



**VENTURA COUNTY TRANSPORTATION COMMISSION  
LOCAL TRANSPORTATION AUTHORITY  
AIRPORT LAND USE COMMISSION  
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES  
CONSOLIDATED TRANSPORTATION SERVICE AGENCY  
CONGESTION MANAGEMENT AGENCY**  
[www.goventura.org](http://www.goventura.org)

## **AGENDA\***

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

### **IN-PERSON**

**CAMARILLO CITY HALL  
COUNCIL CHAMBERS  
601 CARMEN DRIVE  
CAMARILLO, CA  
FRIDAY, JUNE 3, 2022  
9:00 A.M.**

**This meeting will be conducted pursuant to the teleconference procedure authorized in Government Code section 54953.**

**Teleconference location:  
980 Enchanted Way, Suite 203  
Simi Valley, CA 93065**

***\*The public will have the opportunity to address the legislative body directly at the main meeting location and at this remote meeting location.***

*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 Commission at (805) 642-1591 ext. 101 or via email at [ribarra@goventura.org](mailto:ribarra@goventura.org). Notification of at least 48 hours prior to meeting time will assist staff in assuring those reasonable arrangements can be made to provide accessibility to 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. 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 updates 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 two-thirds vote of the Commission. If there are less than two-thirds 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 MINUTES OF THE MAY 6, 2022, MEETING-PG.7**

**Recommended Action:**

- Approve the summary minutes of May 6, 2022.

**Responsible Staff: Roxanna Ibarra**

8B. **MONTHLY BUDGET REPORTS- PG.13**

**Recommended Action:**

- Receive and file the monthly budget report for April 2022.

**Responsible Staff: Sally DeGeorge**

8C. **MOTION TO RE-AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, INCLUDING ALL ASSOCIATED AGENCIES, AUTHORITIES, AND COMMITTEES, DUE TO THE IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES AND MAKING RELATED FINDINGS PURSUANT TO AB 361- PG.21**

**Recommended Action:**

- It is recommended that the Ventura County Transportation Commission ("Commission"), on behalf of itself and in the role as the Local Transportation Authority, ALUC, Service Authority for Freeway Emergencies, Consolidated Transportation Service Agency and CMA, make a motion, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1], to reauthorize remote teleconference meetings of all legislative bodies of the Commission, including all associated agencies, authorities and committees, due to imminent risk to the health and safety of attendees if the meetings are held in person.

**Responsible Staff: Steve Mattas**

**8D. INCIDENT RESPONDER GRANT PROGRAM ROUND 2 MODIFICATION OF AWARD TO CALIFORNIA HIGHWAY PATROL- PG.23**

**Recommended Action:**

- Approve a one-time only modification of the Incident Responder Grant Program Round 2 award to the California Highway Patrol to change the award terms to allow reimbursement of expenditures in lieu of an up-front award.
- Amend the Motorist Aid Program Budget for Fiscal Year 2022/2023 to increase the SAFE Revenues and Fund Transfer carry-over revenues line item by \$259,000, and a corresponding \$259,000 increase to the Incident Responder Grant Program expenditures line item.

**Responsible Staff: Amanda Fagan**

**8E. FREEWAY SERVICE PATROL MEMORANDUM OF AGREEMENT WITH CALIFORNIA HIGHWAY PATROL AND CALTRANS- PG.27**

**Recommended Action:**

- Approve a Memorandum of Understanding with the California Highway Patrol and the California Department of Transportation (Caltrans) regarding the Ventura County Freeway Service Patrol program.
- Authorize the Executive Director to execute the Memorandum of Understanding contingent upon acceptance of any final edits from Caltrans.

**Responsible Staff: Amanda Fagan**

**8F. GUIDELINES AND SCHEDULE FOR THE 2022 COMBINED CALL-FOR-PROJECTS FOR FTA SECTION 5310 LARGE URBANIZED AREA (SENIORS AND DISABLED) FUNDS AND SECTION 5307 JOBS ACCESS/REVERSE COMMUTE (JARC) FUNDS- PG.29**

**Recommended Action:**

- Approve the Guidelines and Schedule for the 2022 Combined Call-for-Projects for FTA Section 5310 Large Urbanized Area (Seniors and Disabled) funds and Section 5307 Jobs Access/Reverse Commute (JARC) funds.

**Responsible Staff: Heather Miller**

**8G. REQUEST FOR QUALIFICATIONS FOR GRANT WRITING AND TRANSIT MANAGEMENT SUPPORT SERVICES- PG.35**

**Recommended Action:**

- Authorize release of a Request for Qualifications for Grant Writing and Transit Management Support Services.

**Responsible Staff: Peter De Haan and Amanda Fagan**

**8H. LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) TRANSFER OF FY 2018/2019 FUNDS-PG.37**

**Recommended Action:**

- Approve the Ventura County Transportation Commission (VCTC) transfer of \$303,141 of FY 2018/19 Low Carbon Transit Operations Program (LCTOP) funds to Gold Coast Transit District's (GCTD's) Route 23 – Ventura Rd Route LCTOP Project.
- Approve a budget amendment increasing revenue in the FY 2021/22 VCTC Transit Grant Administration budget by \$303,141 and increasing the pass-through expense of LCTOP funds by the same amount.

**Responsible Staff: Heather Miller**

**8I. TRANSPORTATION DEVELOPMENT ACT (TDA), LOCAL TRANSPORTATION FUNDS FINAL APPORTIONMENT FOR FISCAL YEAR 2022/2023 – PG.39**

**Recommended Action:**

- Approve the Local Transportation Fund Final Apportionment for Fiscal Year 2022/2023, apportioning \$52.1 million as shown in Attachment A.

**Responsible Staff: Sally DeGeorge**

**8J. RESOLUTION NO. 2022-08 TO CLAIM FISCAL YEAR 2022/2023 TRANSPORTATION DEVELOPMENT ACT LOCAL TRANSPORTATION FUNDS, STATE TRANSIT ASSISTANCE FUNDS AND STATE OF GOOD REPAIR- PG.47**

**Recommended Action:**

- Approve Resolution No. 2022-8 authorizing VCTC's claims for Fiscal Year 2022/2023 Transportation Development Act Local Transportation Funds, State Transit Assistance funds and State of Good Repair funds for transit, planning, and administration.

**Responsible Staff: Sally DeGeorge**

**8K. AMENDMENT TO PASSENGER TRANSFER AGREEMENT FOR LOSSAN AMTRAK PACIFIC SURFLINER- PG.51**

**Recommended Action:**

- Approve Amendment No. 7 to Cooperative Agreement between LOSSAN and VCTC for facilitating passenger transfers between Pacific Surfliner Intercity Rail Service and VCTC Intercity Transit Service.

**Responsible Staff: Claire Grasty and Dolores Lopez**

**8L. COASTAL EXPRESS INTERCOUNTY TRANSIT SERVICE FUNDING AGREEMENT-PG.55**

**Recommended Action:**

- Approve Amendment No. 1 (Amendment) to the Intercounty Transit Funding Service Agreement between the Ventura County Transportation Commission and the Santa Barbara County Association of Governments and authorize the Commission Chair to execute the Amendment.

**Responsible Staff: Aaron Bonfilio**

**8M. BUS AND RAIL RIDERSHIP AND PERFORMANCE MEASURES REPORT-PG.59**

**Recommended Action:**

- Receive and File.

**Responsible Staff: Claire Grasty and Dolores Lopez**

**8N. AUTHORIZE REQUEST FOR PROPOSAL (RFP) FOR HUMAN RESOURCES CONSULTING SERVICES-PG.65**

**Recommended Action:**

- Authorize staff to release the attached RFP for Human Resources Consulting Services, with proposals due July 18, 2022.

**Responsible Staff: Martin Erickson**

**8O. EDUCATIONAL REIMBURSEMENT POLICY CHANGE-PG.77**

**Recommended Action:**

- Approve changes to the Personnel Policies and Procedures Manual Education Reimbursement Policy.

**Responsible Staff: Martin Erickson**

**8P. BUDGET AMENDMENT TO THE VCTC INTERCITY PROGRAM -PG.79**

**Recommended Action:**

- Approve a budget amendment of the VCTC Intercity Transit Service Program Budget by decreasing the FTA revenues line-item by the amount of \$360,400 and increasing the "STA Fund Transfer" revenues line-item by an equal amount.
- Approve a budget amendment to the State Transit Assistance budget to increase the STA transfer out to VCTC Intercity by \$360,400.

**Responsible Staff: Aaron Bonfilio**



**DISCUSSION CALENDAR:**

**9. LEGISLATIVE UPDATE-PG.81**

***Recommended Action:***

- *Receive and file.*

**Responsible Staff: Darrin Peschka**

**10. VCTC FISCAL YEAR 2022-2023 PROPOSED BUDGET- PUBLIC HEARING - PG.101**

***Recommended Action:***

- *Conduct Public Hearing to receive testimony on the Fiscal Year 2022/2023 Budget.*
- *Adopt the Fiscal Year 2022/2023 Salary Schedule (Attachment 1 of this item and Appendix C in the Fiscal Year 2022/2023 Budget) effective July 1, 2022.*
- *Adopt, by Resolution No. 2022-07, the proposed Fiscal Year 2022/2023 Budget.*

**Responsible Staff: Sally DeGeorge**

**11. VEHICLE MILES TRAVELED ADAPTIVE MITIGATION PROGRAM -PG.107**

***Recommended Action:***

- *Receive a presentation on the Vehicle Miles Traveled (VMT) Adaptive Mitigation Program (AMP).*
- *Provide feedback on the Draft Program Framework and the VCTC role within that Framework.*

**Responsible Staff: Amanda Fagan**

**12. METROLINK UPDATE- PG.111**

***Recommended Action:***

- *Receive and file presentation.*

**Responsible Staff: Claire Grasty**

**13. ZERO-EMISSION BUS FLEET ROLLOUT PLAN AND REQUEST FOR PROPOSALS-PG.113**

***Recommended Action:***

- *Approve an Agreement with Stantec Consulting Services Inc. not to exceed \$150,000 for the development of the VCTC ZEB Rollout Plan, and,*
- *Authorize the Executive Director to execute the Agreement.*

**Responsible Staff: Aaron Bonfilio**

**14. VCTC GENERAL COUNSEL'S REPORT:**

**15. AGENCY REPORTS:**

**Southern California Association of Governments (SCAG)**

Primary: Commissioner Mike Judge

**Southern California Regional Rail Authority (Metrolink-SCRRRA)**

Primary: Vice-Chair Tony Trembley

Alternate: Daniel Chavez

**Los Angeles-San Luis Obispo (LOSSAN) Rail Corridor Agency (Amtrak Pacific Surfliner)**

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Jim White

**Coastal Rail Coordinating Council**

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Richard Rollins

**California Association of Councils of Governments**

Primary: Commissioner Carmen Ramirez

**California Vanpool Authority (CalVans)**

Primary: Commissioner Jim White

Alternate: Commissioner Lynn Edmonds

**16. CLOSED SESSION:**

**Conference with Legal Counsel – Existing Litigation**

**(Pursuant to Government Code Section 54956.9(d)(1))**

**Koehler v. Ventura County Transportation Commission et al (Case No.56-2021-00561709-CU-OR-VTA**

**17. ADJOURN to 9:00 a.m. Friday, JULY 8, 2022.**



Item #8A

June 3, 2022

**MEETING MINUTES OF MAY 6, 2022, VCTC COMMISSION MEETING  
AT 9:00 A.M.**

**CALL TO ORDER:**

Chair Trembley called the regular meeting of the Ventura County Transportation Commission to order at 9:00 A.M. at the City of Camarillo, City Hall Chambers, 601 Carmen Drive, CA 93010. And via teleconference location 980 Enchanted Way Suite 203, Simi Valley, CA 93065.

**PLEDGE OF ALLEGIANCE** was led by Commissioner White.

**ROLL CALL/MEMBERS PRESENT:**

Tony Trembley, City of Camarillo  
Claudia Bill-de la Peña, City of Thousand Oaks  
Daniel Chavez, Citizen Rep., Cities  
Lynn Edmonds, City of Fillmore  
Robert Huber, County of Ventura, (Via Teleconference)  
Kelly Long, County of Ventura  
Bryan MacDonald, City of Oxnard  
Linda Parks, County of Ventura  
Richard Rollins, City of Port Hueneme  
Andy Sobel, City of Santa Paula  
Jim White, Citizen Rep., County  
William Weirick, City of Ojai  
Jeff Newman, Representing Caltrans District 7 Director

**ABSENT:**

Chris Enegren, City of Moorpark  
Mike Johnson, City of Ventura  
Mike Judge, City of Simi Valley  
Matt LaVere, County of Ventura  
Carmen Ramirez, County of Ventura

**4. PUBLIC COMMENTS** – There were no public comments.

**5. CALTRANS REPORT** – Caltrans representative Jeff Newman gave the May monthly project report update to the commission.

**6. COMMISSIONERS/EXECUTIVE DIRECTOR REPORT –**

Commissioner White asked that the May commission meeting be adjourned in memory of Mike Culver, Executive Director of Mobility Management Partners and a former Public Works Director for the City of Ojai.

Vice-Chair MacDonald stated Gold Coast Transit District would be having a hydrogen fuel cell bus from Sun Line on site in the next couple weeks. Vice-Chair MacDonald asked Ms. Vanessa Rauschenberger, General Manager for GCTD to share with the commission the dates this would take place. Ms. Vanessa Rauschenberger stated the hydrogen fuel cell bus would be on GCTD premises on June 1<sup>st</sup> and June 2<sup>nd</sup> and invited all to stop by and check out the hydrogen fuel cell bus from Sun line Transit.

Executive Director Martin Erickson had a few updates for the commission:

- VCTC and Caltrans continue to work closely to set-up next Arroyo Simi Bridge Suicide Task Force meeting.
- Community Engagement activities VCTC have been partaken in as part of the Comprehensive Transportation Plan-online surveys and a few pop-up events in the month of May, May 7<sup>th</sup> Moorpark Earth Day Festival, May 15<sup>th</sup> Channel Island Farmers Market and a Friday in May (TBD) participate in the Santa Paula Farmer's Market.
- May is Mental Health Awareness Month-Wednesday May 4<sup>th</sup> transit staff attended the Cinco de Mayo at the Santa Paula Senior Health Center.
- April 16<sup>th</sup> VCTC participated in the Pleasant Valley Recreation and Parks department "Eggstravaganza".
- May is also Bike Month-Bike to work week is May 16<sup>th</sup> thru May 20<sup>th</sup>-Bike to workday is May 20<sup>th</sup>.
- VCTC is sponsoring a program where people can pledge to ride, and they could be entered to win a \$250.00 gift card. Anyone who would want to participate can do so by visiting [www.goventura.org](http://www.goventura.org).
- Mr. Erickson announced Aaron Bonfilio would be leaving VCTC as he has accepted a position with SBCAG as the Director of Rail and Transit Programs.

Mr. Erickson along with the Commission wished Aaron Bonfilio the best in his new role with SBCAG and thanked Mr. Bonfilio for his many years of dedicated service to VCTC.

**7. ADDITIONS/REVISIONS** – There were none.

**8. CONSENT CALENDAR –**

**Commissioner Long** moved to approve consent calendar items 8A through 8J. **Commissioner Chavez** seconded the motion. **Commissioner Weirick** abstained from item 8A-Approval of the April 1, 2022, meeting minutes. The motion passed unanimously.

**8A. APPROVE MINUTES OF THE APRIL 1, 2022, MEETING**

**Recommendation:**

- Approve the summary minutes of April 1, 2022.

**Responsible Staff: Roxanna Ibarra**

**8B. APPROVE MINUTES FROM THE GOAL SETTING SESSION OF APRIL 13, 2022**

**Recommendation:**

- Approve the summary minutes of the APRIL 13, 2022, Goal Setting Session.

**8C. MONTHLY BUDGET REPORTS-**

**Recommendation:**

- Receive and file the monthly budget report for APRIL 2022.

**8D. FY 2021/22 & FY 2022/23 SECTION 5311 RURAL TRANSPORTATION GRANT APPLICATION AUTHORIZATION**

**Recommendation:**

- Adopt attached Resolution 2022-04, authorizing the Executive Director to execute all required documents to receive FY 2021/22 and FY 2022/23 Section 5311 Rural Transportation funds.

**8E. MOTION TO RE-AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, INCLUDING ALL ASSOCIATED AGENCIES, AUTHORITIES, AND COMMITTEES, DUE TO THE IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES AND MAKING RELATED FINDINGS PURSUANT TO AB 361-**

**Recommendation:**

- It is recommended that the Ventura County Transportation Commission ("Commission"), on behalf of itself and in the role as the Local Transportation Authority, ALUC, Service Authority for Freeway Emergencies, Consolidated Transportation Service Agency and CMA, make a motion, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1], to reauthorize remote teleconference meetings of all legislative bodies of the Commission, including all associated agencies, authorities and committees, due to imminent risk to the health and safety of attendees if the meetings are held in person.

**8F. AMENDMENT TO THE VCTC INTERCITY PROGRAM BUDGET**

**Recommendation:**

- Approve Amendment of the VCTC Intercity Transit Services Program Budget by adding the revenues line-item "Other-Fuel Credits" in the amount of \$261,670 and decreasing the "STA Fund Transfer" revenues line-item by an equal amount.

**8G. CALTRANS SUSTAINABLE TRANSPORTATION PLANNING GRANT PROGRAM-U.S. 101 CONEJO PASS AREA WILDLIFE TRACKING STUDY**

**Recommendation:**

- Authorize VCTC Staff in partnership with the National Parks Service to accept Caltrans Sustainable Transportation Planning Grant Funds and enter a contract with Caltrans to prepare the U.S. 101 Conejo Pass Area Wildlife Tracking Study.
- Approve Resolution 2022-05 to authorize the Executive Director to execute the Grant Agreement and any amendments thereto with the California Department of Transportation (Attachment A).

**8H. SANTA PAULA BRANCH LINE BUDGET AMENDMENT**

**Recommendation:**

- Amend the Santa Paula Branch Line (SPBL) budget by increasing the Legal Services line item by \$45,000 increasing the Office Support line item by \$500, reducing the Revenues/Local Fees-Leases category by \$12,000, increasing the Revenues category State Transit Assistance (STA) fund transfer-in by \$57,500.00 increasing the transfer out of the STA account to the SPBL Fund by \$57,500.00.

**8I. CONTRACT AND BUDGET AMENDMENT FOR HUMAN RESOURCES CONSULTANT SERVICE CONTRACT**

**Recommendation:**

- Approve Amendment with Regional Government Services (RGS) in the amount of \$10,000 for an annual contract total not to exceed \$60,000.
- Approve a budget amendment increasing revenues and expenditures in the FY 2021/22 Indirect budget, professional and human resources task in the amount of \$10,000. The revenue source is Indirect funds.

**8J. LEGISLATIVE UPDATE**

**Recommendation:**

- Receive and file.

**DISCUSSION CALENDAR:**

**9. FISCAL YEAR 2022/2023 TRANSPORTATION DEVELOPMENT ACT (TDA) UNMET TRANSIT NEEDS FINDINGS**

**Recommendation:**

- Review and Approve the Fiscal Year 2022/2023 Unmet Transit Needs Findings and determination that there are no Unmet Transit Needs that are reasonable to meet.
- Adopt Resolution No. 2022-06.

**Commissioner Chavez** moved to approve item 9-Fiscal Year 2022/2023 Transportation Development Act (TDA) Unmet Transit Needs as recommended. Commissioner White seconded the motion, the motion passed unanimously.

#### **10. US 101 PROJECT STATUS REPORT**

**Recommendation:**

- Receive and file presentation.

Peter De Haan and Steven Yoshizumi, Project Manager for WSP gave power point presentation on the project status to the commission. The commission received and filed the presentation on the US 101 Project Status Report.

#### **11. VCTC INTERCITY TRANSIT CONTRACT AMENDMENT**

**Recommendation:**

- Approve Amendment No. 4. to the Transit Services Agreement with RATP Dev, DBA Roadrunner Management Services, and increase the total not-to-exceed amount by \$811,000 to \$83,986,000; and approve finding of the sole source justification; and authorize the VCTC Executive Director to execute the amendment.

**Vice-Chair MacDonald** moved to approve item 11-VCTC Intercity Transit Contract Amendment. The motion was seconded by **Commissioner White** and passed unanimously.

#### **12. ACTIVE TRANSPORTATION (BICYCLE & PEDESTRIAN) PLANS AND PRODUCTS**

**Recommendation:**

- Receive a presentation on the history and status of Active Transportation (Bicycle & Pedestrian) planning efforts and products.

Amanda Fagan gave a power point presentation on the Active Transportation (Bicycle & Pedestrian) Plans and Products. The commission received and filed the Active Transportation (Bicycle & Pedestrian) planning efforts and products presentation.

#### **13. UPDATE FROM APRIL 13, 2022, GOAL SETTING SESSION**

**Recommendation:**

- Receive and file an update from the Commission's April 13, 2022, Goal Setting Session.

Martin Erickson gave to the commission a recap and update on the Commission's April 13, 2022, Goal Setting Session, and the adoption of the new goals the commission adopted then. Mr. Erickson stated the goals which were adopted at the Goal Setting Session can be found on the VCTC website and in the VCTC Budget Book.

#### **13. VCTC GENERAL COUNSEL'S REPORT:** None.

#### **14. AGENCY REPORTS:**

##### **Southern California Association of Governments (SCAG)**

Primary: Commissioner Mike Judge

Commissioner Judge was absent. Nothing to report at this time.

##### **Southern California Regional Rail Authority (Metrolink-SCRRRA)**

Primary: Chair Tony Trembley

Alternate: Daniel Chavez

Chair Trembley stated the Authority entered an MOU with California Highspeed Rail Authority on on-going cooperative planning efforts. Secondly, the board entered into a new law enforcement security contract with the LA Sheriff's department. Also, Metrolink has shifted to its 10-day flex pass.



**Los Angeles-San Luis Obispo (LOSSAN) Rail Corridor Agency (Amtrak Pacific Surfliner)**

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Jim White

Vice-Chair MacDonald stated the LOSSAN managing director Donna DeMartino departed from the agency recently and Jason Jewell, is the interim managing director.

**Coastal Rail Coordinating Council**

Primary: Commissioner Bryan MacDonald

Alternate: Commissioner Richard Rollins

Nothing to report at this time.

**California Association of Councils of Governments**

Primary: Commissioner Carmen Ramirez

Commissioner Ramirez was absent. Nothing to report at this time.

**California Vanpool Authority (CalVans)**

Primary: Commissioner Jim White

Alternate: Commissioner Lynn Edmonds

Commissioner White stated there was nothing to report at this time.

**15. ADJOURN-** Chair Trembley adjourned the May 6, 2022, meeting in memory of Mike Culver, Executive Director of Mobility Management Partners and a former Public Works Director for the City of Ojai. The meeting was adjourned to 9:00 a.m. Friday, June 3, 2022.



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Item #8B

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: SALLY DEGEORGE, FINANCE DIRECTOR**

**SUBJECT: MONTHLY BUDGET REPORT**

**RECOMMENDATION:**

- Receive and file the monthly budget report for April 2022.

**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 eight funds presented consisting of the General Fund, the Local Transportation Fund (LTF), the State Transit Assistance (STA) fund, the State of Good Repair (SGR) fund, the Service Authority for Freeway Emergencies (SAFE) fund, the Santa Paula Branch Line (SPBL) 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 April 30, 2022, budget report indicates that the revenues were approximately 66.21% of the adopted budget while expenditures were approximately 54.06% of the adopted budget. The revenues and expenditures are as expected at this time. Although the percentage of the budget year completed is shown, be advised that neither the revenues nor the expenditures occur on an even 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, SGR, 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 and SGR 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 and SGR 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.

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 APRIL 30, 2022**

**Assets and Deferred Outflows**

Cash and Investments	\$ 53,917,351
Receivables/Due from other funds	3,407,227
Prepays and Deposits	332,914
Capital Assets, undepreciated	26,329,395
Capital Assets, depreciated, net	32,669,510
Deferred Outflows	1,948,045
<b>Total Assets and Deferred Outflows</b>	<b><u>\$ 118,604,442</u></b>

**LIABILITIES, DEFERRED INFLOWS AND FUND BALANCE**

**Liabilities and Deferred Inflows:**

Accrued Expenses and Due to Other	\$ 4,180,750
Deferred Revenue	3,568,150
Deposits	67,059
Accrued Vacation	226,041
Pension Liability	2,406,909
OPEB Liability	334,163
Deferred Inflows	274,655
<b>Total Liabilities and Deferred Inflows:</b>	<b><u>\$ 11,057,727</u></b>

**Net Position:**

Invested in Capital Assets	\$ 58,998,906
Fund Balance	48,547,809
<b>Total Net Position</b>	<b><u>\$ 107,546,715</u></b>

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE**  
**FOR THE TEN MONTHS ENDED APRIL 30, 2022**

	General	LTF	STA	SAFE	SGR	SPBL	VCTC	Valley	Fund		Variance	
	Fund Actual	Actual	Actual	Actual	Actual	Actual	Intercity Actual	Express Actual	Totals	Budgeted	Actual	% Year
<b>Revenues</b>												
Federal Revenues	\$ 6,291,346	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	4,203,159	\$ 767,704	\$ 11,262,209	\$ 24,798,460	(13,536,251)	45.41
State Revenues	595,932	29,737,333	3,913,646	1,158,683	830,565	0	0	0	36,236,159	47,755,731	(11,519,572)	75.88
Local Revenues	93,323	0	0	0	0	316,787	1,088,968	1,032,380	2,531,458	3,039,990	(508,532)	83.27
Other Revenues	1,904	0	0	60	0	0	63,992	53	66,009	3,790	62,219	1,741.66
Interest	6,049	32,242	33,327	8,523	11,280	143	712	797	93,073	206,000	(112,927)	45.18
<b>Total Revenues</b>	<b>6,988,554</b>	<b>29,769,575</b>	<b>3,946,973</b>	<b>1,167,266</b>	<b>841,845</b>	<b>316,930</b>	<b>5,356,831</b>	<b>1,800,934</b>	<b>50,188,908</b>	<b>75,803,971</b>	<b>(25,615,063)</b>	<b>66.21</b>
<b>Expenditures</b>												
<b>Administration</b>												
Personnel Expenditures	2,446,657	0	0	0	0	0	176,373	46,365	2,669,395	4,027,650	(1,358,255)	66.28
Legal Services	30,438	0	0	0	0	0	0	0	30,438	40,000	(9,562)	76.10
Professional Services	90,619	0	0	0	0	0	0	0	90,619	155,600	(64,981)	58.24
Office Leases	160,261	0	0	0	0	0	0	0	160,261	189,400	(29,139)	84.62
Office Expenditures	370,664	0	0	0	0	0	105,630	27,768	504,062	630,100	(126,038)	80.00
<b>Total Administration</b>	<b>3,098,639</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>282,003</b>	<b>74,133</b>	<b>3,454,775</b>	<b>5,042,750</b>	<b>(1,587,975)</b>	<b>68.51</b>
<b>Programs and Projects</b>												
<b>Transit and Transportation Program</b>												
Regional Transit Technology	131,946	0	0	0	0	0	0	0	131,946	721,200	(589,254)	18.30
Senior-Disabled Transportation	257,786	0	0	0	0	0	0	0	257,786	401,500	(143,714)	64.21
VCTC Intercity Bus Services	0	0	0	0	0	0	6,363,602	0	6,363,602	11,491,790	(5,128,188)	55.38
Valley Express Bus Services	0	0	0	0	0	0	0	1,157,869	1,157,869	1,962,300	(804,431)	59.01
Transit Grant Administration	3,588,916	0	0	0	0	0	0	0	3,588,916	9,968,180	(6,379,264)	36.00
<b>Total Transit and Transportation</b>	<b>3,978,648</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,363,602</b>	<b>1,157,869</b>	<b>11,500,119</b>	<b>24,544,970</b>	<b>(13,044,851)</b>	<b>46.85</b>
<b>Highway Program</b>												
Motorist Aid Services	0	0	0	2,485,353	0	0	0	0	2,485,353	3,354,366	(869,013)	74.09
Highway Program Management	1,181,142	0	0	0	0	0	0	0	1,181,142	5,249,557	(4,068,415)	22.50
<b>Total Highway</b>	<b>1,181,142</b>	<b>0</b>	<b>0</b>	<b>2,485,353</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,666,495</b>	<b>8,603,923</b>	<b>(4,937,428)</b>	<b>42.61</b>

For Management Reporting Purposes Only



**VENTURA COUNTY TRANSPORTATION COMMISSION  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE  
FOR THE TEN MONTHS ENDED APRIL 30, 2022**

