transportation Electrification Partnership, an unprecedented public-private partnership focused on reducing greenhouse gas emissions and air pollution in the greater LA region by accelerating transportation electrification between now and 2028, when the world turns its attention to the region for the Olympic and Paralympic Games. Together, they have published the Zero Emission 2028 Roadmap, which sets out targets for the deployment of various vehicle classes and the charging infrastructure needed to ensure we can move people and goods throughout the region without creating emissions. They are working now with their partners to identify and implement policy, funding, technology, infrastructure and behavioral solutions to achieving these targets. Michelle Kinman, Director of Transportation and Kelly Schmandt Ferguson, Director of Market Transformation for LACI provided this presentation to SCAG. Our members who were in attendance have requested for VCTC to hear this presentation.

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Item #10

March 1, 2019

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: LEGISLATIVE UPDATE AND POSITION ON BILL

RECOMMENDATION:

- Adopt "Support" position on AB 252 (Daly), to make permanent the delegation to Caltrans of National Environmental Protection Act (NEPA) project approval.

DISCUSSION:

Federal Issues

The FY 2018/19 federal budget was signed on February 15th, averting the possibility of second government shutdown this year. As with the FY 2017/18 budget, the appropriation for transportation is significantly higher than the amount authorized by the Fixing America's Surface Transportation (FAST) Act. The budget includes \$48.6 billion for highways, which is \$3.2 billion more than authorized; and \$13.4 billion for transit, \$0.9 billion more than authorized.

State Issues

Attachment A is the monthly report of Delaney Hunter, the Commission's state lobbyist. The report describes various state issues including the status of bills.

Attachment B is an analysis from Delaney Hunter on AB 252 (Tom Daly, D-Anaheim) to make permanent the waiver of sovereign immunity that allows the federal government to delegate NEPA approval authority to Caltrans. In the past the Legislature has been unwilling to make this provision permanent, and each time a temporary or permanent extension has been proposed, VCTC has submitted a letter in support. Staff recommends that VCTC again support the continuation of the NEPA delegation which has saved considerable time in the project development process and avoided duplicative work on the part of the Federal Highway Administration. AB 252 is currently in the Assembly Transportation Committee.

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CALIFORNIA ADVISORS, LLC

VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT FEBRUARY 2019

Legislative Update

While the 2019-20 legislative session reconvened in early January, the legislators have spent most of their time getting acquainted in their new offices, waiting for committee assignments to be delegated, and preparing their legislative agendas for the year. The deadline to introduce bills for the 2019 legislative session was February 22nd, so the weeks prior consisted mostly of the initial groundwork and planning for these new bills. There have been several substantive and productive conversations through the committee's informational hearing process that will also help shape the newly introduced legislation. After being introduced, bills must be in print for 30 days before being taken up in committee, so the policy committee process will commence in March and all of the new bills will begin to be scheduled for their first hearings. Finally, these bills will have to be out of the first house policy committee before Friday, May 3rd, where the Appropriations Committee will take center stage. California Advisors will continue to keep VCTC updated on the host of bills and budget related issues moving through the legislative process.

State Budget Trailer Bills

As part of the Budget announcement, the Department of Finance has released proposed Trailer Bill Language which would seek legislative changes in the following areas:

- Organized Retail Theft Task Forces. This bill would extend the operation of existing provisions related to organized retail theft from January 1, 2021 until July 1, 2021. By extending the effective date of existing crimes and by increasing the number of persons subject to detention at the county jail, this bill would create a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that with regards to certain mandates no reimbursement is required by this act for a specified reason.
- Eliminate the Local Transportation Loan Accounts and the Transportation Deferred Investment Fund. This bill would require all assets and liabilities of the Local Transportation Loan Account to become assets and liabilities of the State Highway Account before January 1, 2020. The bill would repeal all of the provisions relating to the account and the Transportation Finance Bank on January 1, 2020. This bill would also require all assets and liabilities of the Transportation Deferred Investment Fund to become assets and liabilities of the State Highway Account before January 1, 2020.

Legislation for Consideration

Listed below is a newly introduced bill that may be of interest to the Commission (analysis attached separately).

