AGENDA
REGULAR MEETING
COUNCIL OF SAN BENITO COUNTY GOVERNMENTS

DATE: Thursday, September 21, 2017
3:00 p.m.

LOCATION: Board of Supervisors Chambers
481 Fourth St., Hollister, CA 95023

DIRECTORS: Chair Ignacio Velazquez, Vice Chair Jaime De La Cruz
Directors Tony Boch, Anthony Botelho, and Jim Gillio
Alternates: San Benito County: Mark Medina; City of Hollister: Mickie Solorio Luna; City of San Juan Bautista: Jim West
Ex Officio: Caltrans District 5

Persons who wish to address the Board of Directors must complete a Speaker Card and give it to the Clerk prior to addressing the Board. Those who wish to address the Board on an agenda item will be heard when the Chairperson calls for comments from the audience. Following recognition, persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the Public Comment portion of the agenda item will be closed. The Opportunity to address the Board of Directors on items of interest not appearing on the agenda will be provided during Section C. Public Comment.

3:00 P.M. CALL TO ORDER

A. Pledge of Allegiance
B. Verification of Certificate of Posting
C. Public Comment (Opportunity to address the Board on items of interest on a subject matter within the jurisdiction of the Council of Governments and not appearing on the agendas. No action may be taken unless provided by Govt. Code Sec. 54954.2 Speakers are limited to 3 minutes.)
D. Executive Director’s Report
E. Caltrans Report - Gubbins/ Loe
F. Board of Directors’ Reports

CONSENT AGENDA:
(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)

1. APPROVE Council of Governments Draft Meeting Minutes Dated August 17, 2017 - Gomez
2. RECEIVE Construction Projects Report - Caltrans District 5
3. **Amendment to Fiscal Year 2017/2018 Overall Work Program** – Gilbert
   a. **APPROVE** Amendment No. 1 to the Fiscal Year 2017/2018 Overall Work Program to Include Rural Planning Assistance Funding for a Rural RTPA Performance Measures Study, and
   b. **AUTHORIZE** the Executive Director to Sign a New FY 2017/2018 Overall Work Program Agreement with the California Department of Transportation.

**REGULAR AGENDA:**

   a. **CONSIDER** 2015-2016 San Benito County Grand Jury Report Recommendation No. 34
   b. **APPROVE** Letter of Response to Hon. Steven R. Sanders, Presiding Judge

5. **AUTHORIZE** Executive Director to Accept Grant Funds, if Awarded, for an Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study through Caltran’s Sustainable Transportation Planning Grant Program - Valentine

6. **DISCUSS** Transportation Development Act – Local Transportation Funds and **MAKE APPORTIONMENTS** Pursuant to COG Guidelines – Gilbert

7. **RECEIVE UPDATE** on Senate Bill 1 Implementation by the California Transportation Commission – Gilbert

Adjourn to COG Meeting on October 19, 2017. Agenda Deadline is Tuesday, October 3, 2017 at 12:00 p.m.

In compliance with the Americans with Disabilities Act (ADA), if requested, the agenda can be made available in appropriate alternative formats to persons with a disability. If an individual wishes to request an alternative agenda format, please contact the Clerk of the Council four (4) days prior to the meeting at (831) 637-7665. The Council of Governments Board of Directors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Council’s office at (831) 637-7665 at least 48 hours before the meeting to enable the Council of Governments to make reasonable arrangements to ensure accessibility.
District Director’s Report

A quarterly publication for our transportation partners

Roadside Safety and Aesthetics

Optimizing safety is the main purpose of the recently completed Caltrans roadside safety improvements project extending 15 miles along US 101 from Atascadero to Paso Robles. The $2.3 million project, and similar ones statewide, are reducing the exposure of maintenance workers on foot in high-speed traffic areas. Project features are:

- Thirty-nine paved gore areas with contrast surface treatment
- Paved slope areas underneath four bridges
- Installed:
  - Metal-beam guardrail with concrete barrier
  - Drainage system improvements
  - Upgraded safety cable railing

A second roadside safety project in San Luis Obispo County, currently under construction, will address an 18-mile segment of US 101 from Arroyo Grande to San Luis Obispo. The $2.5 million project is scheduled for completion in fall 2017. Currently, District 5 is implementing eight additional roadside safety projects—in different stages of project development on various highways—in Santa Cruz, Monterey and Santa Barbara counties. Two others were also recently completed in the latter two counties.

SB 1 Fix-it-First Funding
The Road Repair & Accountability Act of 2017

Fixing our roads, repairing aging bridges, reducing traffic congestion and improving goods movement are key goals for the recently passed Senate Bill 1 transportation funding bill. Statewide, Caltrans is committed to fixing more than 17,000 lane miles, 500 bridges, 55,000 culverts, and 7,700 traffic operating systems, which includes installing ramp meters, traffic cameras and electric highway message boards. Currently, Caltrans is expediting $200 million in pavement projects statewide and $250 million for restriping along the state highway system as well as identifying and prioritizing the most needed projects. The new funding, which begins in November 2017, includes the following statewide over the next 10 years:

- $1 billion – Active Transportation Program
- $7.5 billion – Transit and rail
- $3 billion – Trade corridor improvements
- $2.5 billion – Congestion relief

The new bill will generate $54 billion split between Caltrans and local agencies over the next decade—the largest transportation investment in more than 20 years. Each year, more than 180 billion vehicles travel on the state highway system. More information: http://www.dot.ca.gov/hq/maint/msrsubmit/

CTP Guidelines Adopted
After extensive environmental and biological review, the project site was identified as the highest priority for maintaining critical habitat with evidence of mule deer, mountain lions, bobcats and coyotes on both sides of the roadway. Highway 17 is an important link connecting the Santa Cruz Mountains with the Diablo Mountain Range and the Gabilan Range. Fragmented habitat is difficult for animal survival in finding adequate food, water and mates; raising their young; and establishing new territories. Challenges to wildlife mobility along the roadway include high traffic volumes, concrete median barriers and inefficient pathways at culverts or bridge undercrossings.

A multi-agency partnership developed solutions for improving animal connectivity on the corridor. These included the following: Land Trust of Santa Cruz County, Caltrans, Santa Cruz County Regional Transportation Commission, California Department of Fish and Wildlife, Pathways for Wildlife and U.C. Santa Cruz (Puma Study).

**Advanced Mitigation Credits**

The Highway 17 wildlife connectivity project in Santa Cruz County also provides a unique opportunity for Caltrans to partner with the California Department of Fish and Wildlife on a pilot for an innovative advanced mitigation credit agreement. The first of its kind in California, the agreement establishes mitigation credits that can be applied to future transportation projects.

Mitigation credits created by the Highway 17 wildlife project may be used by the Department or sold or transferred to other transportation agencies with projects in a specific service area. The pilot credit agreement may be used as a model for the California Department of Fish and Wildlife’s new statewide Regional Conservation Investments Strategies Program. More information:

https://www.wildlife.ca.gov/Conservation/Planning/Regional-Conservation

**Complete Streets Projects Kick-off**

**Creston Road Complete and Sustainable Streets Corridor Plan**

The City of Paso Robles’ $185,000 grant will develop a Complete Streets Plan for Creston Road in Paso Robles, San Luis Obispo County. It will include community involvement to identify strategies for a two-mile pedestrian, bicycle and transit-friendly thoroughway. It will also feature Complete Streets design for sidewalks and intersection changes supporting travel modes for all users, ages and abilities. A greening element will be added for natural drainage as well.

**Highway 9 Complete Streets Plan**

The Santa Cruz County Regional Transportation Commission’s $249,000 grant will develop a Complete Streets Plan for 10 miles of Highway 9 in Santa Cruz County. The plan will identify, prioritize and implement multimodal improvements with a focus on asset management. It will address severe bicycle, pedestrian and transit gaps as well as collisions, congestion and system deterioration.

**Call for Projects Coming**

A call for projects for the Sustainable Transportation Planning Grant Program is scheduled for September 2017. The program, funded through SB 3, includes:

- Sustainable Communities & Strategic Partnerships – $25 million annually
- Climate Adaptation Planning Grants—$20 million over three years

Successful projects support sustainable communities and reducing greenhouse gas emissions. More information:

http://www.dot.ca.gov/hq/tpp/grants.html

**D5 Bicycle Champions**

The San Luis Obispo Council of Governments (SLOCOG) Rideshare Program recently recognized District 5 with the Defending Bike Month Challenge Champion Award. The District kept the 2016 title with 37 employees bicycling most every day in May for Bike Month. In addition to the golden handlebars trophy (inset), the District won a one-month free trial of riding an electric bicycle. Hats off to all participants!
SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
REGULAR MEETING
August 17, 2017, 3:00 P.M.

DRAFT MINUTES

MEMBERS PRESENT:
Chair Velazquez, Director Boch, Director Botelho, Director De La Cruz, and Director Gillio
Ex Officio: Kelly McClendon, Caltrans District 5

STAFF PRESENT:
Deputy County Counsel, Shirley Murphy; Executive Director, Mary Gilbert; Transportation Planner, Veronica Lezama; Transportation Planner, Regina Valentine; Secretary I, Monica Gomez

OTHERS PRESENT:
Heather Adamson, Association of Monterey Bay Area Governments

CALL TO ORDER:
Chair Velazquez called the meeting to order at 3:00 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

Upon a motion duly made by Director De La Cruz, and seconded by Director Botelho, the Directors acknowledged the Certificate of Posting. Vote: 5/0 motion passes.

C. PUBLIC COMMENT:

Chair Velazquez stated for the record that the COG Board received Joe Thompson’s public comment correspondence dated June 23, 2017 through August 16, 2017. The correspondence was entered into the public record.

D. CORRESPONDENCE:

COG staff received a letter from the City of Hollister’s City Manager acknowledging COG staff, Mary Gilbert and Veronica Lezama for their participation and assistance with an application for the Active Transportation Program Funds. The City of Hollister was awarded the Caltrans Cycle 3 Active Transportation Program Funds for the Safe Connections and Complete Streets for the West Side of Hollister project.

EXECUTIVE DIRECTOR’S REPORT: Gilbert

Ms. Gilbert reminded the COG Board that there will be a Special COG meeting on the 2040 Regional Transportation Plan on September 21, 2017 at 1:30 p.m. (before the regularly scheduled COG meeting) at the Board of Supervisors Chambers.

Ms. Gilbert reported that Caltrans would be providing a more detailed report on the State Route 156 Improvement project in September.
Lastly, COG is working with the San Benito County Fair staff and they are getting ready to publicize the free County Express shuttle service to the Fair at the end of September.

E. CALTRANS DISTRICT 5 REPORT: Kelly McClendon

Mr. McClendon reported on the extended closure that occurred on August 3rd at the Highway 25 and Highway 156 intersection. The contractor extended the closure past the 6:00 a.m. scheduled time due to an issue with the pavement which caused them to set up a detour. The contractor was penalized as it was not approved by Caltrans and was not part of the scheduled operational procedures for the project.

Also, Caltrans is moving forward on the relinquishment of Highway 146 to the National Park Service at Pinnacles National Park. Caltrans is working with the National Park Service to get this done through a speedier process Quit Claim Deed. The transfer is anticipated to take place by November 2017.

Mr. McClendon announced that there are some maintenance projects that may be accelerated due to SB1. One of the projects is on Highway 101 at the Highway 129 Intersection and one is at the Betabel Intersection. These maintenance projects that were already scheduled to take place however, now they will occur on an accelerated timeline. The bid openings would likely occur between January and May of 2018 with construction potentially starting as early as April or May.

Lastly, Mr. McClendon announced that a call for the Sustainable Transportation Planning Grant Program is scheduled for September 2017. The program, funded through SB1, includes Sustainable Communities and Strategic Partnerships - $25 million annually and Climate Adaptation Planning Grants - $20 million over three years.

Director Boch inquired when Caltrans is going to address the K-rail barriers at Sargent Bridge located north of the Betabel intersection. He stated that the K-rail is an issue because it makes it too narrow for cars to get by. Another issue is the speed limit in the area is posted at 55mph, 65mph, and 55 mph.

Mr. McClendon stated that he would check in on whether it is a permanent or temporary rail that hasn’t been picked up yet. He stated that he would also check to see if the location is due for a speed zone survey, which may address the speed limit issue.

Director Botelho inquired about the extended closure incident. He asked about the amount of money that the contractor will be penalized and where that money goes.

Mr. McClendon explained that the penalty was not a fine, but more of a hold on the payment of services.

Director Botelho asked to have Project #6 and Project #8 – both Highway 25 projects listed on the Caltrans Project Update Report agendized to allow further discussion by the COG Board and a response by Caltrans District 5. He wanted to know why Caltrans is spending close to $6.5 million on the south end of Highway 25, instead of directing those funds to the section of Highway 25 that has a shortfall.

Chair Velazquez stated that he believed the projects were a result of a lawsuit from a fatality that occurred in the area, but agreed to have Caltrans verify if that was the reason.

Director Gillio’s comment was in regards to providing proper notification to the public when there is going to be construction on local highways to avoid the traffic issues that occurred on Highway 156 and Highway 25. He asked if there was a way to ensure that there is a system in place to provide notification by message boards, press releases, Facebook, etc. to allow commuters time to plan accordingly. He mentioned that the local commute time begins well before 6:00 a.m. and that should be something that Caltrans reevaluates for future projects.
Director De La Cruz asked that Caltrans provide more frequent project information/construction press releases to the COG Executive Director who can then forward to the COG Board and to the public if needed.

Ms. Gilbert acknowledged Caltrans local planning representative, who currently provides press releases to COG staff. She mentioned that staff publishes the information on social media such as Benitolink, and COG’s Facebook, but will follow up to see how they can do more to get the information out to the public.

Chair Velazquez stated that in the future, construction on Highway 156 and Highway 25 should not occur at the same time because essentially you shut down San Benito County. He concurred with fellow Board members on reevaluating the commute times, having construction scheduled from 8:00 p.m. and end no later than 5:00 a.m., as well as providing adequate prior notice to commuters.

Mr. McClendon stated that he would check with their Public Information office to see how frequently they are sending out project construction announcements and look into possibly increasing them. He will also look into the possibility of providing electronic message signs several days in advance and reevaluating commute times for scheduling future construction jobs.

F. BOARD OF DIRECTORS REPORTS:

Director Botelho reported that he is working with County staff and has had some level of acceptance with Caltrans on limiting access to Cannon Road and possibly Rocks Road in an effort to limit commuter & truck access onto Highway 101. He will be working on public outreach and getting a petition together in order to move forward with the idea.

Director De La Cruz reported out on the Mobility Partnership meeting that he attended along with Chair Velazquez, and Supervisor Muenzer. He was pleased that the partnership is moving forward and would like to work together with Santa Clara County on a solution to the congestion issue on Highway 101 and Highway 25. He also made a pledge to bring back the sales tax discussion with the COG and the County Board of Supervisors.