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	SGR Actual	SPBL Actual	VCTC Intercity Actual	Valley Express Actual	Fund Totals	Budgeted	Variance Actual	% Year
<b>Rail Program</b>												
Metrolink and Commuter Rail	5,190,658	0	0	0	0	0	0	0	5,190,658	15,203,696	(10,013,038)	34.14
LOSSAN and Coastal Rail	5,541	0	0	0	0	0	0	0	5,541	11,800	(6,259)	46.96
Santa Paula Branch Line	0	0	0	0	0	256,679	0	0	256,679	531,500	(274,821)	48.29
<b>Total Rail</b>	<b>5,196,199</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>256,679</b>	<b>0</b>	<b>0</b>	<b>5,452,878</b>	<b>15,746,996</b>	<b>(10,294,118)</b>	<b>34.63</b>
<b>Commuter Assistance Program</b>												
Reg Transit Information Center	3,028	0	0	0	0	0	0	0	3,028	37,400	(34,372)	8.10
Rideshare Programs	226,065	0	0	0	0	0	0	0	226,065	328,900	(102,835)	68.73
<b>Total Commuter Assistance</b>	<b>229,093</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>229,093</b>	<b>366,300</b>	<b>(137,207)</b>	<b>62.54</b>
<b>Planning and Programming</b>												
TDA Administration	110,000	21,405,807	418,888	0	41,107	0	0	0	21,975,802	30,495,259	(8,519,457)	72.06
Transportation Programming	14,108	0	0	0	0	0	0	0	14,108	21,300	(7,192)	66.23
Regional Transportation Planning	237,546	0	0	0	0	0	0	0	237,546	660,084	(422,538)	35.99
Airport Land Use Commission	272	0	0	0	0	0	0	0	272	18,500	(18,228)	1.47
Regional Transit Planning	280,605	0	0	0	0	0	0	0	280,605	1,210,200	(929,595)	23.19
<b>Total Planning and Programming</b>	<b>642,531</b>	<b>21,405,807</b>	<b>418,888</b>	<b>0</b>	<b>41,107</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>22,508,333</b>	<b>32,405,343</b>	<b>(9,897,010)</b>	<b>69.46</b>
<b>General Government</b>												
Community Outreach	128,902	0	0	0	0	0	0	0	128,902	207,400	(78,498)	62.15
State and Federal Relations	84,547	0	0	0	0	0	0	0	84,547	106,750	(22,203)	79.20
Management and Administration	112,370	0	0	0	0	0	0	0	112,370	168,900	(56,530)	66.53
<b>Total General Government</b>	<b>325,819</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>325,819</b>	<b>483,050</b>	<b>(157,231)</b>	<b>67.45</b>
<b>Total Expenditures</b>	<b>14,652,071</b>	<b>21,405,807</b>	<b>418,888</b>	<b>2,485,353</b>	<b>41,107</b>	<b>256,679</b>	<b>6,645,605</b>	<b>1,232,002</b>	<b>47,137,512</b>	<b>87,193,332</b>	<b>(40,055,820)</b>	<b>54.06</b>

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE  
FOR THE TEN MONTHS ENDED APRIL 30, 2022**

	General	LTF	STA	SAFE	SGR	SPBL	VCTC	Valley	Fund		Variance	
	Fund Actual	Actual	Actual	Actual	Actual	Actual	Intercity Actual	Express Actual	Totals	Budgeted	Actual	% Year
Revenues over (under) expenditures	(7,663,517)	8,363,768	3,528,085	(1,318,087)	800,738	60,251	(1,288,774)	568,932	3,051,396	(11,389,361)	14,440,757	(26.79)
<b>Other Financing Sources</b>												
Transfers Into GF From LTF	6,402,476	0	0	0	0	0	0	0	6,402,476	6,921,108	(518,632)	92.51
Transfers Into GF From STA	708,919	0	0	0	0	0	0	0	708,919	2,918,563	(2,209,644)	24.29
Transfers In GF From SGR	117,962	0	0	0	0	0	0	0	117,962	6,285,557	(6,167,595)	1.88
Transfers Into GF From SAFE	26,605	0	0	0	0	0	0	0	26,605	66,600	(39,995)	39.95
Transfers Into GF From SPBL	81,500	0	0	0	0	0	0	0	81,500	167,900	(86,400)	48.54
Transfers Into SPBL From STA	0	0	0	0	0	62,156	0	0	62,156	327,100	(264,944)	19.00
Transfers Into VI From STA	0	0	0	0	0	0	1,448,809	0	1,448,809	3,306,775	(1,857,966)	43.81
Transfers Out of LTF Into GF	0	(6,402,476)	0	0	0	0	0	0	(6,402,476)	(6,921,108)	518,632	92.51
Transfers Out of STA Into GF	0	0	(708,919)	0	0	0	0	0	(708,919)	(2,918,563)	2,209,644	24.29
Transfers Out of STA Into SPBL	0	0	(62,156)	0	0	0	0	0	(62,156)	(327,100)	264,944	19.00
Transfers Out of STA Into VI	0	0	(1,448,809)	0	0	0	0	0	(1,448,809)	(3,306,775)	1,857,966	43.81
Transfers Out of SAFE Into GF	0	0	0	(26,605)	0	0	0	0	(26,605)	(66,600)	39,995	39.95
Transfers Out of SPBL Into GF	0	0	0	0	0	(81,500)	0	0	(81,500)	(167,900)	86,400	48.54
Transfers Out of SGR Into GF	0	0	0	0	(117,962)	0	0	0	(117,962)	(6,285,557)	6,167,595	1.88
<b>Total Other Financing Sources</b>	<b>7,337,462</b>	<b>(6,402,476)</b>	<b>(2,219,884)</b>	<b>(26,605)</b>	<b>(117,962)</b>	<b>(19,344)</b>	<b>1,448,809</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>
<b>Net Change in Fund Balances</b>	<b>(326,055)</b>	<b>1,961,292</b>	<b>1,308,201</b>	<b>(1,344,692)</b>	<b>682,776</b>	<b>40,907</b>	<b>160,035</b>	<b>568,932</b>	<b>3,051,396</b>	<b>(11,389,361)</b>	<b>14,440,757</b>	<b>(26.79)</b>
<b>Beginning Fund Balance w/o capital assets</b>	<b>3,611,690</b>	<b>15,177,134</b>	<b>17,598,320</b>	<b>4,994,852</b>	<b>5,183,759</b>	<b>25,367</b>	<b>199,014</b>	<b>0</b>	<b>46,790,136</b>	<b>33,572,663</b>	<b>13,217,473</b>	<b>139.37</b>
<b>Long-term Pension/OPEB/Vacation Adjustment*</b>	<b>(1,195,482)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(98,241)</b>	<b>0</b>	<b>(1,293,723)</b>	<b>0</b>	<b>(1,293,723)</b>	<b>0.00</b>
<b>Ending Fund Balance</b>	<b>\$ 2,090,153</b>	<b>\$ 17,138,426</b>	<b>\$ 18,906,521</b>	<b>\$ 3,650,160</b>	<b>\$ 5,866,535</b>	<b>\$ 66,274</b>	<b>\$ 260,808</b>	<b>\$ 568,932</b>	<b>\$ 48,547,809</b>	<b>\$ 22,183,302</b>	<b>\$ 26,364,507</b>	<b>218.85</b>

\*Government Accounting Standards Board (GASB) Statements 68 and GASB 75 require full accrual of pension and OPEB liabilities, deferred inflows, and deferred outflows on financial statements. These calculations are updated annually.

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION  
INVESTMENT REPORT  
AS OF April 30, 2022**

As stated in the Commission's investment policy, the Commission's investment objectives are safety, liquidity, return on investment, prudence, diversification, 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 comply with the Commission's investment policy and bond documents, as applicable.

<b>Institution</b>	<b>Investment Type</b>	<b>Maturity Date</b>	<b>Interest to Date</b>	<b>Rate</b>	<b>Balance</b>
Wells Fargo	Government Checking	N/A	EAC only	EAC only	\$ 951,163.40
LAIF	State Pool	N/A	\$11,029.12	0.32%	7,776,528.41
County of Ventura	Treasury Pool	N/A	84,379.46	0.32%	45,224,238.86
VCCF Bike Fund	Investment	N/A	Annually	annually	14,393.70
<b>Total</b>			<b>\$95,408.58</b>		<b>\$53,966,324.37</b>

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.

The Commission's pooled checking account is not earning interest, instead earns "earnings credits" applied against fees because of the low interest rate environment. Cash balances will vary depending on reimbursements and disbursements. 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, SGR 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. A small portion of interest earned in the LAIF account is for unearned revenues and the interest is not recognized until the corresponding expenses are recognized.

Amounts shown above are not adjusted for fair value. Wells Fargo Bank, County of Ventura and LAIF statements are the source for provided information.

VCTC receives an annual disbursement from a permanent fund from the Ventura County Community Foundation (VCCF). The funds are invested in a money market account at VCCF and can only be used for bike purposes. Information is posted once a year at yearend.



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Item #8C

June 3, 2022

**TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: STEVE MATTAS, GENERAL COUNSEL**

**SUBJECT: MOTION TO RE-AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE VENTURA COUNTY TRANSPORTATION COMMISSION, INCLUDING ALL ASSOCIATED AGENCIES, AUTHORITIES, AND COMMITTEES, DUE TO THE IMMINENT RISKS TO THE HEALTH AND SAFETY OF ATTENDEES AND MAKING RELATED FINDINGS PURSUANT TO AB 361**

**RECOMMENDATION:**

It is recommended that the Ventura County Transportation Commission ("Commission"), on behalf of itself and in the role as the Local Transportation Authority, ALUC, Service Authority for Freeway Emergencies, Consolidated Transportation Service Agency and CMA, make a motion, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), to re-authorize remote teleconference meetings of all legislative bodies of the Commission, including all associated agencies, authorities, and committees, due to imminent risks to the health and safety of attendees if the meetings are held in person.

**BACKGROUND:**

On September 24, 2021 the Commission approved a motion to continue conducting Commission meetings, and all associated agency, authority, and committee meetings, remotely due to imminent risks to the health or safety of attendees if the meetings are held in person. The Commission made findings that the requisite conditions exist for the legislative bodies of the Commission to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953.

Pursuant to Government Code Section 54953(e)(3), in order for all legislative bodies to continue meeting remotely, the Board must declare every 30 days that:

1. The legislative body has reconsidered the circumstances of the state of emergency; and
2. Either the state of emergency continues to directly impact the ability of the members to meet safely in person, or State or local officials continue to impose or recommend measures to promote social distancing.

Emergency conditions persist in Ventura County and throughout the state. The Governor's State of Emergency, declared on March 4, 2020, is ongoing. The local proclamation of emergency, made by the Ventura County Board of Supervisors on March 17, 2020, ratifying the Ventura County Health Officer's declaration of a local health emergency due to COVID-19, continues to exist until its termination is proclaimed by the Ventura County Board of Supervisors.

Due to the continued threat of COVID-19, the Commission continues to implement multiple layers of protection against COVID-19, including physical distancing, for the safety of employees and members of the public. The ongoing state of emergency related to COVID-19, as declared by the Governor and the Ventura County Board of Supervisors, continues to directly impact the ability of members of the legislative bodies of the Commission to meet safely in person, due to imminent risks to the health and safety of attendees if the meetings are held in person.

### **RECOMMENDATION**

It is recommended that the Commission, on behalf of itself and in the role as the Local Transportation Authority, ALUC, Service Authority for Freeway Emergencies, Consolidated Transportation Service Agency and CMA, make a motion, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), to re-authorize remote teleconference meetings of all legislative bodies of the Commission, including all associated agencies, authorities, and committees, due to imminent risks to the health and safety of attendees if the meetings are held in person.





Item # 8D

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY**

**SUBJECT: INCIDENT RESPONDER GRANT PROGRAM ROUND 2 MODIFICATION OF AWARD TO CALIFORNIA HIGHWAY PATROL**

**RECOMMENDATION:**

- Approve a one-time only modification of the Incident Responder Grant Program Round 2 award to the California Highway Patrol to change the award terms to allow reimbursement of expenditures in lieu of an up-front award.
- Amend the Motorist Aid Program Budget for Fiscal Year 2022/2023 to increase the SAFE Revenues and Fund Transfer carry-over revenues line item by \$259,000, and a corresponding \$259,000 increase to the Incident Responder Grant Program expenditures line item.

**BACKGROUND:**

The Ventura County Transportation Commission, acting in its capacity as the Service Authority for Freeway Emergencies (SAFE), manages the Motorist Aid Services Program, which is financed by a \$1 vehicle registration fee on all vehicles registered in Ventura County. Motorist Aid includes emergency roadside call boxes, Freeway Service Patrol, a network of speed detection sensors, and the Incident Responder Grant Program.

In November 2018, the Commission approved the development of new programs funded through the SAFE to provide expanded services to Ventura County motorists and established a policy to maintain a \$1.5 million reserve fund balance. In June 2019, the Commission established the Incident Responder Grant Program to provide financial assistance to agencies that respond to highway incidents. The goals of the Incident Responder Grant Program (IRGP) include providing first responders with the tools they need to save lives on the Ventura County freeway and highway system, reducing congestion, and preventing secondary accidents.

Entities responding to freeway and highway incidents play a significant role in aiding the motorists involved as well as those simply caught in the resultant congestion until the incident is cleared. These entities use a wide variety of tools to assist motorists, from life saving devices to photographic equipment for incident analysis. These tools heighten the efficiency of incident responders allowing them to save lives and reduce congestion. To accommodate the purchase of the widest possible array of tools and/or equipment by agencies both large and small, the Commission established a wide range of grants available from \$5,000

to \$500,000. With Program approval in June 2019, the Commission also approved grant participant eligibility criteria, eligible expenditures, grant amount and frequency, expenditure life cycle, ownership requirements, and application process and scoring.

### **DISCUSSION:**

In July 2021, the Ventura County SAFE approved program guidelines and initiation of the application process for Round 2 of the Incident Responder Grant Program to provide up to \$1,000,000 to agencies that respond to highway incidents within Ventura County. Then in November 2021, the Commission approved six Round 2 IRGP grant awards totaling \$1,000,000. The VC SAFE approval allowed for incremental purchases of assets and equipment and gives award recipients flexibility to determine specific items to be purchased provided that the items were included in the original application. The VC SAFE approved an award of \$259,000 to CHP. The award to CHP would fund a major incident response trailer for use by CHP in Ventura County, which can be utilized during natural disasters to keep traffic flowing and direct response during evacuations for which the highway network is vital. The award also includes purchase of LIDAR speed detection devices, investigation systems, message boards, and scene safety lights. An overview of the CHP proposal is included below as Figure 1.

#	Applicant	Request	Recommended Yes / No	Description
2	<b>California Highway Patrol</b>  Requested: \$328,487.83  Recommended: \$259,000	LIDAR Devices (20)	Yes	Light Detection and Ranging Device (LIDAR) devices are primarily used to enforce speed traffic laws. Additionally, LIDAR devices can be used as a measurement device to aid in crash investigations.
		Ballistic Shields	No	Handheld shields that provide additional protection to stop or deflect bullets and other projectiles when engaging a potential threat.
		Total Station System (2)	Yes	Investigation system used at major crash scenes to plot and measure points of rest and physical evidence. The use of this system, over traditional manual measuring methods would reduce the time needed for lane closures.
		Message Boards (2)	Yes	Mobile programmable message sign boards used to disseminate information to motorists. Used to provide closure, detour and safety messages on the highways and roadways.
		Scene Safety Lights (GloBug)	Yes	Used to alert approaching motorists and provide ambient light for first responders during critical highway incidents at night.
		Major Incident Response Trailer	Yes	In field command center to effectively organize assets and collaborate with allied agencies.

**Figure 1. CHP Application Overview**

The IRGP Program Criteria provide for an up-front lump sum payment of the total grant award to a recipient. Such payment was made to CHP in December 2021 in the amount of \$259,000. Upon receipt of the check containing the grant award funds, the CHP Moorpark Office communicated with CHP Headquarters regarding acceptance of the award. The local office was notified that the State of California's Department

of Finance (DOF) has a fixed budget in place and has no process in place to accept the grant funds in advance of a purchase. The general DOF/CHP method for purchasing items with grant funding is to purchase the items first and then send an invoice to the grantor for reimbursement. When seeking approval through the chain of command to submit the application to VCTC, the local CHP office was not aware of this process, and indicates that had this information been known, would have addressed the issue prior to submitting a grant application.

While VCTC reimbursement of expenditures via invoice from CHP requires additional processing and oversight by VCTC, staff believes that such oversight would not be so onerous as to warrant cancellation of the grant award to CHP. CHP has indicated that the number of invoices submitted to VCTC will be limited as to reduce the number of invoices for VCTC to review and process. Staff also believes that the application submitted by CHP meets the goals and objectives of the IRGP program and warrants additional action by VCTC to ensure that the tools and equipment are made available to CHP to serve the motorists and public within Ventura County.

To accommodate the modified award method and additional time needed to complete the procurement and reimbursement process, a budget amendment to the Fiscal Year 2022/2023 budget will be needed. The Motorist Aid Program Budget for Fiscal Year 2022/2023 will need to be increased by \$259,000 to the SAFE Revenues and Fund Transfer revenues line item, and a corresponding increase of \$259,000 in the Incident Responder Grant Program expenditures line item.

Staff requests Commission approval to modify the Incident Responder Grant Program Round 2 award to the California Highway Patrol to change the award terms to allow reimbursement of expenditures in lieu of an up-front award. This modification would be for this recipient only and is not a change to the ongoing policy. If the Commission grants this one-time modification, the CHP will return the check to VCTC.



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June 3, 2022

Item # 8E

**MEMO TO: SERVICE AUTHORITY FOR FREEWAY EMERGENCIES**

**FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY**

**SUBJECT: FREEWAY SERVICE PATROL MEMORANDUM OF AGREEMENT WITH CALIFORNIA HIGHWAY PATROL AND CALTRANS**

**RECOMMENDATION:**

- Approve a Memorandum of Understanding with the California Highway Patrol and the California Department of Transportation (Caltrans) regarding the Ventura County Freeway Service Patrol program.
- Authorize the Executive Director to execute the Memorandum of Understanding contingent upon acceptance of any final edits from Caltrans.

**BACKGROUND:**

Freeway Service Patrol (FSP) provides roving tow trucks on portions of the highway system during peak traffic periods for rapid clearing of disabled vehicles and motorist assistance. FSP is implemented through a partnership between the Ventura County Service Authority for Freeway Emergencies (SAFE), the California Highway Patrol (CHP), and Caltrans. The goals of the program are to provide congestion relief, reduce the incidence of secondary collisions, mitigate delay-related vehicle emissions and assist motorists stranded in dangerous situations on busy highways. FSP assistance is free to motorists at the point of service and is funded through a \$1 annual vehicle registration fee and Caltrans funding allocations.

In September 2020, the Ventura County SAFE board awarded contracts for FSP Beats 101-1, 101-2 and 118 to Platinum Tow & Transport. Platinum Tow & Transport ordered nine (9) 2020 International CCV wrecker tow trucks with FSP bed configuration and extended four door crew cab. In March 2021, Platinum Tow & Transport began operations for Beat 101-1 on US101 from the Los Angeles County Line to Camarillo Springs Rd. In the summer of 2021, Beat 101-2 on US101 from Camarillo Springs to Rice Ave and Beat 118 on SR118 from the Los Angeles County Line to the SR23 junction were launched.

Since launching, two (2) Ventura County FSP tow trucks have been patrolling per Beat Monday through Friday from 6am to 9am and 3pm to 7pm, providing disabled motorists with services such as changing flat tires, jump starting dead batteries, refilling radiators, and providing a gallon of gas. If FSP cannot restart a vehicle within 15 minutes, the disabled vehicle is towed to a safe location off the highway. In March 2022, VCTC commemorated the one-year anniversary of the program and recognized the FSP Driver of the Year for 2021.

**DISCUSSION:**

One of the FSP program requirements is to develop and execute a Memorandum of Understanding between the partner agencies to define roles and responsibilities within the program. California Highway Patrol developed the MOU with input from VCTC staff and Caltrans, based on examples from other SAFEs.

The MOU is still under review by Caltrans Headquarters, but significant changes are not anticipated given that the MOU is modeled on an approved MOU from another county. As such, Staff recommends approving the MOU and authorizing the Executive Director to execute the MOU provided Caltrans comments do not result in material or substantial changes to the document approved by the Commission. VCTC Counsel has reviewed and concurred with the MOU.





Item #8F

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: HEATHER MILLER, PROGRAM MANAGER**

**SUBJECT: GUIDELINES AND SCHEDULE FOR THE 2022 COMBINED CALL-FOR-PROJECTS FOR FTA SECTION 5310 LARGE URBANIZED AREA (SENIORS AND DISABLED) FUNDS AND SECTION 5307 JOBS ACCESS/REVERSE COMMUTE (JARC) FUNDS**

**RECOMMENDATION:**

- Approve the Guidelines and Schedule for the 2022 Combined Call-for-Projects for FTA Section 5310 Large Urbanized Area (Seniors and Disabled) funds and Section 5307 Jobs Access/Reverse Commute (JARC) funds.

**BACKGROUND:**

The Federal Transit Administration's (FTA) Section 5310 Program is intended to enhance mobility for seniors and persons with disabilities by providing funds that support the special needs of seniors beyond traditional public transportation services and for those with disabilities beyond that required by the Americans with Disabilities Act (ADA). The goal of the FTA Section 5307 JARC program is to improve access to employment for eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities.

Both the FTA Section 5310 funds and 5307 JARC funds are the primary funding source to support projects and strategies identified in the Ventura County Transportation Commission's (VCTC) Coordinated Public Transit-Human Services Transportation Plan. The current Coordinated Plan was last updated in 2017. A revision of the Coordinated Plan is currently underway and expected to be finalized and brought to the VCTC Board for approval in July 2022.

**DISCUSSION:**

**Funding Availability Estimates**

VCTC serves as the Designated Recipient for Section 5310 and 5307 JARC funds which are apportioned directly to large urbanized areas (UZAs) with populations of 200,000 or more. Two such UZAs exist in Ventura County, Oxnard/Ventura and Thousand Oaks/Moorpark. Section 5310 funds are apportioned based on number of disabled persons per the Census, while 5310 JARC funds are apportioned based on low-income persons per the Census. Apportionment funds are then allocated by VCTC for these programs on a competitive basis through a call-for projects. Important to note is that for projects in small urban areas of the County with populations more than 50,000 but less than 200,000, such as Camarillo and Simi Valley, and rural areas with populations less than 50,000, such as Santa Paula and Fillmore, Section 5310 funds are available through a separate Caltrans statewide application process.

The following table provides the breakdown of Section 5310 and 5307 JARC funds available for the two large urbanized areas in Ventura County. The 2022 Call-for-Projects is funded with Fiscal Year 2022/23 and Fiscal Year 2023/24 funds. Section 5310 funds are divided into Traditional (55% of overall funds) and

Expanded (45%) categories of projects. The program Guidelines (Attachment “A”) provide examples of eligible projects for each category of funding. A carryover balance of \$317,441 has been included in the 5310 Traditional Funds total for Oxnard/Ventura. Additionally, Section 5310 allows 10% of the apportionment to be used for administration and this amount has been subtracted from the Section 5310 amounts shown below for VCTC administration. Notably, the Infrastructure, Investment and Jobs Act (IIJA) substantially increased amounts of funding for these programs compared to previous years.

Available Funding for Section 5310 and JARC Call for Projects			
Urbanized Area (UZA)	FTA 5310 Traditional	FTA 5310 Expanded	FTA 5307 JARC
Oxnard/Ventura	\$ 891,882	\$ 422,890	\$ 703,400
Thousand Oaks/Moorpark	\$ 386,227	\$ 284,403	\$ 175,139
TOTAL	\$ 1,278,109	\$ 707,293	\$ 878,539

### Schedule

The following schedule lists the milestones for the application and selection process. The Call-for-Projects announcement is expected on the same day that the Commission approves the Guidelines, anticipated on June 3, 2022, with applications due by July 22, 2022.

Section 5310 and JARC Call for Projects Schedule	
June 3, 2022	Call for Projects Announced
July 22, 2022	Project Applications Deadline
September 14, 2022	Review/Recommendation by TRANSCOM
October 7, 2022	VCTC Approval
February 15, 2023	FTA Grant Approval

### Guidelines for the 2022 Call-for-Projects

The proposed guidelines and project selection criteria for the 2022 Call-for-Projects are attached (Attachment “A”). The screening and selection criteria are based on the criteria used by Caltrans and the Ventura County’s Coordinated Public Transit-Human Services Transportation Plan and only differ from the last Call-for-Projects with respect to the prioritization points awarded for agencies providing a federal funding match. Project submittals do not require a match; however, project applications are awarded five (5) points in the project list prioritization process if a full match is provided. A full federal match is equal to at least 50% of the cost for operations projects and 20% of the cost for capital projects or mobility management. Partial funding matches will no longer receive points. Private, nonprofit organizations would continue to automatically receive the five (5) points irrespective of funding matches.

### Project Selection Process and Evaluation Subcommittee

If approved at this Commission meeting, the Call-for-Projects will be announced on June 3, 2022, with a public notice and email distribution to potentially interested and eligible parties. Applications are due to VCTC by July 22, 2022. Staff will screen all applications to make sure projects are: 1) eligible for funds, 2) consistent with the recommendations of the Ventura County Coordinated Public Transit-Human Services Transportation Plan, and 3) to ensure the recipient has the capability to deliver the project. Once projects are determined to be eligible for funding they will be scored, ranked, and prioritized for funding in accordance with the scoring criteria adopted in the Guidelines.

Guidelines were approved by TRANSCOM at their May 11, 2022, meeting. Additionally, TRANSCOM appointed two members to assist VCTC staff in scoring and ranking the projects for funding, including a representative each from the east and west portions of the county. Staff will return to the Commission in October 2022 with a list of projects recommended for approval.

Attachment “A” provide additional details on program guidelines, project eligibility and scoring matrix.

## **VCTC 2022 CALL-FOR-PROJECTS GUIDELINES**

### **Section 5310 Seniors and Individuals with Disabilities Funds**

### **Section 5307 Jobs Access/Reverse Commute (JARC) Funds**

#### **Program Purpose**

The Federal Transit Administration's (FTA) Section 5310 Grant program is intended to enhance mobility for seniors and persons with disabilities by providing funds that support the special needs of seniors beyond traditional public transportation services and for those with disabilities beyond that required by the Americans with Disabilities Act (ADA).

The goal of the JARC program is to improve access to employment and employment related activities for eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities.

#### **This Call for Projects**

This is the primary funding source to support projects and strategies identified in Ventura County Coordinated Public Transit-Human Services Transportation Plan, which can be found at: [https://www.goventura.org/wp-content/uploads/2018/03/VCTC-Coord-Plan-Final\\_032917\\_0.pdf](https://www.goventura.org/wp-content/uploads/2018/03/VCTC-Coord-Plan-Final_032917_0.pdf)

The FTA Section 5310 program provides grant funds for capital, mobility management, and operating expenses for:

- Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA);
- Public transportation projects that improve access to fixed-route service and decrease reliance on complementary paratransit; and
- Alternatives to public transportation projects that assist seniors and individuals with disabilities and with transportation.

The FTA 5307 JARC funds provide financial assistance for transportation service planned, designed, and carried out to meet the transportation needs of eligible low-income individuals.

#### **INITIAL SCREENING CRITERIA**

The screening criteria are divided into three categories. Proposed projects must meet ALL of these screening criteria in order to move to the next phase of the process.

- 1. Project Eligibility:** The proposed project and applicant must be eligible to receive either Section 5310 funds or JARC funds.
- 2. Planning Consistency:** The project must fall within the recommendations of Ventura County's Coordinated Public Transit-Human Services Transportation Plan.

### **3. Financial Feasibility:**

- A. Recipient of funds must have the financial capacity to complete, operate and maintain the project.
- B. Funds required from other sources (for local match) must be reasonably expected to be available. This year, project will be required to either meet the full match requirement or no match (TDCs will be utilized for match in the event an agency does not provide the full match).
- C. Projects must be implemented within Federal delivery requirements.

### **Eligible Recipients**

States and designated recipients are direct recipients; eligible sub-recipients include private nonprofit organizations, states or local government authorities, or (for Expanded projects only) operators of public transportation. Public agency sub-recipients for Traditional 5310 (except for Area Agency on Aging) must certify that they do not know of any nonprofit organizations that are readily available in their area to provide the proposed service.

### **Eligible Activities**

Traditional Section 5310 project examples include:

- buses and vans
- wheelchair lifts, ramps, and securement devices
- transit-related information technology systems, including scheduling/routing/one-call systems
- mobility management programs which can include travel training and volunteer driver programs
- acquisition of transportation services under a contract, lease, or other arrangement

Expanded Section 5310 project examples include:

- travel training
- volunteer driver programs
- building an accessible path to a bus stop, including curb-cuts, sidewalks, accessible pedestrian signals or other accessible features
- improving signage, or way-finding technology
- incremental cost of providing same day service or door-to-door service
- purchasing vehicles to support new accessible taxi, rides sharing and/or vanpooling programs
- mobility management programs

*FTA's Section 5310 program allows grantees to coordinate and assist in regularly providing meal delivery service for homebound individuals if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.*

JARC project examples include:

- projects designed to transport low-income persons or welfare recipients to jobs and employment-related activities.
- projects designed to transport workers to suburban employment opportunities.

*Note: At least 55% of the area's 5310 funds must be used on capital projects as described in the Traditional category of Section 5310 projects above.*

### **Match Requirements**

A local match is not required; however, five (5) points will be awarded to projects which provide federal match equal to at least 50% of the cost for operations projects and 20% of the cost for capital projects and mobility management. No points will be awarded for partial matches of federal funds. Private, nonprofit organizations will automatically be awarded the five (5) points.

### **Inclusion in Plan**

Project must fall within the recommendations of the Ventura County Public Transit and Human Service Transportation Coordination Plan: [https://www.goventura.org/wp-content/uploads/2018/03/VCTC-Coord-Plan-Final\\_032917\\_0.pdf](https://www.goventura.org/wp-content/uploads/2018/03/VCTC-Coord-Plan-Final_032917_0.pdf)

### **Federal Grant Requirements**

The recipient agency must be able to meet the Federal Transit Administration's conditions for use of its funds. These conditions include but are not limited to: annual outside audit; triennial FTA audit; five-year grant records retention development of a written maintenance plan for FTA-funded vehicles, facilities, and equipment; competitive procurement; buy America; ADA; and civil rights. (Drug and alcohol testing is not a requirement for these programs.) Agencies receiving funds will need to have in place a signed agreement committing to meeting FTA requirements.

### **Prioritization Criteria**

VCTC will use the following criteria to prioritize projects. Note: for projects receiving Large Urbanized Area funds, the projects selected by VCTC will be funded. For small urban and rural projects receiving funds in the State's share, sponsors of projects prioritized by VCTC, upon receiving notification from VCTC, will need to prepare a Caltrans application which VCTC will forward to Caltrans for the final selection.

1. **Goals and Objectives (20 points):** Degree to which project supports new, enhancement, or expansion of service or system capacity for the targeted populations. The application should clearly state the program goals and objectives and describe how the project addresses the needs and service gaps identified in the Coordinated Plan.
2. **Project Implementation Plan (30 points):** Degree to which the project implementation has been well designed. Proposals must state who will be responsible for the implementation, and implementation steps and timeline. Sponsors should describe how the project will improve service delivery, coordination and cost-effectiveness.