AB 252 by Assembly Member Daly repeals the January 1, 2017 sunset date and thereby extends indefinitely Caltrans' responsibility for the Federal Highway Administration's duties under the National Environmental Policy Act.

Upcoming Bill Deadlines and Newly Introduced Legislation

February 22 – Last day for bills to be introduced.

April 11 - 22 – Spring Recess

April 26 – Last day for policy committee to hear and report to fiscal committees fiscal bills introduced in their house.

May 3 – Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house.

May 17 – Last day for fiscal committees to meet and report to the floor bills introduced in their house.

Below is a list of VCTC tracked newly introduced bills:

AB 145 (Frazier D) High-Speed Rail Authority: Senate confirmation.

Introduced: 12/13/2018

Status: 1/7/2019-Read first time.

Summary: Current law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 11 members, including 5 voting members appointed by the Governor, 4 voting members appointed by the Legislature, and 2 nonvoting legislative members. This bill would provide that the members of the authority appointed by the Governor are subject to appointment with the advice and consent of the Senate.

AB 148 (Quirk-Silva D) Regional transportation plans: sustainable communities strategies.

Introduced: 12/14/2018

Status: 1/7/2019-Read first time.

Summary: Current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Current law requires the regional transportation plan to include, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. This bill would require each sustainable communities strategy to identify areas within the region sufficient to house an 8-year projection of the emergency shelter needs for the region, as specified.

AB 226 (Mathis R) Transportation funds: transit operators: fare revenues.

Introduced: 1/17/2019

Status: 1/17/2019-Read first time. To print.

Summary: Current law provides various sources of funding to public transit operators. Under the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, revenues from a 1/4% sales tax in

each county are available, among other things, for allocation by the transportation planning agency to transit operators, subject to certain financial requirements for an operator to meet in order to be eligible to receive moneys. This bill would require a fare paid pursuant to a reduced fare transit program to be counted as a full adult fare for purposes of calculating any required ratios of fare revenues to operating costs specified in the act, except for purposes of providing information in a specified annual report to the Controller or providing information to the entity conducting a fiscal or performance audit pursuant to specified provisions.

AB 246 (Mathis R) State highways: property leases.

Introduced: 1/22/2019

Status: 2/7/2019-Rferred to Committee on Transportation

Summary: Would authorize the Department of Transportation to offer a lease on a right of first refusal basis of any airspace under a freeway, or real property acquired for highway purposes, located in a disadvantaged community, that is not excess property to the city or county in which the disadvantaged community is located for purposes of an emergency shelter or feeding program, or for park, recreational, or open-space purposes for a rental amount of \$1 per month, subject to certain conditions.

AB 252 (Daly D) Department of Transportation: environmental review process: federal program.

Introduced: 1/23/2019

Status: 2/7/2019-Rferred to Committee on Transportation

Summary: Current federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states may assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Current law, until January 1, 2020, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the program. This bill would extend the operation of these provisions indefinitely.

AB 254 (Quirk-Silva D) Alternative fuel vehicles: flexible fuel vehicles.

Introduced: 1/23/2019

Status: 1/24/2019-From printer. May be heard in committee February 23.

Summary: Current law creates the Joint Legislative Committee on Climate Change Policies and requires the committee to ascertain facts and make recommendations to the Legislature and to committees of the Legislature concerning the state's programs, policies, and investments related to climate change, as specified. This bill would authorize the joint committee to recommend that the State Air Resources Board provide education and support to local governments regarding specific components of local government climate action plans, such as ensuring the use of E85 in flexible fuel vehicles, expanding infrastructure for zero-emission vehicles, and enabling active transportation.

AB 285 (Friedman D) California Transportation Plan.

Introduced: 1/28/2019

Status: 1/29/2019-From printer. May be heard in committee February 28.

Summary: Would require the Department of Transportation to address in the California Transportation Plan how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions of 40% below 1990 levels by the end of 2030 and carbon neutrality by 2045. Commencing with the 3rd update to the plan to be completed by December 31, 2025, the bill would require the department to include specified information in the plan, including, among other things, a

review, conducted in consultation with the Strategic Growth Council, of the potential impacts and opportunities for coordination of specified grant programs and recommendations for the improvement of the grant programs to better align them to meet long-term common goals.