Chair Velazquez also reported that there are new members on the Mobility Partnership and was pleased to see that everyone has agreed that the priority will be the new Interchange at HWY 101/ HWY 25. The project would include 2 lanes and a flyover, estimated to cost $70+ million dollars. He mentioned that Santa Clara County passed their tax measure and this is a great opportunity for San Benito County to come up with the right road network plan to put our tax measure back on the ballot in November 2018.

CONSENT AGENDA:

1. APPROVE Council of Governments Draft Meeting Minutes Dated June 15, 2017 – Gomez
2. RECEIVE Construction Projects Report – Caltrans District 5
3. Surplus Property Transfer – Gilbert
   a. ADOPT Resolution 17-02 Declaring COG-Owned Property Surplus and Authorizing the Grant of Such Surplus Property to the City of Hollister 4/5 Vote.
   b. MAKE DETERMINATION that the Conveyance is Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15312 of the CEQA Guidelines (Title 14 of the California Code of Regulations).

There was no public comment on the Consent Agenda.

Upon a motion duly by made by Director Botelho, and seconded by Director De La Cruz, the Directors approved Items 1- 3 from the Consent agenda. Vote: 5/0 motion passes.
4. **APPROVE** Apportionments of $1,584,000 in Regional Surface Transportation Program (RSTP) Funding for Fiscal Years 2017/2018 through 2019/2020 – Gilbert

Ms. Gilbert reported that the COG Board continued this item at its June meeting and asked for further discussion of the apportionment formula, or whether funds should be made available on a project-by-project basis.

Staff brought this item to the Technical Advisory Committee to discuss the apportionment of RSTP funding to the Cities and County by issuing a call for projects (Option 1), or by the previously established formula (Option 2), and make a recommendation to the COG Board.

Ms. Gilbert reported the TAC voted unanimously to support Option 2, the existing formula distribution. Staff recommended that the COG Board approve the RSTP apportionments by formula as recommended by the Technical Advisory Committee.

There was discussion from the Board and consensus to work jointly between the Cities and County on future projects to stretch out the funds and get projects completed collectively.

Director Botelho and Director Boch pointed out potential joint projects that the Cities and County could work on such as; improvements to the Alameda going out to the DeAnza Trail and the Salinas Grade; and putting in sidewalk along Sunnyslope Road. They were in support of moving forward with Option 1.

Director Gillio and Chair Velazquez indicated that City staff had confirmed that current apportionments had already been allocated for projects. However, they agreed that it was essential for the Cities and County to work together on a plan where more projects could be completed collectively using future apportionments. They were in support of moving forward with Option 2.

Director De La Cruz stated that while the City of Hollister already had their current apportionments allocated for projects, it would be beneficial for the Cities and County to work on joint projects in the future. However, he recommended that next year the Board creates a subcommittee to talk about the 2020/21 fiscal year funding and partnership for projects. He supported moving forward with Option 2.

There was no public comment on the item.

*Motion: A motion was made by Director De La Cruz, and seconded by Director Gillio, to Approve Item 4 per staff recommendation for fiscal years 2017/18 – 2019/20, and to Direct staff to come back next year on developing a partnership on how to use future funds together. Vote: 3/2 motion passes*

5. **DISCUSS** Transportation Development Act – Local Transportation Funds - Gilbert

Ms. Gilbert reported that at its June meeting, the COG Board directed staff to consider allocation of $1 million in TDA reserves to local streets and roads.

Staff reviewed the anticipated transit funding available for operation and determined that it would be prudent to maintain a reserve of $1.14 million, leaving an additional $1 million for allocations to local streets and roads purposes.

Chair Velazquez asked if transit funds could be used to complete a rail study and whether it could be done sooner than later.
Ms. Gilbert stated that funds could be used for administration and planning, which could include a rail study. Staff is looking into Transit Planning grant funds to look at the rail corridor and could possibly use some of the TDA reserve funds for a rail study.

Director De La Cruz stated that there is a huge need for funds for potholes.

Director Boch commented that all three jurisdictions should work together get more done collectively.

Director Gillio stated that the jurisdictions should all work together to use one time funds built up in reserve. He stated COG could possibly put a committee together to see how we can work together and get jobs done.

Ms. Gilbert mentioned that in 2008, COG set aside $700,000 in TDA funds for local streets and roads, allocated by population percentage to each local jurisdiction.

Director Botelho commented on the serious conditions of County roads and the need to address both County and City road conditions. He proposed changing the allocation to $1.2 million, and leaving a reserve of $1 million. He stated that they can evaluate joint projects and then consider what the next steps should be.

Director De La Cruz supported Director Botelho’s proposal.

Chair Velazquez supported working together to come up with potential joint projects, however, he wanted to ensure that funds are set aside for a rail study. He mentioned that these conversations have to occur in order to prepare for the sales tax measure.

Director Botelho stated that he would support the allocation of $1.2 million going into the pot for projects and pulling from the reserves to do a rail study, or including the rail study in the tax measure to see if the public supports it.

Ms. Gilbert requested that the Board agendize this item for next month since it was not an action item. She asked to potentially have a subcommittee, where City and County staff are also present to have discussion and provide information to COG staff about where funds have already been allocated and on which potential projects are ready-to-go. She stated that as the designated regional transportation planning agency staff tries to assist local jurisdictions with planning for this funding, however, it ultimately comes down to those capital improvement programs that are established and are not within COG’s jurisdiction.

Director Gillio stated that he would support a rail study assuming that the cost is $50,000 or less.

Director Boch stated that the all three jurisdictions need to start cooperating with each other. With regard to the sales tax, he stated that it failed because too many things were included in the measure. He stated that if they do the same thing again and include rail and other things, instead of sticking with strictly fixing roads, the tax measure will fail again. He added that he would support spending some funds on a rail study.

Director Gillio mentioned that when it comes to bringing rail into Hollister one of the challenges even for the big cities, is that there is a huge subsidy that the jurisdictions need to meet. He stated that a study would help clarify some questions, but it is something that the Board should keep in mind.

Chair Velazquez agreed with Director Gillio’s comment, but mentioned that in the long run what is cheaper widening our roads or a train. He also mentioned that the City of Hollister has a higher sales tax which helps with fixing roads. He recommended that the other jurisdictions work towards raising their sales tax as well.
PUBLIC COMMENT:
Valerie Egland, San Juan Bautista

Ms. Egland stated that all City residents use County Roads, whereas, not all County residents use City roads. She stated that the logic that County roads are of lesser importance is a fallacy. She stated that as we improve County roads we are improving a tourist asset that we have. She mentioned that the Chamber is hosting a bike ride next year that will bring in a lot of people however, there are not many bicycle friendly roads. She emphasized that bicycles are a serious transportation mode and bicycle lanes need to be a part of the plan when we are constructing roads.

The Board directed staff to bring the item back next month, allocating up to $50,000 for a rail study (if allowed), allocating $1.2 million for distribution of roads. They also directed staff to setup a subcommittee meeting to discuss guidelines and planning for funding.

6. RECEIVE UPDATE on Senate Bill 1 Implementation and DISCUSS the Proposed Road Maintenance and Rehabilitation Account Guidelines – Gilbert

Ms. Gilbert provided a Power-point presentation on Senate Bill 1 Implementation. She thanked Heather Adamson from AMBAG for letting her share the slides that she put together in her presentation to AMBAG.

Director Botelho commented on the 2017 ATP Augmentation. He stated that COG should go after these funds to be able to create bicycle lanes/pedestrian paths on what would become old Highway 156, once Highway 156 becomes an expressway.

Ms. Gilbert was pleased to report that under the Local Partnership Program there is a reward for “self-help” counties, cities, districts and regional transportation agencies that have a sales tax or Transportation Impact Fee. It’s expected that there will be some formula funds and some competitive funds.

Director Botelho asked if State Transit Assistance funds could be used towards the rail study.

Ms. Gilbert stated that State Transit Assistance funds are generally used for Transit Operations or Capital and since the guidelines are not out yet staff is not sure where those funds could be used. She stated that staff will keep the rail study in mind as the guidelines come out.

PUBLIC COMMENT:
Valerie Egland
San Juan Bautista

Ms. Egland concurred with Director Botelho’s comment regarding 2017 ATP Augmentation funds. She stated that it would make sense that an application be made to get monies to put in better bicycle lanes in the project area between the County and City of San Juan Bautista on the Salinas/San Juan Bautista/DeAnza triangle area. She stated that it is a hugely used bicycle area from Monterey and Santa Cruz bicyclists who ride through Aromas, the DeAnza trail and Fremont’s Peak and back.

She also wondered if the population density of San Juan Bautista is considered according to the number of tourists that it brings every year and the kind of use that tourist trade brings to the Cities. She stated that the large amount of tourist that come in also have a huge impact on the City roads and it should somehow be factored in when you are looking for local street/road funds in San Juan Bautista.

There was no further discussion.
Upon a motion duly made by Director De La Cruz, and seconded by Director Botelho, the Directors Unanimously adjourned the COG meeting. The meeting was adjourned at 4:42 p.m. Vote: 5/0 motion passes.

ADJOURN TO COG MEETING SEPTEMBER 21, 2017 at 3:00 P.M.
## CONSTRUCTION PROJECTS

<table>
<thead>
<tr>
<th>Project</th>
<th>Location/ Post Mile (PM)</th>
<th>Description</th>
<th>Construction Timeline</th>
<th>Construction Cost</th>
<th>Funding Source</th>
<th>Project Manager (Resident Engineer)</th>
<th>Contractor</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Highway 156 San Juan Bautista CAPM (1C8704)</td>
<td>Near San Juan Bautista from SR 156/101 separation to the Alameda (PM 0.0/3.0)</td>
<td>Pavement preservation</td>
<td>Fall 2016- Winter 2017</td>
<td>$4.8 million</td>
<td>SHOPP</td>
<td>Brandy Rider (FK/JW)</td>
<td>Granite Rock Company, San Jose</td>
<td>Project resumed May 22, 2017.</td>
</tr>
</tbody>
</table>

## PROJECTS IN DEVELOPMENT

<table>
<thead>
<tr>
<th>Project</th>
<th>Location/ Post Mile (PM)</th>
<th>Description</th>
<th>Construction Timeline</th>
<th>Construction Cost</th>
<th>Funding Source</th>
<th>Project Manager</th>
<th>Phase</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Highway Widening Project and Route Adoption Hollister to Gilroy (48540_)</td>
<td>Near Hollister and Gilroy on Highway 25 in Sbt &amp; SCL Counties (PM Sbt 25-51.5 to SCL-25-2.6)</td>
<td>Route adoption</td>
<td>N/A</td>
<td>N/A</td>
<td>Local</td>
<td>Brandy Rider</td>
<td>PA&amp;ED</td>
<td>Coordinating required adoption into Sbt/SCL County &amp; City General Plans. Local agencies are working with Caltrans on the Controlled Access Highway Agreements at this time.</td>
</tr>
</tbody>
</table>
### PROJECTS IN DEVELOPMENT (Continued)

<table>
<thead>
<tr>
<th>Project</th>
<th>Location/Post Mile (PM)</th>
<th>Description</th>
<th>Construction Timeline</th>
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<th>Project Manager</th>
<th>Phase</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Highway 156 Improvement Project (34490_)</td>
<td>On SR 156 in and near San Juan Bautista from The Alameda to slightly east of 4th Street near Hollister (PM 3.0/R8.2)</td>
<td>Construct 4-lane expressway</td>
<td>Summer 2019 to Summer 2021</td>
<td>$44.6 million</td>
<td>STIP/Local</td>
<td>Brandy Rider</td>
<td>PS&amp;E</td>
<td>Project design on-going. ROW appraisals in progress. Utility relocation, design coordination almost complete. 95% design. Project Development Team conducted in June 2017 to give an update.</td>
</tr>
<tr>
<td>6. Highway 25 Super Elevation Adjustment and Culvert Extension (1C260_)</td>
<td>In SBC County, from La Gloria Road and to just North of La Gloria Road (PM 25.9/R26.2)</td>
<td>Curve correction</td>
<td>Spring 2019</td>
<td>$2.1 million</td>
<td>SHOPP</td>
<td>Brandy Rider</td>
<td>PA&amp;ED</td>
<td>Project design continues. ROW acquisition and utility work to being now that environmental documents are finalized.</td>
</tr>
<tr>
<td>7. Highway 25 Roadway Safety Improvements (1F430_)</td>
<td>In SBC County in Hollister from Sunnyslope/Tres Pinos Road to San Felipe Road (PM R49.9/R52.2)</td>
<td>Route deficiency corrections</td>
<td>October 2018</td>
<td>$6.9 million</td>
<td>SHOPP</td>
<td>Brandy Rider</td>
<td>PS&amp;E/ROW</td>
<td>Project design continues with concurrent ROW acquisitions and utility work.</td>
</tr>
</tbody>
</table>

**ACRONYMS USED IN THIS REPORT:**
- PA&ED: Project Approval and Environmental Document
- PS&E: Plans, Specifications, and Estimate
- ROW: Right of way
- SBC: San Benito County
- SCL: Santa Clara County
- SHOPP: Statewide Highway Operation and Protection Program
- STIP: Statewide Transportation Improvement Project
Staff Report

To: Council of Governments
From: Mary Gilbert, Executive Director  Telephone: (831) 637-7665
Date: September 21, 2017
Subject: Amendment to Fiscal Year 2017/2018 Overall Work Program

Recommendation:

a. APPROVE Amendment No. 1 to the Fiscal Year 2017/2018 Overall Work Program to Include Rural Planning Assistance Funding for a Rural RTPA Performance Measures Study, and
b. AUTHORIZE the Executive Director to Sign a New FY 2017/2018 Overall Work Program Agreement with the California Department of Transportation.

Summary:

The Council of Governments is coordinating with the Association of Monterey Bay Area Governments to complete a rural transportation performance measurement study to be funded with state rural planning assistance funds. An amendment to the 2017/2018 Overall Work Program is needed to include the new work element.

Financial Impact:

This amendment supplements the budget with $49,000 in Rural Planning Assistance funds. $45,000 will fund the Association of Monterey Bay Area Governments’ work on the project. COG is allocated $4,000 for administration of the program.

Background:

As the designated Regional Transportation Planning Agency, the Council of Governments is eligible to receive certain types of state and federal funds for preparing an Overall Work Program. The document may be amended if changes occur during the fiscal year to reflect priorities, funding, and staffing changes. The 2017/2018 Overall Work Program was adopted in June 2017.