3. **Program Performance Indicators (20 points):** Project sponsors should explain how the project will be monitored and evaluated. The application should identify clear, quantitative performance measures including a cost/benefit calculation to track the effectiveness of the service in meeting the identified goals.
4. **Communication and Outreach (20 points):** Degree to which applicants coordinate with other community transportation and/or social service resources. Application should describe efforts to keep stakeholders involved in and informed of project activities. There should be demonstrated public support for the project (including letters of support), as well as a plan to promote awareness of the project to the target population.
5. **Emergency Planning and Preparedness (5 points):** Applicant should describe emergency planning and any participation in emergency drills.
6. **Matching Funds (5 points):** A maximum of 5 points will be awarded to projects providing the full funding match of 50% for operations and 20% for capital and mobility management. Private, nonprofit organizations will automatically be awarded five (5) points for match under these scoring criteria.
7. **Bonus Points for Non-Transit Operator Applicants:** Eligible projects submitted by private non-transit operators will receive an additional five (5) points in the scoring criteria. For the purposes of this criterion “transit operators” are defined as agencies that receive from VCTC, as a matter of course, a share of 5307 funds for on-going transit services.

## SCHEDULE

The following schedule lists the milestones for the application and selection process:

Section 5310 and JARC Call for Projects Schedule	
June 3, 2022	Call for Projects Announced
July 22, 2022	Project Applications Deadline
September 14, 2022	Review/Recommendation by TRANSCOM
October 7, 2022	VCTC Approval
February 15, 2023	FTA Grant Approval



Item # 8G

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY  
PETER DEHAAN, DIRECTOR OF PROGRAMMING**

**SUBJECT: REQUEST FOR QUALIFICATIONS FOR GRANT WRITING AND TRANSIT  
MANAGEMENT SUPPORT SERVICES**

**RECOMMENDATION:**

- Authorize release of a Request for Qualifications (RFQ) for Grant Writing and Transit Management Support Services.

**BACKGROUND:**

VCTC manages over \$17 million federal, state, regional and other grants from year to year, a combination of formula grants (distributed automatically based on population or another criteria) and competitive grants (awarded based on eligibility and competitiveness). Applications for competitive grants typically require a considerable amount of work to collect and synthesize relevant information, compose grant narratives, prepare, or assemble supporting materials, complete required grant forms and receive organizational approval and formal signatures. VCTC has limited internal staff capacity for grant writing. Additional grant writing services will be needed to provide bandwidth to secure grant funding, given considerable federal, state and regional funding available under the American Rescue Plan Act, Bipartisan Infrastructure Investment and Jobs Act, the State of California's Road Repair and Accountability Act (Senate Bill 1), grant programs included in the California annual budget, and Southern California Association of Governments grant programs for transportation planning, programs, and projects.

To enhance the VCTC staff capacity to apply for funding opportunities, VCTC proposes to seek to create a bench of qualified on-call grant writing consultants and firms who possess specific grant writing expertise across various areas (transportation, transit, and infrastructure, etc.) to provide tailored grant writing and specialized transit management support services from individuals or firms that have successfully written grants that secured state and federal funding for government agencies.

**DISCUSSION:**

The Request for Qualifications seeks skilled, qualified grant writing consultants and firms who have written grants that have resulted in the award of state, federal, and/or philanthropic funding for government/public agencies, and who possess specific grant writing expertise for planning, design, infrastructure, programmatic and operational across various areas including, but not limited to:

1. Streets, Roads, Bridges, Public Right-of-Way Accessibility
2. Active Transportation, Mobility, Bike and Pedestrian Right-of-Way
3. Public Infrastructure
4. Sustainability, Stewardship, and Resiliency
5. Multi-benefit Projects
6. Transportation Planning and Design
7. Aviation, Airport Infrastructure
8. Transit
9. Racial Equity and Environmental Justice

The Fiscal Year 2022/2023 Regional Transportation Planning and Transportation Programming and Reporting Program Budgets include tasks and funding to identify and secure funding for priority transportation projects and programs. At the April 13, 2022 Goal Setting Session, the Commission endorsed Goal #10 to “Aggressively seek out federal and state infrastructure funding (and assist cities and county in this endeavor).” The Request for Qualifications will result in an available team of grant-writing and management support consultants to assist VCTC staff to complete grant-related tasks and accomplish this Fiscal Year 2022/2023 goal.

Once the bench of grant-writing and transit management support consultants has been established, as specific grant opportunities arise, VCTC will prepare scopes of work and execute contracts, as needed.





Item #8H

**DATE:** June 3, 2022

**MEMO TO:** VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM:** HEATHER MILLER, PROGRAM MANAGER

**SUBJECT:** LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) TRANSFER OF  
FY 2018/19 FUNDS

**RECOMMENDATION:**

- Approve the Ventura County Transportation Commission (VCTC) transfer of \$303,141 of FY 2018/19 Low Carbon Transit Operations Program (LCTOP) funds to Gold Coast Transit District's (GCTD's) Route 23 – Ventura Rd Route LCTOP Project.
- Approve a budget amendment increasing revenue in the FY 2021/22 VCTC Transit Grant Administration budget by \$303,141 and increasing the pass-through expense of LCTOP funds by the same amount.

**BACKGROUND:**

The Low Carbon Transit Operations Program (LCTOP) is a cap-and-trade program established by the California Legislature in 2014 that provides funds to public transportation agencies for investments in capital projects and service that reduce greenhouse gas (GHG) emissions and improve mobility with a priority on serving Disadvantaged Communities. The State Controller's Office (SCO) allocates 50% of funds to regional entities (e.g., VCTC) based on county population, and 50% of funds to transit agencies (i.e., "local shares") based on revenue service. VCTC is the designated recipient of regional funds with the role of approving project selection and submitting allocation requests for project funding.

In March 2018, with the Commission's approval, VCTC staff submitted an allocation request to Caltrans for FY 2018/19 LCTOP funds in the amount of \$831,013 for the regional College Ride Fare Promotion Project, including a total of \$34,470 of local shares contributed by the cities of Thousand Oaks, Moorpark, Camarillo and Simi Valley. This was the second LCTOP allocation request for the College Ride program. The College Ride program provides free transit fares to eligible (enrolled) college/university students within Ventura County with the goal of encouraging transit use by eliminating transit costs for students. The increased transit use reduces vehicle miles traveled and GHG emissions which is the objective of the LCTOP program.

The College Ride program proved very popular in its first year of operation, expending close to \$525,000 in FY 2017/18 LCTOP funds. The following year, VCTC submitted for and was awarded additional FY 2018/19 LCTOP funds with the expectation of funding a second year of the fare promotion program from July 2019 through July 2020. College Ride continued successfully until March 2020 at which point the country was hit by its first COVID-19 cases. To prevent the spread of the virus, stay at home orders were issued and business and school closures were announced,

both locally and nationwide. Transit ridership plummeted overnight. Many transit operators suspended fare collection to reduce touch points and mitigate the spread. It was only until vaccines became available, cases decreased, and the economy opened back up that transit ridership returned; however, to date, ridership has not completely returned to pre-pandemic levels. In fact, many transit operators began no fare or half fare policies to bring ridership back and only recently have local operators begun to charge full fares. Consequently, for the past two years, the College Ride fare program did not see the funding needs as anticipated and ultimately built up an unexpected reserve fund.

## **DISCUSSION:**

The Caltrans LCTOP Guidelines state that LCTOP projects are required to begin six (6) months from award date and expected to expend funds within four (4) years of award date. Based on program guidelines, VCTC staff had anticipated drawing down FY 2018/19 funds until June 2023. However, in April of this year, Caltrans notified VCTC that the FY 2018/19 funds would expire in June 2022. Approximately \$527,000 of the original allocation amount of \$831,013 has been spent to date on the College Ride program with \$304,141 in remaining FY 18/19 funds. Given the short notice and that participating operators' reimbursement obligations are currently fulfilled, VCTC was given the option to transfer funds to an open project within the County that could use the funds expeditiously, or remit funds back to the State. VCTC sponsors the Saturday Metrolink service, but this project would also not be able to submit the expenditures required to draw down the funding by the deadline. Therefore, VCTC staff recommends transferring the remaining FY18/19 LCTOP funds of \$303,141 to the only other regional project that could expend them by deadline, Gold Coast Transit District's new Route 23 - Ventura Road Route project. The additional LCTOP funding would contribute to the continued operation of this new service and GCTD has confirmed funds could be expended by the June 31, 2022, deadline.

This action would ensure these funds would go to a local project and avoid funds returning to the State. Furthermore, sufficient funds remain for the College Ride program. LCTOP allocation requests in FY 2019/20 and FY 2020/21 provide a combined total of approximately \$1.6 million in funds available for the College Ride program moving forward.

Upon Commission approval of the fund transfer to GCTD and the FY 2021/22 budget amendment, and final approval of the request by Caltrans, VCTC will transfer the \$303,141 of LCTOP funds in its account to GCTD which will then be responsible to assign funds to already-completed expenditures for operation of Route 23.



Item #81

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**  
**FROM: SALLY DEGEORGE, FINANCE DIRECTOR**  
**SUBJECT: TRANSPORTATION DEVELOPMENT ACT (TDA)**  
**LOCAL TRANSPORTATION FUND (LTF)**  
**FINAL APPORTIONMENT FOR FISCAL YEAR 2022/2023**

**RECOMMENDATION:**

- Approve the Local Transportation Fund Final Apportionment for Fiscal Year 2022/2023, apportioning \$52.1 million as shown in Attachment A.

**BACKGROUND:**

Each year the Ventura County Transportation Commission (VCTC) is responsible for apportioning the quarter cent statewide sales tax funds that accrue to Ventura County under the State Transportation Development Act (TDA) Local Transportation Fund (LTF). Current eligible uses of LTF revenues include funds for VCTC administration (amount determined by the Commission), County administration fees, VCTC planning activities (capped at 2% of revenues), bicycle and pedestrian projects (capped at 2% after administrative and planning costs are deducted), rail passenger service operations/capital improvements with the remainder going to fund transit and if all transit needs are met, to street and road projects in cities with populations under 100,000 if eligible. The City of Thousand Oaks is exempt from the 100,000-population rule and is eligible to spend funds on Article 4 or 8 per Senate Bill (SB) 848 June 2018.

The County Auditor-Controller works with staff to determine the projected LTF sales tax revenue for the upcoming fiscal year. In developing the LTF apportionment, the current year is also evaluated to determine if the LTF revenue projection needs to be adjusted, and if so, either up or down depending on the direction of sales tax receipts. VCTC staff reviews the information to decide whether to revise the current apportionment or whether to incorporate the adjustment into the upcoming fiscal year. The beginning fund balance is estimated at this time based on projections. Then the apportionment is prepared according to LTF regulations and submitted to the Commission for approval. A draft apportionment was submitted to the Commission in February and a final apportionment is being submitted for the upcoming fiscal year. The apportionment is allocated throughout the fiscal year after the local agency files a claim and receipts are received.

In recognition of the volatility of sales tax revenue, the VCTC adopted two policies to help smooth out the year-to-year flow of funds to LTF recipients. In 2011, the VCTC adopted a policy to maintain a reserve of approximately 10% of funds apportioned for Articles 4 (public transportation) and 8 (other allocations, currently transit and local streets and roads). Should LTF

revenues received be lower than estimated, VCTC would be able to draw from the contingency reserve to keep local jurisdictions whole for the fiscal year and to smooth out sales tax fluctuations. The second policy, adopted by VCTC in 2013, established a funding policy to support Rail Passenger Service/Commuter Rail (Metrolink). The policy requires that each time there is an increase in estimated LTF sales tax receipts, the increase will be allocated one-third to Rail Passenger Service/Commuter Rail and two-thirds to bus transit.

## **DISCUSSION:**

This year while working through the LTF projection process with the County Auditor-Controller, it was found that the revenues for the current fiscal year are exceeding the initial projections. The County is now projecting that the current fiscal year's LTF revenue will increase by \$7.1 million to \$42.3 million. The County Auditor-Controller also estimates that Fiscal Year 2022/2023 Local Transportation Fund sales tax receipts will remain flat at \$42.3 million (see attachment B). In the County Auditor-Controller's projection, the Auditor-Controller cautioned that:

"Projections even in normal times are uncertain given the unpredictable nature of sales tax. However, projections in the last two years have been even more difficult because of the COVID-19 pandemic. While sales tax revenues initially decreased, it has trended up significantly primarily for the reasons identified last year:

1. there is an unequal spread of the wage losses between the lower-wage and higher-wage segments of the population and the higher-wage earners continue to have disposable income to make taxable purchases,
2. federal and state economic stimulus, including additional unemployment payments, helped buoy continued spending and
3. the impact of the *Wayfair* decision which has allowed California to capture taxes on online sales which also dramatically increased during the pandemic."

The beginning balance for Fiscal Year 2022/2023 is estimated to be \$13.9 million comprised of \$7.1 million estimated additional receipts for the current fiscal year (2021/2022), an additional \$3.9 million in actual receipts from Fiscal Year 2020/2021, and the unused budgeted contingency reserve of \$2.9 million in the current fiscal year's apportionment. The LTF revenues projection for Fiscal Year 2022/2023 of \$42.3 million, plus the \$13.9 million beginning fund balance less the \$4 million contingency reserve results in a LTF apportionment for Fiscal Year 2022/2023 at \$52.1 million, \$16.9 million higher than the previous apportionment for Fiscal Year 2021/2022. The Fiscal Year 2022/2023 apportionment shown in Attachment A follows LTF guidelines and past practices and includes the following:

- Article 3 funds in the amount of \$10,913,640 for VCTC activities as follows:
  - Metrolink commuter rail funds in the amount of \$6,813,906 which is \$2,366,430 higher than last fiscal year. The increase follows the Commission's policy which designates that one-third of the change in estimated LTF sales tax receipts is allocated to passenger rail.
  - Planning funds (2% formula) in the amount of \$1,043,400 which is \$338,400 higher than last fiscal year. These funds are for planning activities which include Regional Transportation Planning, Regional Transit Planning, and Transportation Programming.
  - Administrative funds in the amount of \$2,056,334 which is \$806,334 higher than fiscal year. These activities include ADA and Senior projects, Regional Transit Technology, Grant Administration, Regional Transit Information Center, TDA Administration, Transportation Programming as well as supporting the VCTC's administrative and management functions.

- Administrative funds in the amount of \$1,000,000 which is \$1,000,000 higher than last fiscal year. These funds will be from the carry-in fund balance for a proposed one-time use of administration funds to pay down the VCTC pension unfunded liability similar to the action the Commission took with the Fiscal Year 2020/2021 revised apportionment. This “pay down” will lower VCTC liabilities and reduce long-term costs.
- Article 3 Administrative funds in the amount of \$14,500 which is the same as last fiscal year. These funds pay for the County Auditor-Controller’s administrative costs.
- Article 3 Bicycle and Pedestrian funds (2% formula) in the amount of \$961,115 which is \$295,505 higher than last fiscal year. These funds are for local agency’s bicycle and pedestrian projects.
- Articles 4 and 8 funds in the amount of \$40,280,745 which is \$12,113,331 higher than last fiscal year. These funds are for local agencies as allowed by TDA regulations. The funds are apportioned to each local agencies based on population estimates for the cities and county from the Department of Finance that were released in May 2022.

Staff’s recommendation is to approve the Final Local Transportation Fund Apportionment for Fiscal Year 2022/2023, apportioning a total of \$52.1 million as shown in Attachment A.

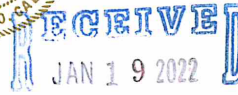
**Attachment 1**  
**VENTURA COUNTY TRANSPORTATION COMMISSION**  
**TDA FINAL LOCAL TRANSPORTATION FUND APPORTIONMENT FOR FISCAL YEAR 2022/2023**

			Final FY 2022/2023	Final FY 2021/2022	Change vs. FY FY 2021/2022	Draft FY 2022/2023
Estimated Unapportioned Cash Balance			13,900,000	2,870,000	11,030,000	13,900,000
Contingency Reserve			-4,030,000	-2,820,000	-1,210,000	-4,100,000
Estimated Annual LTF Receipts			42,300,000	35,200,000	7,100,000	42,300,000
Total Funds Available			52,170,000	35,250,000	16,920,000	52,100,000
Auditor's Administration			14,500	14,500	0	14,500
VCTC Administration			2,056,334	1,250,000	806,334	1,250,000
VCTC Administration one-time			1,000,000	0	1,000,000	1,000,000
VCTC Planning and Programming			1,043,400	705,000	338,400	1,042,000
Subtotal			48,055,766	33,280,500	14,775,266	48,793,500
Article 3 Pedestrian and Bicycle Facilities			961,115	665,610	295,505	975,870
Subtotal			47,094,651	32,614,890	14,479,761	47,817,630
Article 3 Rail Passenger Service Operations/Capital			6,813,906	4,447,476	2,366,430	6,813,906
Total to be Apportioned			40,280,745	28,167,414	12,113,331	41,003,724
<b>Article 4 and Article 8 by Agency</b>	<b>Population</b>	<b>Pop %</b>	<b>FY 2022/2023</b>	<b>FY 2021/2022</b>	<b>FY 2021/2022</b>	<b>FY 2022/2023</b>
Camarillo	70,171	8.42%	3,390,552	2,350,862	1,039,690	3,422,185
Fillmore	16,469	1.98%	795,756	533,082	262,674	776,015
Moorpark	35,399	4.25%	1,710,424	1,213,438	496,986	1,766,420
Santa Paula	30,892	3.71%	1,492,653	1,035,036	457,617	1,506,718
Simi Valley	124,985	14.99%	6,039,077	4,197,612	1,841,465	6,110,526
Thousand Oaks	124,592	14.95%	6,020,088	4,229,920	1,790,168	6,157,557
<b>Gold Coast Transit District:</b>						
Ojai	7,466	0.90%	360,745	250,775	109,970	365,057
Oxnard	200,050	24.00%	9,666,099	6,902,546	2,763,553	10,048,139
Port Hueneme	21,599	2.59%	1,043,629	788,275	255,354	1,147,503
San Buenaventura	108,231	12.98%	5,229,551	3,555,060	1,674,491	5,175,154
Ventura County - Unincorporated	93,798	11.25%	4,532,171	3,110,808	1,421,363	4,528,450
Total	833,652	100.00%	40,280,745	28,167,414	12,113,331	41,003,724

## Attachment B

**JEFFERY S. BURGH**  
**AUDITOR-CONTROLLER**

COUNTY OF VENTURA  
800 SOUTH VICTORIA AVE.  
VENTURA, CA 93009-1540



RY: .....

**ASSISTANT**  
**AUDITOR-CONTROLLER**  
JOANNE McDONALD

**CHIEF DEPUTIES**  
BARBARA BEATTY  
AMY HERRON  
JILL WARD  
MICHELLE YAMAGUCHI

January 13, 2022

Mr. Mark Watkins, Interim Executive Director  
Ventura County Transportation Commission  
751 E. Daily Drive, Suite 420  
Camarillo, CA 93010

SUBJECT: LOCAL TRANSPORTATION FUND FY 2022-23 ESTIMATES AND FY 2021-22  
REVISED ESTIMATES

Dear Mr. Watkins:

The Auditor-Controller's conservative estimate of the Local Transportation Fund (LTF) revenues for fiscal year 2022-23 is \$42.3 million, which assumes no growth compared to current year projections. If the last half of fiscal year 2021-22 declines less rapidly than the projected 5.0 percent, combined with projected growth in fiscal year 2022-23 of 2.9 percent, the fiscal year 2022-23 estimate could be \$44.2 million.

For fiscal year 2021-22 we projected \$35.2 million. This estimate is currently revised to \$42.3 million. In addition, based on the allocation schedule provided by your office, we estimate that approximately \$38,419 in interest will be earned by the fund during fiscal year 2021-22 and be available for allocation in the subsequent fiscal year.

Based on revised fiscal 2021-22 revenue estimates of \$42.3 million, and interest of \$38,419, we project a LTF fund balance at June 30, 2022 of approximately \$13,920,565 (see Attachment I).

The Auditor-Controller's estimated LTF administrative costs for fiscal year 2022-23 are \$14,500.

As you are aware, projections even in normal times are uncertain given the unpredictable nature of sales tax. However, projections in the last two years have been even more difficult because of the COVID-19 pandemic. While sales tax revenues initially decreased, it has trended up significantly primarily for the reasons identified last year:

1) there is an unequal spread of the wage losses between the lower-wage and higher-wage segments of the population and the higher-wage earners continue to have disposable income to make taxable purchases,

January 13, 2022  
LTF Fiscal Year 2022-23 Estimate  
Page 2

2) federal and state economic stimulus, including additional unemployment payments, helped buoy continued spending and

3) the impact of the *Wayfair* decision which has allowed California to capture taxes on online sales which also dramatically increased during the pandemic.

The state noted unusually large swings in four of the last six quarters and the current level of taxable sales is well above the long-term trend leading to uncertainty about the sustainability of current sales tax revenues. The state adjusted their projections for the fourth quarter of 2021, as did we, to incorporate the possibility that not all of the recent uptick in taxable spending will be sustained moving forward.

As always, it would be prudent to budget a contingency account to be allocated midyear if projections remain strong.

We will continue to monitor growth trends and will notify you in the event of a significant change in projected revenues.

If you have any questions, please contact Jill Ward at (805) 654-3153.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JB', is written over a horizontal line.

JEFFERY S. BURGH  
Auditor-Controller

Enclosure



## ATTACHMENT 1

COUNTY OF VENTURA  
AUDITOR-CONTROLLER  
LOCAL TRANSPORTATION FUND  
PROJECTED ACTIVITY AND FUND BALANCE  
AS OF JUNE 30, 2022

Audited Fund Balance as of June 30, 2021	\$ 6,812,938	
Reversal of FY21 Fair Value adjustment	<u>(11,734)</u>	
Subtotal:		6,801,204
<b>ADD:</b>		
FY 21-22 Actual LTF Receipts as of December 31, 2021	\$ 23,336,936	
Projected LTF receipts for remainder of FY 21-22	<u>18,994,006</u>	
Subtotal: (A)		42,330,942
FY 21-22 interest earnings apportioned as of December 31, 2021	\$ 6,788	
Projected interest earnings for the remainder of FY 21-22	<u>31,631</u>	
Total Interest (B)		<u>38,419</u>
Funding Available		\$ 49,170,565
<b>LESS:</b>		
FY 21-22 allocations as of December 31, 2021	\$ 10,329,332	
Projected allocations for the remainder of FY 21-22(C)	<u>24,920,668</u>	
Subtotal:		<u>35,250,000</u>
Projected Fund Balance as of June 30, 2022		<u><u>\$ 13,920,565</u></u>

(A) FY 21-22 projected LTF receipts are based on FY21-22 actual receipts through December 31, 2021.

(B) Based on actual first quarter earnings and projected second, third, and fourth quarter earnings.

(C) Based on VCTC FY 21-22 Transportation Development Act (TDA) allocations adopted on June 5, 2021.



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Item #8J

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: SALLY DEGEORGE, FINANCE DIRECTOR**

**SUBJECT: RESOLUTION NO. 2022-08 TO CLAIM FISCAL YEAR 2022/2023  
TRANSPORTATION DEVELOPMENT ACT LOCAL TRANSPORTATION  
FUNDS, STATE TRANSIT ASSISTANCE FUNDS AND STATE OF GOOD REPAIR  
FUNDS**

**RECOMMENDATION:**

- Approve Resolution No. 2022-8 authorizing VCTC's claims for Fiscal Year 2022/2023 Transportation Development Act Local Transportation Funds, State Transit Assistance funds and State of Good Repair funds for transit, planning, and administration.

**DISCUSSION:**

The State Transportation Development Act (TDA) authorizes designated Transportation Planning Agencies (TPA) such as VCTC to claim money from the Local Transportation Fund (LTF), State Transit Assistance (STA) and State of Good Repair (SGR) accounts for a variety of specified purposes. These include VCTC planning, programming, administration and passenger rail expenditures as well as funding for transit project including Metrolink and Bus operations and other related expenditures.

In accordance with State regulations, the attached resolution authorizes staff to claim LTF Article 3 for passenger rail services for Metrolink commuter rail operations; the LTF authorized amounts for planning, programming and administration, the STA and the SGR money for transit and rail purposes as detailed in the Commission's Fiscal Year 2022/2023 budget.

**RESOLUTION NO. 2022-8**  
**RESOLUTION AUTHORIZING THE FILING OF A CLAIM FOR ALLOCATION OF TRANSPORTATION**  
**DEVELOPMENT ACT LOCAL TRANSPORTATION FUNDS, STATE TRANSIT ASSISTANCE FUNDS**  
**AND STATE OF GOOD REPAIR FUNDS FOR FISCAL YEAR 2022/2023**

WHEREAS, the Transportation Development Act (TDA) as amended (Public Utilities Section 99200 et seq.) provides for the allocation of funds from the Local Transportation Fund (LTF), State Transit Assistance (STA) and State of Good Repair (SGR) fund for use by eligible claimants for transportation purposes and,

WHEREAS, pursuant to the provisions of the TDA as amended and pursuant to the applicable rules and regulations hereunder (California Code of Regulations, Title 21, Section 6600 et seq.) an authorizing resolution with its claim(s) with designated Transportation Planning Agency, the Ventura County Transportation Commission (VCTC); and,

WHEREAS, the Ventura County Transportation Commission is the claimant of LTF, STA and SGR funds for Metrolink commuter rail as well as other rail, transit, planning, programming and administration projects in Ventura County.

NOW, THEREFORE, THE VENTURA COUNTY TRANSPORTATION COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Executive Director is authorized to execute and file the appropriate claims pursuant to applicable rules and regulations, together with all necessary supporting documents, with the Ventura County Transportation Commission for an allocation of LTF, STA, SGR funds in Fiscal Year 2022/2023.

Section 2. The authorized claims shall include LTF Article 3 funds and all necessary STA and SGR funds for Fiscal Year 2022/2023 expenditures for Metrolink commuter rail costs, other related local rail and transit costs and Santa Paula Branch Line expenditures.

Section 3. The authorized claims shall include the designated amounts for VCTC planning and administrative purposes.

Section 4. The Ventura County Transportation Commission finds all of the following pursuant to the California Code of Regulations, Title 21, Section 6754:

- The proposed expenditures are in conformity with the Regional Transportation Plan;
- The level of passenger fares and charges is sufficient to enable the operator (where applicable) to meet the fare revenue requirements;
- The claimant is making full use of federal funds available under Title 49, Chapter 523 of the United States Code;
- The proposed allocations from LTF, STA and SGR do not exceed the amount the claimant is eligible to receive during the fiscal year;
- Priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increases in the cost of fuel, to enhance public transportation services, and to meet high priority regional, Countywide, or area-wide public transportation needs;

- The operation(s) where applicable is(are) in compliance with the eligibility requirements of Public Utilities Code Section 99314.6;
- The operator(s) where applicable has(have) made a reasonable effort to implement any recommended operator productivity improvements;
- The operator(s) where applicable is(are) not precluded from employing part-time workers.

PASSED AND ADOPTED on this 3<sup>rd</sup> day of June 2022 by VCTC action.

\_\_\_\_\_  
Tony Trembley, Chair

ATTEST:

APPROVED TO FORM:

\_\_\_\_\_  
Roxanna Ibarra, Clerk of the Board

\_\_\_\_\_  
Steve Mattas, General Counsel



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Item #8K

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: CLAIRE GRASTY, REGIONAL TRANSIT PLANNING MANAGER  
DOLORES LOPEZ, TRANSIT PLANNER**

**SUBJECT: AMENDMENT TO PASSENGER TRANSFER AGREEMENT FOR LOSSAN AMTRAK  
PACIFIC SURFLINER**

**RECOMMENDATION:**

- Approve Amendment No. 7 to Cooperative Agreement between LOSSAN and VCTC for facilitating passenger transfers between Pacific Surfliner Intercity Rail Service and VCTC Intercity Transit Service.

**BACKGROUND:**

In 2016, the California State Transportation Agency (CalSTA) awarded the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency (LOSSAN) \$1.675 million in Transit and Intercity Rail Capital Program (TIRCP) grant funds to launch the Pacific Surfliner Transit Transfer Program. TIRCP was created in 2014 to provide grants from the Greenhouse Gas Reduction Fund (GGRF) to fund projects that will reduce emissions of greenhouse gases, vehicle miles traveled, and congestion. The Transit Transfer program, which provides free transfers to connecting public transit providers such as VCTC Intercity, makes it easier for passengers to utilize public transit to get to and from Pacific Surfliner stations, encouraging increased ridership on both passenger rail and local transit services.

The Cooperative Agreement between LOSSAN and VCTC allows Pacific Surfliner passengers to transfer to VCTC Intercity bus service. Reimbursement to VCTC by the LOSSAN Agency is made on a quarterly basis for the number of Pacific Surfliner passengers carried based on the average fare for a one-way trip. Amendments include an increase to the maximum cumulative obligation of the program and an extension to the term of the agreement. Amendment No. 7 is provided as Attachment 1.

**Attachments:**

*Attachment 1 – Amendment No.7 to Cooperative Agreement L-6-0012*

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**AMENDMENT NO. 7 TO  
COOPERATIVE AGREEMENT NO. L-6-0012**

**BETWEEN**

**LOS ANGELES–SAN DIEGO–SAN LUIS OBISPO RAIL CORRIDOR AGENCY**

**AND**

**VENTURA COUNTY TRANSPORTATION COMMISSION**

**FOR**

**FACILITATING TRANSFERS BETWEEN PACIFIC SURFLINER INTERCITY RAIL SERVICE  
AND LOCAL TRANSIT SERVICES**

**THIS AMENDMENT NO. 7** is effective as of this \_\_\_\_ day of \_\_\_\_\_, 2022 (“Effective Date”), by and between the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency, (“LOSSAN AGENCY”), and the Ventura County Transportation Commission, (“VCTC”), each individually known as “Party” and collectively known as “Parties”.