AB 287 (Voepel R) Public employees' retirement: annual audits.

Introduced: 1/28/2019

Status: 2/7/2019-Referred to Committee on Public Employment and Retirement

Summary: Current law requires each state and local public pension or retirement system, on and after the 90th day following the completion of the annual audit of the system, to provide a concise annual report on the investments and earnings of the system, as specified, to any member who makes a request and pays a fee, if required, for the costs incurred in preparation and dissemination of that report. This bill would also require each state and local pension or retirement system to post a concise annual audit of the information described above on that system's internet website no later than the 90th day following the audit's completion.

AB 313 (Frazier D) Road Maintenance and Rehabilitation Account: University of California: California State University: reports.

Introduced: 1/30/2019

Status: 1/31/2019-From printer. May be heard in committee March 2.

Summary: Would require the University of California and the California State University, on or before April 1 of each year, to each submit a report to the Transportation Agency and specified legislative committees detailing its expenditures of those moneys for that fiscal year, including, but not limited to, research activities and administration.

AB 322 (Gallagher R) Political Reform Act of 1974: online filing and disclosure system.

Introduced: 1/30/2019

Status: 1/31/2019-From printer. May be heard in committee March 2.

Summary: Would require a local government agency to post on its internet website a copy of any specified statement, report, or other document filed with that agency in paper format. This bill would require that the statement, report, or other document be made available for four years from the date of the election associated with the filing. By imposing a new duty on local government agencies, this bill would impose a state-mandated local program.

AB 333 (Eggman D) Whistleblower protection: state and local independent contractors.

Introduced: 1/31/2019

Status: 2/1/2019-From printer. May be heard in committee March 3.

Summary: Current law prohibits an employer, as defined, or any person acting on behalf of the employer, as defined, from, among other things, preventing an employee from, or retaliating against an employee for, providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of a law, regardless of whether disclosing the information is part of the employee's job duties. A violation of these provisions is a crime. This bill would extend the protections afforded to employees under these provisions to independent contractors and contracted entities working for state and local government who are tasked with receiving and investigating complaints from facilities, services, and programs operated by state and local government.

AB 352 (Garcia, Eduardo D) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan: Transformative Climate Communities Program.

Introduced: 2/4/2019

Status: 2/5/2019-From printer. May be heard in committee March 7.

Summary: Would, beginning July 1, 2020, require state agencies administering competitive grant programs that allocate moneys from the Greenhouse Gas Reduction Fund to give specified communities preferential points during grant application scoring for programs intended to improve air quality, to include a specified application timeline, to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications, and to require grant eligibility and scoring criteria to define disadvantaged community consistent with specified allocation requirements of the Greenhouse Gas Reduction Fund so as not to preclude low-income communities, as defined, from applying for or being awarded a grant.

AB 355 (Daly D) Public Employee Relations Board: Orange County Transportation Authority.

Introduced: 2/4/2019

Status: 2/5/2019-From printer. May be heard in committee March 7.

Summary: Would require employers and employees of the Orange County Transportation Authority to adjudicate complaints of specified labor violations before PERB as an unfair practice and would authorize specified parties aggrieved by PERB's decision or order to petition for relief from that decision or order, as provided. By requiring the authority to adjudicate claims before PERB, this bill would impose a state-mandated local program.

AB 371 (Frazier D) Transportation: freight: statewide economic vitality assessment.

Introduced: 2/5/2019

Status: 2/6/2019-From printer. May be heard in committee March 8.

Summary: Would require GO-Biz, in consultation with the State Air Resources Board, the California Transportation Commission, and the Transportation Agency, to prepare a statewide economic vitality assessment of the California freight industry on or before December 31, 2021, and to update the assessment at least once every five years. The bill would require the assessment to identify specified information, and would require the office, in developing the assessment, to consult with representatives from a cross section of public and private sector freight stakeholders.

AB 380 (Frazier D) Office of the Transportation Inspector General.

Introduced: 2/5/2019

Status: 2/6/2019-From printer. May be heard in committee March 8.