Staff Analysis

Staff is requesting that the Council of Governments Board of Directors consider an amendment to the adopted Fiscal Year 2017/2018 Overall Work Program. The amendment would include a work element to be coordinated with AMBAG for completion of a rural transportation performance measures study. In order to use the funds, the grant must be identified the Overall Work Program and COG must sign a new Overall Work Program Agreement with the California Department of Transportation.

Executive Director Review: ____________          Counsel Review: ___N/A___

Supporting Attachments:  1. Overall Work Program Amendment No. 1
                            2. Overall Work Program Agreement
Overall Work Program

WORK ELEMENT NUMBER 306  Rural Transportation Performance Management

Project Manager: Mary Gilbert

Total Budget: $49,000

ESTIMATED EXPENDITURE AND ANTICIPATED REVENUE: FY 2017-2018

<table>
<thead>
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<th>EXPENDITURES</th>
<th>Amount ($)</th>
<th>Change</th>
<th>REVENUE</th>
<th>Amount ($)</th>
<th>Change</th>
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<td>FTA 5303</td>
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<td>In-Kind/Non-Federal Local Match</td>
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<td>AMBAG General Fund</td>
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<tr>
<td>California Rural Counties Task Force</td>
<td>-</td>
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<td>49,000</td>
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</tbody>
</table>

TOTAL 49,000

% Federal 0%

*Contracts are as follows:
Pass through: Association of Monterey Bay Area Governments

Project Description

The Moving Ahead for Progress in the 21st Century (MAP-21) Act and the Fixing America's Surface Transportation (FAST) Act transformed the Federal-aid highway program by establishing new requirements for performance management. Performance management increases accountability and transparency and provides for a framework to support improved investment decision making through a focus on performance outcomes for key national transportation goals. Under this Work Element staff will help develop for the California Rural Counties Task Force the Transportation Performance Measures (TPM) Framework as required under Fixing America's Surface Transportation (FAST) Act. AMBAG propose to select one small/rural county agency, San Benito Council of Governments (SBtCOG) as a pilot area to develop the proposed TPM framework. This proposed TPM framework will be built upon the report “California Rural Counties Task Force Performance Monitoring Indicators for Rural and Small Urban Transportation Planning”, developed for California Rural Counties Task Force. TPM measures framework will include but not limited to, motorized and non-motorized safety performance, condition for highways, bridges, transit assets (State of Good Repair), and National Highway System (NHS) performance. NHS performance to include: person-miles traveled, total emission reductions, travel time reliability and traffic congestion.

TPM represents the opportunity to prioritize needs, and align resources for optimizing system performance in a collaborative manner. TPM measures work supports activities such as the Metropolitan Transportation Plan (MTP), Regional Travel Demand Model (RTDM), the Metropolitan Transportation Improvement Program (MTIP), Transit system planning and GIS mapping tool for Public Participation. Data collection, developing infrastructure plan and developing performance measure analysis framework will aid the performance measurement tracking, reporting as identified within MAP-21 and FAST Act.
Project Products
- Research, identify, and collect data for TPM measures analysis.
- Participate in TPM measures related meetings. Project coordination and training meetings.
- Develop and compile TPM measures metrics and performance measure analysis framework.
- Develop performance measure analysis database.

Federally Eligible Tasks
- This work is not federally funded.

Previous Accomplishments
- This is a new work element.

Tasks & Deliverables

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Budget</th>
<th>Completion Date</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Administrative</td>
<td>Progress Reports, meeting agendas and minutes, invoices</td>
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<td>6/30/2018</td>
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<tr>
<td>1.1</td>
<td>Project Administration</td>
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<tr>
<td>2</td>
<td>Planning</td>
<td>Participating in meetings pertaining to TPM; FAST Act implementation</td>
<td>$12,000</td>
<td>6/30/2018</td>
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<tr>
<td>2.1</td>
<td>Researching, reading, and understanding FAST Act requirements for TPM data needs, analysis and performance measures, targets and reporting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Research and identify TPM measure monitoring indicators to be used for performance measure analysis framework as established under MAP-21 and FAST Act.</td>
<td>Attend workgroup meetings/webinars. Compile research materials and draft outline of performance monitoring indicators</td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td>Data Gathering and Analysis</td>
<td>Database and GIS shapefiles for performance monitoring indicators with outline of framework</td>
<td>$25,000</td>
<td>6/30/2018</td>
</tr>
<tr>
<td>3.1</td>
<td>Collect and compile SBI-COG test area performance monitoring indicator data (safety, transportation infrastructure, system reliability, congestion, economic vitality, environmental sustainability, and freight movement data) for performance measure analysis framework.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3.2</td>
<td>Develop database system for TPM performance measure data.</td>
<td>Development of database system and GIS framework for TPM infrastructure</td>
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<td>4/30/2018</td>
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<tr>
<td>4</td>
<td>Coordination</td>
<td></td>
<td>$6,000</td>
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</table>

Work Element 610
4.1 Coordinate with local, state, federal agencies and key stakeholders for data collection, identifying responsible agencies and coordination for data support and if needed, MOU/agreements. Reports, GIS shapefiles, database, maps, and MOUs for data agreements 6/30/2018

4.2 Hold Kick-off meeting/webinars with involved stakeholders and host or attend meetings on TPM framework. Agendas and handouts 6/30/2018

5 Public Participation $ 2,000

5.1 Provide performance measure information and data for use by government agencies and members of the public. GIS maps, graphs, charts emailed to interested parties and list of requests Quarterly

5.2 Host showcase of GIS framework and maintain database for performance measure analysis and data. Data, reports, or maps emailed to interested parties and list of requests Quarterly

Federal Planning Emphasis Areas (PEAs)

Project addresses the following Planning Emphasis Areas:

**PEA NAME**
- MAP-21 Implementation (Federal)
- Regional Models of Cooperation (Federal)
- Ladders of Opportunity (Federal)
- Core Planning Functions (CA)
- Performance Management (CA)
- State of Good Repair (CA)

Federal Planning Factors (PF)

Project addresses the following Planning Factors:

**PF NAME**
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.
- Promote efficient system management and operation.
- Emphasize the preservation of the existing transportation system.
- Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation.
OVERALL WORK PROGRAM AGREEMENT (OWPA) FOR
COUNCIL OF SAN BENITO COUNTY GOVERNMENTS

1. The undersigned signatory Regional Transportation Planning Agency (RTPA) hereby commits to complete, this fiscal year (FY) (beginning July 1, 2017 and ending June 30, 2018), the annual Overall Work Program (OWP), a copy of which was approved on June 15, 2017, and Amended on September 21, 2017 and is attached as part of this OWPA.

2. All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreements (MFTA), numbered 74A0801 and executed with effective dates of January 1, 2014 to December 31, 2024 between the Council of San Benito County Governments and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWPA for this FY.

3. This OWP Agreement obligates and encumbers only these following funding sources: State Highway Account – Rural Planning Assistance (RPA) funds, Federal Highway Administration (FHWA) State Planning and Research (SP&R) – Partnership Planning/Strategic Partnerships*, Federal Transit Administration (FTA) Section 5304 Transit Planning/Sustainable Communities*, and State Highway Account (SHA) - Sustainable Communities. RTPA agrees to comply with FHWA and FTA matching requirements for “Consolidated Planning Grant”and SHA funds obligated and encumbered against this OWP Agreement: FHWA – SP&R Part, federal/local – 80/20; FTA Section 5304, federal/local – 88.53/11.47; and/or SHA Sustainable Communities, state/local 88.53/11.47. All local match funds are to be provided from non-federal sources.

4. Subject to the availability of funds this FY OWPA funds encumbered by STATE include, but may not exceed, the following:

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Minimum Match % Required</th>
<th>Funding</th>
<th>Local Match, if applicable</th>
<th>Total Expenditures</th>
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<tbody>
<tr>
<td>RPA</td>
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<tr>
<td>RPA Carryover</td>
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<td>FTA Section 5304*</td>
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<td>FHWA SP&amp;R*</td>
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<td>Total Programmed Amount</td>
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<td>$343,000.00</td>
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<td>$343,000.00</td>
</tr>
</tbody>
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6. Should RTPA expend funds in excess of those available and programmed in this FY OWPA, those costs shall be borne solely by RTPA.

Caltrans Department of Transportation (STATE) Council of San Benito County Governments Name of Agency (RTPA)

Authorized Signature
Printed Name of Person Signing
Title
Date

(For Use by Caltrans Accounting Only)

The total amount of all Federal funds encumbered
Fund Title: ____________________________________________

Item Chapter Statute Fiscal Year

Project ID# Encumbrance Document Number

Project ID# Encumbrance Document Number

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and expenditure purpose stated above.

Signature of Department of Transportation Accounting Officer Date

*CFDA for Federal Funds 20.505: Metropolitan Transportation Planning and State and Non-Metropolitan Planning and Research

Updated April 2016
Staff Report

To: Council of San Benito County Governments
From: Mary Gilbert, Executive Director  Contact: (831) 637-7665 x. 207
Date: September 21, 2017
Subject: Response to 2015-2016 Grand Jury Report

Recommendation:

a. CONSIDER 2015-2016 San Benito County Grand Jury Report Recommendation No. 34
b. APPROVE Letter of Response to Hon. Steven R. Sanders, Presiding Judge

Summary:

In March, the San Benito County Grand Jury released its Final 2015-2016 report. The 2015-2016 report identified the Council of San Benito County Governments in some findings and recommendations. Staff has prepared a response that requires COG Board consideration and approval.

Financial Impact:

There is no financial impact at this time.

Background:

The Council of Governments was identified in the Final 2015-2016 Grand Jury report with a response required. Staff prepared a response from the Executive Director and submitted it to the presiding Superior Court Judge. The initial response was returned to COG with a request for changes (Attachment 1). Staff revised and re-submitted the report on August 8, 2017 (Attachment 2). The revised response indicated that the COG Board of Directors would consider information as required by law at the September 21 Meeting as it relates to Recommendation #34 in the report.

Staff Analysis:

Penal code states that as to each grand jury recommendation, the responding person or entity shall indicate one of the following:

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

The Grand Jury Report considered Psychiatric Hold and Treatment, SBC Issues in Public Healthcare Management as a section in which COG and the Local Transportation Authority are addressed (Attachment 3). Specifically, the COG Board must consider the Grand Jury Recommendation outlined below:

**Recommendation #34:**
BOS and COG evaluate and consult with Behavioral Health and the Local Transportation Authority for possible transport of some types of patients to facilities for voluntary mental health care.

**Staff Response to Recommendation #34:**
The recommendation has been implemented by COG staff.

The COG Executive Director consulted with LTA staff and contacted the Director of Behavioral Health. Based on the consultation and the COG Executive Director’s evaluation of the recommendations, it was determined that Local Transportation Authority transportation options are limited by the existing contract with the transportation operators for LTA. Changes to the type of transportation provided would require contract amendments. In addition, the Behavioral Health director indicated that the department has access to private transportation services that are more suitable for the type of transportation needed.

Based on this consultation, COG staff recommends that the Board of Directors APPROVE the attached letter, indicating that COG has consulted with the LTA and Behavioral Health and that the recommendation will not be implemented because it is not reasonable based on the consultation by staff. The proposed response letter is attached as Attachment 4.

Executive Director Review: ________________  Counsel Review: _____ N/A

Supporting Attachments: 1. Letter from Hon. Judge Steven Sanders to COG
2. COG Executive Director Revised Grand Jury Response
3. Pages from 2015-2016 Grand Jury Report
4. Letter from COG Chair to Hon. Judge Steven Sanders
August 1, 2017

Mary Gilbert, Executive Director
Council of San Benito Governments
San Benito County Local Transportation Authority
330 Tres Pinos Rd, Suite C-7
Hollister, CA 95023

Dear Ms. Gilbert:

I am returning your response to the 2015-2016 Grand Jury report for slight modifications to bring your response into compliance with statutory requirements. In summary, a grand jury report may produce findings and recommendations about matters within your responsibility. If so, you must file a response to each finding and recommendation with the presiding judge – 60 days for elected officials and agency head – 90 days for public agencies after the filing of the grand jury report with the court. The penal code has strict requirements for your response. I shall summarize them below.

Findings –

You must respond to each finding and specifically state that you either agree or disagree. You may disagree wholly or in part. If you disagree you must specify what part of the finding that is disputed and you must include an explanation of the reasons for the dispute.

Recommendations –

If the grand jury recommends that you take an action, you must respond to each recommendation and specify one of four actions that you have taken. Agreement or disagreement is not an appropriate response. Nor are general statements that do not meet the requirements of the Penal Code. (See Pen. Code § 933.05 attached hereto.)

The Penal Code requires that you report one of four actions in response to each of the Grand Jury recommendations.

   (1) That you already implemented the action. You must include a summary of the implemented action, or

   (2) The recommendation has not yet been implemented but will be in the future. A timeline for implementation must be implemented,
(3) The recommendation requires further analysis. If this is the action taken, you must;
   a. Provide an explanation, scope and parameters of future analysis or study, and
   b. Provide a time frame (not later than six months after publication of the grand jury report) for a discussion of the matter by the particular officer or agency,

(4) The recommendation will not be implemented (inaction) with an explanation why it is unwarranted or unreasonable.

Please correct your response as necessary so it may be filed in compliance with the Penal Code.

Very truly yours,

[Signature]

Steven R. Sanders
Presiding Judge of the Superior Court
PC 933.05.

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
   (1) The respondent agrees with the finding.
   (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
   (1) The recommendation has been implemented, with a summary regarding the implemented action.
   (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
   (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
   (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

(Amended by Stats. 1997, Ch. 443, Sec. 5. Effective January 1, 1998.)
August 10, 2017

To: Honorable Steven R. Sanders, Presiding Judge
Superior Court of California, County of San Benito

Response From: Council of San Benito County Governments
San Benito County Local Transportation Authority
Executive Director, Mary Gilbert


This joint letter contains the Council of San Benito County Governments’ (COG) and the COG Executive Director’s formal response to the Grand Jury Report for FY 2015-2016 specifically relating to the “Psychiatric Hold and Treatment SBC Issues in Public Healthcare Management” section, and the specific findings and recommendations related to COG and the San Benito County Local Transportation Authority (LTA) only.

This response fulfills Penal Code Section 933 that mandates a response to the Grand Jury Report within 60 days of the report.

<table>
<thead>
<tr>
<th>Psychiatric Hold and Treatment SBC Issues in Public Healthcare Management</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Finding #37</strong></td>
</tr>
<tr>
<td>COG has not considered SBC LTA as an option for transportation in a comprehensive mental health care program nor a temporary solution in the shortfall of transportation logistics in SBC for mental health care patients.</td>
</tr>
</tbody>
</table>

**Response to Finding #37**

The respondent agrees with the finding.