**WITNESSETH:**

**WHEREAS**, Parties entered into Cooperative Agreement No. L-6-0012 dated June 6, 2016, as last changed by Amendment No. 6 dated June 14, 2021, to define the specific terms and conditions, and roles and responsibilities as they relate to a Pacific Surfliner Transit Transfer Program (Program); and

**WHEREAS**, Parties agree to increase the maximum cumulative obligation by twelve thousand nine hundred sixty three dollars (\$12,963.00) for the continuance of the Program; and

**WHEREAS**, State of California has agreed to fund this Program on an ongoing basis moving forward, allowing for longer term extensions than annually; and

**WHEREAS**, Parties agree to extend the term of the Agreement for an additional sixty (60) months through June 30, 2027.

**NOW, THEREFORE**, it is mutually understood and agreed by Parties that Cooperative Agreement No. L-6-0012 is hereby amended in the following particulars only:



**AMENDMENT NO. 7 TO  
AGREEMENT NO. L-6-0012**

1. Amend **ARTICLE 7. MAXIMUM OBLIGATION**, page 6 of 12, line 20, as last changed by Amendment No. 4 dated September 13, 2019, to delete "Eighty Seven Thousand Dollars (\$87,000.00) and, in lieu thereof, insert "Ninety Nine Thousand Nine Hundred Sixty Three Dollars (\$99,963.00)".

2. Amend **ARTICLE 10. ADDITIONAL PROVISIONS**, page 8 of 12, line 6, as last changed by Amendment No. 6 dated June 14, 2021, to delete "June 30, 2022" as the expiration date of the Agreement and, in lieu thereof, insert "June 30, 2027".

The balance of Cooperative Agreement No. L-6-0012 remains unchanged.

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment No. 7 to Cooperative Agreement No. L-6-0012 to be executed as of the date of the last signature below.

**VENTURA COUNTY TRANSPORTATION  
COMMISSION**

**LOS ANGELES-SAN DIEGO-SAN LUIS  
OBISPO RAIL CORRIDOR AGENCY**

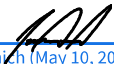
By: \_\_\_\_\_  
Tony Trembley  
Chairperson

By: \_\_\_\_\_  
Jason Jewell  
Interim Managing Director

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Steven T. Mattas  
General Counsel

By:  \_\_\_\_\_  
James Donich (May 10, 2022 08:40 PDT)  
James M. Donich  
General Counsel

**APPROVED AS TO CONTENT:**

By: \_\_\_\_\_  
Martin Erickson  
Executive Director



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Item #8L

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: AARON BONFILIO, PROGRAM MANAGER**

**SUBJECT: COASTAL EXPRESS INTERCOUNTY TRANSIT SERVICE FUNDING AGREEMENT**

**RECOMMENDATION:**

- Approve Amendment No. 1 (Amendment) to the Intercounty Transit Funding Service Agreement between the Ventura County Transportation Commission and the Santa Barbara County Association of Governments and authorize the Commission Chair to execute the Amendment.

**DISCUSSION:**

VCTC and the Santa Barbara County Association of Governments (SBCAG) have worked together since 2001 to run what is now the Coastal Express bus service. Over the years, the two agencies have entered into various agreements to set the terms for funding, service policies, planning and operations. Most recently, at the April 5, 2019, meeting, the Commission approved the Coastal Express Intercounty Transit Service Funding Agreement between VCTC and SBCAG (Agreement). The term of the Agreement is for a three-year period and expires June 30, 2022.

Staff from both agencies have coordinated and prepared an amendment to the Agreement which: extends the term of the Agreement for a period of five years (to coincide with the service contract with VCTC's service provider); increases SBCAG's annual cost share by approximately 5.8% (i.e., \$50,000 per year); and incorporates language memorializing certain changes anticipated during the upcoming term. Specifically, the amendment identifies that SBCAG received State grant funding to purchase five zero-emission battery-electric buses (ZEBs) to be utilized by VCTC for the provision of the Coastal Express service. In addition, SBCAG has acquired a former bus maintenance facility, and is in the process of developing a "South Coast Regional Transit Facility" to support the charging and operation of the Coastal Express ZEBs. These additional resources will assist the Coastal Express operationally and potentially reduce costs, as well as assist the Commission in adhering to California Air Resources Board regulations requiring transition of the intercity fleet to "zero-emission" vehicles. This longstanding twenty-year partnership with SBCAG also provides the Commission with critical (external) locally generated revenues utilized by VCTC as a "route guarantee" to meet State-mandated farebox recovery ratios, affording VCTC the ability to keep its passenger fares prices low.

***Attachment:***

Amendment No. 1 to the Intercounty Transit Service Funding Agreement

**AMENDMENT NO. 1**  
**INTERCOUNTY TRANSIT SERVICE FUNDING AGREEMENT BETWEEN**  
**THE VENTURA COUNTY TRANSPORTATION COMMISSION AND**  
**THE SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS**

This Amendment No. 1 ("Amendment No. 1") by and between the Ventura County Transportation Commission ("VCTC") and the Santa Barbara County Association of Governments ("SBCAG") is entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2022 to amend the Agreement. VCTC and SBCAG shall be referred to collectively herein as "Agencies" or "Parties."

**WHEREAS**, VCTC and SBCAG have jointly funded the "Coastal Express" intercounty regional bus service for over 20 years; and,

**WHEREAS**, on April 5, 2019, VCTC and SBCAG entered into a transit service funding agreement ("Agreement") for the VCTC Coastal Express transit line; and,

**WHEREAS**, the term of Agreement is from July 1, 2019 to June 30, 2022; and,

**WHEREAS**, SBCAG was awarded Transit and Intercity Rail Capital Program (TIRCP) grants by the California State Transportation Agency to purchase five zero emission transit buses and to develop a transit facility in the South Coast of Santa Barbara County to support Coastal Express service expansion; and,

**WHEREAS**, Agencies now desire to amend Section 10 of the Agreement (Term of the Agreement) to extend the term by five (5) years to June 30, 2027; and,

**WHEREAS**, Agencies also desire to amend Section 4 of the Agreement (Funding) to modify the SBCAG funding share to account for service cost increases; and,

**WHEREAS**, Agencies desire to amend Section 7 of the Agreement (Equipment) to incorporate the advent of the TIRCP grant-funded equipment and facility.

**NOW, THEREFORE**, in the mutual covenants hereinafter set forth VCTC and SBCAG agree as follows:

**AGREEMENT**

1. **Funding.** Section 4 of the Agreement, "Funding" is deleted and replaced in its entirety as follows:

SBCAG's share of the cost of the Coastal Express from July 1, 2019 to June 30, 2022, shall not exceed \$850,000 per year. SBCAG's share of the Coastal Express from July 1, 2022 to June 30, 2027 shall not exceed \$900,000 per year. SBCAG's share shall be payable in equal amounts twice per year, once in August and once in January. If, after reconciling the revenue and expenses for the fiscal year, the actual amount of SBCAG's share is less than as originally invoiced by VCTC, the difference shall be applied to the following fiscal year budget projection.

**2. Equipment.** Section 7, "Equipment" is deleted and replaced in its entirety as follows:

VCTC shall provide and maintain the equipment necessary to support the Coastal Express, including but not limited to buses\coaches, GPS systems, fareboxes, and WiFi service.

In addition to those items provided by VCTC, SBCAG intends to take delivery of up to five additional zero-emission buses (ZEBs) and to develop the related transit facility located at 6416 Hollister Avenue, Goleta, California 93117 ("SBCAG Facility") for the Coastal Express service. The targeted completion of the SBCAG Facility and the ZEBs delivery is by March 31, 2023. The Parties agree to discuss the SBCAG Facility progress and ZEBs delivery progress as part of the regular meetings between the Agencies. Additionally, the Parties agree that within 120 days of the ZEBs' deployment for Coastal Express service, the Parties will review SBCAG's expenses related to the Coastal Express' ZEBs charging and SBCAG Facility operation. This review of expenditures shall be conducted with the intent to inform further negotiations between the Agencies related to SBCAG's funding share of the Coastal Express service for the upcoming fiscal years. Any modifications to SBCAG's funding share associated with the ZEBs or SBCAG's Facility will be memorialized in a future amendment in accordance with Section 9 of the Agreement.

**3. Term of the Agreement.** Section 10, "Term of the Agreement" is deleted and replaced in its entirety as follows:

The term of this Agreement shall be from July 1, 2019 to June 30, 2027. This Agreement may be terminated by either party upon written notification to the other three months prior to the beginning of the next fiscal year. In that event, the Agreement will terminate at the end of the existing fiscal year.

The terms and provisions set forth in this Amendment No. 1 shall modify and supersede all inconsistent terms and provisions set forth in the Agreement. The terms and provisions of the Agreement, except as expressly modified and superseded by this Amendment No. 1 are ratified and confirmed and shall continue in full force and effect, and shall continue to be legal, valid, binding and enforceable obligations of the Agencies.

This Amendment No. 1 may be executed in counterparts and/or by facsimile or other electronic means, and when each Party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original, and, when taken together with other signed counterpart, shall constitute one original, which shall be binding upon and effective as to all Parties.

*[SIGNATURES ON THE FOLLOWING PAGE]*

IN WITNESS THEREOF, the Agencies have executed this Amendment No. 1 on the \_\_\_\_ day of \_\_\_\_\_ 2022.

**VENTURA COUNTY TRANSPORTATION COMMISSION**

By: \_\_\_\_\_  
Tony Trembley  
VCTC Chair

**Approved as to form:**

By: \_\_\_\_\_  
Steven T. Mattas, General Counsel

**SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS**

By: \_\_\_\_\_  
Das Williams  
Chair, Board of Directors

**Attest:**

By: \_\_\_\_\_  
Marjie Kirn  
Executive Director, Clerk of the Board

**Approved as to Form:**  
Rachel Van Mullem  
County Counsel

By: \_\_\_\_\_  
Deputy Counsel County  
Counsel for SBCAG



**Item #8M**

**June 3, 2022**

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: CLAIRE GRASTY, REGIONAL PLANNING MANAGER  
DOLORES LOPEZ, TRANSIT PLANNER**

**SUBJECT: BUS AND RAIL RIDERSHIP AND PERFORMANCE MEASURES REPORT**

**RECOMMENDATION:**

- Receive and File

**BACKGROUND:**

As a data driven and transparent organization, VCTC staff provides quarterly reports that include ridership data, performance measures, and goals for VCTC Intercity Transit as well as Metrolink and Pacific Surfliner. This report looks at the third quarter of Fiscal Year (FY) 2022 January 1, 2022 – March 31, 2022.

**DISCUSSION:**

VCTC's Intercity quarterly ridership has increased by 47.4% over FY21 Q3. The current increase marks the highest ridership to date since pre-pandemic levels. Current ridership is at 48% of pre-pandemic levels. Several factors contribute to the increase including local colleges returning to in person learning, employees returning to the office, and rising gasoline prices. Regarding rider composition, mobility devices have seen an increase, however a notable decline in bicycles and train transfers were observed. Customer service goals are being met as complaints remain at .01%.

This reporting period covers the third quarter VCTC Intercity has returned to collecting revenue after a period of suspended fares that began in March 2020 to reduce 'high frequency touchpoints.' The introduction of the regional fare system, VCbuspass has helped facilitate seamless transit travel and reduce 'high frequency touchpoints.' Fare collection resumed in July 2021, with an introductory half fare promotion. The Cost per passenger has decreased by 18% over FY21 Q3. The Metrolink Ventura County Line launched Saturday Service in August 2021 with an average boarding of 45 riders in the first quarter of service. The Metrolink Ventura County third quarter ridership increased by 406% when compared to

Q3 FY21 with station boardings increasing by 143%. However, overall Metrolink ridership is still down 72% since pre pandemic numbers. The Pacific Surfliner service, extending from San Diego to San Luis Obispo had a ridership increase of 176% compared to the same period last year.



# VCTC INTERCITY

## Quarterly Ridership Report | FY 2022 Q3

January - March 2022

**77,591**

Boardings



January - March 2021

**52,652**

**47.4%**

### HIGHLIGHTS

Ridership increased by 47.4% when compared to the same period a year ago. Highway 101 (50-53) and Channel Islands (90-99) have the highest increases from the previous fiscal year when comparing the same period. This increase is likely due to college students returning to in person learning at CSUCI and Ventura College.

### CUSTOMER SERVICE GOALS (No more than 10/100,000 riders each month)

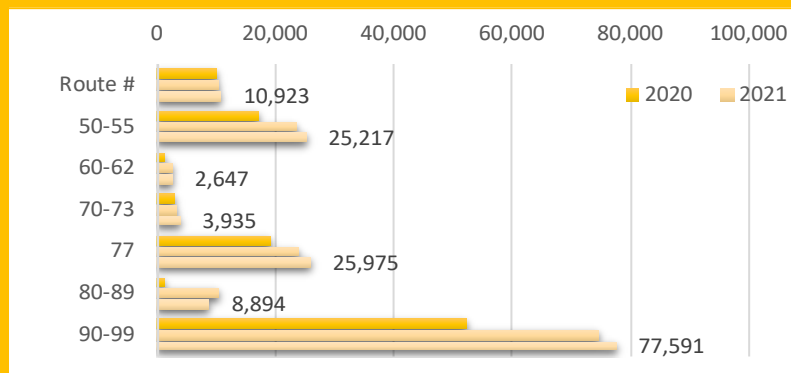
VCTC Intercity received eight (9) valid complaints in January (2), February (5), and March (2) related to safety and customer service. VCTC Intercity met this performance goal.

The following table provides VCTC Intercity Transit's commuter boardings (based on ridership) to better understand ridership composition; and to identify customer needs, factors to on-time performance, and other potential service improvements.

	FY 2020	FY 2021	FY 2022
<b>Mobility Devices</b>	0.49%	0.27%	0.94%
<b>Bicycles</b>	4.00%	7.86%	5.39%
<b>Train Transfers</b>	2.86%	1.64%	0.19%

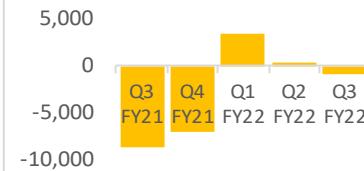
### Quarterly Ridership by Line

January - February - March

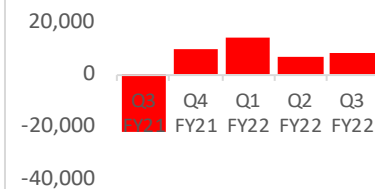


### RIDERSHIP CHANGE FROM PRIOR YEAR - LAST 15 MONTHS\*

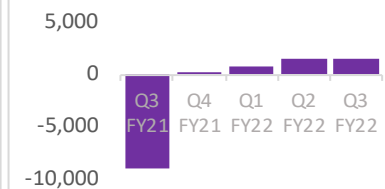
#### Highway 101 (50-53)



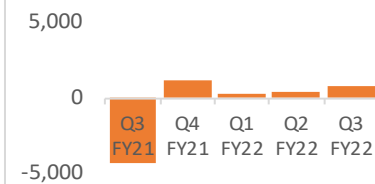
#### Highway 126 (60-62)



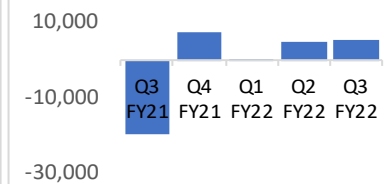
#### East County (70-73)



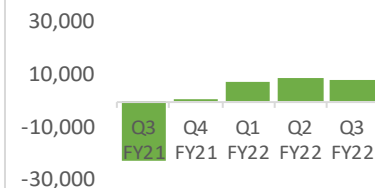
#### Cross County Ltd. (77)



#### Coastal Express (80-89)



#### Channel Islands (90-99)



### \*Systemwide (50-99)



\* The Systemwide (50-99) graph reflects Q3 ridership totals from FY16 - FY22 rather than a 15-month review.

# VCTC INTERCITY

## Quarterly Ridership Report | FY 2122 Q3

January - March 2022 **5.20** **\$ 26.17**

Passengers/Hour Cost/Passenger

January - March 2021 **3.80** **\$ 32.11**

### HIGHLIGHTS

Cost per passenger decreased by 18% from the previous year when compared to the same quarter. The decrease in cost is correlated to the increasing ridership across the system. The price of gasoline has increased 46% when compared to the same quarter in the previous year.

### COST AND REVENUE PER PASSENGER

	FY21 Q3	FY22 Q3	% Change
Operating Cost	\$ 1,690,596	\$ 2,030,252	20%
Passenger Revenue	\$ -	\$ -	-
Passenger Revenue including budgeted route guarantees^	\$ 208,225	\$ 227,562	9%
<b>Passengers</b>	<b>52,652</b>	<b>77,591</b>	<b>47%</b>
<b>Cost per Passenger</b>	<b>\$ 32.11</b>	<b>\$ 26.17</b>	<b>-19%</b>
<b>Farebox Recovery Ratio not including route guarantees</b>	<b>0%</b>	<b>0%</b>	<b>-</b>
<b>Farebox Recovery Ratio including route guarantees</b>	<b>12%</b>	<b>11%</b>	<b>-9%</b>

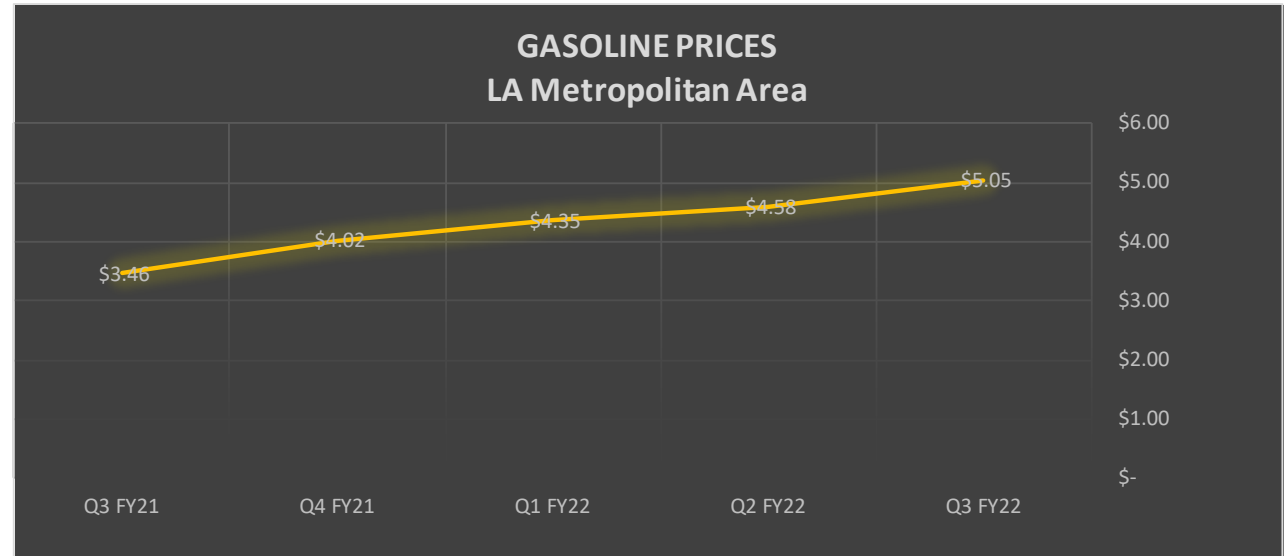
### EXTERNAL RIDERSHIP FACTORS

#### UNEMPLOYMENT RATE VENTURA COUNTY (NOT SEASONALLY ADJUSTED)



SOURCE: Employment Development Dept.

#### GASOLINE PRICES LA Metropolitan Area

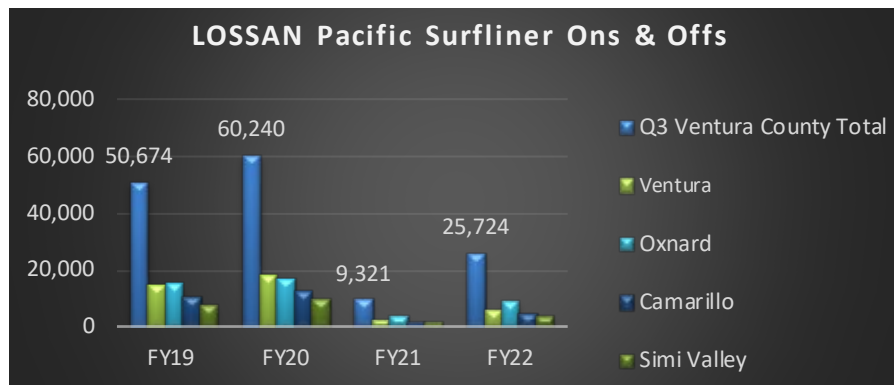


SOURCE: US Bureau of Labor Statistics

^ Based on service levels and adjusted at year-end. The FY22 annual total is \$910,246 (including budget amendments to date).

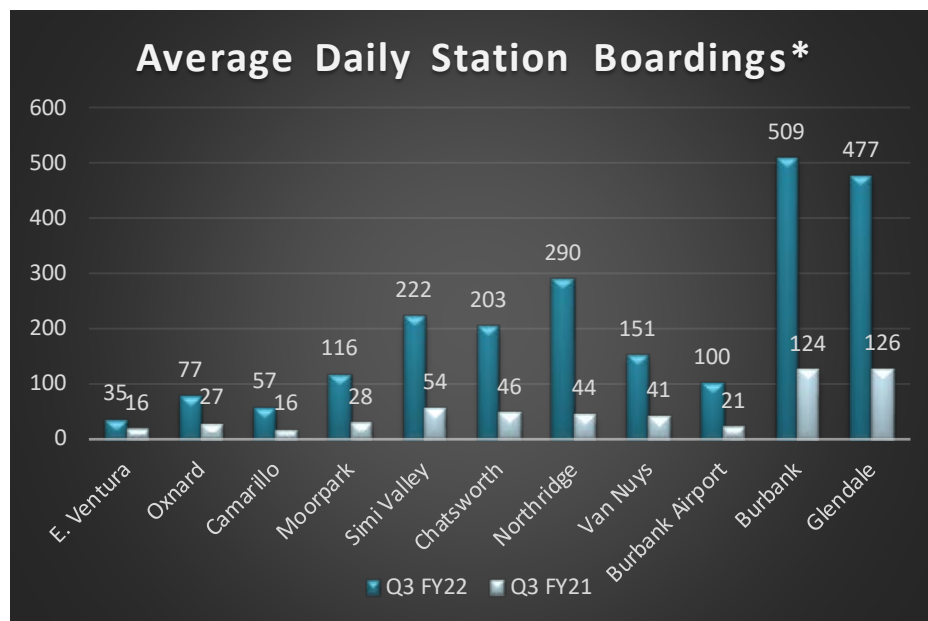
# METROLINK & LOSSAN Corridor | Ventura County Line

## Ridership, Productivity, and Efficiency of Service



### THIRD QUARTER 2022 HIGHLIGHTS

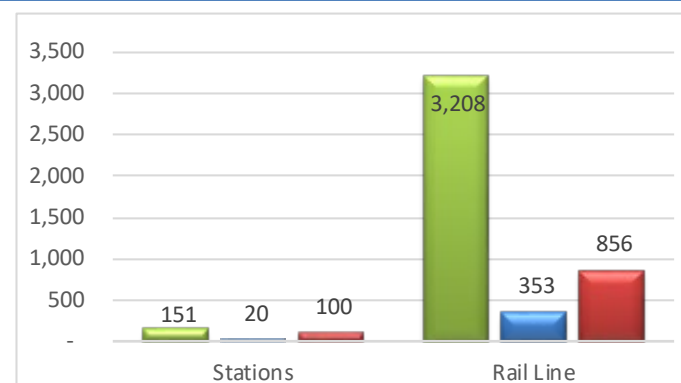
Rail ridership has been steadily increasing over the last year. The Metrolink Ventura Line ridership was down 34% over FY19. Pacific Surfliner service is also showing steady increase and is down by 49% over FY19.



\*Based on Metrolink's Conductor Counts

### DAILY PASSENGER TRIPS

#### Weekday Averages



Period	Stations	Rail Line	System Total
Q3 FY19	151	3,208	38,436
Q3 FY21	20	353	6,864
Q3 FY22	100	856	10,922
% change over Q3 FY21	406%	143%	59%
% Change over Q3 FY19	-34%	-73%	-72%



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**Item #8N**

**June 3, 2022**

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**  
**FROM: MARTIN ERICKSON, EXECUTIVE DIRECTOR**  
**SUBJECT: AUTHORIZE REQUEST FOR PROPOSAL (RFP) FOR HUMAN RESOURCES CONSULTING SERVICES**

**RECOMMENDATION:**

- Authorize staff to release the attached RFP for Human Resources Consulting Services, with proposals due July 18, 2022.

**BACKGROUND:**

Since 2009, VCTC has maintained a human resources service contract with Regional Government Services (RGS) for approximately \$50,000 per year to provide on-site staff, benefit administration, labor relations advice, policy and procedure development and implementation, and all recruitment functions. Following best practices, VCTC is undertaking a solicitation of proposals for human resources service. VCTC is seeking written proposals from qualified contractors to provide professional human resources consulting services for the agency.

**DISCUSSION:**

Staff intends to release the attached RFP subsequent to Commission authorization and return to the Commission in September 2022 with a recommendation for contract award.



**June 3, 2022**

## **HUMAN RESOURCES CONSULTING SERVICES REQUEST FOR PROPOSALS (RFP)**

**PROPOSALS ARE DUE AT THE VCTC OFFICE  
LOCATED AT 751 E. Daily Drive, Suite 420  
CAMARILLO, CA 93010  
ON MONDAY, JULY 18, 2022  
NO LATER THAN 3:00 PM PDT**

**(For more information, please contact Martin Erickson, VCTC, at (805) 642-1591 ext. 123  
or email to: [merickson@goventura.org](mailto:merickson@goventura.org))**

### **A. INTRODUCTION**

Ventura County is a diverse coastal county with a population of approximately 850,000, encompassing both urban and rural areas. The Ventura County Transportation Commission (VCTC) is a regional transportation planning agency committed to keeping Ventura County moving. By working in close partnership with each of the cities and the County, the VCTC is ever mindful of maintaining the character of Ventura County while prioritizing transportation investments.

The VCTC is responsible for countywide transportation planning, programming transportation funds, managing and providing transportation programs and services, delivering transportation projects, and setting transportation priorities. In addition, VCTC provides commuter bus service connecting the various urbanized areas, as well as local bus service under the brand name "Valley Express" in the cities of Santa Paula and Fillmore and the adjacent unincorporated area. VCTC has approximately 23 full time employees.

### **B. BACKGROUND**

VCTC is seeking written proposals from qualified CONTRACTOR(s) to provide professional human resources consulting services on an as-needed basis.

### **C. SCOPE OF SERVICES**

CONTRACTOR(s) shall be responsible for a variety of personnel consulting services as specified by VCTC for its 23 employees. CONTRACTOR(s) should submit a proposal for services that may include:

- Classification and Compensation Studies
- Recruitment, Examination and Selection
- Benefit Administration
- Organizational Studies
- Employee Relations (investigations, mediation, etc.)
- Labor Relations
- Coaching (executive, leadership development, career, onboarding, enhancing performance/behavior, supervisor /manager, succession planning, team building, etc.)
- Conflict Resolution
- HR Administrative Services (policy development and review, compliance audits, etc.)

CONTRACTOR(s) will provide services only when authorized by the Executive Director, or individual designated by Executive Director.

### **D. CONTRACT TERM**

The Contract shall be for a period from September 9, 2022, to June 30, 2025. There shall be two (2) optional one-year extensions, to June 30, 2027.

It is the intent of VCTC to contract for the services presented herein for a term of three (3) years. VCTC reserves the right to extend the term of this contract for two (2) additional one-year terms subject to the satisfactory negotiation of terms, including a price acceptable to both the agency and the selected firm and concurrence of the Commission. The proposal package shall present all-inclusive human resource professional service fees for each year of the contract term.

### **E. PRICE**

This contract shall be a firm fixed price contract, with payment based on hourly contract performance. The Contractor shall propose a not-to-exceed price for the base contract period and two one-year extensions, based on the scope of work described herein. Increases or reductions beyond these ranges will be subject to contract price renegotiation.

Fees shall include costs for each year including the two additional one year options. An itemized cost break down shall be submitted for all proposer's staff. VCTC requires the total costs be stated as a "not to exceed" basis. The "not to exceed" fee shall be inclusive of labor, travel, report preparation, printing, and all other expenses incurred by the contractor.

Fees shall be billed monthly based on work completed. Payments will be made in arrears. VCTC shall reimburse the contractor as promptly as practical after receipt of acceptable invoices which detail expenses, hours worked and the period for which payment is requested.

### **F. CONTRACTOR SELECTION SCHEDULE**

June 3, 2022:	Issue RFP
June 30, 2022:	Deadline for Submittal of Questions
July 18, 2022:	Proposals due by 3:00 at VCTC office 751 E. Daily Drive, Suite 420, Camarillo, CA 93010
Week of August 8th:	VCTC review/ranking of proposals; VCTC may interview proposers
September 9, 2020:	VCTC Board approval of contract with selected proposer

## **G. SUBMISSION OF QUESTIONS**

Any questions or clarifications regarding this RFP should be submitted in writing to Martin Erickson, Executive Director, at [merickson@goventura.org](mailto:merickson@goventura.org) no later than June 30, 2022.

## **H. CONTRACTOR SELECTION PROCESS**

Five (5) paper copies and one (1) electronic copy of the proposal shall be submitted by 3:00 p.m. July 18, 2022, to:

Ventura County Transportation Commission  
Attention: Martin Erickson  
751 E. Daily Drive, Suite 420, Camarillo, CA 93010

Proposals may be reviewed by a selection committee of VCTC. Interviews will be arranged with some or all proposers via ZOOM during the week of August 8 – 12, 2022. The evaluation of the selection committee shall be advisory in that VCTC is not bound to award the contract based on the committee's recommendation.

The proposals will be ranked in accordance with the criteria described in the Proposal Evaluation section of this RFP.