Summary: Would eliminate the Independent Office of Audits and Investigations and would instead create the Independent Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that specified state agencies and all external entities that receive state and federal transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. The bill would require the Governor to appoint the Transportation Inspector General for a 6-year term, subject to confirmation by the Senate, and would prohibit the Transportation Inspector General from being removed from office during the term except for good cause.

ACA 1 (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.

Introduced: 12/3/2018

Status: 12/4/2018-From printer. May be heard in committee January 3.

Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, or city and county to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

ACR 17 (Irwin D) Sergeant Ronald “Ron” Lee Helus Memorial Highway.

Introduced: 1/28/2019

Status: 2/4/2019-Referred to Committee on transportation.

Summary: This measure would designate a specified portion of State Highway Route 101 in the County of Ventura as the Sergeant Ronald “Ron” Lee Helus Memorial Highway. The measure would request that the Department of Transportation determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, erect those signs.

SB 127 (Weiner D) Transportation funding: active transportation: complete streets.

Introduced: 1/10/2019

Status: 1/11/2019-From printer. May be acted upon on or after February 10.

Summary: Would establish a Division of Active Transportation within the Department of Transportation and require that an undersecretary of the Transportation Agency be assigned to give attention to active transportation program matters to guide progress toward meeting the department’s active transportation program goals and objectives. The bill would require the California Transportation Commission to give high priority to increasing safety for pedestrians and bicyclists and to the implementation of bicycle and pedestrian facilities.

SB 137 (Dodd D) Federal transportation funds: state exchange programs.

Introduced: 1/15/2019

Status: 1/16/2019-From printer. May be acted upon on or after February 15.

Summary: Current federal law apportions transportation funds to the states under various programs, including the Surface Transportation Program and the Highway Safety Improvement Program, subject to certain conditions on the use of those funds. Current law establishes the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system, and funds that program from fuel taxes and an annual transportation improvement fee imposed on vehicles. This bill would authorize the Department of Transportation to allow the above-described federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program funds appropriated to the department.

SB 147 (Beall D) High-Speed Rail Authority.

Introduced: 1/18/2019

Status: 1/18/2019-Introduced. Read first time. To Com. on RLS. for assignment. To print.

Summary: The California High-Speed Rail Act creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Current law authorizes

the authority, among other things, to keep the public informed of its activities. This bill would revise that provision to instead authorize the authority to keep the public informed through activities, including, but not limited to, community outreach events, public information workshops, and newsletters posted on the authority's internet website.

SB 168 (Wieckowski D) Climate change: Chief Officer of Climate Adaptation and Resilience.

Introduced: 1/28/2019

Status: 2/6/2019-Referred to Committees on Environmental Quality and Natural Resources and Water

Summary: Would establish the Chief Officer of Climate Adaptation and Resilience in the Office of Planning and Research to serve as the statewide lead for planning and coordination of climate adaptation policy and implementation in California and would specify the duties of the chief officer. The bill would make the chief officer, or the chief officer's designee, a member of the advisory council and would designate the chief officer, or the chief officer's designee, as the chair of the advisory council. The bill would include additional expertise members of the advisory council are to have. The bill would specify that members of the advisory council serve staggered 4-year terms, except as provided.

SB 197 (Beall D) Department of Transportation: retention proceeds.

Introduced: 1/31/2019

Status: 2/1/2019-From printer. May be acted upon on or after March 3.

Summary: Current law prohibits the Department of Transportation, until January 1, 2020, from withholding retention proceeds when making progress payments for work performed by a contractor. This bill would delete the repeal of this provision, thereby making the prohibition operative indefinitely.

SB 211 (Beall D) State highways: leases.

Introduced: 2/4/2019

Status: 2/5/2019-From printer. May be acted upon on or after March 7.

Summary: Current law requires the Department of Transportation to consider future lease potential of areas above or below state highway projects when planning new state highway projects and requires this consideration to be accomplished by intradepartment consultation among offices concerned with project development and airspace lease development. This bill would instead authorize the department to consider future lease potential of areas above or below state highway projects when planning new state highway projects and would authorize this consideration to be accomplished by intradepartment consultation among offices concerned with project development and airspace lease development.