While COG has no established program for transporting mental health care patients, the Local Transportation Authority operates services which are available to the general public and which could be made available to mental health care patients within the existing scope of those transportation services.
Recommendations

Recommendation #34:
BOS and COG evaluate and consult with BH and the Local Transportation Authority for possible transport of some types of patients to facilities for voluntary mental health care.

Response to Recommendation #34:
The recommendation has been partially implemented by COG. The COG Executive Director has evaluated and consulted with BH as described below. The information will be provided to the COG Board for their evaluation on September 21, 2017.

The COG Executive Director consulted with LTA staff and contacted the Director of BH. Based on the consultation and the COG Executive Director’s evaluation of the recommendations, it was determined that Local Transportation Authority transportation options are limited by the existing contract with the transportation operators for LTA. Changes to the type of transportation provided would require contract amendments. In addition, the BH director indicated that the department has access to private transportation services that are more suitable for the type of transportation needed.

Sincerely,

Mary Gilbert
Executive Director
Psychiatric Hold and Treatment
Public Mental Healthcare Management
San Benito County

SUMMARY

"5150" is the language used in the State of California referring to the temporary, involuntary detention of an individual who may be mentally ill or gravely unstable. San Benito County has a complex problem with sound administration and management of mental health care for people placed on a "5150" holds. The county is duty bound under California Law; Division 5 of the California Welfare and Institutions Code (CA W&I or WIC) for assessment, in conjunction with working definitions in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5).

Several San Benito County (SBC) agencies share the operational and fiscal responsibility and constraints for individuals placed under temporary involuntary hold. With many organizations involved, the process has become a "hot potato" with finger pointing. Interpretations of various regulations, "best practices" and California and Federal law result in confusion and hardship executing logistics, assessment, disposition, and transit of persons requiring mental health care in our county.

Resolution in SBC will take a full collaboration of many. This includes San Benito County Board of Supervisors, members of the Hollister City Council, Board of Directors of San Benito Health Care District (Hazel Hawkins Hospital), County and City Law Enforcement, SBC Probation Department, the SBC Jail, the SBC Juvenile Hall, and the SBC Behavioral Health Department.

This Civil Grand Jury Evaluation summarizes some recognizable difficulty agencies experience working under Federal, State and County governments' restraints, mandates, and intent. Solving this problem is resoundingly important because residents and employees of San Benito County are negatively affected by a broken system impacting our access to healthcare, our safety, and our financial resources.

- San Benito County is struggling to work within California and Federal government laws; the reality is it is
  - Hard for patients,
  - Hard for the City of Hollister,
  - Hard for our Hospital, Hazel Hawkins,
  - Hard for our Law Enforcement,
  - Hard for our County Behavioral Health,
  - Makes needed transport difficult,
  - Makes SBC dependent on unreliable help from other counties.
It’s argued, ‘it’s not just SBC.’ Mental health care and logistics needs national attention. This is true. However, on a local level more can and should be done; and the best of local collaborative effort is necessary because there can be a life-changing impact of receiving the right mental health care; and it is the law.

CA WIC 5655. “All departments of state government and all local public agencies shall cooperate with county officials to assist them in mental health planning. The State Department of Health Care Services shall, upon request and with available staff, provide consultation services to the local mental health directors, local governing bodies, and local mental health advisory boards.”

Following extensive research, among recommendations made by the SBC Grand Jury is to initiate work to establish clear multi-agency protocols and Memorandum of Understandings (MOUs), and that the MOUs remain in duration until superseded by subsequently negotiated agreements.

In the case that national attention will not likely provide SBC forthcoming relief; the Grand Jury asserts that county population increase is an impetus to go beyond MOUs, and strongly recommends SBC effect plans for a psychiatric crisis center and inpatient psychiatric beds. With a broken system and not enough resources - for a population reaching 57,000 in San Benito County - the words of this psychiatric expert in treatment advocacy are daunting:

“What you see is predictable. If there are only a few beds, facilities have to triage, and take only the most severe cases,” he said. “People aren’t very good at predicting when someone is imminently dangerous, and so they are let out and what happens is people continue to deteriorate. Those folks then find themselves in a much less therapeutic facility — they’re in jail.”

Or they hurt someone.

The current total of voluntary and involuntary, inpatient and/or outpatient psychiatric beds in SBC with a near population of 57,000 is zero. This is objectionable.

And dangerous.
BACKGROUND
The “5150 72-hour hold” is to hold and transport a person involuntarily so he/she may receive possibly needed medical and mental health care. An involuntary psychiatric hold may be continued legally under CA law to up to 30 days with the correct resources and administration. Right now SBC has authority to administer only the initial 5150 72-hour hold.

How are SBC 5150s handled?
An outline of the current basic process in SBC

California Law reads: "WIC 5150. (a) When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services."

When an individual is suspected of the need to be transported and held involuntarily for mental health reasons under WIC 5150, Law Enforcement (LE) is typically the first line of authority and initiates the hold. To legally place an individual on a 5150 detention, LE must only identify probable cause, the lowest level of evidence or proof. Imminent danger is not necessary. LE substantiates probable cause with “specific and articulable facts”; the law requires basing the hold upon observable and reportable behaviors by the authority detaining the individual.

Once an LE officer in SBC invokes a 5150 hold, LE transports the person to Hazel Hawkins Hospital (HHH) Emergency Department (ED) for emergency admission (not psychiatric) and assessment. The ED notifies the SBC Behavioral Health Department (BH) and then ED staff initiates and completes the “medical clearance” required by law when a county engages an ED in a WIC involuntary hold process.

Medical clearance determines underlying conditions that may contribute or explain the appearance of mental illness. If an individual is diabetic, has a high blood alcohol reading, or needs to detox, these conditions are addressed before BH review even though co-diagnoses are common. After completing medical clearance and regardless of elapsed time, BH initiates a mental health assessment.

A BH clinician meets with the individual to decide whether to hold the patient for further observation, try to have the person transferred for admission to an inpatient facility, or to release the individual with or without inpatient or outpatient treatment arranged. The person’s release may follow after, say, an alcohol detox, and taken off the 5150 hold, followed perhaps by a plan to meet with BH about substance abuse.
If SBC BH deems an individual will benefit from being held *involuntarily* to wait for an inpatient bed, an attempt is made to locate and assign an appropriate bed as soon as possible - with this wait time still under the legal timeframe constraint of the 5150 72 hours. Successfully researching and locating a viable option for help in another county for an SBC resident following clearance and assessment can easily exceed the 72 hours.

Transportation logistics begins after locating a bed. Patients' travel may be long distances to reach the bed, and needed transportation is not readily available for them in SBC. Not obtained transport means the bed is *forfeited*.

Even if the person remains a danger to himself or others, the patient may be released directly from the ED. LE and the Jail are under strict WIC 5150.1 law not to place an individual in the Jail due to lack of an acute care bed. Therefore, unless the person has a pending arrest, they are free to go.

**DISCUSSION**
The following questions presented to the SBC Grand Jury are answered by this Discussion and the subsequent Analysis - along with an overview of guiding legislation.

- Why is HHH the place to bring 5150 holds?
- Does HHH have adequate resources to address mental health care?
- Why is HHH involved at all?
- When do the 72 hours of the 5150 period start?
- What if more time is needed than 72 hours while a person is in the ED waiting for mental health assessment?
- Are a person's civil rights affected?
- Are those requiring public mental health care in SBC obtaining what they need?
- Can an ED representative decide to take off a 5150 hold?
- What is the BOS role in overseeing mental health in SBC?
- If patients are released when there is no bed for them, is LE picking up the same people over again?
- Who oversees the whole process?
- Is SBC in compliance with the law?
- Who is responsible for what?
- What should SBC do?

The minimum describes SBC's mental health care program and its current processes, and even that is struggling. From the initial steps to the final disposition, resources are strained in SBC; the BOS directs that the intake for professional *mental health psychiatric assessment* for an individual on a 5150 hold is conducted in the HHH ED. Other CA Counties may use an intake location such as a *County Crisis Clinic* where LE can bring people within 5150 hold guidelines. Clinics such as these conduct *both*
medical and psychiatric evaluations. Without something like a Crisis Clinic, our sole Emergency Department is the holding place to assess those who may need an evaluation for further mental health care. The stop and hold at our community hospital ED are default for a person in a 5150 status to get “clearance” to proceed to get psychiatric help in SBC.

In addition to County Crisis Clinics, some counties also have one or more stand-alone clinics called a Psychiatric Healthcare Facility (PHF – “puff”). These facilities can assign some individuals to a bed to complete the evaluation. A PHF can receive patients following an ED medical clearance, or it may conduct medical clearance - one that is allowed by law to be less rigorous than the ED. Using extrapolated data concerning beds per capita from other CA counties, the Grand Jury research estimates that SBC needs a 10+ bed PHF.

What about inpatient beds? SBC does not have any. Expert guidelines approximate the need to be one bed for every 2,000 per capita. This view means SBC should have access to 26 beds, some in locked units. However, competition to obtain state funding for beds is sizeable – which in turn has communities reach for support from special districts like HHH. Setting aside the seemingly impossible expert guidelines, another comparison using further data indicates that the least number of beds in any other CA county is 14.9 beds per population of 100,000. Therefore, the minimum number of inpatient beds available in SBC should be at least seven (7).

Without inpatient or outpatient beds in SBC and a continuous population increase due to housing development our mental health care process is aggravated. Federal and state government policies push SBC to have a "community-based" mental health care approach, but the county has not supplemented infrastructure for either type of bed or facility.

Mid 20th Century CA legislation began pushing psychiatric healthcare local and community-based. Historically the federal government managed mental health care but decentralized, assisting financially state run inpatient mental health facilities. Starting in the 1960's another general shift was initiated to decentralize mental health care for financial reasons further; the positive impact of advances in psychiatric medications, and in some degree due to a general distrust of hierarchical medical institutions (One Flew Over The Cuckoo's Nest). Our local government officials in SBC became responsible for our "community-based approach to mental health care" in the 1960's.

Federal Law:
1963 - Community Mental Health Centers Act: With the purpose to facilitate transitioning patients from inpatient psychiatric hospitals out into communities. In 1963, deinstitutionalization began, and scores of state hospitals closed across the United States. This act moved patients from inpatient psychiatric hospitals out into communities. The number of inpatient psychiatric beds declined precipitously, from a high of more than 550,000 in 1950 to 30,000 by the 1990s.
California Law:
1967 - California Lanterman-Petris-Short (LPS) Act (established WIC) LPS is the basis for which we refer to the law known as the California Welfare & Institution Code, or WI&C, or WIC. California's LPS Act intended to end what was considered the inappropriate, indefinite, involuntary commitment of mentally disordered persons in CA. The spirit of this legislation was to end state psychiatric hospitals and move patients to community-based facilities, encouraging full use of community resources and agencies so that people with mental disorders could receive prompt evaluation and treatment closer to home. Without centralization, mental health professionals scattered across all CA counties. Moreover, since inpatient bed reimbursement rates did not cover some cost of care, there was added avoidance in establishing needed inpatient psychiatric beds in local community hospitals as the LPS Act and WIC law intended. SBC has this problem. Our county mental health professionals cannot admit an individual to the local hospital for the purpose of evaluating their mental health.

LPS established the law to be a simple 2-step process for communities:
1. WIC 5150 – hold to transport and assess.
2. WIC 5151 – admit to evaluate and treat

WIC 5151 was intended as the follow-up to the 5150 hold. WIC designates that a 5150 involuntary transport and hold for assessment may not be longer than 72 hours, and a subsequent 5151 involuntary hold for evaluation and treatment of an individual admitted to a licensed facility may not be longer than 72 hours. In a licensed facility the 5150 and 5151 holds may overlap or be consecutive providing 144 hours to decide what to do with someone who may need serious help. The difference between the two is key to understanding SBC's limitations with just access to the 72 hours under WIC 5150. This fundamental concept creates underlying conflict among SBC agencies.

Since SBC does have a place to admit a psychiatric patient for an evaluation the time/delays in the minutes spent here towards assessment are on trial, scrutinized and blame assigned. If the time exceeds 72 hours, are patient's rights violated? Ethical issues surrounding a civil commitment are one of the most controversial practices in modern psychiatry. Involuntary holds and hospitalization present unique challenges for psychiatry (e.g., not guilty by reason of insanity). A spurious or arbitrary psychiatric assessment made to squeeze into SBC's 72 hours can affect the legitimacy and appropriateness of mental health treatment for SBC residents.

The US Constitution, Fourteenth Amendment states that a State may not deprive any person of liberty without due process of law, and the CA LPS Act does provide a safeguard for individuals' rights through judicial review and a method to remove an involuntary hold using the California court system. But SBC local government is not doing its job if BH needs more time to care for an individual in a psychiatric crisis effectively but the state, county, nor the community hospital is not providing any facility for BH to do so.
Other WIC provisions allow for subsequent 14 and 30-day involuntary holds. WIC Section 5250 allows for a qualified officer or clinician to involuntarily confine an individual deemed to have certain mental disorders for up to 14 days. This hold placed by qualified staff on a person they determine to have a mental disorder which poses a danger to him or herself, or others or to be gravely disabled (unable to care for oneself) and also requires more than a 72-hour hold for treatment. The law allows (WIC 5270) for a patient held an additional 30 days, initiated following a 14-day 5250 hold. Neither provision can be provided locally to San Benito County residents or their families if needed even if a psychiatric evaluation deeming this appropriate.

Of the 58 counties in CA:
- 26 counties (44%) have no designated involuntary inpatient psychiatric beds. SBC is in this category.

- 47 counties (81%) have no beds for children or adolescents. SBC is in this category.

- 56 counties have no Geri-psych beds; meaning a patient who also suffers from dementia, 97% of counties have no bed for that person. SBC is also in this category.

It seems government pushes mental health dollars toward prescription drugs and outpatient treatment. This point of research is offered to highlight causes - not to excuse the BOS to sidestep enormous effort to get needed beds for SBC. Data collected from the Kaiser Family Foundation shows the nationwide shift from inpatient treatments in mental health spending in 1986 and 2005. Figure A. highlights funds reduced for inpatient facilities.

![Figure A](image)

**Figure A**

**Distribution of Mental Health $ Spent by Type of Service, 1986 and 2005**

<table>
<thead>
<tr>
<th></th>
<th>1986</th>
<th>2005</th>
</tr>
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<tbody>
<tr>
<td>$32 Billion</td>
<td>$113 Billion</td>
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- Behavioral health outpatients increased more.
- Fewer inpatient beds.
In addition to the ubiquitous reduction of inpatient psychiatric beds, salient federal and state legislation can restrict local governments and special districts' abilities to obtain resources and set policies to establish an optimal community mental health program for their residents. Law, funding, best and typical practices can conflict - resulting in the mental health care logistics quagmire that SBC is in now and which needs tackling by our local government.