## **I. PROPOSAL INFORMATION AND CONTENT**

Proposals should be organized as follows:

1. Title Page – Indicate RFP subject, name of Proposer's firm, local address, telephone number, name of contact person, and date of proposal.
2. Transmittal Letter – Briefly state the proposer's understanding of the work to be done and make a positive commitment to perform the work within the specified time period. Provide the names and titles of individuals authorized to make representations for the proposer. The letter should state that proposals are valid for a 90-day period.
3. Table of Contents – Include a clear identification of the material required in the RFP by section and page number.
4. Project Understanding – Clearly convey that the Contractor understands the nature of the work, and issues related to human resources consulting for VCTC.
5. Qualifications of Firm – Provide a brief statement of similar projects performed. Provide a list of references for which similar work has been performed for similar government agencies, specifying work performed.
6. Qualifications of Staff - Provide a summary of the qualifications of the individuals who will be assigned to this contract, emphasizing how the qualifications apply to this work scope. Please emphasize the specific qualifications and experience from projects similar to this project for the key team members. Key team members are expected to be committed for the duration of the project. Project staff resumes should be provided as an appendix to the RFP. Please include years performing this type of work and education.



7. References – For each key team member, provide at least one but up to three references (names and current phone numbers) from recent work (previous three years). In addition, please provide a list of all current contracts. Include a brief description of each project associated with the reference, and the role of the respective team members.
8. Budget – Indicate the number of anticipated hours by the Project Manager and key team members per year. The estimated level of hours for other staff can be summarized in general categories.
9. Price Proposal – Include a fixed price proposal with a not-to-exceed price by year for the three-year contract term and two optional one-year extensions.

The forms and certifications provided in the appendices are a part of this RFP. The completed and signed forms and certifications shall be included as appendices to the proposal.

## **J. PROPOSAL EVALUATION**

Proposals will be evaluated using the following criteria and weighting:

Experience of Firm with Similar Projects	20%
Qualifications of Proposed Staff	25%
Understanding of Work & Proposed Approach	20%
References	10%
Cost	25%

To be considered responsive to the RFP, proposals must document the availability of staff to address the work scope. During the course of the contract, should staff become unavailable, VCTC will have grounds for a letter to cure.

VCTC staff shall provide the final scoring, taking into account the scoring of the evaluation committee (if VCTC determines to use a committee), both in terms of the total of the committee member scores and the number of committee members giving their top scores to each candidate.

## **H. Reservations**

In conducting this RFP, VCTC reserves the right to:

1. Accept, reject any or all submittals, or any item or part thereof;
2. Issue subsequent Requests for Proposals;
3. Alter the Selection Process Dates;
4. Remedy technical errors in the RFP process;
5. Request additional information from Proposers and investigate the qualifications of all firms under consideration;
6. Confirm any part of the information furnished by a Proposer;
7. Obtain additional evidence of managerial, financial or other capabilities;
8. Approve or disapprove the use of particular subcontractors;
9. Negotiate with any, all, or none of the Proposers;
10. Solicit best and final offers from all or some of the Proposers;
11. Award a contract to one or more Proposers;
12. Accept other than the lowest-priced Proposal;
13. Cancel or withdraw this RFP at any time without prior notice and the VCTC makes no representations that any contract will be awarded to any Proposer responding to this RFP;
14. Waive informalities and irregularities in Proposals or the selection process.

## **I. Insurance, Indemnification, and Standard Terms**

Any final contract will include VCTC's standard insurance and indemnification requirements outlined in Attachment A. If agreement cannot be reached with the highest-ranked firm, VCTC may terminate negotiations with that firm and commence negotiations with the next most qualified firm. If VCTC is unable to negotiate a satisfactory agreement with the top-ranked proposer, with terms and conditions VCTC determines, in its sole judgment, to be fair and reasonable, then VCTC may commence negotiations with the next most qualified proposer in sequence, until an agreement is reached. If necessary, VCTC may repeat this process until a final contract has been negotiated or VCTC may make a determination to reject all submittals and not enter into an agreement with any proposer.

## ATTACHMENT A—INSURANCE AND INDEMNIFICATION REQUIREMENTS

### VCTC CONTRACTOR INSURANCE REQUIREMENTS

Before beginning any work under this RFP, Contractor, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Contractor and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, Contractor shall provide proof satisfactory to VCTC of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects, and that such insurance is in effect prior to beginning work to VCTC. Contractor shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Contractor's Proposal. Contractor shall not allow any subcontractor to commence work on any subcontract until Contractor has obtained all insurance required herein for the subcontractor(s). Contractor shall maintain all required insurance listed herein for the duration of this Agreement.

**1. Workers' Compensation.** Contractor shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Contractor. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than **\$1,000,000** per accident. In the alternative, Contractor may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the Contract Administrator, as defined in Section 10.9. The insurer, if insurance is provided, or the Contractor, if a program of self-insurance is provided, shall waive all rights of subrogation against VCTC and its officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

**2. Commercial General and Automobile Liability Insurance.**

**2.1 Commercial General Liability (CGL).** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

**2.2 Automobile Liability.** Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than **\$1,000,000** per accident for bodily injury and property damage.

**2.3 Additional requirements.** Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:

a. The Insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.

b. Any failure of Contractor to comply with reporting provisions of the policy shall not affect coverage provided to VCTC and its officers, employees, agents, and volunteers.

**3. Professional Liability Insurance.**

**3.1 General requirements.** Contractor, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than **\$2,000,000** per claim covering the licensed professionals' errors and omissions. Any deductible or self-insured retention shall not exceed one hundred fifty thousand dollars (\$150,000) per claim.

**3.2 Claims-made limitations.** The following provisions shall apply if the professional liability coverage is written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of the Agreement or the work, so long as commercially available at reasonable rates.
- c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Contractor shall purchase an extended period coverage for a minimum of five (5) years after completion of work under this Agreement or the work. VCTC shall have the right to exercise, at the Contractor's sole cost and expense, any extended reporting provisions of the policy, if the Contractor cancels or does not renew the coverage.
- d. A copy of the claim reporting requirements must be submitted to VCTC for review prior to the commencement of any work under this Agreement.

**3.3 Additional Requirements.** A certified endorsement to include contractual liability shall be included in the policy

**4. All Policies Requirements.**

**4.1 Acceptability of insurers.** All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

**4.2 Verification of coverage.** Prior to beginning any work under this Agreement, Contractor shall furnish VCTC with complete copies of all policies delivered to Contractor by the insurer, including complete copies of all endorsements attached to those policies. All copies of policies and certified endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf. If VCTC does not receive the required insurance documents prior to the Contractor beginning work, this shall not waive the Contractor's obligation to provide them. VCTC reserves the right to require complete copies of all required insurance policies at any time.

**4.3 Notice of Reduction in or Cancellation of Coverage.** A certified endorsement shall be attached to all insurance obtained pursuant to this Agreement stating that coverage shall not be suspended, voided, canceled by either party, or reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to VCTC. In the event that any coverage required by this section is reduced, limited, cancelled, or materially affected in any other manner, Contractor shall provide written notice to VCTC at Contractor's earliest possible opportunity and in no case later than ten (10) working days after Contractor is notified of the change in coverage.

**4.4 Additional insured: primary insurance.** VCTC and its officers, employees, agents, and volunteers shall be covered as additional insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Contractor, including VCTC's general supervision of Contractor; products and completed operations of Contractor, as applicable; premises owned, occupied, or used by Contractor; and automobiles owned, leased, or used by the Contractor in the course of providing services pursuant to this Agreement. The coverage shall contain no special limitations on the scope of protection afforded to VCTC or its officers, employees, agents, or volunteers.

A certified endorsement must be attached to all policies stating that coverage is primary insurance with respect to VCTC and its officers, officials, employees and volunteers, and that no insurance or self-insurance maintained by VCTC shall be called upon to contribute to a loss under the coverage.

**4.5 Deductibles and Self-Insured Retentions.** Contractor shall disclose to and obtain the approval of VCTC for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. Further, if the Contractor's insurance policy includes a self-insured retention that must be paid by a named insured as a precondition of the insurer's liability, or which has the effect of providing that payments of the self-insured retention by others, including additional insureds or insurers do not serve to satisfy the self-insured retention, such provisions must be modified by special endorsement so as to not apply to the additional insured coverage required by this agreement so as to not prevent any of the parties to this agreement from satisfying or paying the self-insured retention required to be paid as a precondition to the insurer's liability. Additionally, the certificates of insurance must note whether the policy does or does not include any self-insured retention and also must disclose the deductible.

During the period covered by this Agreement, only upon the prior express written authorization of Contract Administrator, Contractor may increase such deductibles or self-insured retentions with respect to VCTC, its officers, employees, agents, and volunteers. The Contract Administrator may condition approval of an increase in deductible or self-insured retention levels with a requirement that Contractor procure a bond, guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

**4.6 Subcontractors.** Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

**4.7 Wasting Policy.** No insurance policy required by Section 4 shall include a "wasting" policy limit.

**4.8 Variation.** VCTC may approve a variation in the foregoing insurance requirements, upon a determination that the coverage, scope, limits, and forms of such insurance are either not commercially available, or that VCTC's interests are otherwise fully protected.

**5. Remedies.** In addition to any other remedies VCTC may have if Contractor fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, VCTC may, at its sole option exercise any of the following remedies, which are alternatives to other remedies VCTC may have and are not the exclusive remedy for Contractor's breach:

Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

Order Contractor to stop work under this Agreement or withhold any payment that becomes due to Contractor hereunder, or both stop work and withhold any payment, until Contractor demonstrates compliance with the requirements hereof; and/or terminate this Agreement.

## **VCTC CONTRACTOR INDEMNIFICATION REQUIREMENTS**

Contractor shall, to the fullest extent allowed by law, with respect to all Services performed in connection with this Agreement, indemnify, defend with counsel selected by VCTC, and hold harmless VCTC and its officials, officers, employees, agents, and volunteers from and against any and all losses, liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance ("Claims"), to the extent caused, directly or indirectly, in whole or in part, by the willful misconduct or negligent acts or omissions of Consultant or its employees, subconsultants, or agents. The foregoing obligation of Consultant shall not apply when (1) the injury, loss of life, damage to property, or violation of law arises wholly from the gross negligence or willful misconduct of VCTC or its officers, employees, agents, or volunteers and (2) the actions of Contractor or its employees, subconsultant, or agents have contributed in no part to the injury, loss of life, damage to property, or violation of law.

## ATTACHMENT B

### **Attachment B - Certification Regarding Debarment, Suspension and Other Ineligibility and Voluntary Exclusion**

The firm of \_\_\_\_\_ certifies by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by a Federal department or VCTC. The above agency further certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Section 3801 et. Seq. are applicable thereto.

Where the agency is unable to certify any of the statements in this certification, such Participant shall attach an explanation to this proposal.

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Authorized Official

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Title of Authorized Official

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Date

## **ATTACHMENT C**

### **Attachment C - Worker's Compensation Insurance Certification**

As required by Section 1860 of the California Labor Code (Chapter 1000, Statutes of 1965), the Contractor shall secure the payment of Workmen's Compensation to its employees in accordance with the provisions of Section 3700 of the California Labor Code and shall furnish VCTC with a certificate evidencing such coverage together with verification thereof as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Workmen's Compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract."

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Authorized Official

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Title of Authorized Official

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Date



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ITEM #80

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: MARTIN ERICKSON, EXECUTIVE DIRECTOR**

**SUBJECT: EDUCATIONAL REIMBURSEMENT POLICY CHANGES**

**RECOMMENDATION:**

- Approve changes to the Personnel Policies and Procedures Manual's Education Reimbursement Policy.

**BACKGROUND:**

VCTC's Personnel Policies and Procedures Manual contains a section 8.7 Educational Reimbursement Policy that was originally drafted in 2011 and amended in 2019. It provides employees with the incentive and opportunity to advance their education and training which, in turn, enhances their contributions to VCTC's work program. Rather than setting a specific institution or dollar maximum reimbursement per year, I am recommending that the policy language link the reimbursement amount to the Internal Revenue Code's section 127 maximum educational reimbursement amount in any calendar year and not include a specific institution's fee schedule. Indexing the VCTC policy to the Internal Revenue Code's section 127 maximum educational reimbursement amount in any calendar year will help keep the program's benefit in pace with the changing expenses in the region's educational facilities. An employee may seek reimbursement for courses taken at an accredited higher education institution in pursuit of an Associates, Bachelors, or Masters degree in a field related to transportation, planning, public policy, or public or business administration. I recommend the following changes to the policy:

**8.7.4 Approval:** Employees may be reimbursed for books, tuition, and fees to the maximum amount not to exceed the Internal Revenue Code's section 127 maximum educational reimbursement amount in any calendar year. Reimbursement will be made upon successful completion of the course, provided that the employee submits the following to his/her department director within 30 days of course completion: evidence of earning a grade C or better for the course, or proof of attendance for classes that do not use a formal grading system or a verified statement including adequate receipts of tuition, fees and book expenses. An employee may seek reimbursement for courses taken at an accredited higher education institution in pursuit of an Associates, Bachelors, or Master's degree in a field related to transportation, planning, public policy, or public or business administration.

I recommend approval of the listed changes to the Personnel Policies and Procedures Manual. Funding for this program is included in the draft FY 2022/23 budget.



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**Item #8P**

**JUNE 3, 2022**

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: AARON BONFILIO, PROGRAM MANAGER**

**SUBJECT: BUDGET AMENDMENT TO THE VCTC INTERCITY PROGRAM**

**RECOMMENDATION:**

- Approve a budget amendment of the VCTC Intercity Transit Service Program Budget by decreasing the FTA revenues line-item by the amount of \$360,400 and increasing the “STA Fund Transfer” revenues line-item by an equal amount.
- Approve a budget amendment to the State Transit Assistance budget to increase the STA transfer out to VCTC Intercity by \$360,400.

**DISCUSSION:**

At the July 2021 Commission meeting the Commission approved amending the VCTC budget to incorporate additional Federal Transit Administration (FTA) revenues from the American Rescue Plan Act (ARP). Specifically, the VCTC Intercity Program Budget was amended to incorporate \$2,211,559 in new FTA ARP revenues, in addition to pre-existing FTA formula revenues. These FTA formula revenues, which are more restrictive and eligible for specific purposes, such as operations and preventative maintenance, were not amended out of the budget. At this time, the VCTC Intercity Program Budget has a surplus of FTA revenues dedicated to “preventative maintenance” and has fully utilized all operations-eligible FTA revenues. In addition to FTA revenues, State Transit Assistance (STA) is an eligible revenue source for operations expenditures.

Staff's recommendation is to amend the Fiscal Year 2021/2022 VCTC Intercity program budget to substitute eligible STA revenues for the FTA revenues dedicated for preventative maintenance to account for the year-end operational expenditures while preserving the remaining FTA revenues for the upcoming fiscal year. The recommended action is “budget- neutral” and does increase the total budget expenditures.



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Item #9

**JUNE 3, 2022**

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: DARRIN PESCHKA, PROGRAM MANAGER, GOVERNMENT AND COMMUNITY RELATIONS**

**SUBJECT: LEGISLATIVE UPDATE**

**RECOMMENDATION:**

- Receive and file.

**DISCUSSION:**

**State Issues**

On May 13, Gov. Gavin Newsom released what's commonly known as the May Revise, a revision of his Fiscal Year 2022-23 budget proposal that was released in January. At \$300.7 billion, the revised spending plan is significantly larger than the \$286 billion plan proposed in January. The revised budget proposal projects that the state's budget surplus will grow to \$97.5 billion, a figure that is unprecedented in state history. Of that surplus, \$49.2 billion is for discretionary purposes. The surplus primarily is due to increased revenue collections over the past months in several economic areas, including the stock market, housing and retail sales. However, despite strong tax collections, the nonpartisan Legislative Analyst's Office has strongly cautioned that California could face budget problems in the coming years because of the volatility of these economic areas as well as the state's constitutional funding obligations.

For transportation, the governor's revised budget maintains the \$9.6 billion package proposed in January. That proposal includes funding for high-priority transit and rail infrastructure projects statewide, for Southern California transit and rail projects focusing on greenhouse gas reduction and mobility, and for Active Transportation Program (ATP) projects, among other things.

In addition, an \$18 billion inflation relief package proposed by the governor includes \$750 million in incentive grants for transit and rail agencies to offer free public transit. For transit agencies that elect to offer free transit, funding would be allocated based on their share of FY 2019-20 statewide fare revenues. Transit agencies that choose to participate must offer free transit for at least three consecutive months. Funds could be used for operating expenses, administrative expenses and to offset lost fare revenue, among other things. The free public transit component is in the form of a

budget trailer bill, and transit agencies that choose to accept the grants would be required to begin offering free public transit no later than 60 days after the trailer bill has taken effect.

The governor's proposal also includes a 12-month pause on a portion of the sales tax on diesel fuel beginning in October 2022. State Transit Assistance (STA) revenues are derived from the sales tax on diesel fuel and at VCTC fund programs such as the Intercity bus service. A 12-month pause would cost the state an estimated \$439 million. The governor's May Revise proposes to fully replace that lost revenue through the state's general fund, therefore having no impact on transportation.

The California Senate and Assembly likewise have released spending proposals for transportation. The Senate proposal is a \$20 billion package that would be allocated over four years and includes funding for such programs as transit, rail and active transportation. The Assembly has proposed \$10 billion in transportation funding; few details are currently available on how that funding would be allocated.

The Legislature has until June 15 to approve and send a balanced budget to the governor. Like last year, it is possible the Legislature will meet that deadline and then follow up with smaller budget bills over the next several months. VCTC staff will continue to follow and keep the Commission informed of the budget process.

Attachment A is the monthly report of Delaney Hunter, the Commission's state lobbyist. Attachment B is the matrix of bills that VCTC is monitoring.



## CALIFORNIA ADVISORS, LLC

### VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT MAY 2022

#### Legislative Update

As the month of May ends, we are nearing the halfway point of the legislative session. May 27th marks the House of Origin deadline which means legislation needs to be out of the house in which it was introduced in. The week before the deadline saw several lengthy floor sessions in both houses to pass the hundreds of bills before each chamber. Once they are passed this first deadline the bills will swap houses and begin their policy hearings starting in early June.

May 19th was the Appropriations Suspense hearing in both the Senate and the Assembly. Most bills with a cost to the state are referred to the “suspense list” in each house. In total, both committees heard a combined 959 bills that day. However, when the dust settled 740 bills were passed and 219 of those bills were held in committee and will not advance this year.

Additionally, there have been several budget subcommittee hearings this month in preparation for the Governor’s May Revise, which was released on Friday, May 13th. The budget committees have been reviewing the Governor’s new proposal and are starting to shape their own budgets. The final budget must be adopted by June 15th. There have been some of transportation related issues covered in these budget subcommittee hearings, and California Advisors will continue to monitor, report, and advocate on behalf of VCTC in these hearings.

#### Budget - May Revise

On May 13th, Governor Newsom presented a revised state budget proposal to the Legislature. He proposed a \$300.7 billion budget to provide relief from rising inflation, ensure public safety, address homelessness, transform public education, and combat climate change. The Governor’s California Blueprint includes an \$18.1 billion inflation relief package to get money back into the pockets of Californians and bring down costs for families. \$47.1 billion climate commitment - an increase of \$32 billion this year - to tackle pollution, build climate resilient water supplies, reduce the risk of catastrophic wildfires, ensure grid reliability, and accelerate clean energy solutions, and protect communities from extreme heat. \$660 million to ensure public safety with funding for new officers and mental

health support for law enforcement, support for victims of sex trafficking, cracking down on internet crimes against children, and tackling the opioid crisis. \$14.7 million to confront homelessness and the mental health crisis with investments to help get people off our streets and into the services and care they need, focusing particularly on Californians who suffer from mental health and substance use disorders. \$37 billion to rebuild California with money for infrastructure including broadband and new housing, as well as a historic investment of \$128.3 billion to transform public education. Billions of dollars to invest in Californians and the Governor's pro-life agenda.

Specifically on transportation side, the May Revision includes the following transportation-related ongoing and one-time proposals. These proposals are in addition to the Governor's January budget.

- **Consumer Relief Package:** \$11.5 billion in gas tax rebates to vehicle owners; \$750 million to support transit operators who agree to provide at least three months of free transit services; an additional \$500 million for the Active Transportation Program; a pause in the CPI increase for state diesel tax beginning in October, with a General Fund backfill to ensure that transportation funding is held harmless. This is estimated to cost the General Fund \$327 million in 2022-23 and \$112 million in 2023-24.
- **Caltrans:** Caltrans Infrastructure Investment and Jobs Act Implementation - 295 positions and \$50 million annually for Caltrans to administer and implement the state and local transportation funding; Caltrans Capital Outlay Support Proposal - additional \$144 million to fund and additional 626 positions, 77 contract positions, and 31 overtime positions. The May Revision includes several reappropriation and reimbursement proposals. It also includes several trailer bill proposals to grant Caltrans increased flexibility as it implements new federal and state infrastructure spending. This includes Advanced Payments for Transit, Interregional Rail Projects Funding Eligibility, Design-Build Procurement Authority, Job Order Contracting, Best Value Contract Procurement, and State Highway System Right of Way Permits.
- **CHP:** California Public Records Statutory Requirements – permanent augmentation of \$3.628 million from the Motor Vehicle Account (MVA) for 22 permanent positions and procurement of a records management system and redaction software to support the CHP's increased workload; Worker's Compensation Augmentation - \$43.556 million ongoing from the MVA to cover additional costs resulting from increased State Compensation Insurance Fund fees and workers' compensation and medical costs. The May Revision includes several proposals related to capital outlay projects.
- **DMV:** DMV IT Project Reappropriations - \$35,582,000 MVA in 2022-23 with a two-year encumbrance and liquidation period for the Digital eXperience Platform Project, and \$8.5 million General Fund in 2022-23 for the Mobile Driver License Pilot Project. The May Revision includes reversions and new appropriations for the construction phase of the Santa Maria (\$20,592,000), Inglewood (\$20,928,000), and Reedley Field Office Replacement (\$21,398,000), and the Oxnard Field Office renovation (\$14,254,000) to address inflationary pressures.



## LAO's 2022-23 Budget: Initial Comments on the Governor's May Revision

The report provides a summary of the Governor's revised budget, focusing on the overall condition and structure of the state General Fund—the budget's main operating account. Reflecting extraordinary revenue growth for a second year in a row, LAO estimated the Governor had a \$52 billion General Fund surplus to allocate in the May Revision. In addition, under the administration's revenue estimates, the Governor had a \$33.5 billion surplus within the school and community college budget to allocate to discretionary purposes. Across these two surpluses, the Governor allocates \$39 billion to meet the state's constitutional requirements under the state appropriations limit (SAL). The largest categories of spending from the overall General Fund surplus are for natural resources and transportation programs. While the administration meets the SAL requirements across the prior and current year, the Governor leaves \$3.4 billion in unaddressed SAL requirements in 2022-23. Moreover, LAO estimated the state will face an additional SAL requirement of over \$20 billion in 2023-24. The Governor's May Revision does not have a plan to address this roughly \$25 billion requirement. As a result, the state will very likely face a significant budget problem next year, which would require reductions to programs. Predicting precisely when the next recession will occur is not possible. However, certain economic indicators historically have offered warning signs that a recession is on the horizon. Many of these indicators currently suggest a heightened risk of a recession within two years. LAO strongly recommend the Legislature consider building more reserves than proposed by the Governor in the May Revision. Additional reserves can help the state either address future SAL requirements or a budget problem resulting from a recession. They also recommend taking a fiscally prudent approach, which would be to identify several billion dollars in non-excluded spending and instead dedicate those the funds to reserves.

## Upcoming Bill Deadlines and 2 Year Bills

**June 15** – Budget Bill must be passed by midnight

**June 30** – Last day for a legislative measure to qualify for the Nov. 8 General election ballot.

**July 1** – Last day for policy committees to meet and report bills.

**July 1 -August 1** – Summer Recess

*Below is a list of VCTC tracked bills:*

**AB 1154 (Patterson R) California Environmental Quality Act: exemption: egress route projects: fire safety.**

**Introduced:** 2/18/2021

**Status:** 5/4/2022-Referred to Committee on Environmental Quality

**Summary:** Would, until January 1, 2029, exempt from CEQA egress route projects undertaken by a public agency to improve emergency access to and evacuation from a subdivision without a secondary egress if the State Board of Forestry and Fire Protection has recommended the creation of a secondary access to the subdivision and certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and

respond to public comments before determining that a project is exempt. The bill would require the lead agency, if it determines that a project is not subject to CEQA and approves or carries out that project, to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project will be located.

**AB 1626 (Nguyen R) Motor Vehicle Fuel Tax Law: limitation on adjustment.**

**Introduced:** 1/10/2022

**Status:** 1/11/2022-From printer. May be heard in committee February 10.

**Summary:** Existing law, the Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Existing law requires the department to annually adjust the tax imposed by increasing the rates based on the California Consumer Price Index, as specified. This bill would limit the above-described annual adjustment to a maximum of 2% for rate adjustments made on or after July 1, 2023. This bill contains other related provisions.

**AB 1638 (Kiley R) Motor Vehicle Fuel Tax Law: suspension of tax.**

**Introduced:** 1/12/2022

**Status:** 4/7/2022-Stricken from file.

**Summary:** Would suspend the imposition of the tax on motor vehicle fuels for 6 months. The bill would direct the Controller to transfer a specified amount from the General Fund to the Motor Vehicle Fuel Account in the Transportation Tax Fund. By transferring General Fund moneys to a continuously appropriated account, this bill would make an appropriation.

**AB 1680 (Lee D) Transit operators: ticket machines: access for visually impaired persons.**

**Introduced:** 1/24/2022

**Status:** 5/18/2022-Referred to Committees on Transportation and Public Safety

**Summary:** Current law authorizes the Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, and the San Francisco Bay Area Rapid Transit District (BART) to issue a prohibition order to any person who is cited 3 times within a period of 90 days for specified infractions committed in or on a vehicle, bus stop, or train or light rail station of a transit district or a property, facility, or vehicle upon which BART owes policing responsibilities, or to any person who is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance. Current law makes those prohibition orders subject to an automatic stay and prohibits a prohibition order from taking effect until the latest of 11 calendar days after delivery of the prohibition order, 11 calendar days after delivery of the results of a timely requested initial review of the prohibition order, or the date a hearing officer's decision is delivered if an administrative hearing was timely requested, as specified. This bill would instead prohibit a prohibition order from taking effect until the latest of 12, rather than 11, calendar days after delivery of the prohibition order, 12, rather than 11, calendar days after delivery of the results of a timely

requested initial review of the prohibition order, or the date a hearing officer's decision is delivered if an administrative hearing was timely requested.

**AB 1778 (Garcia, Cristina D) State transportation funding: freeway widening: poverty and pollution: Department of Transportation.**

**Introduced:** 2/3/2022

**Status:** 5/19/2022-Joint Rule 62(a), file notice suspended. From committee: Do pass. (Ayes 12. Noes 4.) (May 19). Read second time. Ordered to third reading.

**Summary:** Current law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. Current law requires the department to prepare and submit to the Governor a proposed budget, as provided. This bill would require the department to consult the California Healthy Places Index, as defined, as a condition of using state funds or personnel time to fund or permit freeway projects, as provided. The bill would require the department to analyze housing and environmental variables through the index, as provided, and would prohibit any state funds or personnel time from being used to fund or permit freeway projects in areas that fall within the zero to 50th percentile on the housing and environmental variables analyzed through the index, as provided.

**AB 1833 (Ward D) San Diego Metropolitan Transit Development Board: North County Transit District: consolidated agency: public contracting.**

**Introduced:** 2/7/2022

**Status:** 5/17/2022-In Senate. Read first time. To Com. on RLS. for assignment.

**Summary:** The Mills-Deddeh Transit Development Act establishes the San Diego Metropolitan Transit Development Board, also known as the San Diego Metropolitan Transit System, with specified powers and duties related to the operation of public transit services in a portion of the County of San Diego. Current law requires the board, North County Transit District, and consolidated agency to follow specified procedures when contracting for certain services, the acquisition or lease of materials, supplies, or equipment, architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services. Existing law requires those entities to follow different procedures when the amount of the contract exceeds specified thresholds. This bill would increase those thresholds from \$100,000, or \$50,000 in certain instances, to \$150,000, and would make other clarifying changes, as specified.

**AB 1919 (Holden D) Transportation: free student transit passes.**

**Introduced:** 2/9/2022

**Status:** 5/23/2022-Read second time. Ordered to third reading.

**Summary:** Current law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Upon the appropriation of moneys by the Legislature, this bill would create the Youth Transit Pass Pilot Program, administered by the department, for purposes of awarding grants to transit agencies for the costs of creating, designing, developing, advertising, and distributing free youth transit passes to persons 25 years of age and under, providing free transit service to holders of those passes, and administering and participating in the program, as specified. The bill would require the department to submit an interim report to specified committees of the

Legislature on or before January 1, 2027, on, among other things, the outcomes of the program and the funding conditions associated with offering free youth transit passes, the status of transit pass programs statewide, and whether these provisions led to reductions in the emissions of greenhouse gases and vehicle miles traveled, as provided.

**AB 1938 (Friedman D) Local transportation funds.**

**Introduced:** 2/10/2022

**Status:** 5/19/2022-From committee: Do pass. (Ayes 16. Noes 0.) (May 19). Read second time. Ordered to third reading.

**Summary:** Current law provides for the funding of public transit and intercity rail, including under the Transportation Development Act. This bill would require the Secretary of Transportation, on or before July 1, 2023, to establish and convene the Transit and Intercity Rail Recovery Task Force to include representatives from the department and various local agencies, academic institutions, and nongovernmental organizations. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit and intercity rail ridership and improve transit and intercity rail operations for users of those services.

**AB 1944 (Lee D) Local government: open and public meetings.**

**Introduced:** 2/10/2022

**Status:** 5/5/2022-Read second time. Ordered to third reading.

**Summary:** The Ralph M. Brown Act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

**AB 2039 (Rivas, Luz D) Los Angeles Metropolitan Transportation Authority: contracting.**

**Introduced:** 2/14/2022

**Status:** 5/12/2022-Read third time. Passed. Ordered to the Senate. (Ayes 66. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.