AB 252 (Daly)

Summary:

AB 252 by Assembly Member Daly provides faster delivery of transportation projects by allowing the California Department of Transportation's (Caltrans) to streamline environmental review processes that are conducted pursuant to the National Environmental Policy Act (NEPA) Assignment Program.

Purpose:

If Caltrans loses its authority to participate in the NEPA Assignment, the time and cost savings enjoyed by Caltrans and local transportation agencies will disappear.

With the recent passage of SB 1 in 2018 and an influx of new transportation funding, it is even more crucial that California uses these funds efficiently and quickly.

By removing the sunset on this program, Caltrans will permanently have the jurisdiction to participate in the decision-making process of the US Department of Transportation (U.S. DOT) and California will continue to reap the benefits of major time and cost savings.

Existing Law:

Section 820.1 of the Streets and Highways Code:

(a) The State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities assumed by the department pursuant to Section 326 of, and subsection (a) of Section 327 of, Title 23 of the United States Code.

(b) In any action brought pursuant to the federal laws described in subdivision (a), no immunity from suit may be asserted by the department pursuant to the Eleventh Amendment to the United States Constitution, and any immunity is hereby waived.

(c) The department shall not delegate any of its responsibilities assumed pursuant to the federal laws described in subdivision (a) to any political subdivision of the state or its instrumentalities.

(d) This section does not affect the obligation of the department to comply with state and federal law.

(e) This section shall remain in effect only until January 1, 202, and as of that date is repealed.

Related Legislation:

AB 28 (Frazier), from 2017, re-enacted, until January 1, 2020, the Caltrans' authority to waive its 11th Amendment right to sovereign immunity from lawsuits brought in federal court thereby allowing Caltrans to continue assuming the role of the U.S. DOT for NEPA decision making.

AB 892 (Carter) in 2011 extended the sunset date of Caltrans' NEPA delegation authority to January 1, 2017. The bill was supported by numerous local governments and transportation agencies and received no registered opposition.

AB 2650 (Carter) from 2008, which extended the sunset date from January 1, 2009 to January 1, 2012 to allow Caltrans to continue its assumption of NEPA responsibilities.

AB 2034 (Salas) from 2016, which attempted to repeal the January 1, 2017 expiration date, in order to extend the NEPA authority indefinitely. This bill only made it through the first house of the Legislature.

Support/Opposition:

Support: Self Help Counties Coalition (sponsor), California Transportation Commission, Professional Engineers in CA Government.

Opposition: None



Item #11

March 1, 2019

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: CLAIRE GRASTY, PROGRAM MANAGER – REGIONAL PLANNING
HEATHER MILLER, TRANSIT PLANNER**

**SUBJECT: QUARTERLY VCTC BUS AND RAIL TRANSIT RIDERSHIP AND PERFORMANCE
MEASURES REPORT**

RECOMMENDATION:

Receive and File

DISCUSSION:

In an effort to continue VCTC's objective to become a data driven organization, VCTC has created a new quarterly report that details ridership and performance measures of the VCTC Intercity Bus transit and Metrolink/LOSSAN rail services. These key performance indicators are critical to aiding VCTC in providing effective and efficient service and allocating limited transit resources. While the information in the attached ridership reports is comprehensive, staff will be presenting a PowerPoint highlighting the key, salient points.

The intent of this agenda item is twofold: 1. to establish a new quarterly reporting method of the bus and rail ridership and performance measures to the Commission; and 2. to memorialize what has been internal staff practice over the years in tracking transit performance measures and utilizing planning guidelines to develop new service, and improve existing service.

Both data reports are built around the four following priorities of VCTC transit service provision:

1. Safety
2. Increasing Mobility and Transportation for as Many People as Possible
3. Providing Effective, Efficient and Reliable Service
4. Providing Outstanding Customer Service

The bus and rail transit reports will guide the planning of proposed and modified transit services and will help ensure any additional or modified service will be effective and efficient and any decreased or discontinued service happens only when necessary.

Attachment 1 – Quarterly VCTC Intercity Bus Ridership and Performance Measures Report
Attachment 2 -- Quarterly VCTC Rail (Metrolink and LOSSAN) Ridership and Performance Measures Report