To highlight various governing rules and regulations affecting SBC:

**California State Law**
California Lanterman-Petris-Short (LPS) Act
California Welfare and Institution Code (WIC)

**Local Government**
Under CA WIC guidelines.
Can be subject to CA funding for mental health treatment facilities.
Can be subject to licensing issues in special district healthcare.
Subject to funding.

**Local Hospital**
Under Federal Law regarding Emergency Department (EMTLA).
Under CA WIC guidelines.
Subject to its Board of Directors.
Subject to medical best practices under JCAHO
Subject to CA State licensing restrictions for psychiatric care.
Subject to its district funding.

**Local Behavioral Health Department**
Funded by the State of CA
Uses CA WIC Law
Situated in SBC, subject to some county BOS directives.
Dependent on the local ED at HHH
Uses IMQ Health Care Standards baseline for care
Restrictions in employee union contract

**Local Law Enforcement**
BOS, City of Hollister, Best LE practices based on Federal and CA State law.
San Benito County Sheriff's Department Policies and Procedures 2015-16
Hollister Police Department Policies and Procedures 2015-16
Lexipol, LLC

**Local (County) Jail**
Subject to CA law under Title 15, BOS, BH, ED, LE, best DOJ and DOC jail practices.

**Local Patient Transportation**
Subject to BOS, HHH ED, SBC BH, and city, county, state, and federal funding.
ANALYSIS

The 2015-16 Civil Grand Jury discerns the public mental health care topic of managing 5150s in SBC will only succeed with collaborated effort from county agencies and oversight by our BOS. The Grand Jury also acknowledges that each has significant, conflicting concerns. Below summarizes some of the concerns. From their independent perspective, resistance is understandable, and each addressed. Local agencies are frustrated and want to know: Why is there trouble and who is responsible? The Grand Jury submits the problem as decidedly overdue for attention and action by the BOS and those communally involved. Residents want to know our public leaders are doing their best to cooperate and their best to secure local and outside resources for the sake of our community.

Board of Supervisors (BOS)
The State of CA mandates that the Board’s task be to ensure that SBC has a viable mental health program. Are they in compliance?

State Law (CA WIC paragraph (1) of subdivision (a) of Section 5150), mandates the BOS certify there is a designated county health professional. This professional may typically report to the most senior county appointed official, the County Administrative Officer (CAO). The Board is also mandated to select and designate the treatment facility to receive 5150 holds.

During data collection, it was implicit that designation of the county health care professional was last made in a directive (circa, 1993) issued by a previous CAO under a prior BOS. Neither this paperwork nor any related updated paperwork could be produced to satisfy this CA WIC regulation during the investigation.

No department including SBC Behavioral Health Department has paperwork that indicates or assigns HHH to be the designated facility to receive WIC 5150 holds. Not a county-run hospital, HHH through its Board of Directors should have clear procedures negotiated with SBC about the breakdown of responsibilities for WIC 5150 management. This formality may have existed at some time – but nothing could be found by any department to provide to the Grand Jury, concluding one was not on file. Paperwork lapse may not be in particular violation of WIC but does denote that detailed collaborative oversight and evaluation of SB County 5150 policies is a deficient priority of the BOS.

For purposes to proceed with the investigation and report, the “designated professional” by SB County per WIC is supposed: The Director, Behavioral Health Department, San Benito County.

BH is funded solely by the State of CA. Services are provided only on an outpatient basis: meaning, no beds, voluntary or involuntary. BH describes their caseload as challenging. Since the only local hospital (HHH), is not under BOS direction, our county
government cannot dictate HHH keep an on-staff psychiatrist or be equipped to offer assistance to BH proceed with any 5150 related assessments, evaluations, or treatment.

Patient care and mental health treatment mandated to the county by CA WIC law may to some degree are left unsatisfied because of state and local funding for facilities bound SBC's abilities to comply. However, amid the growth of SBC, this can no longer be sufficient local government pretext. SBC demands require either, a county or private hospital with an inpatient psychiatric ward; or a separate state, local, or privately funded facility with inpatient beds; and/or a Crisis Center; and/or a PHF with beds for those that need some closer monitoring and shelter.

CA WIC 5250 (b). The facility providing intensive [psychiatric] treatment is designated by the county and agrees to admit the person. No facility shall be designated to provide intensive treatment unless it complies with the certification [licensing] review hearing required by this article.

This means that the BOS is stuck. Without an appropriate facility, the Board cannot designate or direct that a patient needing an evaluation or intensive inpatient care “go” anywhere. So even if the BOS wanted to designate HHH, it is restricted because HHH does not fall under their purview, nor can the facility admit or evaluate the patients without licensing for psychiatric mental health care under WIC 5768 guidelines.

Placing or releasing a WIC 5150 hold may be authorized to emergency room physicians, members of the attending staff of an evaluation facility designated by the county, and other professional persons designated by a county. SBC limits 5150 "hold and release" authority to local Law Enforcement and Behavioral Health staff. Changing this policy could give some relief to a patient backlog, but is as likely to create additional or dissimilar types of problems. It is not a complete solution to the issue.

WIC 5651. … [the] annual county mental health services performance contract shall include the following:(a)(2) That the county shall provide services to persons receiving involuntary treatment as required by Part 1 (commencing with Section 5000) and Part 1.5 (commencing with Section 5585).

WIC says that the state directs the county to have a workable plan for patients receiving involuntary treatment. Our county does not provide involuntary treatment; but because it does not, the BOS’s job does not just stop there. Lack of support from the state does not mean that the BOS is not held responsible for the CA mandate. Our current oversight is not effective nor is the plan optimal. SBC is out of compliance. The law also says:

WIC 5652.5. (b) Nothing in this section shall prevent a county from restructuring its systems of care in the manner it believes will provide the best overall care.

92
Restructuring our county mental health program is a solution for the county. Those with psychiatric needs:

WIC 5600.2.(3) …Shall be viewed as total persons and members of families and communities. Mental health services should assist clients in returning to the most constructive and satisfying lifestyles of their own definition and choice. (4) Should receive treatment and rehabilitation in the most appropriate and least restrictive environment, preferably in their own communities.

Our community hospital is not maintaining psychiatric beds. To provide beds and treatment SBC could build a Psychiatric Health Facility (PHF). A PHF allows a less restrictive medical clearance and both the needed mental health assessment and evaluation. PHFs are typically in addition to inpatient beds but in SBC it could augment our BH clinic. A PHF has beds to evaluate and treat those who may have otherwise been an outpatient. To establish a PHF, SBC needs to obtain state funding that exists for this purpose. A primary funding criterion is a population. At the time of this report, data suggests this means adding an initial 10 to 12-bed facility in SBC.

Funding is typically allocated for a PHF when at least 16 beds are needed. Though the state may attempt to sidestep SBC as under this threshold, the BOS should not dismiss this recommendation. Counties have successfully obtained state funding for a PHF under these circumstances. Their contact information is:

El Dorado County 935-B Spring Street (530) 621-6212 10 Bed Psychiatric Services Placerville, CA 95667 (530) 622-2385.

Sacramento County Crestwood Psychiatric 4741 Engle Road (916) 483-8424 12 Bed Health Facility Carmichael, CA 95608 (916) 483-3071.

Experts estimate the need for a minimum of one public psychiatric bed for every 2000 people for hospitalization for individuals with psychiatric disorders - yet SBC has zero Psychiatric Treatment beds in a General Acute Care Hospital setting, Acute Psychiatric Hospital setting, or even a Psychiatric Health Facility (PHFs). County leadership should determine a way to begin robustly requesting that the state of CA provide SBC with funding to address our shortfall. Moreover, due to the delays inherent in the construction of the county homeless facility that local government locates an area ready to allow the building of a psychiatric treatment facility as soon as funding is secured.

The San Benito Health Care District (SBHCD) & Hazel Hawkins Hospital (HHH)

The SBHCD Mission Statement:
"The District serves as a responsive, comprehensive health care resource for its patients, physicians, and the healthcare consumers of the community."
Is the District meeting its mission in mental health care?

SBHCD is a public agency called a special district working under an elected Board of Directors who serves our county. Though a community hospital, HHH is not a “county run” hospital. The hospital generates revenue and receives funds by the patient ability to pay either through private insurance or Medicare/Medical. The District does not obtain funding from the state or county general fund, nor is it under the directives of the SBC BOS. HHH and its Board are however subject to policy and regulation from both federal and state law.

No law states that HHH must maintain a psychiatrist on staff or build inpatient or outpatient beds to augment its community healthcare system, or even to provide any mental health treatment. Where HHH comes into SBC’s mental health system is the medical clearance aspect of the WIC 5150 process.

The HHH ED has to adhere to Federal guidelines under The Emergency Medical Treatment and Active Labor Act (EMTALA). This Act mandates the strict rule that hospitals with emergency departments ensure one’s access to emergency services, regardless of ability to pay. This law makes the HHH ED a default location to bring SBC 5150s since these individuals will need medical clearance before they can receive an assessment and there are no other community EDs or psychiatric facilities to conduct these clearances.

Section 1867 of the Social Security Act also imposes specific obligations on HHH as a Medicare-participating hospital that offers emergency services. HHH is required to provide a medical screening examination (MSE) when any request is made for examination or treatment for an emergency medical condition regardless of an individual’s ability to pay. If a patient has an emergency medical condition, the ED must provide stabilizing treatments. If the hospital ED is unable to stabilize a patient within its capability, an appropriate transfer must be implemented - including mental health care.

The 2010 adoption of the Patient Protection and Affordable Care Act and the 2-1/2 million more insured Californians under this Act added upward pressure to the numbers seeking mental health care that begins with a trip to an ED. However, of those that Law Enforcement (LE) and family members bring to the ED for psychiatric evaluation, 70% do not need to stay for evaluation once medically cleared, and 70% of the remaining 5150 patients do not meet inpatient treatment admission criteria.

This HHH ED volume feels rising pressure as the funnel to sort out who needs mental health care evaluation and treatment or who can be released. HHH ED is also the place to wait while sorting out where, when, and how a patient will transfer for services. HHH is not the ideal setting for part of SBC's mental health care, though tasked with this vital role as part of our community's mental health safety net. The ED strains without HHH licensed for psychiatric care or having inpatient or outpatient bed. HHH ED has concerns as the holding place for an increasing number of people needing mental health evaluations or psychiatric treatment. To summarize data collected about the concerns; in the ED:
• Long delays are common. Those needing to be seen for mental health care sometimes have to wait a long time; very long if needing hospitalization for treatment. When waiting, many 5150s are written, called 'stacking.'

• Patient’s information should more clearly state that they could receive a judicial hearing if held against their will longer than the initial 72 hours.

• The ED does not understand why 5150 patients do not receive specialized psychiatric treatment for mental illness while held for long periods in the ED. Nor do they know why BH clinicians provide an assessment only regarding whether or not a patient meets the criteria for a 5150 psychiatric hold, but does not give any recommendations for treatment of the mental illness.

• The ED is frustrated that SBC Mental Health psychiatrists have limited availability; Monday through Friday business hours and for phone consultation only, which is not certain either.

• ED staff has concerns that there have been cases where a psychiatric patient is released or transferred after many days of being confined in the ED with no actual treatment of his/her mental illness.

HHH ED’s unease about those not receiving mental health care treatment in the ED is an example of how the SBC mental health system lacks collaboration. SBC Grand Jury’s review of WIC law determined that 5150s not be supposed to be receiving any treatment or evaluation from a BH clinician in the ED, only an assessment – notwithstanding one to be made as quickly as possible following medical clearance. If the BH clinician believes the person on a 5150 should be held over involuntarily and admitted for psychiatric evaluation and treatment (as with a WIC 5151), according to CA law the clinician’s job stops there – due to our lacking resources. Clinicians are not to make any recommendations for treatment until after a full mental health evaluation, and the evaluation occurs when admitting the patient to a licensed facility. The ED or BH instead attempts to find a bed outside the county for the person to receive an evaluation. However, ultimately the individual’s release may be warranted.

The timeframe during which a person is held involuntarily for further evaluation is where the BOS, BH, and HHH need to collaborate the most. HHH ED may be managing several 5150 individuals for numerous days. A safe and guarded room is typically required and security provided at HHH expense. 5150 holds create financial, security, and logistics problems for HHH ED when patients remain in the ED with no appropriate room or bed for hours or days.

HHH and the ED are stuck. With the Emergency Medical Treatment and Active Labor Act (EMTALA), HHH must treat a prospective mental health patient that comes through the door with a full medical clearance before the patient can be assessed and possibly transferred for evaluation. These individuals can accumulate while waiting.
What if HHH had beds set up to move a 5150 patient out of emergency resources, to complete medical clearance and implement an overlapping WIC 5151 72-hour hold? Can HHH find the resources to assist our community to admit an individual for evaluation to determine the need for further voluntary or involuntary treatment? Perhaps HHH even provide resources for a WIC 5250 14-day involuntary inpatient treatment? What if HHH as a whole could do more for SBC mental health patient care besides medical clearance? Can HHH consider a new approach?

What if SBC also had a Psychiatric Health Facility (PHF)? A stand-alone PHF with beds is not required to follow the strict rules with which hospital EDs must adhere. A prospective patient in a PHF could be medically cleared, assessed (5150), and admitted (5151) if a reasonably competent individual could manage the patient’s conditions until a BH psychiatrist completes the evaluation. Treatment could even commence before the 5150 or 5151 72-hour holds expire. The PHF could also provide voluntary outpatient for patients who also have no place to stay and provide care and a bed. If the PHF needs to transfer a patient, treatment could already be underway.

The ED also indicates concern about patients’ rights infringement from prolonged involuntary holds. HHH’s concerns about patient’s rights violated using consecutive 5150 holds have merit. Once the initial 5150 72-hours are up, there is no legal basis to hold the patient involuntarily. Given the county’s limitations to provide mental health care, the next step in WIC might be arrangements with an attorney to file with the court so the judge may rule to let him/her be held longer or let go if held against their will.

\[\text{WIC 5254.1.} \quad \ldots \quad \text{at the time the [involuntary] hold is initiated, the person delivering the notice [for ex. LE] shall, at the time of delivery, inform the person certified of his or her legal right to a judicial review by habeas corpus, and shall explain that term to the person certified, and inform the person of his or her right to counsel, including court-appointed counsel under WIC Section 5276.}\]

To avoid the possibility of judicial review, HHH and the Grand Jury understand BH to bend WIC law regarding the “start time” of a 5150 hold. BH argues the law as “ambiguous” and as such may claim to start the hold later, say at the time the person arrives into the ED for medical clearance, or perhaps after completing the medical clearance. However, our Grand Jury investigation determined that under WIC 5254.1, the law clearly identifies the 5150 start time to be when the hold is first initiated, which may be, for example, at the person’s home before transport. A WIC 5150 72-hour hold is meant to include the inclusive time of “placement on hold, transport, and assessment.”