**Summary:** Would establish a pilot program to authorize the Los Angeles County Metropolitan Transportation Authority to use job order contracting as a procurement method. The bill would impose a \$5,000,000 cap on awards under a single job order contract and a \$1,000,000 cap on any single job order. The bill would limit the term of an initial contract to a maximum of 12 months, with extensions as prescribed. The bill would establish various additional procedures and requirements for the use of job order contracting under this

authorization. The bill would require the authority, on or before January 1, 2027, to submit to the appropriate policy and fiscal committees of the Legislature a report on the use of job order contracting under the bill. These provisions would be repealed on January 1, 2028.

**AB 2120 (Ward D) Transportation finance: federal funding: bridges.**

**Introduced:** 2/14/2022

**Status:** 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 4/27/2022)

**Summary:** Under current law, the purpose of the Bridge Reconstruction and Replacement Act is to implement the federal Special Bridge Replacement Program in California. The act authorizes boards of supervisors, city councils, and the Department of Transportation to do all things necessary and proper to secure federal aid under that federal program. The act authorizes the department to allocate to counties and cities federal funds received for approved bridge reconstruction or replacement projects in accordance with procedures promulgated by the Director of Transportation, as specified. Current law requires the California Transportation Commission, in allocating funds, and the department, in expending funds, for bridge replacement projects, to follow federal design standards, except as specified. This bill would instead provide that the purpose of the act is to implement the federal Highway Infrastructure Program. The bill would authorize the above-described entities to do all things necessary and proper to secure federal funds instead under the federal Highway Infrastructure Program.

**AB 2237 (Friedman D) Regional transportation plan: Active Transportation Program.**

**Introduced:** 2/16/2022

**Status:** 5/23/2022-Read second time. Ordered to third reading.

**Summary:** Current law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization. Current law requires each regional transportation planning agency or county transportation commission to biennially adopt and submit to the California Transportation Commission and the Department of Transportation a 5-year regional transportation improvement program that includes, among other things, regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation improvement program. This bill would require that those projects and programs included in each regional transportation improvement program also be consistent with the most recently prepared sustainable communities strategy of the regional transportation planning agency or county transportation commission and the state's climate goals, as defined. The bill would require each regional transportation planning agency or county transportation commission to rank all transportation projects and prioritize projects based on adherence to its most recently adopted sustainable communities strategy and the state's climate goals, prioritize funding and implementing projects in the order of prioritization, and submit the prioritized list to the state board and the California Transportation Commission.

**AB 2254 (Muratsuchi D) State highways: permits.**

**Introduced:** 2/16/2022

**Status:** 5/24/2022-In Senate. Read first time. To Committee on Rules for assignment.

**Summary:** Current law requires the California Transportation Commission to relinquish to local agencies state highway portions that have been deleted from the state highway system by legislative enactment, and authorizes relinquishment in certain other cases. This bill would authorize the commission to relinquish to the City of Redondo Beach the portion of State Route 107 within the city limits and prescribe conditions that apply upon relinquishment.

**AB 2344 (Friedman D) Wildlife connectivity: transportation projects.**

**Introduced:** 2/16/2022

**Status:** 5/23/2022-Read second time. Ordered to third reading.

**Summary:** Current law authorizes the Department of Fish and Wildlife (DFW) to approve compensatory mitigation credits for wildlife connectivity actions taken under specified programs. Current law vests the Department of Transportation (Caltrans) with full possession and control of the state highway system. Current law requires Caltrans to complete assessments of potential barriers to anadromous fish prior to commencing any project using state or federal transportation funds and requires projects to be constructed without presenting barriers to fish passage. This bill would require DFW, in coordination with Caltrans, to establish a wildlife connectivity action plan on or before January 1, 2024, and to update the plan at least once every 5 years thereafter. The bill would require the plan to include, among other things, maps that identify the locations of certain areas, including connectivity areas and natural landscape areas, as defined.

**AB 2419 (Bryan D) Environmental justice: federal Infrastructure Investment and Jobs**

**Act: Justice40 Oversight Committee.**

**Introduced:** 2/17/2022

**Status:** 5/23/2022-Read second time. Ordered to third reading.

**Summary:** Current law establishes the Strategic Growth Council consisting of specified state agency members and members of the public. Current law requires the council, among other things, to recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate state agencies to encourage the development of sustainable communities, such as those communities that promote equity, strengthen the economy, protect the environment, and promote public health and safety. The federal Infrastructure Investment and Jobs Act (IIJA) provides additional federal funds to rebuild the nation's infrastructures. Executive orders issued by President Biden established the federal Justice40 Initiative with the goal that 40% of the overall federal benefits flow to disadvantaged communities and stating that the implementation of the IIJA should prioritize investing public dollars equitably, including through the Justice40 Initiative. This bill would require a minimum of 40% of funds received by the state under the IIJA and certain other federal funds to be allocated to projects that provide direct benefits to disadvantaged communities and, except as specified, a minimum of an additional 10% be allocated for projects that provide direct benefits to low-income households and low-income communities, as provided.

**AB 2438 (Friedman D) Transportation projects: alignment with state plans.**

**Introduced:** 2/17/2022

**Status:** 5/19/2022-Joint Rule 62(a), file notice suspended. From committee: Do pass. (Ayes 12. Noes 4.) (May 19). Read second time. Ordered to third reading.

**Summary:** Current law provides for the funding of projects on the state highway system and other transportation improvements, including under the state transportation improvement program, the state highway operation and protection program, the Solutions for Congested Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program. This bill would require the agencies that administer those programs to revise the guidelines or plans applicable to those programs to ensure that projects included in the applicable program align with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards.

**AB 2441 (Kalra D) Public employment: local public transit agencies: new technologies.**  
**Introduced:** 2/17/2022

**Status:** 5/4/2022-Referred to Committee on Labor, Public Employment & Retirement

**Summary:** Current law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matter subject to collective bargaining. This bill would prescribe requirements for public transit employers in connection with the introduction of new technologies for public transit services that introduce new products, services, or type of operation, as specified, or that eliminate jobs or job functions of the workforce to which they apply. The bill would require a public transit employer to provide notice, as specified, to the applicable exclusive employee representative of its intention to begin any procurement process or a plan to acquire or deploy to new technologies for public transit services, as described above, not less than 12 months before commencing the process, plan, or deployment.

**AB 2449 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.**

**Introduced:** 2/17/2022

**Status:** 5/23/2022-Assembly Rule 69(b) suspended. Read third time and amended. Ordered to third reading.

**Summary:** The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January 1, 2028, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the

public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

**AB 2453 (Bennett D) Transactions and use taxes: County of Ventura.**

**Introduced:** 2/17/2022

**Status:** 5/9/2022-Read second time. Ordered to third reading.

**Summary:** Current law authorizes various local governmental entities, subject to certain limitations and approval requirements, to levy a transactions and use tax for general purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes that may be imposed in accordance with that law in the county not exceed 2%. This bill would authorize the Ventura County Transportation Commission to impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.5% that would, in combination other transactions and use taxes, exceed the above-described combined rate limit of 2%, if the ordinance proposing the tax is approved by the voters, subject to applicable voter approval requirements, as specified. The bill would provide that a transactions and use tax rate imposed pursuant to the bill will not be considered for purposes of that combined rate limit described above.

**AB 2462 (Valladares R) Department of Transportation: state highways.**

**Introduced:** 2/17/2022

**Status:** 5/18/2022-Referred to Committee on Transportation

**Summary:** Current law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A low-speed vehicle is also known as a neighborhood electric vehicle (NEV). A violation of the Vehicle Code is an infraction, unless otherwise specified. Current law authorizes certain local agencies to establish a NEV transportation plan subject to certain requirements. A person operating a NEV in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100. This bill would authorize the County of Los Angeles to establish a similar NEV transportation plan for the Westside Planned Communities in that county, subject to the same penalties. The bill would require a report to the Legislature by August 31, 2028, containing certain information and recommendations related to the NEV transportation plan. The bill would repeal these provisions on January 1, 2040.

**AB 2496 (Petrie-Norris D) Department of Transportation.**

**Introduced:** 2/17/2022

**Status:** 5/23/2022-Read second time. Ordered to third reading.

**Summary:** Current law requires every motor vehicle subject to registration to be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and prohibits a muffler or exhaust system from being equipped with a cutout, bypass, or similar device. Current law further prohibits the modification of an exhaust system of a motor vehicle in a manner that will amplify or increase the noise emitted by the motor of the vehicle so that the vehicle exceeds existing noise limits when tested in accordance with specified standards. Current law authorizes a court to dismiss any action in which a person is prosecuted for operating a vehicle in violation of the requirements



mentioned above if a certificate of compliance has been issued or if the defendant had reasonable grounds to believe that the exhaust system was in good working order and had reasonable grounds to believe that the vehicle was not operated in violation of the requirements mentioned above. Current law also prohibits a person from modifying the exhaust system of a vehicle with a whistle-tip, operating a vehicle that has been so modified, or engaging in the business of installing a whistle-tip onto the vehicle's exhaust system. This bill would require a court to require a certificate of compliance for a violation of the requirements mentioned above. The bill would require the court to notify the Department of Motor Vehicles to place a hold on the vehicle registration until the certificate of compliance is received by the court if the certificate is not provided to the court within 3 months of the violation date.

**AB 2514 (Dahle, Megan R) Department of Transportation: highway safety.**

**Introduced:** 2/17/2022

**Status:** 5/23/2022-Read second time. Ordered to third reading.

**Summary:** Current law requires the Department of Transportation to prepare a State Highway System Management Plan that consists of both a 10-year state highway rehabilitation plan and a 5-year maintenance plan. Current law requires the department to make a draft of its proposed plan available to regional transportation agencies for review and comment, and requires the department to submit the draft plan to the California Transportation Commission for review and comment by February 15 of each odd-numbered year. Current law requires the department to transmit the final plan to the Governor and the Legislature by June 1 of each odd-numbered year. This bill would require the State Highway System Management Plan prepared by the department to also include a comprehensive evaluation of the current state of transportation in underserved rural communities and a transportation needs assessment of the cost to operate, maintain, and provide for the transportation system in underserved rural communities, as specified.

**AB 2537 (Gipson D) California Transportation Commission.**

**Introduced:** 2/17/2022

**Status:** 5/19/2022-From committee: Do pass. (Ayes 16. Noes 0.) (May 19). Read second time. Ordered to third reading.

**Summary:** Would require the Department of Justice, in conjunction with the Department of Motor Vehicles and the Commission on Peace Officer Standards and Training, to develop and create a video demonstrating the proper conduct by a peace officer and an individual during a traffic stop and to post the video on its internet website.

**AB 2622 (Mullin D) Sales and use taxes: exemptions: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit buses.**

**Introduced:** 2/18/2022

**Status:** 5/19/2022-Joint Rule 62(a), file notice suspended. From committee: Do pass. (Ayes 16. Noes 0.) (May 19). Read second time. Ordered to third reading.

**Summary:** The Sales and Use Tax Law provides various exemptions from those taxes, including, until January 1, 2024, an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, specified zero-emission technology transit buses sold to specified public agencies that are eligible for

specified incentives from the State Air Resources Board. This bill would extend the exemption for specified zero-emission technology transit buses until January 1, 2026.

**AB 2647 (Levine D) Local government: open meetings.**

**Introduced:** 2/18/2022

**Status:** 5/12/2022-Read third time. Passed. Ordered to the Senate. (Ayes 62. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.

**Summary:** Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

**AB 2731 (Ting D) Department of Transportation.**

**Introduced:** 2/18/2022

**Status:** 5/23/2022-Read second time. Ordered to third reading.

**Summary:** Would require, by January 1, 2035, 100% of all newly purchased, contracted, or operated school buses of a school district, county office of education, or charter school to be zero-emission vehicles. To the extent this requirement imposes additional duties on local educational agencies in connection with federally required pupil transportation services that go beyond the requirements in federal law, the bill would impose a state-mandated local program.

**AB 2952 (Gabriel D) Department of Transportation.**

**Introduced:** 2/18/2022

**Status:** 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/11/2022)

**Summary:** Would allow an applicant for a driver's license or identification card, who served for another country in military operations that supported the United States during the Vietnam War and later became a naturalized citizen, to request a "NON-US VIETNAM VETERAN" designation on their driver's license or identification card, subject to certain requirements, including verification of military service for a foreign country during the Vietnam War and payment of a \$5 fee, which the department is authorized to increase by regulation, in an amount not to exceed \$15, as specified. This bill would authorize the Department of Motor Vehicles to consult with the Department of Veterans Affairs to determine the proof necessary to verify an applicant's veteran status.

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

**Introduced:** 12/7/2020

**Status:** 4/22/2021-Referred to Committees on Local Government and Appropriations.

**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, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, 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.

**ACA 5 (Voepel R) Motor vehicles: fuel taxes, sales and use taxes, and fees: expenditure restrictions.**

**Introduced:** 2/19/2021

**Status:** 4/22/2021-Referred to Committee on Transportation

**Summary:** The California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. These restrictions do not apply to revenues from taxes or fees imposed under the Sales and Use Tax Law or the Vehicle License Fee Law. This measure would explicitly restrict the expenditure of all interest earned and other increment derived from the investment of those tax revenues and any proceeds from the lease or sale of real property acquired using those tax revenues only for the purposes described above.

**SB 542 (Limon D) Sales and use taxes: exemption: medium- or heavy-duty zero-emission trucks.**

**Introduced:** 2/18/2021

**Status:** 5/5/2022-Referred to Committee on Revenue & Taxation

**Summary:** Current sales and use tax laws impose taxes on retailers measured by gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, measured by sales price. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, a qualified motor vehicle. The bill would define “qualified motor vehicle” as a specified zero-emission truck. The bill would disallow the exemption for sales or uses made on or after January 1, 2025, if the purchaser also received other specified benefits.

**SB 922 (Wiener D) California Environmental Quality Act: exemptions: transportation-related projects.**

**Introduced:** 2/3/2022

**Status:** 5/16/2022-Read third time. Passed. (Ayes 24. Noes 1.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Summary:** The California Environmental Quality Act (CEQA) until January 1, 2030, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. This bill would delete the requirement that the bicycle transportation plan is for an urbanized area. The bill would extend the exemption to an active transportation plan or pedestrian plan. The bill would define “active transportation plan” and “pedestrian plan.” The bill would specify that individual projects that are a part of an active transportation plan or pedestrian plan remain subject to the requirements of CEQA unless those projects are exempt by another provision of law.

**SB 942 (Newman D) Low Carbon Transit Operations Program: free or reduced fare transit program.**

**Introduced:** 2/8/2022

**Status:** 5/19/2022-Referred to Committee on Transportation

**Summary:** Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs, including 5% for the Low Carbon Transit Operations Program, which is administered by the Department of Transportation and provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Current law requires each of those transit agencies to demonstrate that each expenditure of program moneys allocated to the transit agency reduces the emissions of greenhouse gases and does not supplant another source of funds, to use those moneys to provide transit operating or capital assistance, to use at least 50% of those moneys to benefit disadvantaged communities, and to submit specified information to the department before seeking a disbursement of those program moneys, as specified. This bill would authorize a transit agency that uses program moneys to fund a free or reduced fare transit program and that demonstrates compliance with the above-described requirements in its initial program application to continue to use those moneys to maintain that program on an ongoing basis without demonstrating continued compliance with those requirements.

**SB 1049 (Dodd D) Transportation Resilience Program.**

**Introduced:** 2/15/2022

**Status:** 5/24/2022-Ordered to special consent calendar.

**Summary:** Would establish the Transportation Resilience Program in the Department of Transportation, to be funded in the annual Budget Act from 15% of the available federal National Highway Performance Program funds and 100% of the available federal Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation program funds. The bill would provide for funds to be allocated by the California Transportation Commission for climate adaptation planning and resilience improvements, as defined, that address or mitigate the risk of recurring damage to, or closures of, the state highway system, other federal-aid roads, public transit facilities, and other surface transportation assets from extreme weather events, sea level rise, or other climate change-fueled natural hazards. The

bill would establish specified eligibility criteria for projects to receive funding under the program and would require the commission to prioritize projects that meet certain criteria.

**SB 1100 (Cortese D) Open meetings: orderly conduct.**

**Introduced:** 2/15/2022

**Status:** 5/5/2022-Referred to Committees on Local Government and Judiciary

**Summary:** The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Current law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting.

**SB 1121 (Gonzalez D) Transportation funding: plan.**

**Introduced:** 2/16/2022

**Status:** 5/24/2022-In Assembly. Read first time. Held at Desk.

**Summary:** Would require the California Transportation Commission to prepare a needs assessment of the cost to operate, maintain, and provide for the necessary future growth of the state and local transportation system for the next 10 years, as provided. As part of the needs assessment, the bill would require the commission to forecast the expected revenue, including federal, state, and local revenues, to pay for the cost identified in the needs assessment, any shortfall in revenue to cover the cost, and recommendations on how any shortfall should be addressed. The bill would require the commission to submit the needs assessment to the Legislature on or before January 1, 2024, and biennially thereafter.

**SB 1156 (Grove R) Motor Vehicle Fuel Tax: Diesel Fuel Tax: inflation adjustment.**

**Introduced:** 2/17/2022

**Status:** 5/4/2022-May 4 set for first hearing. Failed passage in committee. (Ayes 2. Noes 2.) Reconsideration granted.

**Summary:** Current law, the Motor Vehicle Fuel Tax Law and Diesel Fuel Tax Law, impose a tax upon each gallon of motor vehicle fuel or diesel fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Current law annually adjusts the rates of the taxes imposed by those laws based on inflation. This bill would remove the requirement for future inflation adjustments of those taxes. This bill contains other related provisions.

**SB 1175 (McGuire D) Transportation.****Introduced:** 2/17/2022**Status:** 5/23/2022-Ordered to special consent calendar.

**Summary:** Current law authorizes the Department of Transportation to construct, acquire, or lease, and improve and operate, rail passenger terminals and related facilities that provide intermodal passenger services along specified corridors. This bill would expand that authorization to include the Sacramento-Larkspur-Novato-Cloverdale corridor.

**SB 1410 (Caballero D) California Environmental Quality Act: transportation impacts.****Introduced:** 2/18/2022

**Status:** 5/19/2022-From committee: Do pass. (Ayes 5. Noes 0.) (May 19). Read second time. Ordered to third reading.

**Summary:** The California Environmental Quality Act (CEQA) requires the Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those guidelines. CEQA requires the office to prepare, develop, and transmit to the secretary for certification and adoption proposed revisions to the guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas, as defined, that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law requires the office to recommend potential metrics to measure transportation impacts, as specified. CEQA authorizes the office to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. This bill would require the office, by January 1, 2025, to conduct and submit to the Legislature a study on the impacts and implementation of the guidelines described above relating to transportation impacts. The bill would require the office, upon appropriation, to establish a grant program to provide financial assistance to local jurisdictions for implementing those guidelines.

**SCA 4 (Wilk R) Legislature: 2-year budget.****Introduced:** 2/17/2021

**Status:** 4/7/2021-Referred to Committees on Budget and Fiscal Review and Elections and Constitutional Amendments

**Summary:** Would limit the Legislature, in the first year of the regular session, to considering or acting upon only the Budget Bill and related bills, and up to 5 bills introduced by each of the standing committees of the Legislature, as specified. The measure would require the Governor to submit to the Legislature a budget for the ensuing 2 fiscal years within the first 10 days of the first calendar year of the biennium of the legislative session, and would require the Legislature to adopt by June 15 of the first calendar year of the biennium of the legislative session a Budget Bill that appropriates funds to support state government for the next 2-year fiscal period commencing on July 1. The measure, in the second year of the regular session, would limit the Legislature to considering or acting upon only legislation other than the Budget Bill and related bills. The Legislature, by a 2/3 vote of each house, would be authorized, however, to amend an enacted Budget Bill and related bills in both calendar years of the biennium.

<b>VENTURA COUNTY TRANSPORTATION COMMISSION</b> <b>STATE LEGISLATIVE MATRIX BILL SUMMARY</b> <b>May 6, 2022</b>			
<b>BILL/AUTHOR</b>	<b>SUBJECT</b>	<b>POSITION</b>	<b>STATUS</b>
AB 1778 Garcia	Prohibits state funds or personnel time from being used to fund or permit freeway widening projects in areas with high rates of poverty or pollution.	Monitor	Passed by Assembly Transportation Committee. Referred to Suspense File. Hearing set for May 19.
AB 1909 Friedman	Bicycle omnibus bill. Use of Class 1, 2 and 3 electric bicycles on a bicycle path or trail, bicycle lane, equestrian trail, or hiking or recreational trail.	Monitor	Passed by Assembly. Ordered to Senate. Referred to Transportation Committee.
AB 1919 Holden	Would require transit agencies to offer free transit passes to all persons 25 years and younger. Would create Youth Transit Pass Pilot Program.	Monitor	Passed by Assembly Transportation Committee. Referred to Assembly Appropriations Committee. Referred to Suspense File.
AB 1944 Lee, Garcia	Would relax rules on posting addresses of teleconference locations that are not public when an elected body allows its members to teleconference.	Monitor	Ordered to Assembly for third reading set for May 18.
SB 922 Weiner	Would exempt some transit and active-transportation projects from CEQA. Makes permanent CEQA exemptions allowed in SB 288.	Monitor	Passed Senate. Ordered to Assembly for first reading.
SB 942 Newman	Would give transit agencies flexibility in using Low Carbon Transit Operations Program (LCTOP) for free or reduced-fare transit programs.	Support	Passed Senate. Ordered to Assembly for first reading.



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**Item #10**

**June 3, 2022**

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: MARTIN ERICKSON, EXECUTIVE DIRECTOR  
SALLY DEGEORGE, FINANCE DIRECTOR**

**SUBJECT: FISCAL YEAR 2022/2023 PROPOSED BUDGET – PUBLIC HEARING**

**RECOMMENDATION:**

- Conduct Public Hearing to receive testimony on the Fiscal Year 2022/2023 Budget.
- Adopt the Fiscal Year 2022/2023 Salary Schedule (Attachment 1 of this item and Appendix C in the Fiscal Year 2022/2023 Budget) effective July 1, 2022.
- Adopt, by Resolution No. 2022-07, the proposed Fiscal Year 2022/2023 Budget.

**DISCUSSION:**

The proposed Fiscal Year 2022/2023 Budget is divided into two main sections: the Main Budget and the Program Task Budgets. The Main Budget includes an Executive Summary that provides an overview of the upcoming issues and priorities of the upcoming year along with a budget summary, program overviews and goals intended to provide a general understanding of VCTC's activities for the coming fiscal year. The Program Task Budgets contain task level detail of the projects including objectives, accomplishments, work elements, financial resources, and costs. This task driven budget is designed to provide fiscal transparency and clarity of VCTC's programs and services to the region.

In support of economic recovery coming out of the COVID pandemic this Budget continues to restore service levels. At \$103,728,800, the Fiscal Year 2022/2023 Budget is \$16,610,368 or 19.1% higher than Fiscal Year 2021/2022. The budget is a balanced budget with an estimated spendable ending fund balance of \$20,081,418. The draft budget contains six programs starting on Page 65 of the budget:

- Transit and Transportation program at \$25,272,700 (Budget Pages 66, 94-103)
- Highway program at \$6,971,600 (Budget Pages 67, 106-109)
- Rail program at \$21,353,289 (Budget Pages 68, 112-117)
- Commuter Assistance program at \$650,900 (Budget Pages 69, 120-123)
- Planning and Programming program at \$47,165,311 (Budget Pages 70, 126-135)
- General Government program at \$2,315,000 (Budget Pages 71, 138-143)

Personnel costs for Fiscal Year 2022/2023 are budgeted at \$3,899,100 or 3.8% of the budget, which is a decrease of \$128,550 from the previous fiscal year. The wage cost of \$2,579,000 includes approximately a \$66,800 pool for merit increases for employees not at the top of their range and \$72,100 as a proposed three percent COLA for all employees. Benefits account for 1.3% of the Budget. This budget contains four unfilled positions (the Transit Director, Program Manager of Transit Contracts and two Customer Service Representatives) that are budgeted at fully burdened rates (top of the salary range with associated taxes and maximum insurance costs). Actual costs for the unfilled positions are expected to come in lower but are unknown until the positions are filled. Further information about personnel can be found within the Personnel Section of the budget pages 51-59.

Below are the notable changes in the proposed Fiscal Year 2022/2023 Budget compared to the Draft Fiscal Year 2022/2023 Budget. Additional details of these changes, as well as smaller changes to all budgets, can be found within the individual budget tasks. The major changes were:

- Federal Transit Administration (FTA) revenues increased an additional \$2.5 million for the new pass-through funding to local agencies (Page 50).
- State Grant revenues increased an additional \$326,190 for the U.S. 101 Conejo Pass Wildlife Tracking Study (Page 50).
- The Transfers-in increased by approximately \$2 million in STA and LTF funds for the adjustments made to the Metrolink, Regional Transportation Planning and TDA Administration budgets.
- The Transit Grant Administration budget (Pages 98-99) increased an additional \$2.5 million for new FTA local agency pass-through projects (Pages 98-99).
- The Metrolink Commuter Rail budget (Pages 114-115) increased an additional \$2 million for one-time SCORE capital improvements. Metrolink had not finalized its Fiscal Year 2022/2023 budget when this budget was prepared and there may be additional changes that will be amended in later in the year.
- The Regional Transit Planning budget (Pages 128-129) increased an additional \$0.14 million for the addition of the TDA Triennial Performance audit.
- The Regional Transportation Planning budget (Pages 130-131) increased an additional \$0.33 million for the U.S 101 Conejo Pass Wildlife Tracking Study in partnership with the National Park Service.
- The TDA Administration budget (Pages 132-133) decreased by \$0.14 million as the LTF pass-through funding was finalized.

The major changes presented with the Draft Fiscal Year 2022/2023 budget as compared to last fiscal are presented below. Page numbers have been updated to reflect the Final Budget page numbers.

- Federal Transit Administration (FTA) revenues decreased approximately \$7.9 million largely due to completion of projects that are passed-through to local agencies and the absence of the new FTA funding that is passed-through to local agencies (see the Transit Grant Administration Budget (Pages 98-99). The new FTA funding was unknown at the time of the Draft Budget preparation but will be added with the final budget in June (see above paragraph changes final to draft). This issue occurs each year during the budget cycle. Furthermore, there were one-time FTA CARES and FTA ARP funds used in the VCTC Intercity (Pages 102-103) budget last year that were fully expended.

- Local Transportation Fund (LTF) revenues increased by approximately \$7.1 million based on the County Auditor-Controller's January 2022 estimate of sales tax receipts. The County cautioned that "projections even in normal times are uncertain given the unpredictable nature of sales tax". It is uncertain if these revenues will be sustained long term (Page 44).
- The Accessible Mobility Services budget (Pages 94-95) is the new name for the previous Senior and Disabled Services budget to more accurately reflect the tasks involved and increased by approximately \$55,000 largely due to consultant and staffing costs.
- The Regional Transit Technology budget (Pages 96-97) decreased by approximately \$133,000 for lower professional services costs due to the completion of the mobile ticketing projects.
- The Transit Grant Administration budget (Pages 98-99) decreased by approximately \$4.2 million as pass-through projects were completed. This line item is expected to increase with the final budget with the new pass-through projects to local agencies will be added (see above paragraph changes final to draft).
- The Valley Express budget (Pages 100-101) increased by approximately \$232,000 for increased contract costs to operate the buses.
- The VCTC Intercity Service budget (Pages 102-103) increased by approximately \$1 million due to increased bus contractor and consultant costs.
- The Highway Project Management budget (Pages 106-107) decreased by approximately \$355,000 for the partial completion of consultant work on the U.S. 101 preliminary engineering and environmental documents.
- The Motorist Aid Services budget (Pages 108-109) decreased by approximately \$1.5 million with the completion of the second cycle of the Incident Responder Grant and lower consultant costs.
- The Metrolink Commuter Rail budget (Pages 114-115) increased by approximately \$3.3 million for increased operational and capital costs while still including delayed capital projects from the prior fiscal years. This line item will change with the final budget as full budget information was not available from Metrolink at the time the Draft Budget was prepared (see above paragraph changes final to draft).
- The Santa Paula Branch Line budget (Pages 116-117) decreased by approximately \$111,000 for lower staff, legal and consultant costs now that the new operator is in operation.
- The Rideshare budget (Pages 122-123) decreased by approximately \$28,000 for reduced consultant services.
- The Regional Transit Planning budget (Pages 128-129) decreased by approximately \$356,000 largely due to the near completion of the Coordinated Plan and Transit Integration and Efficiency Study (TIES) studies and only including one year of funding for the College Ride program.
- The Regional Transportation Planning budget (Pages 130-131) increased by approximately \$150,000 for new analytics software offset by the completion of the Freight Study. The Comprehensive Transportation Plan and the Congestion Management Plan will continue into this fiscal year.
- The Transportation Development Act (TDA) Administration budget (Pages 132-133) increased approximately \$12.6 million for additional pass-through funding to local agencies with the increase in estimated revenues and carry-in balances.
- The Transportation Programming and Reporting budget (Pages 134-135) increased by approximately \$70,000 largely due to increased staffing costs.
- The Community Outreach budget (Pages 138-139) increased by approximately \$38,000 for an increase to consultant and staff costs.
- The Management and Administration budget (Pages 140-141) increased by approximately \$0.9 million with the one-time pension liability payment to CalPERS to reduce pension liability offset by the reduced staffing and office relocation costs.

- The State and Federal budget (Pages 142-143) decreased approximately \$12,000 for a reduction of staff costs.

The estimated ending Fiscal Year 2022/2023 fund balance (after contingency set aside) is expected to be \$20 million. The Commission's available General Fund balance is estimated at \$60,893. The other funds are restricted, and the estimated fund balance are \$50,565 for the Local Transportation Fund, \$17.3 million for the State Transit Assistance fund, \$2.3 million for the Service Authority for Freeway Emergencies fund, \$263,574 for the State of Good Repair Fund, \$25,367 for the Santa Paula Branch Line fund, and a zero balance for the VCTC Intercity and Valley Express funds.