During our investigation, HHH ED staff began handing out pamphlets, written by and adopted from Santa Cruz County to patients on 5150 holds to assist with what they felt missing in patient advocacy. Currently, patients’ rights about the option for judicial certification review after 72-hours are either repeated or explained in further detail by ED staff.
WIC 5256.5. If at the conclusion of the certification review hearing... there is not probable cause ...then the person certified may no longer be involuntarily detained.

WIC 5256.6. If at the conclusion of the certification review hearing ....there is probable cause ...then the person may be detained for involuntary care, protection, and treatment related to the mental disorder or impairment by chronic alcoholism pursuant to Sections 5250 and 5270.15.

A judicial review in SBC would essentially replace the process of BH deciding to release an involuntary hold or retain the individual over from a WIC 5150 hold to a 5151 72-hour hold, i.e. to finding the person a bed and be admitted involuntarily to a facility, for further evaluation. Instead of a psychiatrist, the judge would decide probable cause to move forward to complete the assessment and/or evaluation and determine further treatment.

HHH ED and the Grand Jury have apprehension about SBC BH and the pressure to bend and violate CA law by writing consecutive 5150 involuntary holds. Emergency staff was:

- ...explained to by SBC BH that they can write repetitive 5150's in out county and that the process of "stacking" 5150 holds is not illegal.

The ED contends:

- That they will not be participating in the course of stacking 5150's any longer due to the understanding that it is a liability to violate individual rights. They assert that they have established a process where the person will be released.

The BOS should note:

WIC 5651. The...annual county mental health services performance contract shall include the following: (5) The county shall comply with all provisions and requirements in law pertaining to patient rights.

HHH ED expresses:

- The understanding that there is a limit to available inpatient beds outside the county. Nevertheless, psychiatric individuals that are "languishing in HHH ED" deserve timely treatment.

The grand jury confirmed that:

- Holding multiple psychiatric patients in ED beds interferes with other ED patients receiving emergency treatment

Also, the Grand jury concurs with sentiments the BOS should:
• Find a solution to get patients in need of psychiatric treatment to an appropriate facility and out of the ED.

SBC needs solutions. Suggesting patients petition the Superior Court Judge to speed things up may seem reasonable out of understandable frustration, but is not the viable long-term solution the ED needs to alleviate extended stays of individuals under involuntary hold. There are essential steps for county government to employ to renovate the process with enhanced oversight and resourcefulness.

Law Enforcement (LE)
Follows the guidance and directives of:
BOS and the City of Hollister,
Best Practices based on Federal and CA State law, through Lexipol, LLC,
San Benito County Sheriff's Department Policies and Procedures 2015-16,
Hollister Police Department (HPD) Policies and Procedures, 2015-16,
CA WIC under 5100 -

Relevant statutes and protocol LE uses to place a person on a 5150 hold include:

WIC 5153. Whenever possible, officers charged with the apprehension of persons pursuant to this article shall dress in plain clothes and travel in unmarked vehicles.

WIC 5150.1 shall not be instructed by mental health personnel to take the person to, or keep the person at, a jail solely because of the unavailability of an acute bed.

A WIC 5150 detention by LE is not a criminal arrest but instead part of California’s procedures of civil commitment. The individual placed under 5150 hold is not being charged with a criminal offense while in civil commitment. SBC and HPD Law Enforcement both have local authority to force an individual to go to a designated facility for assessment when the individual is acting in a way that is either dangerous to oneself or others and or appears to be unable to care for oneself for food, clothing, and shelter ("gravely disabled").

The HPD and SBC Sheriff’s Department (both are LE) train to handle mental health callouts using best practices information and recommended protocols from the web-based company, Lexipol, LLC. “LEXIPOL” provides local LE with policies to implement and a management system for the protocols that has been reviewed by professionals and attorneys in their field. LE uses a set of proper daily "scenario-based" training so that these agencies have the ability to work within the framework of current and updated legislative policy, including WIC. The information system is systematically updated when CA state-specific and federal regulations change.

LE's responsibility when placing a person under civil commitment is to write up the following form, explain to the individual what is happening, and transport the 5150 to the designated facility by local government:
5150 (g)(1) informs “each person, at the time he or she is first taken into custody under 5150 section, shall be provided, by the person who takes him or her into custody, the following information orally in a language or modality accessible to the person. If the person cannot understand an oral advisement, the information shall be provided in writing. The information shall be in substantially the following form:

My name is ______________________________________

I am a ____________________________
(peace officer/mental health professional)

with ______________________.
(name of agency)

You are not under criminal arrest, but I am taking you for an examination by mental health professionals at ____________________________.

___________________________
(name of facility)

You will be told your rights by the mental health staff.

(2) If taken into custody at his or her own residence, the person shall also be provided the following information:

You may bring a few personal items with you, which I will have to approve. Please inform me if you need assistance turning off any appliance or water. You may make a phone call and leave a note to tell your friends or family where you have been taken.

In 5150 (i). Each person admitted to a facility designated by the county for evaluation and treatment shall be **given the following information by admission staff of the facility.** The information shall be given orally and in writing and in a language or modality accessible to the person. The written information shall be available to the person in English and in the language that is the person’s primary means of communication. Accommodations for other disabilities that may affect communication shall also be provided. The information shall be in substantially the following form:

My name is ________________________________.

My position here is ________________________.

You are being placed into this psychiatric facility because it is our professional opinion that, as a result of a mental health disorder, you are likely to (check applicable):

( ) Harm yourself.

( ) Harm someone else.

( ) Be unable to take care of your own food, clothing, and housing needs.

We believe this is true because

________________________________________
(list of the facts upon which the allegation of dangerous or gravely disabled due to mental health disorder is based, including pertinent facts arising from the admission interview).

**WIC 5150.1** directs LE that they may not be restricted from bringing a patient in for mental health evaluation under a 5150 hold, nor may the peace officer be told to remove a 5150 patient from a healthcare facility.

**Under 5150.2, LE should not be detained** any longer than to admit the person on hold.

Once at the ED then the **security** of the individual transfers to HHH.

Law Enforcement is stuck. First, though following LEXIPOL, LE cannot bring a 5150 to a designated evaluation facility – because SBC does not have one. HHH, the default because it has an ED, is not a facility where a person placed under an LE civil commitment CAN receive an evaluation.

Second. Since HHH is not equipped to receive civil commitment persons, then the security of the staff is compromised. HHH cannot by law even ask LE to stay to guard a potentially dangerous individual, but the appropriate safety of a locked and guarded room for detention that a licensed facility would have is absent.

Third. LE is wedged into what is called a “revolving door” of our mentally ill. While LE has the burden of the hold and transport, they encounter many individuals repeatedly. LE sees the same patients in need of outpatient or inpatient beds often because people did not find a static place for help; because as a BH outpatient was challenged to have the necessary support systems; or unsuccessful help in with addiction results in a return to the ED to sober/detox again. LE may even encounter probable cause that is determined later as homelessness seeking a warm bed for a few days or those even wanting a change of pace from the jail.

The Grand Jury determined that **LE is not technically following WIC law.** Persons they place on 5150 holds are not transported to a location and **admitted to a facility designated by the county for evaluation** as WIC 5150.2 instructs. The type of facility CA law intends to receive 5150 holds from LE in SBC is yet to be established or constructed putting LE out of compliance. HHH is compromised both as the LE default location for 5150 drop-offs and that it has not sought to be licensed to receive 5150 holds from our community though it is our only community hospital.
The City of Hollister Government (COH) and the Hollister Police Department (HPD)
The City of Hollister is stuck. City government is not given the state authority to establish its policy regarding mental health processes. Hollister residents, its Mayor and City Council, and HPD are at the discretion of the BOS’s policies regarding how and where WIC 5150 patients are transported, held, and assessed. Therefore, Hollister's ability to oversee and manage mentally ill is as good as what the BOS provides. As a result, HPD is out of WIC law compliance, and LE and the COH also bear the burden of the “Revolving Door” – having no beds for its residents in need of mental health care, voluntary or involuntary. The COH should play an active role in collaboration and in establishing plans for future facilities.

The SBC County Jail
The SBC Jail is subject to the law, mandates, policies, and procedures of:
CA Title 15, BOS, BH, HHH ED, LE, and best DOJ and DOC jail practices

Title 15. The State of California, CA Code of Regulations, Title 15. Crime Prevention and Corrections is the primary law guiding CA jail operations and management. However, in practice, since the SBC BOS funds the Jail operations, the Board by design, creates or condones much of the Jail's local policy. For this Grand Jury investigation, for example, the BOS directly influences the type, quality, and amount of onsite inmate medical care and the total Jail staff and training.

The LE, ED, and BH Departments are key relationships to the Jail. Policies and procedures between these agencies and the Jail require supportive oversight from a BOS that recognizes these dependencies.

The Jail is stuck. What can the Jail do when its best practice policies conflict with other key departments' policies and procedures and Correction Officers (CO) are tasked to handle a person deemed requiring assessment or suspected of needing a mental health evaluation or mental health treatment?

The Jail may find they have or receive an inmate from LE who would qualify as requiring a mental health assessment, but that person has also committed a crime or is a suspect in a crime. The Jail's current general operating procedure is for a BH representative to travel to the Jail and assess the individual, who is kept in a separate area (safety room) under 15-minute observation intervals by a CO.

The Jail received a letter from BH during this evaluation, dated 1/7/2016, directing, effective immediately, a policy that Jail custody staff cease calling county mental health clinicians between the hours of 5 pm to 8 am. BH cited IMQ Health Care Accreditation Standards for Adult Detention Facilities as the basis to authorize changing its policy - but later confirmed that policy change was also a result of staffing shortages and union demands.
The Jail takes direction from Title 15, Article 9, Mental Health Services section 3360. This section reads:

3360. (a) The Department [county jail] will provide a broad range of mental health services to inmates and parolees by assessing the needs of its population and developing specialized programs of mental health care... necessary and appropriate mental health services will be provided to inmates and parolees, and adequate staff and facilities will be maintained for the delivery of such services.

Title 15 regulation mandates the Jail must either provide mental health services on site or refer the person to an appropriate facility for evaluation and to receive treatment. The Jail does not have on-site mental health providers. Inmates do not have ready access to an adequate facility to accommodate psychiatric evaluation and treatment as Title 15 mandates.

The Jail does have on-site medical care. The staff consists of a Registered Nurse and a nurse’s aid to provide basic medical care daily 9 am to 5 pm. The county contracts this care, as well as 24-hour access to a physician by phone with the private healthcare company, California Forensic Medical Group (CFMG), in Monterey, CA. When a patient needs medical care, the Jail uses this contract service to call the MD in Monterey who advises the CO what to do based on a list of symptoms that the CO provides over the phone. If an inmate needs to see an MD, then arrangements are made. The CFMG contract does not include mental health care though the company offers this aspect. CFMG is IMQ accredited – the standards from which BH cites its policy change – and offers a sizable range of healthcare services, including mental health care - specifically for both adult and juvenile correctional facilities.

Interestingly, at the time of this investigation, SBC 2016 Jail Policies and Procedures read:

"609: MENTALLY DISORDERED INMATES: The San Benito County Jail has an admission policy with Natividad Hospital in Salinas. Natividad Hospital shall provide acute psychiatric inpatient services for inmates of San Benito County twenty-four (24) hours a day, seven (7) days per week.

A Correctional Deputy (CO) will initially evaluate San Benito County inmates. If the inmate appears to be psychiatrically disabled, the Correctional Deputy will notify the Jail nurse immediately. If the Jail nurse is unavailable, correctional staff will notify the on-call San Benito County Mental Health Crisis Worker. The crisis worker will respond to the Jail immediately. The crisis worker will determine whether the inmate should be transported to Hazel Hawkins Hospital for medical clearance prior to transfer to Natividad Hospital. The Hazel Hawkins physician will discuss possible admission with the Natividad Mental Health Charge Nurse. The inmate will arrive with the appropriate paperwork, including the original 5150 form."
The Jail has a well-written policy in place. Unfortunately, it is unworkable as it relies on the cooperation of other agencies such as BH that has no directive to comply with the Jail, or responsibility to compel such as Natividad in Monterey County. The BOS should recognize this as a problem in its oversight.

The Jail is stuck again. The difficulty for the Jail is rooted in the same problem as other SBC agencies; what to do with a person needing a mental health assessment, evaluation, and treatment? After the determination that a psychiatric hold is necessary by either LE bringing in a person to the Jail needing assessment or a CO recognizing the need for psychiatric care, the person is placed in the safety cell under 15-minute observation intervals while BH responds. Though the Jail's policy is for BH to “respond immediately”, BH policy can mean a wait in the safety cell for an inmate assessment on a long weekend from as long as 5:30 pm on a Friday night to Tuesday morning at 8 am. This total of 86 ½ hours – is far from an immediate response. Understanding that the “WIC 72 hour involuntary” hold does not apply to a person held on an alleged crime still, leaves two other issues to address.

1. Is it humane to keep an individual in a safety cell for that long that needs a mental health assessment?
2. The 15-minute checks take manpower leaving the Jail shorthanded to operate the rest of the Jail, a safety concern. The Jail's general policy while waiting for mental health to respond is in Section 608 and reads:

“608: MENTAL HEALTH
A mental health assessment [by the Jail security staff] to determine the mental health status of an inmate shall be conducted during the intake medical screening. If the need for mental health care is suspected, refer the inmate to the [Jail] medical staff. If the inmate states he/she is suicidal or attempted suicide, call Mental Health immediately. The inmate shall be placed in the safety cell. A safety cell log shall be started. Mental Health shall provide a face-to-face evaluation of the inmate, in regards to his/her suicidal intentions. They will advise, at that time, what level of watch shall be placed on the inmate, if any. Mental health services will be provided on a regularly scheduled day, each week, for approximately four (4) hours.”

This Jail policy indicates the need to wait for BH help in determining if they need to do the 15-minute checks. It also indicates, “mental health is on the way” after the call placed. The mental health assessment is critical to the inmate and to getting jail operations back in order when there is a mentally ill or suicidal person confined.

The Jail sets its policy. BH sets its policy. The county contracts other medical care for the Jail but not psychiatric care. The BOS should be aware of how each these policies impact total operations and resources and how medical contracting choices lessen access to mental health care in SBC.
SBC Behavioral Health Department (BH)
Complications for SBC BH are at every step of the current process.

Behavioral Health is really stuck. While BH acknowledges the frustrations and issues of the other agencies, this department just does not have what SBC needs in supporting infrastructure to resolve the issues alone successfully. *BH just cannot function efficiently in the 5150 process.*

**BH and Bed Shortages.**
BH lacks staff and has no direct access to beds. Hospitals like HHH that choose not to establish and license for psychiatric capacity results in emergency department overcrowding and hospitals without psychiatric staff - among other factors mentioned occurring in SBC.

SBC BH cannot step in until after medical clearance to begin a mental health assessment for a 5150 hold. If more than 72 hours is needed, at this time, another 5150 is written attempting to keep the individual longer, involuntarily.

Wait times for a patient to obtain a bed outside SBC may last longer than 72 hours - maybe even a week or more. If locating a bed is not possible and the person has no criminal charge, the patient may simply be released.

**BH has a heavy reliance on the HHH Emergency Department**
There is a discussion of the proposed CA AB 1300, authored by Assemblyman Ridley-Thomas (D-Los Angeles) that may see enactment in FY 2016-17. If approved, this bill would remove regulations from WIC that require hospitals to have 5150 patients evaluated only by trained psychiatric professionals or their designees. Passing AB 1300 legislation to change WIC would take control from some designated mental health authorities and purposely give more power to an ED staff. It is unclear if the AB 1300 approval will impact HHH ED physicians since it is not an ED located a healthcare facility providing evaluation and treatment for psychiatric care.

The strong opposition argues that this would weaken our mental health safety net. SBC BH does not want to happen here what already happens in other California hospitals where ED staff discharges patients in psychiatric crisis before full stabilization and before developing an appropriate assessment. The revised legislation is feared to make it too easy for hospitals to release patients who are in real crisis, continuing a cycle of emergency department and jail stays. Patients without appropriate treatment end up in jail or back in the ED to start the 5150 process over again, the Revolving Door concept.

**BH and stacking 5150s**
BH is supposed to complete the mental health assessment before the 72-hour 5150 hold is up. BH writes consecutive 5150s to provide more time. This practice has been argued as “illegal” and interferes with patients’ rights.

BH claims they are within their right to extend a stay under WIC 5150. BH explains the
LPS Act gives them no guidance on lifting a hold and thus provides an unclear definition of a start time; that the law regarding the time a 5150 hold begins is ambiguous. BH indicates that they can under some circumstances determine the 5150 start time when they initiate the mental health assessment or use other factors such as starting the hold when the person arrives at the ED, say when BH places the 5150 hold instead of LE.

During this investigation, the Grand Jury found the law to be well defined. Based on WIC 5254.1 the start time of a hold is identified to be when first initiated by an authority; this may be (LE) informing the person he/she is required to come with them. The hold time is considered initiated even if the person goes along with no resistance to the ED for medical clearance but has a 5150 in place. The HHH ED cannot put an individual on a 5150 hold – so in SBC, LE has to be called.

The Grand Jury recommends that BH cease writing consecutive 5150s – and instead admit the person under a WIC 5151 72-hour hold to a local facility – just as soon as the BOS gets a place to do so in SBC. Resolving the time issue of a 5150 hold will not solve the county’s larger mental health care systemic problems.

What is BH supposed to do if more time is needed for assessment? Co-occurring (dual-diagnosis) untreated medical conditions can make a quick mental health diagnosis impossible. Substance use disorders can mimic symptoms of psychosis or lead to dangerous withdrawal issues. Mental health evaluations need to be done after a medical clearance and a complete or attempt at detox. What if this simply takes longer than 72 hours? Where should the person go? Also, the lack of an SBC homeless shelter can raise further complications.

BH receives criticism that “no psychiatric evaluation or treatment” is provided to the person waiting in HHH ED for a bed even when the first the 72 hours elapsed and the person is in the ED on a stacked 5150

This is true. Moreover, due to WIC law, BH should not provide any. The Grand Jury recognizes that given the limited existing SBC facilities, BH can only work within the WIC 5150 – 72-hour “transport and hold to assess” timeframe. BH cannot move to enter the WIC 5151 phase – the 72 hours for “admit and evaluate” - aspect since there is no place to admit the patient in SBC.

Lack of insurance coverage for medications or treatment or beds can also result in mental health patients waiting longer than the initial 72 hours for the BH clinicians to figure out a plan. If a bed is determined to be the best option and one is found but transferring/transferring the patient is not readily possible or is unfunded, then this means longer than 72 hours is also likely needed.

Ultimately, the Grand Jury found that the time between initial custodial hold and admission to an inpatient unit often exceeds 72 hours in SBC, and not infrequently goes beyond a week. HHH ED reports patients being held waiting in the ED for as long as 14 days. This is unacceptable.
BH Staffing
BH has staffing issues and working hours that impact and aggravate SBC's 5150 72-hour hold problems. The CA State Department of Health Care Services has put forth this statement regarding weekends and holidays that:

"Saturdays, Sundays, and holidays may be excluded from the 72-hour period if the State Department of Social Services certifies for each facility that evaluation and treatment services cannot reasonably be made available on those days. The certification by the department is subject to renewal every two years. The department shall adopt regulations defining criteria for determining whether a facility can reasonably be expected to make evaluation and treatment services available on Saturdays, Sundays, and holidays."

Under these guidelines, SBC BH may not have to include weekends and holidays as part of any of the time in a 72-hour hold. Having this provision adversely impacting patient's rights is addressed in the information provided to the person during intake when placed on a 5150. WIC specifies that the BH and ED staff should inform the patient:

"If you have questions about your legal rights, you may contact the County Patients' Rights Advocate at __________________________
(phone number for the county
__________________________
Patients' Rights Advocacy office)
Your 72-hour period began ________________
(date/time)

(2) If the notice is given in a county where weekends and holidays are excluded from the 72-hour period, the patient shall be informed of this fact.

(j) For each patient admitted for evaluation and treatment, the facility shall keep with the patient's medical record a record of the advisement given....which shall include all of the following:

(1) The name of the person performing the advisement.
(2) The date of the advisement.
(3) Whether the advisement was completed.
(4) The language or modality used to communicate the advisement.
(5) If the advisement was not completed, a statement of good cause.

address concerns of some SEIU members, BH directed change to its relationship with the SBC Jail in its County Jail's Safety Cell Mental Health Assessment Protocol in January 2016. A Quality Improvement (QI) report issued by BH indicated that the union felt that there was an "unnecessary utilization of the after-hours crisis on-call staff." BH policy changed, as a result, removing the availability of after-hours mental health workers. It was agreed that County Mental Health Clinicians were to begin facilitating the basic requirement to provide "a mental health opinion for placement and retention be secured within 24 hours of placement "(Title 15). The new BH policy was to
increase a 2-hour response time to a 24-hour response time. BH policy directs the Jail not to call before 8 am the following morning to inform them of any safety cell placements that occurred during the previous 5pm-8am timeframe. Then if notification to BH is made at 8 am the BH 24 hour response time begins. This could potentially mean that an inmate placed in the Jail safety cell at 6 pm on a Tuesday may not be seen by BH until 8 am Thursday morning and still fall within Title 15 requirements. Also, this means that CO staff at the Jail must conduct required 15-minute checks on the inmate for 38 hours – radically reducing the active time on the floor as a CO part of an understaffed Jail.

The Grand Jury finds it reasonable on the one hand that BH SEIU clinicians not be rushed to dispose 5150 patients from the HHH ED given common factors in dual-diagnoses and lack of beds in SBC – Though on the other hand, unreasonable to argue that BH delays to the jail are unavoidable due to uncomfortable working hours.

It is objectionable the BH staff is simply not sooner on sight to begin their job of forming a potential diagnosis of a mental disorder based on the readily observable factors. The Grand Jury finds the BH delay its staff has to get to the jail unreasonable and negatively impacts Jail resources and adversely impacts the acceptability of an overall SBC mental health care program. It is not a stretch to suggest from the scope of this investigation, to purport that some 5150s released from the ED may turn up at the Jail needing BH to finish completing a previously missed assessment.

BH and SBC needs a Psychiatric Health Facility (PHF)
The same societal forces and resource constraints discussed in this report for SBC have led to the development of alternatives in other counties; general hospital inpatient psychiatric units; skilled nursing facilities providing mental health services; nonmedical facilities under the licensing category of residential care facility; Crisis Centers; and Psychiatric Health Facilities (PHF).

BH hopes the State Department of Health Care Services to approve SBC for a state-funded separate facility. A California PHF licensed for patient psychiatric treatment will provide short-term acute treatment in a nonhospital setting. A PHF is a more flexible service with different staffing requirements than hospitals. The enabling legislation explains the per diem cost amounts to approximately 60% of the cost of similar services provided in a hospital like HHH. Since 1985, there has been a rise in private and public PHFs operating in California. The number of applicants wishing to open both public and private PHFs has increased at a higher rate due to the Affordable Care Act and mandated insurance coverage. Data on existing PHFs indicate the characteristics of many of the patients in PHFs and general hospitals are similar in treatment requirements, just less costly.

Transportation
When BH or HHH ED find a patient bed, transportation logistics is attempted for the individual needing one voluntarily or held involuntarily. Is the 72-hour clock for a 5150
involuntary hold still running when a bed is found but transportation is the only consideration left? Yes, it is.

From SBC, patients may have to travel short or long distances to get to a bed located for them. Either distance, active transportation is not available for psychiatric care. If transportation is not available to get the individual to an inpatient bed, the individual needing inpatient psychiatric evaluation and treatment forfeits the bed. Unless the person also faces criminal charges, a patient on involuntary hold may simply released from the ED due to lack of transportation.

Transportation logistics are stuck. Who is responsible for arranging and paying for this type of transport? By CA law, the county’s inpatient Mental Health Unit is responsible for the movement of the patient. However, SBC does not have an inpatient Mental Health Unit.

Neither BH nor HHH wishes to absorb the sole responsibility of fully funding or partially supporting transport of mental health patient transfers to another facility or a bed located for patient evaluation and treatment. This investigation determined that the position in SBC healthcare oversight is keeping an ambulance on contractual call to transport mental health care patients is cost prohibitive.

Should BH use some of its already strapped budget to move a patient that needs help when it is not their mandated responsibility? Should HHH transfer patients from the ED since they are their patients but by design cannot provide the needed care to the patient? Should these transfers be considered the same as other medical transfers or different because of the mental healthcare aspect?

The Grand Jury recommends that the BOS provide this transportation by providing general fund money to either BH or HHH to manage for the specific purpose of transporting our county residents to get mental health care evaluation and treatment as long as our local government and community hospital cannot or will not provide that type of care in SBC.

SBC has established a transit system for others in need like the elderly and disabled. The Council of Government (COG) oversees the San Benito County Local Transportation Authority (LTA). This agency provides transport for county citizens through both routinely scheduled routes for pick-up and return, as well as a Dial-a-Ride program. Dial-a-Ride transportation may be utilized by county residents to go to and return from local medical appointments and for distant area medical appointments as far north as Palo Alto, CA. There is currently no LTA transport coordinated for patients needing mental health care evaluation or transport of WIC 5150 patients.

The Grand Jury also recommends that the BOS, in conjunction with the Council Of Government, should evaluate the use of LTA to assist the BOS in its problematic management of SBC mental health care oversight.
FINDINGS

F1. The San Benito County Board of Supervisors is out of compliance with California State Law; specifically the CA Welfare and Institution Code.

F2. No written directive is in place from the County Administration Officer for designation of the county health care professional as required by California State Law (CA WIC paragraph (1) of subdivision (a) of Section 5150), and which also mandates the BOS certify whom the CAO designates as the county health professional.

F3. A written policy is needed from the BOS to specifically designate the treatment facility to receive WIC 5150 holds in SBC.

F4. San Benito County needs a clearly defined program to care for persons that need to be held involuntarily for mental care assessment (5150), through to evaluation and treatment (5151, 5250, and so on.)

F5. Agencies and departments such as the ED, BH, SB County Jail, LE; all that come into contact with individuals who may need mental health assessment or treatment do not have updated, and consistently relevant to one another’s, policies and procedures on file.

F6. Conflicting policies and procedures exist with particular reference to 5150 holds among agencies, districts, and SBC departments.

F7. General communication between departments, agencies and districts are lacking.

F8. Negotiated Memorandums of Understanding (MOUs) do not exist for providing mental health care in SBC and between agencies under different boards, county, or state authority.

F9. The time between initial custodial hold and admission as an inpatient for a person in an involuntary hold under WIC often exceeds 72 hours in SBC, and not infrequently goes beyond a week. Reports indicate that patients are being held waiting in the HHH ED for as long as 14 days for further mental health evaluation and treatment.

F10. The SBC Behavioral Health Department is writing consecutive WIC 5150s.

F11. Patients on a temporary involuntary hold in SBC hold may not know their legal rights under the CA WIC laws of civil commitment.

F12. There is a possible violation of Patient’s Rights when under a temporary involuntary hold in SBC being violated, under the CA WIC laws of civil commitment.
F13. The HHH ED staff is using a pamphlet derived from Santa Cruz County to distribute to patients on WIC 5150 holds about their civil rights.

F14. The HHH ED staff may be releasing WIC 5150 hold patients that exceed 72 hours due to concerns about violations of patient’s rights.

F15. BH does not have official authorization or paperwork from any authority to support the claim that they may stack 5150s.

F16. There is a lack of adequate county psychiatric health facilities, crisis centers, and/or inpatient psychiatric beds based upon the previous, current, and the rapidly growing SBC population.

F17. Mental health patients may have to wait a long time to be medically cleared.

F18. Mental health patients who come in, or are brought in, consecutively to the HHH ED may ‘backup’ in the ED while waiting for medical clearance and assessment.

F19. Healthcare and security manpower requirements at HHH increase when monitoring and holding an individual on a WIC 5150 involuntary hold, and increase at a more rapid rate when exceeding the allowed 72 hours.

F20. A backlog of individuals on a WIC 5150 involuntary hold results in mental health patients in the ED with no place to wait creates general HHH ED crowding, financial, and security risks.

F21. The ED can be holding multiple psychiatric patients in ED beds, creating a longer wait time for medical treatment for other types of ED patients.

F22. HHH or the HHH Emergency Department or does not have a psychiatrist on staff.

F23. The San Benito Health Care District, Board of Directors, is not involved enough in the oversight and disposition of HHH ED individuals in a WIC 5150 temporary involuntary hold and persons needing mental health care assessment, evaluation, and treatment or transfer.

F24. The Mayor of Hollister and City Council of Hollister are not systematically involved in the impact Hollister residents experience from a limited mental health program and dysfunction of the communications and protocols among the agencies.

F25. Jail psychiatric support is lacking.

F26. Correctly updated written SBC Jail policies and procedures in Section 609 are not possible in the current climate of a broken mental health care program in SBC.
F 27. BH providing one-way directives to the Jail or other agencies such as LE or HHH ED that significantly impact the other's resources is not appropriate nor in the best interest of the SBC mental health care system.