It is important to note a few reasons the STA fund balance is at \$17.3 million. The STA fund balance is used for on-going cash flow needs when State and Federal grants are delayed as well as cashflow for the Highway 101 study. Also, these funds although not currently budgeted, could be used for nonrecurring capital costs associated with Metrolink capital and rehabilitation expenditures, possible bus purchases for the VCTC Intercity Service or other transit projects benefiting the County.

The Draft Budget was reviewed by the Finance Committee in March 2022 and by the full Commission at its April 2022 meeting with a Public Hearing.

As required by the VCTC Administrative Code, the proposed Fiscal Year 2022/2023 budget was submitted to the Finance Committee (Chair Trembley, Vice-Chair MacDonald and Past-Chair Long) for review. On May 25, 2022, Finance Committee met to review and discuss the details of the Budget, and the Finance Committee recommended forwarding the Budget to the full Commission for review as presented and a public hearing.

The proposed Fiscal Year 2022/2023 Budget is a balanced budget and is a separate attachment to the agenda. Staff's recommendation is to:

- Conduct Public Hearing to receive testimony on the Fiscal Year 2022/2023 Budget.
- Adopt the Fiscal Year 2022/2023 Salary Schedule (Attachment 1 of this item and Appendix C in the Fiscal Year 2022/2023 Budget) effective July 1, 2021.
- Adopt, by Resolution No. 2022-07, the proposed Fiscal Year 2022/2023 Budget.

After the Fiscal Year 2022/2023 Budget and Salary Schedule are approved by the Commission, they will be available on the VCTC website at [www.goventura.org](http://www.goventura.org).

**RESOLUTION NO. 2022-07**  
**A RESOLUTION OF THE**  
**VENTURA COUNTY TRANSPORTATION COMMISSION,**  
**THE VENTURA COUNTY AIRPORT LAND USE COMMISSION,**  
**VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES**  
**VENTURA COUNTY CONSOLIDATED TRANSPORTATION SERVICE AGENCY**  
**VENTURA COUNTY CONGESTION MANAGEMENT AGENCY**  
**ADOPTING THE FISCAL YEAR 2022/2023 BUDGET**

The VENTURA COUNTY TRANSPORTATION COMMISSION, the VENTURA COUNTY AIRPORT LAND USE COMMISSION, the VENTURA COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES, VENTURA COUNTY CONSOLIDATED TRANSPORTATION SERVICE AGENCY and the VENTURA COUNTY CONGESTION MANAGEMENT AGENCY, (hereinafter collectively referred to as "VCTC" or the "Commission") hereby finds and determines:

WHEREAS, the VCTC budget for Fiscal Year 2022/2023 has been presented to the Commission who has conferred with the Executive Director and appropriate staff in public meetings, and has deliberated and considered the proposed budget; and

WHEREAS, the budget was made available to the public and a public hearing was held by VCTC prior to this adoption as required by section 12, subsection f, of the VCTC Administrative Code;

NOW, THEREFORE, the Commission hereby resolves as follows:

Section 1. The Commission hereby approves the Fiscal Year 2022/2023 Budget and authorizes expenditures of \$103,728,800. Included in the budget adoption is the approval for all identified estimated revenues, expenditures, and transfers between funds as well as the schedule of salary ranges for the fiscal year.

Section 2. The Executive Director and/or his designee is authorized to make payments as herein above set forth commencing on/or after July 1, 2022 in the manner and to the extent authorized by the VCTC Administrative Code.

Section 3. The Chair of VCTC is hereby authorized to execute this Resolution on behalf of VCTC and the Clerk of the Commission is hereby authorized to attest to the signature of the Chair and to certify the adoption of this resolution.

Section 4. This Resolution shall take effect immediately upon its adoption.

Adopted this 3rd day of June 2022.

**ATTEST:**

\_\_\_\_\_  
Tony Trembley, Chair  
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Roxanna Ibarra, Clerk of the Commission

\_\_\_\_\_  
Steven T. Mattas, General Counsel

**Attachment 1**  
**Ventura County Transportation Commission**  
**Salary Schedule by Department**  
**Fiscal Year 2022/2023**  
**Effective July 1, 2022**

Department/Position	FTE	Annual Range	Annual Range	Non-Exempt Hourly Rate		Exempt vs. Non-Exempt
		Bottom*	Top	Bottom	Top	
ADMINISTRATION						
Executive Director	1.0	0	271,688			E
Program Manager, Government and Community Relations	1.0	70,132	128,510			E
Clerk of the Commission/Executive Assistant	1.0	70,132	128,510			E
Receptionist/Secretary	1.0	43,826	67,434	21.07	32.42	NE
ADMINISTRATION SUBTOTAL:	4.0					
FINANCE						
Finance Director	1.0	109,108	181,349			E
Program Manager, Information Technology	1.0	70,132	128,510			E
Program Manager, Accounting	1.0	70,132	128,510			E
Senior Accountant/Analyst	1.0	50,107	94,037	24.09	45.21	NE
FINANCE SUBTOTAL:	4.0					
PLANNING						
Planning and Sustainability Director	1.0	109,108	181,349			E
Program Manager, Transportation Planning	1.0	70,132	128,510			E
Program Analyst	1.0	50,107	94,037	24.09	45.21	NE
PLANNING SUBTOTAL:	3.0					
PROGRAMMING						
Programming Director	1.0	109,108	181,349			E
Program Manager, Programming	1.0	70,132	128,510			E
Program Analyst	1.0	50,107	94,037	24.09	45.21	NE
Administrative Assistant	0.4	43,826	67,434	21.07	32.42	NE
PROGRAMMING SUBTOTAL:	3.4					
TRANSIT						
Public Transit Director	1.0	109,108	181,349			E
Program Manager, Regional Transit Planning	1.0	70,132	128,510			E
Program Manager, Transit Contracts	1.0	70,132	128,510			E
Transit Planner	1.0	50,107	94,037	24.09	45.21	NE
Transit Specialist	1.0	43,826	67,434	21.07	32.42	NE
Transit Information Center and Technology Specialist	1.0	43,826	67,434	21.07	32.42	NE
Administrative Assistant	0.6	43,826	67,434	21.07	32.42	NE
Customer Service Representative	2.0	31,200	42,786	15.00	20.57	NE
TRANSIT SUBTOTAL:	8.6					
TOTAL BUDGETED POSITIONS:	23.0					

\*VCTC will automatically adjust any wages that do not meet California's minimum wage or the local fair-market wage requirements.

Hourly time is based on a 2080 hour year. If more billable hours in a year, than budget would be adjusted accordingly



Item # 11

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**  
**FROM: AMANDA FAGAN, DIRECTOR OF PLANNING & SUSTAINABILITY**  
**SUBJECT: VEHICLE MILES TRAVELED ADAPTIVE MITIGATION PROGRAM**

**RECOMMENDATION:**

- Receive a presentation on the Vehicle Miles Traveled (VMT) Adaptive Mitigation Program (AMP).
- Provide feedback on the Draft Program Framework and the VCTC role within that Framework.

**BACKGROUND:**

With funding from the Southern California Association of Governments (SCAG) through the Regional Early Action Planning (REAP) grant program, the Ventura Council of Governments (VCOG) and the Ventura County Transportation Commission (VCTC) partnered to develop a Vehicle Miles Traveled (VMT) Adaptive Mitigation Program (AMP). This VMT transportation impact mitigation program is intended to streamline CEQA processes for housing development that is not otherwise exempt from CEQA review. The effort is part of a suite of VCOG programs to assist the Cities and County of Ventura in developing housing under SCAG REAP Subregional Partnership Program by avoiding an CEQA analysis solely because of a residual significant VMT impact.

In 2013, the California State Legislature passed, and the Governor signed into law, Senate Bill (SB) 743. The intent of SB 743 is to balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions. As a result, traffic congestion and vehicle delay can no longer be considered a significant impact on the environment within California Environmental Quality Act (CEQA) transportation analysis, as was previously common practice. SB 743 shifts away from using vehicle operation Level of Service (LOS) to measure transportation impacts under CEQA, to using VMT (the distance traveled by vehicles) as a measure of significance.

The County of Ventura, incorporated cities, and other CEQA lead agencies in the County have established, or will establish, their own respective VMT Thresholds of Significance, or will make this determination on a case-by-case basis. Though SB 743 does not include a statutory role for regional transportation planning agencies such as VCTC, the Commission's efforts to coordinate transportation planning across the region, ownership of the Ventura County Transportation Model (VCTM), and multiple requests from local agency staff for VCTC assistance suggested a role for VCTC to support SB 743 implementation. This support has included an update to the VCTM to provide data to assist jurisdictions to establish baseline VMT and information sharing.

The intent of the VMT Adaptive Mitigation Program is to foster housing development, especially affordable housing, by streamlining the CEQA review process with regards to VMT impacts and includes a range of VMT mitigation measures from which a CEQA lead agency may choose. The most effective mitigations for reducing VMT are bicycle, pedestrian, and transit network improvements, providing a mix of land use types, and providing affordable housing options near places of work. The Program will be available to jurisdictions on a voluntary basis.

With assistance from VCTC, VCOG issued a Request for Proposals and selected a consultant to undertake the VMT AMP development effort. Iteris serves as the prime consultant, with support from Rincon and DTA. A Project Development Team (PDT) has been established to provide feedback from the cities and County on program framework, nexus report, draft program, and deployment of the final adopted program. The project team collected data from program partners on CEQA guidelines, VMT thresholds of significance, General Plan Housing Elements and allocations, transportation projects for inclusion in the program, and upcoming projects that include CEQA clearance.

## **DISCUSSION:**

The VMT Program is a “CEQA Streamlining” program that will serve as a resource and option for CEQA lead agencies to provide a legally defensible set of strategies to avoid or mitigate potential VMT transportation impacts. This would reduce the need to prepare an Environmental Impact Report (EIR) by providing options for VMT-reduction project features and mechanisms for VMT reduction mitigation to address transportation impacts. Each lead agency would continue to set its own VMT thresholds of significance and CEQA approval processes but can use the AMP as a resource for the preparation and analysis of project-related VMT.

As initially envisioned, the Adaptive Mitigation Program would be administered by VCTC as a voluntary, fee-based mitigation bank, where VCTC would monitor fee option mitigations rather than the CEQA lead agency. The fee program could potentially be used to address VMT impacts of non-residential projects. However, several logistical and legal issues discovered through the program development process lead toward an alternative approach. Through stakeholder feedback and evaluation of program approaches, the Adaptive Mitigation Program has evolved to focus on developing capacity and standards that provide options to avoid or mitigate potential significant CEQA impacts from VMT.

Within the current program approach, VCTC’s role would include providing relevant VCTM data and information to assist CEQA lead agencies, recommending consistent approaches and standards for VMT analysis methodology, hosting and maintaining VMT program information through the Commission’s website, and sharing background information and substantial evidence based on CEQA Guidelines.

One key aspect of the approach is to support CEQA streamlining at different milestones in housing development projects. It would indicate areas where development would have less of an impact, and provide options for project elements to reduce VMT and avoid impacts, mitigation options if potential significant impacts are identified, and a fair-share cost amount per VMT over a threshold so that projects could partially fund larger off-site improvements as VMT mitigation.

In the future, should CEQA lead agencies express interest in and commit to a VCTC-led regional mitigation fee and bank approach, this initial program would create the foundation to do so. CEQA streamlining to avoid impacts remains an important program component. Technical analysis of VMT reduction strategy effectiveness and analysis of low-VMT areas where development is likely to have less than significant impacts have been completed countywide. Mitigation project types have also been analyzed to estimate a cost per VMT reduced.

Funding for VCTC participation in the VMT AMP partnership with VCOG is included in the Fiscal Year 2021/2022 budget through the REAP grant award and carries forward into the Fiscal Year 2022/2023 Regional Transportation Planning budget. Funding for future VCTC administration of the program may be eligible for funding through the County Transportation Commissions (CTC) Partnership Program under the so-called “REAP 2.0” funding from the State of California Department of Housing and Community Development. Staff will return to the Commission for any approvals to submit a grant application and/or accept an award, as needed.



Next steps for the VMT Adaptive Mitigation Program include additional stakeholder engagement through the Project Development Team and outreach to the housing development community, finalizing the Draft Program Framework, and presentation of the program to the Commission for consideration of approval to administer the Program to be incorporated as a permanent VCTC program, with input from TTAC.

The lead Project Manager from the consultant team, Sean Daly, Senior Transportation Planner with Iteris, Inc., will share a presentation on the analysis conducted to date and the Draft Program Framework.



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**Item #12**

**June 3, 2022**

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: CLAIRE GRASTY, REGIONAL PLANNING MANAGER**

**SUBJECT: METROLINK UPDATE**

**RECOMMENDATION:**

- Receive and file presentation

**BACKGROUND:**

The Southern California Regional Rail Authority (SCRRA), also known as “Metrolink”, is an independent joint powers agency. The member agencies consist of Los Angeles County Metropolitan Transportation Authority (LA Metro), Orange County Transportation Authority (OCTA), Riverside County Transportation Authority (RCTC), San Bernardino County Transportation Authority (SBCTA), and Ventura County Transportation Commission (VCTC). In September of 2021, Darren Kettle was appointed Metrolink’s CEO and he will be providing the Commission with an update of Metrolink activity. Commissioner Trembley serves as the primary member representing VCTC on the Metrolink Board of Directors. Commissioner Chavez serves as the alternate.

**DISCUSSION:**

**Budget Items**

The other Metrolink member agencies have requested that funds for special train service be included in the FY23 operating budget rather than a third-party agreement as is typically done. Due to the late request, VCTC was not able to include it in the FY23 budget. VCTC plans to use \$36,000 CARES funds for this, which is outside of the VCTC budget and therefore an amendment is not needed.

In October 2021, the SCRRA FY22 budget was amended to include costs for mobilization expenses associated with the new vendor for the Track, Structure and Signal Maintenance contract and restoration service. Service was initially planned to be restored in December 2021 but was delayed to April 2022 due to the spike in Covid-19 cases due to the omicron variant. VCTC’s portion of the costs for mobilization is \$182,835 and \$234,990 for the service restoration costs for a total of \$417,825. These additional costs

have been paid for with CARES funds outside of the VCTC budget and therefore an amendment is not needed.

Additionally, through the third quarter, ridership and revenue have lagged behind projections. Despite lower than projected revenue, SCRRA has also kept expenses down and therefore has remained budget positive thus far. However, through the end of the year, revenue is not projected to increase enough to make up for the savings in expenses. The projected deficit is approximately \$5M. SCRRA has been working to reduce the shortfall and is hoping to eliminate it entirely. If there is a deficit, VCTC has at its disposal the additional LTF carryover funds that were amended into the VCTC Metrolink budget in October 2021 for the anticipated operational increased costs or CARES funds. No budget amendment is necessary.

### **Ridership Challenges**

Metrolink's ridership is still well below pre-pandemic levels. In March, weekday ridership was just 32% of pre-pandemic numbers. As Metrolink service predominantly serves the commuter market, ridership has been slow to recover even as life slowly starts to return to normal due in significant part because so many businesses are implementing hybrid work schedules long-term. The VC Line has had the slowest recovery. However, weekend ridership has increased as much as 59%.

SCRRA has been working on strategies to attract lapsed riders and new riders to use the service. They recently implemented the 10-day flex pass geared towards those that have hybrid work schedules. In the summer, SCRRA's plans to implement the Summer Adventure Pass, which is a promotional \$10 day pass and, in the fall, after the conclusion of the Summer Adventure Pass, they will have a three month 30% off promotional sale for the monthly pass. The goal of these fare promotions is to increase ridership and introduce and reintroduce passengers to the service.

Additionally, SCRRA and LOSSAN have added additional codeshare trains, including some on the weekends. These trains allow Metrolink passengers to ride certain Pacific Surfliner trains for the price of a Metrolink ticket, which makes the service not only more affordable, but increases the availability of the service. With the grant funded increase in weekend service planned for April 2023, the weekend service options will expand significantly along the line.



Item #13

June 3, 2022

**MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION**

**FROM: AARON BONFILIO, PROGRAM MANAGER**

**SUBJECT: ZERO-EMISSION BUS FLEET ROLLOUT PLAN REQUEST FOR PROPOSALS**

**RECOMMENDATION:**

- Approve an Agreement with Stantec Consulting Services Inc. not to exceed \$150,000 for the development of the VCTC ZEB Rollout Plan, and,
- Authorize the Executive Director to execute the Agreement.

**DISCUSSION:**

In February 2022, the Commission approved a Request for Proposals (RFP) package seeking qualified consultants for the preparation of the Ventura County Transportation Commission Zero Emission Bus Fleet Rollout Plan (ZEB Rollout Plan). The ZEB Rollout Plan is required by the California Air Resources Board (CARB) Innovative Clean Transit (ICT) regulation, which mandates the full conversion of bus fleets to zero-emission by 2040. The selected consultant will conduct a system-wide analysis comparing the current VCTC-owned fleets of buses (VCTC Intercity and Valley Express fleets) to zero-emission buses. The consultant will develop a recommended ZEB mode and provide the Commission with the ZEB Rollout Plan, which is required to be adopted and submitted to CARB by June 30, 2023.

As stated in the RFP, the goals of the analysis are four-fold:

- 1- Determine the most capital cost-effective approach to 100% bus fleet with zero-emission propulsion;
- 2- Determine capital improvements required to achieve the 100% ZEB fleet and operation;
- 3- Provide a financing and purchasing strategy that allows VCTC to sustainably meet ZEB deadlines; and,
- 4- Develop a comprehensive understanding – positives and negatives – of how compliance with this regulation will impact VCTC in the future, and how federal legislation may impact the ZEB Rollout Plan.

As noted above, the Commission approved the release of the RFP at its February Commission meeting, February 4, 2022. The RFP solicitation package was advertised nationally, and notices were sent to interested parties that had previously indicated an interest in similar projects. Proposers were invited to submit questions by February 21, 2022, and the deadline for submitting proposals was March 10, 2022. A

single addendum was issued which provided answers to the questions that were submitted and extended the submittal deadline for proposers to March 14, 2022. In total six responsive proposals were received.

- ✓ Black and Veatch
- ✓ The LeFlore Group
- ✓ MV Transportation
- ✓ Ricardo
- ✓ Stantec Consulting Services
- ✓ STV Incorporated

After an initial review for responsiveness, staff evaluated responsive proposals based on selection criteria as identified in the RFP (Section 1.6): *Proposal Quality; Experience and Qualifications*; and *Cost and Schedule*. All six proposals were deemed responsive and thus all six proposals were evaluated. Based on the above criteria, the top-ranked proposal is by *Stantec Consulting Services (Stantec)*, with *STV Incorporated* and *The LeFlore Group* as the next highest ranked firms (2<sup>nd</sup> and 3<sup>rd</sup>, respectively).

Regarding the evaluation and selection, Stantec had a clear understanding of the work required. Having significant experience in the region, the Stantec's project understanding exceeded that of the next highest ranked proposal from STV Incorporated. For example, Stantec is in the final stage of completing the ZEB Rollout Plan for VCTC's sister-agency Gold Coast Transit District. As well Stantec recently completed similar ZEB analysis and facility planning projects for Santa Barbara MTD. Both local agencies provided positive references. Moreover, VCTC looks forward to leveraging Stantec's experience and understanding of regional infrastructure as part of VCTC's ZEB Rollout Plan. In addition, Stantec has recent experience developing the State-mandated ZEB Rollout Plans for large agencies such as Golden Gate Transit, which operates a long-range commuter service similar to VCTC's, as well as for the Orange County Transportation Authority and Riverside Transit Agency, for example. Altogether Stantec demonstrated a strong understanding of the VCTC project, including VCTC's desire to partner with and to leverage future transit infrastructure and demonstrated their significant experience with the State's ZEB Rollout Plan requirements.

Regarding Cost and Schedule: Stantec's proposal was competitive. Total costs proposed by each proposer and approximate proposed timelines are noted below. While Stantec's proposed cost was not the lowest, it was second lowest and the "cost per day" is approximately 35% less than the next lowest cost proposal from Black and Veatch. While proposer timelines ranged from just 16 weeks (or 112 days) to almost one year, the anticipated timeline is in the range of 270 days to 330 days, based on research of like projects. Given anticipated costs and proposed rates by each firm, Stantec's proposal is within the expected ranges for the scoped project and presented minimal risk associated with costs and timeline.

Proposer	The LeFlore Group	STV Inc.	Stantec	Ricardo	MV Transp.	Black and Veatch
Proposed Cost	\$203,500	\$183,011	<b>\$144,698</b>	\$235,075	\$579,271	\$84,900
Timeline (Approx.)	150 days (4.5 Mo)	330 days	<b>300 days (10 Mo)</b>	300 days (10 Mo)	333 Days	112 Days ("16 Wks")

Included in the RFP was VCTC's standard Consulting Services Agreement (Agreement). Following evaluation, staff engaged with Stantec to finalize the Agreement and the scope of work. The Agreement term is through June 30, 2023, and with a not-to-exceed of \$150,000. VCTC general counsel has reviewed the Agreement, which is attached to this item.

While the anticipated *near-term* project expenditures are budgeted for the *current* fiscal year, if approved at this juncture, staff will return to the Commission following approval of the Fiscal Year 2022/2023 with a budget amendment to incorporate necessary revenues for the balance of the projected expenditure. As noted at the prior Commission meeting, the project will utilize available revenues, including from the STA fund balance, in addition to the proportional share provided by the Valley Express member-agencies through their local contributions. Staff's recommendation is to approve the Agreement with Stantec and to

authorize the Executive Director to execute the agreement. Once approved and fully executed, VCTC staff and the consultant will conduct initial kickoff meetings for the VCTC Zero-emission Bus Fleet Rollout Plan.

Attachment

Consulting Services Agreement between the Ventura County Transportation Commission and Stantec Consulting Services Inc.

**CONSULTING SERVICES AGREEMENT BETWEEN  
THE VENTURA COUNTY TRANSPORTATION COMMISSION AND  
STANTEC CONSULTING SERVICES, INC.**

THIS AGREEMENT for consulting services is made by and between the Ventura County Transportation Commission ("VCTC") and Stantec Consulting Services, Inc. ("Consultant") (together sometimes referred to as the "Parties") as of \_\_\_\_\_, 2022 (the "Effective Date").

**Section 1. SERVICES.** Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to VCTC the services described in the Scope of Work attached hereto and incorporated herein as Exhibit A, at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 Term of Services.** The term of this Agreement shall begin on the Effective Date and shall end on **June 30, 2023**, the date of completion specified in Exhibit A, and Consultant shall complete the work described in Exhibit A on or before that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect VCTC's right to terminate the Agreement, as provided for in Section 8.
- 1.2 Standard of Performance.** Consultant shall perform all work required by this Agreement in a substantial, first-class manner and shall conform to the standards of quality normally observed by a person practicing in Consultant's profession.
- 1.3 Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that VCTC, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from VCTC of such desire of VCTC, reassign such person or persons.
- 1.4 Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Sections 1.1 and 1.2 above and to satisfy Consultant's obligations hereunder.

**Section 2. COMPENSATION.** VCTC hereby agrees to pay Consultant a sum not to exceed ONE HUNDRED FIFTY THOUSAND DOLLARS, (\$150,000) notwithstanding any contrary indications that may be contained in Consultant's proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit B, regarding the amount of compensation, the Agreement shall prevail. VCTC shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from VCTC to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to VCTC in the manner specified herein. Except as specifically authorized by VCTC in writing, Consultant shall not bill VCTC for duplicate services performed by more than one person.

Consultant and VCTC acknowledge and agree that compensation paid by VCTC to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and



benefits of employees and subcontractors of Consultant. Consequently, the Parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. VCTC therefore has no responsibility for such contributions beyond compensation required under this Agreement.

- 2.1 Invoices.** Consultant shall submit invoices, not more often than once per month during the term of this Agreement, based on the cost for all services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain all the following information:
- Serial identifications of progress bills (i.e., Progress Bill No. 1 for the first invoice, etc.);
  - The beginning and ending dates of the billing period;
  - A task summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
  - At VCTC's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
  - The total number of hours of work performed under the Agreement by each employee, agent, and subcontractor of Consultant performing services hereunder;
  - Consultant shall give separate notice to VCTC when the total number of hours worked by Consultant and any individual employee, agent, or subcontractor of Consultant reaches or exceeds eight hundred (800) hours within a twelve (12)-month period under this Agreement and any other agreement between Consultant and VCTC. Such notice shall include an estimate of the time necessary to complete work described in Exhibit A and the estimate of time necessary to complete work under any other agreement between Consultant and VCTC, if applicable.
  - The amount and purpose of actual expenditures for which reimbursement is sought;
  - The Consultant's signature.
- 2.2 Monthly Payment.** VCTC shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. VCTC shall have thirty (30) days from the receipt of an invoice that complies with all of the requirements above to pay Consultant. Each invoice shall include all expenses and activities performed during the invoice period for which Consultant expects to receive payment.
- 2.3 Final Payment.** VCTC shall pay the five percent (5%) of the total sum due pursuant to this Agreement within sixty (60) days after completion of the services and submittal to VCTC of a final invoice, if all services required have been satisfactorily performed.
- 2.4 Total Payment.** VCTC shall pay for the services to be rendered by Consultant pursuant to this Agreement. VCTC shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement. VCTC shall make no payment for any extra, further, or additional service pursuant to this Agreement. In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.
- 2.5 Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the compensation schedule attached hereto and incorporated herein as Exhibit B.

- 2.6 Reimbursable Expenses.** Reimbursable expenses, as specified in Exhibit C, attached hereto and incorporated herein, shall not exceed TWO THOUSAND DOLLARS (\$2,000). Expenses not listed below are not chargeable to VCTC. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.
- 2.7 Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes. Contractor represents and warrants that Contractor is a resident of the State of California in accordance with California Revenue & Taxation Code Section 18661 et seq., as it may be amended, and is exempt from withholding. Contractor accepts sole responsible for verifying the residency status of any subcontractors and withhold taxes from non-California subcontractors.
- 2.8 Payment upon Termination.** In the event that VCTC or Consultant terminates this Agreement pursuant to Section 8, VCTC shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Consultant shall maintain adequate logs and timesheets to verify costs incurred to that date.
- 2.9 Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.
- 2.10 False Claims Act.** Presenting a false or fraudulent claim for payment, including a change order, is a violation of the California False Claims Act and may result in treble damages and a fine of five thousand (\$5,000) to ten thousand dollars (\$10,000) per violation.

**Section 3. FACILITIES AND EQUIPMENT.** Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. VCTC shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

VCTC shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with VCTC employees and reviewing records and the information in possession of VCTC. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of VCTC. In no event shall VCTC be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

**Section 4. INSURANCE REQUIREMENTS.** Before beginning any work under this Agreement, Consultant, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, Consultant shall provide proof satisfactory to VCTC of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects, and that such insurance is in effect prior to beginning work to VCTC. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's bid. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s). Consultant shall maintain all required insurance listed herein for the duration of this Agreement.

**4.1 Workers' Compensation.** Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than **\$1,000,000** per accident. In the alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the Contract Administrator, as defined in Section 10.9. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against VCTC and its officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

**4.2 Commercial General and Automobile Liability Insurance.**

**4.2.1 General requirements.** Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than **\$1,000,000** per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

**4.2.2 Minimum scope of coverage.** Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 or GL 0002 (most recent editions) covering comprehensive General Liability Insurance and Services Office form number GL 0404 covering Broad Form Comprehensive General Liability on an "occurrence" basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (most recent edition). No endorsement shall be attached limiting the coverage.

**4.2.3 Additional requirements.** Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:

- a. The Insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- b. Any failure of Consultant to comply with reporting provisions of the policy shall not affect coverage provided to VCTC and its officers, employees, agents, and volunteers.

**4.3 Professional Liability Insurance.**

**4.3.1 General requirements.** Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than **\$1,000,000** covering the licensed professionals' errors and omissions. Any deductible or

self-insured retention shall not exceed one hundred fifty thousand dollars (\$150,000) per claim.

**4.3.2 Claims-made limitations.** The following provisions shall apply if the professional liability coverage is written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the Agreement or the work, so long as commercially available at reasonable rates.
- c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant shall purchase an extended period coverage for a minimum of five (5) years after completion of work under this Agreement or the work. VCTC shall have the right to exercise, at the Consultant's sole cost and expense, any extended reporting provisions of the policy, if the Consultant cancels or does not renew the coverage.
- d. A copy of the claim reporting requirements must be submitted to VCTC for review prior to the commencement of any work under this Agreement.

**4.3.3 Additional Requirements.** A certified endorsement to include contractual liability shall be included in the policy.

**4.4 All Policies Requirements.**

**4.4.1 Acceptability of insurers.** All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

**4.4.2 Verification of coverage.** Prior to beginning any work under this Agreement, Consultant shall furnish VCTC with complete copies of all policies delivered to Consultant by the insurer, including complete copies of all endorsements attached to those policies. All copies of policies and certified endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf. If VCTC does not receive the required insurance documents prior to the Consultant beginning work, this shall not waive the Consultant's obligation to provide them. VCTC reserves the right to require complete copies of all required insurance policies at any time.

**4.4.3 Notice of Reduction in or Cancellation of Coverage.** A certified endorsement shall be attached to all insurance obtained pursuant to this Agreement stating that coverage shall not be suspended, voided, canceled by either party, or reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to VCTC. In the event that any coverage required by this section is reduced, limited, cancelled, or materially affected in any other manner, Consultant shall provide written notice to VCTC at Consultant's earliest possible opportunity and in no case later than ten (10) working days after Consultant is notified of the change in coverage.

**4.4.4 Additional insured; primary insurance.** VCTC and its officers, employees, agents, and volunteers shall be covered as additional insureds with respect to each of the following:

liability arising out of activities performed by or on behalf of Consultant, including VCTC's general supervision of Consultant; products and completed operations of Consultant, as applicable; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by the Consultant in the course of providing services pursuant to this Agreement. The coverage shall contain no special limitations on the scope of protection afforded to VCTC or its officers, employees, agents, or volunteers.

A certified endorsement must be attached to all policies stating that coverage is primary insurance with respect to VCTC and its officers, officials, employees and volunteers, and that no insurance or self-insurance maintained by VCTC shall be called upon to contribute to a loss under the coverage.

- 4.4.5 Deductibles and Self-Insured Retentions.** Consultant shall disclose to and obtain the approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. Further, if the Consultant's insurance policy includes a self-insured retention that must be paid by a named insured as a precondition of the insurer's liability, or which has the effect of providing that payments of the self-insured retention by others, including additional insureds or insurers do not serve to satisfy the self-insured retention, such provisions must be modified by special endorsement so as to not apply to the additional insured coverage required by this agreement so as to not prevent any of the parties to this agreement from satisfying or paying the self-insured retention required to be paid as a precondition to the insurer's liability. Additionally, the certificates of insurance must note whether the policy does or does not include any self-insured retention and also must disclose the deductible.

During the period covered by this Agreement, only upon the prior express written authorization of Contract Administrator, Consultant may increase such deductibles or self-insured retentions with respect to VCTC, its officers, employees, agents, and volunteers. The Contract Administrator may condition approval of an increase in deductible or self-insured retention levels with a requirement that Consultant procure a bond, guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

- 4.4.6 Subcontractors.** Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.
- 4.4.7 Wasting Policy.** No insurance policy required by Section 4 shall include a "wasting" policy limit.
- 4.4.8 Variation.** VCTC may approve a variation in the foregoing insurance requirements, upon a determination that the coverage, scope, limits, and forms of such insurance are either not commercially available, or that VCTC's interests are otherwise fully protected.

- 4.5 Remedies.** In addition to any other remedies VCTC may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, VCTC may, at its sole option exercise any of the following remedies, which are alternatives to other remedies VCTC may have and are not the exclusive remedy for Consultant's breach:

- a. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- b. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- c. Terminate this Agreement.

**Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES.** Consultant shall, to the fullest extent allowed by law, with respect to all Services performed in connection with this Agreement, indemnify, defend, and hold harmless VCTC and its officials, officers, employees and agents, from and against any and all losses, liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance ("Claims"), to the extent caused by the willful misconduct or negligent acts or omissions of Consultant or its employees, subcontractors, or agents. The foregoing obligation of Consultant shall not apply when (1) the injury, loss of life, damage to property, or violation of law arises wholly from the gross negligence or willful misconduct of VCTC or its officers, employees, agents, or volunteers and (2) the actions of Consultant or its employees, subcontractor, or agents have contributed in no part to the injury, loss of life, damage to property, or violation of law. Consultant's foregoing indemnity obligations shall include, without limitation, reasonable fees of attorneys.

**5.1 [RESERVED]**

**5.2 PERS Liability.** In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of VCTC, Consultant shall indemnify, defend, and hold harmless VCTC for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of VCTC.

**5.3 Third Party Claims.** With respect to third party claims against the Consultant, the Consultant waives any and all rights of any type of express or implied indemnity against the Indemnitees

**Section 6. STATUS OF CONSULTANT.**

**6.1 Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of VCTC. VCTC shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise VCTC shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other VCTC, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by VCTC, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of VCTC and entitlement to any contribution to be paid by VCTC for employer contributions and/or employee contributions for PERS benefits.

- 6.2 **Consultant Not an Agent** Except as VCTC may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of VCTC in any capacity whatsoever as an agent to bind VCTC to any obligation whatsoever.

**Section 7. LEGAL REQUIREMENTS.**

- 7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.
- 7.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all federal, state and local laws and regulations applicable to the performance of the work hereunder. Consultant's failure to comply with such law(s) or regulation(s) shall constitute a breach of contract.
- 7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which VCTC is bound by the terms of such fiscal assistance program.
- 7.4 **Licenses and Permits.** Consultant represents and warrants to VCTC that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals, including from VCTC, of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to VCTC that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from VCTC.
- 7.5 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.
- Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.
- 7.6 **Contractor's Residency and Tax Withholding** Contractor declares that Contractor is a resident of the State of [REDACTED] in accordance with the California Franchise Tax Board form 590 ("Form 590"), as may be amended, attached hereto and incorporated herein as Exhibit [REDACTED]. Unless provided with valid, written evidence of an exemption or waiver from withholding, VCTC may withhold California taxes from payments to Contractor as required by law. Contractor shall obtain, and maintain on file for three (3) years after the termination of the Contract, Form 590s from all subcontractors. Contractor accepts sole responsibility for withholding taxes from any non-California resident subcontractor and shall submit written documentation of compliance with Contractor's withholding duty to VCTC.

**Section 8.       TERMINATION AND MODIFICATION.**

- 8.1       Termination.** VCTC may cancel this Agreement at any time and without cause upon written notification to Consultant.

Consultant may cancel this Agreement for cause upon thirty (30) days' written notice to VCTC and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of notice of termination; VCTC, however, may condition payment of such compensation upon Consultant delivering to VCTC all materials described in Section 9.1.

- 8.2       Extension.** VCTC may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require Consultant to execute a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if VCTC grants such an extension, VCTC shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, VCTC shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.

- 8.3       Amendments.** The Parties may amend this Agreement only by a writing signed by all the Parties.

- 8.4       Assignment and Subcontracting.** VCTC and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to VCTC for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not assign or subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.

- 8.5       Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between VCTC and Consultant shall survive the termination of this Agreement.

- 8.6       Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, VCTC's remedies shall include, but not be limited to, the following:

- 8.6.1** Immediately terminate the Agreement;
- 8.6.2** Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;
- 8.6.3** Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or
- 8.6.4** Charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that VCTC would have paid Consultant pursuant to Section 2 if Consultant had completed the work.



**Section 9. KEEPING AND STATUS OF RECORDS.**

- 9.1 Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of VCTC. Consultant hereby agrees to deliver those documents to VCTC upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for VCTC and are not necessarily suitable for any future or other use. VCTC and Consultant agree that, until final approval by VCTC, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both Parties except as required by law.
- 9.2 Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to VCTC under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.
- 9.3 Inspection and Audit of Records.** Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of VCTC. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds ten thousand (\$10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of VCTC or as part of any audit of VCTC, for a period of three (3) years after final payment under the Agreement.
- 9.4 Records Submitted in Response to an Invitation to Bid or Request for Proposals.** All responses to a Request for Proposals (RFP) or invitation to bid issued by VCTC become the exclusive property of VCTC. At such time as VCTC selects a bid, all proposals received become a matter of public record, and shall be regarded as public records, with the exception of those elements in each proposal that are defined by Consultant and plainly marked as "Confidential," "Business Secret" or "Trade Secret."

VCTC shall not be liable or in any way responsible for the disclosure of any such proposal or portions thereof, if Consultant has not plainly marked it as a "Trade Secret" or "Business Secret," or if disclosure is required under the Public Records Act.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, VCTC may not be in a position to establish that the information that a prospective bidder submits is a trade secret. If a request is made for information marked "Trade Secret" or "Business Secret," and the requester takes legal action seeking release of the materials it believes does not constitute trade secret information, by submitting a proposal, Consultant agrees to indemnify, defend and hold harmless VCTC, its agents and employees, from any judgment, fines, penalties, and award of attorneys' fees awarded against VCTC in favor of the party requesting the information, and any and all costs connected with that defense. This obligation to indemnify survives VCTC's award of the contract. Consultant agrees that this indemnification survives as long as the trade secret information is in VCTC's possession, which includes a minimum retention period for such documents.

**Section 10**      **MISCELLANEOUS PROVISIONS.**

- 10.1      Attorneys' Fees.** If a Party to this Agreement brings any action, including arbitration or an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing Party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that Party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.
- 10.2      Venue.** In the event that either Party brings any action against the other under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Ventura or in the United States District Court for the Central District of California.
- 10.3      Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 10.4      No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.5      Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the Parties.
- 10.6      Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.7      Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of VCTC or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000, *et seq.*
- Consultant shall not employ any VCTC official in the work performed pursuant to this Agreement. No officer or employee of VCTC shall have any financial interest in this Agreement that would violate California Government Code Sections 1090, *et seq.*
- Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of VCTC. If Consultant was an employee, agent, appointee, or official of VCTC in the previous twelve (12) months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090, *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse VCTC for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.
- 10.8      Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

- 10.9 Contract Administration.** This Agreement shall be administered by Martin Erickson, Executive Director ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.
- 10.10 Notices.** All notices and other communications which are required or may be given under this Agreement shall be in writing and shall be deemed to have been duly given (i) when received if personally delivered; (ii) when received if transmitted by telecopy, if received during normal business hours on a business day (or if not, the next business day after delivery) provided that such facsimile is legible and that at the time such facsimile is sent the sending Party receives written confirmation of receipt; (iii) if sent for next day delivery to a domestic address by recognized overnight delivery service (e.g., Federal Express); and (iv) upon receipt, if sent by certified or registered mail, return receipt requested. In each case notice shall be sent to the respective Parties as follows:

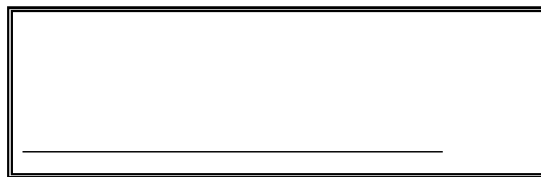
Consultant

Pamela Bailey-Campbell  
Stantec Consulting Services Inc.  
801 South Figueroa Street, Suite 300  
Los Angeles, CA 90017

VCTC

Martin Erickson, Executive Director  
Ventura County Transportation Commission  
751 E. Daily Drive,  
Suite 420  
Camarillo, CA 93010

- 10.11 Professional Seal.** Where applicable in the determination of the contract administrator, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation. The stamp/seal shall be in a block entitled "Seal and Signature of Registered Professional with report/design responsibility," as in the following example.



Seal and Signature of Registered Professional with  
report/design responsibility.

- 10.12 Integration.** This Agreement, including the scope of work attached hereto and incorporated herein as Exhibit A, and Exhibits B and C, represent the entire and integrated agreement between VCTC and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral pertaining to the matters herein.

Exhibit A            Scope of Work

Exhibit B            Compensation Schedule/Contractor's Proposal

Exhibit C            Reimbursable Expenses

- 10.13 Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

- 10.14 Construction.** The headings in this Agreement are for the purpose of reference only and shall not limit or otherwise affect any of the terms of this Agreement. The parties have had an equal opportunity to participate in the drafting of this Agreement; therefore, any construction as against the drafting party shall not apply to this Agreement.

- 10.15 No Third Party Beneficiaries.** This Agreement is made solely for the benefit of the Parties hereto with no intent to benefit any non-signatory third parties.

The Parties have executed this Agreement as of the Effective Date.

VCTC

CONSULTANT

\_\_\_\_\_  
Martin R. Erickson, Executive Director

\_\_\_\_\_  
Pamela Bailey-Campbell, Principal

Approved as to Form:

\_\_\_\_\_  
Steven T. Mattas, General Counsel

## **EXHIBIT A**

### **SCOPE OF WORK**

#### **Introduction**

The Ventura County Transportation Commission Zero Emission Bus (ZEB) Fleet Transition Plan will provide a detailed roadmap for converting the existing fleet of the Commission's vehicles to a fully zero emission fleet by 2040. The Commission operates two services: VCTC Intercity Transit and Valley Express bus. VCTC Intercity Transit is a regional commuter bus service, that travels between cities within Ventura County as well as inter-county to Santa Barbara and Los Angeles Counties. Valley Express bus service is provided under Cooperative Agreement between the Cities of Santa Paula, Fillmore and the County of Ventura. The service operates both fixed route and on-demand general public dial-a-ride / complementary ADA paratransit.

VCTC seeks to conduct a system-wide analysis comparing its current fleet of buses operating to zero-emission buses (ZEBs) in response to the California Air Resources Board (CARB) Innovative Clean Transit (ICT) Regulation, which mandates the full conversion of bus fleets to zero-emission by 2040. The study will develop a Zero Emission Bus Rollout Plan for revenue fleet conversion by 2040 (with associated infrastructure and operating plan), as mandated by CARB.

The proposed Rollout Plan (Plan) should include a high-level analysis of zero emission bus technology and an analysis of the existing fleet and recommendations for the procurements, capital improvements, and infrastructure and maintenance planning required to replace the existing fleet with ZEBs, as well as coordination with future on-site renewable energy generation and energy storage needs. The proposed Plan should have a system-wide benefit, as its findings and recommendations will impact both local and commuter service routes, laying the groundwork for providing ZEB service to all routes. It is the Commission's intent that once this plan is complete, it will allow for a more efficient implementation and development of a ZEB fleet for VCTC.

The scope of work shown below reflects the anticipated process and deliverables for the Zero Emission Bus Fleet Transition Plan. At a minimum, the Final Rollout Plan will be formatted in the following required sections:

- Section A: Transit Agency Information
- Section B: Rollout Plan General Information
- Section C: Technology Portfolio
- Section D: Current Bus Fleet Composition and Future Bus Purchases
- Section E: Facilities and Infrastructure Modifications
- Section F: Providing Service in Disadvantaged Communities
- Section G: Workforce Training
- Section H: Potential Funding Sources
- Section I: Start-up and Scale-up Challenges

The Commission, with the assistance of a competitively procured contract Consultant, will perform this work. Commission staff anticipates the Scope of Work will not differ substantially and will not exceed the grant funds available.

## 1 Project Objectives

Overall Project Objectives to Develop a Zero Emission's Bus Rollout Plan that will:

1. Reduce Green House Gas emissions of Commission's transit fleet
2. Reduce vehicle emissions in the service territory
3. Support regional transit fleet electrification and zero emission efforts to meet CARB requirements
4. Determine the most capital cost-effective approach to a 100% bus fleet with zero emission propulsion
5. Provide recommendations for future purchases of a ZEB buses
6. Provide recommendations for purchases of electric vehicle charging stations to support the ZEB fleet
7. Identify potential locations for electric vehicle charging station installations
8. Develop process for coordinating with the local electric utility provider(s) to connect proposed electric vehicle charging/fueling stations to new or existing infrastructure
9. Estimate peak demand for all charging locations. Estimate available capacity of upstream electric grid using available data for regional growth in electric usage through 2040. Identify infrastructure upgrades needed at point of connection (POC) and upstream electric grid to serve peak demand.
10. Develop an analysis of the operating costs of various charging and fueling (e.g., electric vs. hydrogen, etc.) strategies
11. Assess potential distributed, renewable generation options to meet electric demand needs of ZEB fleet
12. Assess potential future energy storage impacts of ZEB battery inventory
13. Provide analysis of changes in maintenance schedule, costs, and requirements for ZEB fleet and charging stations
14. Develop analysis of workforce training required to operate and maintain new ZEB fleet
15. Develop a schedule for construction of facilities, infrastructure modifications or upgrades and timelines for construction

## 2 TASK 1: Project Management and Administration

This task includes management and administration activities that will be provided by the Consultant consistent with the technical scope of work and with the requirements of VCTC. Project Management includes, but is not limited to, management and leadership effort required to successfully guide the multi-disciplined team through the scope of the services. Project Management also includes meeting the requirements of the approved quality assurance and quality control (QA/QC) process to ensure that deliverables are produced to the appropriate standard of care in terms of correctness and appropriateness of the information contained in each deliverable item. Elements of Project Management include management and coordination with project stakeholders; administration; reporting; quality control (QC); safety; and cost/schedule monitoring and control. The Consultant team's Project Manager (PM) will be the single point of contact with VCTC regarding task administration and will be responsible for the quality of the analysis and delivery of the project milestones within schedule and budget. The PM must also ensure a regular weekly check-in with VCTC project leadership and timely discussion of key issues and decision points to avoid delay in moving the project forward.

### 2.1 Project Administration

Consultant will perform administrative functions associated with the on-going management of the contract as it relates to the work herein. Activities may include, but not be limited to, routine contract administration, setting up meetings, preparation of agenda and meeting notes, scheduling, budget tracking and close out, among other activities consistent with effective contract and project management.

### 2.2 Project Controls

Consultant will monitor the budget and schedule. Consultant shall monitor contract change orders and prepare project status reports. The PM shall be cognizant of VCTC staff's time, commitment to their day-to-day responsibilities, and their availability. The PM will strive to ensure VCTC's daily obligation to provide public transportation services is not interrupted or negatively affected by their work. PM shall be mindful of meeting dates, times, and attendee's availability.

### 2.3 Quality Assurance

Define planned and systematic actions that provide adequate confidence to Consultant management and VCTC that an activity or service consistently and accurately fulfills requirements for its intended purpose.

## 3 TASK 2: Financial Analysis

Consultant shall develop a detailed capital and operating financial analysis comparing the purchase of zero-emission buses to the purchase of existing buses from several perspectives, including a sensitivity analysis. From a capital perspective, the primary categories of costs are the initial purchase price, lifetime (through 2040) and operational costs, and replacement of the electric and/or hydrogen fuel cell

fleet vehicle. The initial purchase price of the zero-emission vehicle shall be all-inclusive, including recharging infrastructure, manuals, vehicle logic units, security cameras, automatic passenger counters, fare collection equipment, CAD/AVL systems, and any training that is required.

The lifetime cost shall include vehicle replacement parts, battery lifecycle, fuel cell lifecycle, and replacement needs. The operational costs include the cost of fuel (electricity versus hydrogen versus diesel) and vehicle maintenance.

### 3.1 Fuel

Fuel costs of the existing fleet of buses shall be based on a projection of the cost of diesel fuel (\$/gallon), considering historical trends of diesel fuel over the past five (5) and ten (10) years and the best available projections at the time in order to determine an average to serve as a baseline for cost comparison and projection purposes of this analysis.

### 3.2 Electricity

Consultant shall perform an analysis of the existing cost of electricity and upcoming or projected rate structures, such as time-of-use (TOU) specifically designed for Transportation Electrification (TE). This analysis will consider pricing and costs associated with charging projected to be done during high-demand, on-peak periods and charging done during off-peak periods. Additionally, the analysis shall include a projection of cost stability over the next twenty (20) years for long-term consideration. Relevant local utilities should be consulted as part of this process.

Consultant shall include in the analysis consideration of technologies and funding programs that can help offset the costs of the electrical use, for example, solar technology, photovoltaic reformation of hydrogen, battery storage, peak shaving, and participation in the Low Carbon Fuel Standards (LCFS) program.

### 3.3 Maintenance

Maintenance cost analysis will be three-fold: (1) costs associated with maintenance of the internal combustion engine (ICE) and the associated powertrain, including oil and filter changes, changing tires and brake pads, and other wear and tear items plus the occasional large repairs; (2) determine required maintenance components of electric and hydrogen fuel cell buses and their associated costs; and (3) staffing level differences.

### 3.4 Operations

An operational cost analysis shall be performed that will compare the current operating costs of the existing service offering against the projected operating costs for the Battery Electric Buses of the same service offering. An exhaustive list of costs shall be considered including operating staff differences and impacts to route schedules from the use of zero-emission vehicles.

VCTC understands that the range of battery electric buses may be a significant constraint on their operation relative to hydrogen fuel cell buses (and relative to VCTC's current gasoline/diesel-powered vehicles).



VCTC requires all consultants/consultant teams to demonstrate a methodology in their proposal for a rigorous analysis of the impact of the reduced range of battery electric buses on the scheduling of vehicles and operators. It is recommended that scheduling software be utilized on the existing VCTC weekday and weekend service levels for such an analysis.

### 3.5 Start-Up and Lifetime Cost

Consultant shall determine the total cost for full conversion to a zero-emission fleet. This includes a detailed breakdown of start-up costs, including right-of-way acquisition (if applicable), new capital and initial purchase price of zero-emission buses (inclusive of battery or fuel cell systems).

In addition to initial start-up costs, lifetime costs include maintenance, operations, and rehabilitation of EV capital infrastructure, such as charging equipment and maintenance facilities, anticipated battery degradation and replacement frequency, fuel cell replacement. The analysis should consider all fleet active between 2019 and 2040.

### 3.6 Payback Period and Net Present Value (NPV)

From an investor perspective, Consultant shall evaluate the investment in zero emission technology and provide a comparison of up-front cash investments for both zero-emission and diesel buses. This comparison shall consider the payback period and net present value of series of cash flows involved in purchasing zero-emission buses and provides a payback period estimate.

### 3.7 Sensitivity Analysis

Using identified current and historic price trends for electricity and zero-emission bus costs, Consultant shall provide a transition scenario that adopts varying approaches in cost assumptions associated with estimated projections.

The scenario shall include three levels of cost projections/differentials: (1) Current cost; (2) conservative inflation; and (3) aggressive.

## 4 TASK 3: Implementation Analysis

With consideration of CARB incentive schedule, Consultant shall provide an analysis on implementation requirements for complete fleet conversion to zero-emission, including identification of infrastructure improvement needs, identification of right-of-way acquisition needs to accommodate infrastructure (if applicable), confirmation of feasibility of infrastructure improvements and placement, and development of a phasing plan for infrastructure improvements, vehicle procurement and purchasing of ZEBs to meet ZEB regulation deadlines. As part of the implementation analysis, Consultant shall determine whether conversion requirements can be made through a multi-operator cooperative vehicle procurement effort as an alternative to an independent procurement by VCTC. Consultant shall research current or upcoming procurement opportunities across the United States to determine if “joint-procurement” opportunities are available to VCTC. Phasing plans shall include costs associated with capital and operations.

#### 4.1 Operations and Maintenance Scenario (Transition Scenario)

Consultant shall collect operating service parameters and schedules from VCTC. The data collected will serve as a baseline for operations and maintenance to determine which existing routes can accommodate zero-emission operations, as well as what operational modifications, if any, are needed to maintain existing operational parameters along existing routes that cannot support zero-emission vehicles. Operations parameters and schedules shall include hours of operation by day of week, headways during peak hours and off-peak hours, transit station drop-off and pick-up locations, approximate end-to-end running times, deadhead and other non-revenue hours and miles, and total length of each route in terms of miles. Consultant shall conduct an analysis of the various factors that impact the lifecycle of ZEBs, including, but not limited to, vehicle weight, battery density, degradation, fuel cell system lifecycle and normal operation charging times, refuel times, operating environment, lifts and ramps, air conditioning and heating. Consultant shall develop a financial analysis of the costs associated with operating and maintaining existing operating service parameters and schedules using zero-emission vehicles.

Consultant shall provide a rough order of magnitude estimate of the operations and maintenance (O&M) cost for the service scenario, using typical hourly O&M unit cost factors for bus operations. This transition scenario will be based on a twenty-year time frame and will be all-inclusive, encompassing the cost of electricity or hydrogen for fuel cells, and maintenance. Additionally, include a comparable scenario using existing diesel-powered vehicles, operation parameters and schedules.

##### 4.1.1 Deliverables:

1. Existing operating parameters and schedules summarized table or spreadsheet
2. Zero-emission bus requirements to meet existing operating parameters and schedules, passenger load and respective lifecycles
3. Operational modifications, in general or route specific, that would need to be made to maintain the existing level of operations
4. O&M cost calculations and comparisons between zero-emission and diesel-powered fleet vehicles

#### 4.2 Capital Infrastructure Investment Needs, Cost and Schedule

Consultant will identify new ZEB capital infrastructure, as well as improvements to existing or planned infrastructure, where applicable, to be incorporated in each of the short-term and long-term operations and maintenance scenarios. Capital infrastructure and improvements shall coincide with and meet identified operations and maintenance scenarios required to fully convert operations to zero-emission and maintain existing level of service, as well as vehicle storage. Contractor shall investigate, explore, and report opportunities to partner and collaborate with private entities to design and build, maintain and operate zero-emission fueling facilities. Additionally, Consultant shall identify CARB applicable funding incentives and other competitive funding sources to mitigate the costs associated with capital

investment needs. Consultant shall provide a multi-year schedule showing critical timelines to achieve required milestones.

#### 4.2.1 Deliverables:

1. Based on operating parameters and schedules identified, determine the capital infrastructure required to accommodate operations and maintenance, including right of way acquisition and land cost impacts (if applicable)
2. Tables summarizing initial capital infrastructure costs and on-going rehabilitation using the short-term and long-term scenarios
3. Identify planned infrastructure projects that can and should be modified to incorporate ZEB technology
4. General estimated timeframe for construction of capital infrastructure and related improvements that align with ZEB regulation deadlines for zero- emission bus fleet vehicle acquisition and operations
5. Prepare a proposed project phasing plan of projects identified

#### 4.3 Energy Storage and Solar

Consultant shall conduct an analysis on available energy storage and solar technology and infrastructure to supplement electricity usage, as relating to the ZEB modes i.e. Battery Electric Bus (BEB) charging or hydrogen production. Such analysis shall include technology that can be charged during off-peak periods when energy costs are lower and utilized during high-demand, on-peak periods to help serve ZEB loads by lessening the demand and costs associated with electricity drawn from the grid. Evaluate VCTC contractor properties including for implementation of overnight BEB charging infrastructure. Identify potential locations to develop ZEB fueling sites. Identify locations where in route chargers for BEB may be feasible and the cost impact. Additionally, analysis shall include estimated costs of initial purchase price of such technology, installation, and maintenance, as well as estimated cost savings on electricity if deployed.

#### 4.3.1 Deliverables:

1. Identification of energy storage and solar technology that is compatible with zero-emission infrastructure and operations
2. Financial analysis of purchase price, installation, maintenance, and cost savings on electricity associated with deployment of such technology
3. Overview of how this technology would be integrated into the zero-emission infrastructure and operations

#### 5 TASK 4: Zero-Emission Bus Rollout Plan

Consultant shall provide VCTC with a report that summarizes the findings of the study. Consultant will also provide the VCTC with an initial project briefing, an update once a recommended ZEB mode has been identified. At a minimum, the Final Rollout Plan will be formatted in the following required

sections, and meet the minimum required elements for the ZEB Rollout Plan as identified by California Air Resources Board's Innovative Clean Transit Regulation:

Section A: Transit Agency Information  
Section B: Rollout Plan General Information  
Section C: Technology Portfolio  
Section D: Current Bus Fleet Composition and Future Bus Purchases  
Section E: Facilities and Infrastructure Modifications  
Section F: Providing Service in Disadvantaged Communities  
Section G: Workforce Training  
Section H: Potential Funding Sources  
Section I: Start-up and Scale-up Challenges

#### 5.1 Draft Report (Due by February 27, 2023)

Consultant will prepare a draft technical report to document the assumptions, methodologies, modeling results, analyses, designs, cost estimates, findings, and conclusions of Tasks 1 through 4. Critical to this report is showing a clear rationale for selecting a recommended ZEB mode, a summary of associated operating and capital costs for transitioning to this ZEB mode, and a timeline of key activities to be completed to meet the CARB ZEB regulation by 2040.

#### 5.2 Final Report (Due by April 30, 2023)

Consultant will prepare a final technical report that incorporates revisions to the draft in response to VCTC staff comments. Consultant will also provide VCTC with a Microsoft PowerPoint summary of the ZEB Plan and present this to the VCTC.

##### 5.2.1 Deliverables:

1. Draft Report (2 printed copies plus an electronic pdf file)
2. Final Report (2 printed copies plus an electronic pdf file)
3. ICT ZEB Rollout Plan Submittal

#### 6. [Date of Completion](#)

The ICT ZEB Rollout Plan will be submitted to the State of California by June 30, 2023. This date shall serve as the project's "date of completion."

## EXHIBIT B

### COMPENSATION SCHEDULE/CONTRACTOR'S PROPOSAL

The below tables include total project costs as proposed by Consultant. Table 1 reflects the total expenses for all tasks, including reimbursable expenses. Table 2 reflects the Consultant's hourly rates. As noted in Table 2, Consultant has proposed \$2,000 in total reimbursable travel expenses which are further described in Exhibit C.

**Table 1.**

	ZEB ROLLOUT PLAN TASK	Proposed Task Cost
1.	TASK 1: Project Management and Administration	\$10,860.00
2.	TASK 2: Financial Analysis	\$60,753.00
3.	TASK 3: Implementation Analysis	\$48,544.70
4.	TASK 4: Zero-Emission Bus Rollout Plan	\$24,540.00
	<b>TOTAL</b>	<b>\$144,697.70</b>

**Table 2.**

Cost Proposal								
		1	2	3A	3B	4A	4B	5
		Project Management	Existing Conditions and Market Scan	Route Modeling and Tech Feasibility	Preferred ZEB Fleet Concept	Needs and Opportunities Assessment	Cost Estimation, Financial Modeling, Recommendations, and Implementation	Draft and Final Rollout Plan
	Hourly Rate							
David Verbich	\$181.00	40	4	5	8	5	5	16
Willi Todd	\$181.00		16		16	16	20	20
Proj Arch	\$147.00		4		8	8	8	8
Tony Zavanelli	\$248.00		12		12	12	16	16
Alex Murphy	\$153.00					30		
Amanda McDaniel	\$147.00		8	40	24	16	5	16
Analy Castillo	\$181.00	20	8	40	32	16	20	16
Brian Putre	\$181.00						20	
Ian Lowell	\$136.00		20	16		8	4	30
Reb Guthrie	\$237.00		8	8	16	8		8
Faye Farahmand	\$207.00		8	8	16	8		8
Cobus Malan	\$210.10						14	
Alex Nocum	\$142.45						18	
Nerisa Navarro	\$105.05						4	
<b>Task Hours</b>		<b>60</b>	<b>88</b>	<b>117</b>	<b>132</b>	<b>127</b>	<b>134</b>	<b>138</b>
<b>Task Labor</b>		<b>\$10,860.00</b>	<b>\$16,080.00</b>	<b>\$19,753.00</b>	<b>\$24,920.00</b>	<b>\$22,431.00</b>	<b>\$24,113.70</b>	<b>\$24,540.00</b>
<b>Labor total</b>		<b>\$142,697.70</b>						
<b>Expenses</b>		<b>\$2,000.00</b>						
<b>Total cost</b>		<b>\$144,697.70</b>						

## **EXHIBIT C**

### **REIMBURSABLE EXPENSES**

Reimbursable travel expenses shall not exceed \$2,000. Eligible expenses are those related to travel for on-site fleet surveys, client meetings and presentations. Travel expenses include meals (but excluding alcohol), lodging and transportation. Vehicle mileage for eligible travel will be reimbursed at \$.59 cents per mile.

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