F 28. The current BH policy incurring significant limits to the Jail staff in making calls to clinicians AND the expanded timeframe the Jail staff endures while waiting for clinicians to arrive at the Jail for assessment has had a substantially negative impact on the Jail.

F 29. Our local government is not considering the strain placed on County Jail Correctional Officers at the SBC Jail due to BH policies, and HHH limitations or as part of a comprehensive SBC mental health care program.

F 30. Inmates are waiting in a safety cell for a mental health assessment for too long.

F 31. Requiring Jail Corrections Officers to conduct 15-minute checks to the Jail's Safety Cell on an extended basis while waiting for mental health clinicians to perform a mental health assessment is unacceptable.

F 32. Transportation logistics are inadequate. Obtaining and funding the appropriate type of transportation for mental health patients to other facilities with an available bed is problematic.

F 34. Inmates are not provided with an adequate facility per Title 15 to accommodate psychiatric evaluation and treatment.

F 33. There is no established, dedicated, and collaborative committee to confer and effect solutions under BOS oversight to remedy current mental health care problems and to explore the future mental healthcare needs of the county.

F35. SBC Law Enforcement and HPD LE are out of compliance with WIC 5150 by not transporting persons placed under involuntary hold to a facility where the person may receive a mental health evaluation.

F36. SBC government does not have an area set aside to construct the augmented infrastructure needed for a psychiatric treatment facility.

F37. COG has not considered SBC LTA as an option for transportation in a comprehensive mental health care program nor a temporary solution in the shortfall of transportation logistics in SBC for mental health care patients.
RECOMMENDATIONS

R1. F1, F2, F3, F4. The BOS should review Division 5 of the CA Welfare and Institutions Code (CA W&I).

R2. F1, F2, F3, F10-12, F14, F23, F35. The BOS should make the appropriate designations for both the SBC Mental Health Director and the treatment facility to receive SBC 5150 holds made by LE. Each designation should be official and produced by the BOS in writing. If the facility designated by the BOS is under San Benito Health Care District, Board of Directors (i.e. HHH) management, then both Boards should take note that HHH is not a licensed facility for evaluation or treatment of patients placed in a temporary involuntary hold for mental health reasons. The BOS should be aware that the result of designating HHH as the treatment facility may be to direct LE out of CA WIC compliance, and may result in patient’s rights infringement by exceeding 72-hour limits while attempting to deliver patient care.

R3. F1, F4. The BOS should provide a detailed plan of action indicating steps and initiatives taken in the public interest that put SBC in compliance with Division 5 of the California Welfare and Institutions Code and augments mental health care in SBC. This plan of action should be made in response to this investigation and submitted to the public in time for a review for continuity by the SBC Civil Grand Jury 2016-17.

R4. F1, F4. The BOS should research and confer with BH to effectively get the attention of the State of CA to provide immediate resources to SBC for psychiatric mental health care assistance.

R5. F5, F23, F24. LE and HHH ED should begin regularly providing data available to the BOS to track the number of WIC 5150 cases brought to the ED, and the disposition of each one, including total length of stay.

R6. F5, F23, F24. HHH and BH ensure that LE receives information about all WIC 5150 individuals that released without further evaluation.

R7. F4, F5, F6, F23, F24. As a result of collaboration, ALL agencies, and departments that come into contact with those whom may need mental health assessment or treatment should have relevant policies and procedures updated and relevant to one another’s on file and shared with other agencies to minimize procedural conflict.

R8. F4, F6, F7, F23. The LE, ED and BH Departments and the Jail are key relationships to one another. Policies and procedures between these agencies should be made with particular attention and supported with a close oversight of the BOS that reflects these dependencies to ensure mental health care program efficiency and success.

112
R9. F1, F4, F5, F6, F7, F23. Collaborative effort should begin immediately from all parties for the health and welfare of SBC.

R10. F4, F7, F8, F23. SBC BOS establish clear Memorandums of Understanding (MOUs) written by and for the involved agencies, districts that have a separate board, and counties, (i.e. those not operating under the SBC BOS direct authority) to determine and establish agreement upon, and compliance with, local protocol. Also, that the BOS effect policy to maintain these MOUs until superseded by subsequently negotiated agreements.

R11. F1, F4, F10, F11, F12, F14, F23. “Stacking” 5150 holds is bad practice, and may be in violation of CA law. SBC should cease taking liberties with CA legislation concerning persons placed on 5150 holds. All methods available to agencies and departments should be implemented to attempt not to exceed the 72-hour maximum elapsed time from when the hold is initiated by LE, or otherwise, until the point of completed disposition of the patient.

R12. F1, F4, F10, F11, F12, F14, F15. BH should not look for, or be compelled to find, creative ways to circumvent the law to extend the 5150 72-hour hold due to SBC’s lack of psychiatric treatment resources. BH should not “fudge the start time of the 5150 hold” nor argue that the start time or “hold lift time” is ambiguous. BH’s good intention is clear, but working with the BOS to gain the facilities for an outstanding mental health program is optimal. Anything else may be counterproductive to achieving a long-term viable and quality program in SBC. If SBC BH does obtain written official temporary authorization to stack 5150s from the state, SBC should still employ a more strict 5150 72 hold time, and county agencies work together to increase our quality of mental health care under this time constraint. If BH obtains formal approval to stack 5150s given our dire lack of resources, BH’s use of the temporary waiver should be done so understanding that it to be used in parallel to a dedicated lobby for establishment and implementation of permanent solutions for SBC.

R13. F9, F10. Recommended that SBC adopt a model such as Monterey County to consider weekends and holidays as part of the 72-hour period of a 5150 hold regardless of SEIU bargaining demands.

R14. F1, F4, F10, F12, F23, F32. Both the ED and BH should be responsible for researching and locate bed availability to transfer 5150 persons who cannot receive needed care in SBC. Both departments should be held equally accountable for delays or wait time in the 72 hours to research and find a bed. This policy should be written in a formalized protocol and enforced by the BOS in oversight of the county mental health care program.

R15. F1, F10, F11, F12, F14, F15, F23. If individuals object to being involuntarily held during or beyond the 72 hours on a 5150 hold, then the use of the patient’s legal rights to judicial review (filing a writ of habeas corpus) process should be brought (again) to the patient’s attention by the ED staff. In particular, when medical clearance has
processed but a BH assessment is not complete. That is, according to WIC the patient may be reminded that: "If held longer than 72 hours, you have the right to a lawyer and a qualified interpreter and a hearing before a judge. If you are unable to pay for the lawyer, then one will be provided to you free of charge." Notification by the individual to the County Public Defenders office or any other attorney should not be interfered with or discouraged. The individual may also be reminded that if demanding a writ of habeas corpus, the decision whether to file it lies solely with the SBC Public Defender.

R16. F1, F4, F11, F12, F13, F23. The San Benito Health Care District in conjunction with BH and the BOS should develop its own, customized, patient's rights pamphlet to distribute to individuals on a WIC 5150 hold in the ED instead of using what was prepared specifically for Santa Cruz County.

R17. F1, F14, F18, F23, F24. The HHH ED should cease developing plans to release individuals in need of psychiatric care by "lifting the hold" on WIC 5150s. Any authorization for the ED to use this type of protocol should be made as a result of the SBHCD Board of Directors and the SBC BOS joint approval following multi-departmental, agency, and district collaborations held with The Director, Behavioral Health. When any release is made, LE is to be notified immediately.

R18. F1, F4, F9, F10, F11, F12, F13, F14, F15. Request immediate assistance from the State of CA, Department of Health and Human Services, before SBC has legal issues regarding patients' civil rights for involuntary detention beyond the 5150 72-hour holds; and failing to admit a patient for evaluation and treatment because SBC does not have a necessary psychiatric treatment facility.

R19. F1, F4, F5, F6, F7, F8, F14, F23, F24. Recommend preparation of negotiated agreements among the agencies that share the responsibility of WIC Division 5 management and agreement should include confidentiality in ARTICLE 7. Legal and Civil Rights of Persons Involuntarily Detained [WIC 5325 - 5337] especially Section 5328. This agreement should be established within the meaning of California Civil Code so that one agency may not unilaterally change established procedures which affect any other agency without a new negotiated agreement among the agencies.

R20. F17, F19, F23. As the designated treatment facility HHH should provide resources to medically clear 5150 hold patients as soon as possible.

R21. F16, F18, F23, F35. HHH should consider setting up a licensed inpatient area and move 5150s to 5151s for an added 72 hours of evaluation for treatment – then, if necessary, transfer the patient.

R22. F17, F18, F19, F20, F21, F22, F23, F35. HHH should consider becoming a licensed psychiatric facility with 7 to 10 beds to help alleviate problematic county mental health issues.

R23. F1, F17, F18, F19, F20, F21, F22, F23. It is recommended to take pressure off of the ED and BH clinicians by SBC finding at least ten beds for psychiatric care. The SBC
BOS and SBHCD Board of Directors should understand that SBC needs to augment mental health care now. El Dorado County has a 10-bed PHF, and Sacramento has a 12-bed PHF; this is a basis to understand CA counties can get the state's support for county mental health care needs.

R24. F1, F16, F17, F18, F19, F20, F21. Recommended that BOS capture the attention of the state on the basis of the CA Law WIC 5770 which reads: "Notwithstanding any other provision of law, the State Department of Health Care Services may directly, or by contract, with any public or private agency, provide any of the services under this division [WIC Division 5] when the state determines that the services are necessary to protect the public health, safety, or welfare."

R25. F1, F17-24, F35. SBC leadership and elected officials undergoing the impact of this lacking psychiatric mental health care system together implement an immediate and temporary solution. They should establish locations for a psychiatric crisis center for LE to bring 5150 holds needing assessment and a place to admit patients who require mental health evaluation and treatment as a result of the information provided in this report until effecting permanent solutions.

R 26. F24 The COH should be involved in and conferred with to play a more active role in collaboration, financing, and in establishing plans for future facilities.

R27. F1-F8, F16, F25, F26, F27, F28, F29, F30, F31, F34. Recommended that the SBC Sheriff or his SBC Jail representative be present at collaborative meetings when determining SBC mental health care program specifics that include the Jail. A further recommendation is that the Jail update policies and procedures section 609 correctly and reflective of a working mental health care system.

R28. F1-F8, F16, F25, F26, F27, F28, F29, F30, F31, F34. BH should no longer provide one-way directives to the jail or other agencies as LE, HHH ED, that significantly impact the other's resources. The January 2016 directive to the Jail should be rescinded and re-negotiated and re-established in a collaborative manner. If this includes union bargaining members, the BOS and its council should be notified, consulted and involved.

R29. F1, F25-F31, F34. Recommended that related elected officials consider augmenting Jail psychiatric mental health care, either temporarily or permanently, by expanding the existing CFMG medical health care contract. CFMG currently offers this service and SBC currently is in contract with CFMG for other medical care.

R30. F1, F4, F5, F7, F14, F28, F29, F30, F34. The recommendation is that every action is taken to eliminate significant delays at the Jail, including but not limited to, policies that exclude BH from being called into the Jail overnight, weekends or holidays until such time that SBC's mental health care program is viable. Also, until such time when it is determined conclusively by further investigation that WIC 5150s released from the ED are no longer turning up at the jail needing BH to complete a previously
truncated assessment and/or from making arrangements for an appropriate psychiatric evaluation and treatment plan.

R31. F1, F28, F29, F30, F31, F33, F34. BOS consider looking elsewhere for the Jail’s mental health (inpatient or outpatient) needs as it does with other medical needs and establish a contract with an outside private facility to refer patients that will agree to work during the night to meet the SBC goals to work to achieve sound mental health care for inmates. If current BH union staff does not wish to assess inmates as needed, not simply adopting a procedure based on the minimums of related law, other resources should be used or shifted, and perhaps BH staff decreased.

R32. F1, F4, F7, F8, F9, F10, F12, F18, F23, F24, F32. Recommend that a milestone be that the 72-hour hold is no longer significantly extended after finding a bed and transportation is the only consideration left. BOS should allocate funds from the county’s general fund and request, through the Council of Government, that City of Hollister funds also is allocated this year for either BH or SBHCD (HHH) to manage for transport. After locating a patient bed, transport of mental health patients should be readily accessible, efficient, safe and conducted as soon as possible for the patient. The amount of funds needed annually approximates $300,000. It is understood this expenditure can reduce as state-funded facilities (such as a PHF) are established in SBC and wherein SBC can conduct mental health evaluations locally.

R33. F1, F8, F14, F16, F23, F32, F33. BOS establish directed protocol that ensures no mental health patient in SBC will forfeit an available bed in another county, to simply be released from the ED specifically due to lack of transport.

R34. F1, F24, F33. BOS and COG evaluate and consult with BH and the Local Transportation Authority (LTA) for possible transport of some types of patients to facilities for voluntary mental health care.

R35. F33, F34 Is it recommended that the BOS have research continued to help determine the concerns of the SBC Juvenile Hall (JH) and the SBC Probation Department policies and procedures in mental health care. Both departments should be consulted and interviewed by independent, nonaligned researchers. Both departments should also participate in future collaboration and planning. The mandates and policies for the mental health care for minors held in detention and parolees stayed outside the scope of this report only due to time constraints. Members of the SBC Grand Jury 2015-16 working on this research have volunteered to assist with further impartial research and reporting on the needs and impact on these departments if requested. The SBC Grand Jury Foreperson has 2015-16 has contact information.

R36. F36. Recommend that due to the inherent delays associated with the construction of a Homeless Facility that SBC local government together identify and the BOS approve an area and property ready to allow the building of a psychiatric treatment facility as soon as state assistance is secured.
R37. The Grand Jury recommends that the BOS, in conjunction with the Council Of Government, evaluate the use of LTA to assist SBC in transportation as part of a temporary or permanent solution to the inherent and problematic logistics of a Mental Healthcare Program in SBC.

R38. F5, F6, F7, F24, F27, F30, F32, F33. For the good of our community, the SBC BOS establish a committee with members from HHH, BH, City Council, COG, County Jail, LE, Health and Human Services, SBC Probation Department, and three representative members from or appointed by the BOS. The initial meetings should validate Grand Jury findings and compare existing research and documentation surrounding the various issues relevant to the departments, agencies and special districts about 5150, and general mental health care management in our county. The Grand Jury recommends these committee members (or representative) ratios to explore viable resolutions and report to the county:

<table>
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<tr>
<th>Committee</th>
<th>Ratio</th>
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<tr>
<td>City of Hollister Police Department (HPD)</td>
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<tr>
<td>San Benito County Sheriff's Department (SD)</td>
<td>1</td>
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<tr>
<td>Board of Directors, Hazel Hawkins Hospital (HHH)</td>
<td>2</td>
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<tr>
<td>San Benito County Board of Supervisors (BOS)</td>
<td>3</td>
</tr>
<tr>
<td>San Benito County Council of Governments (COG)</td>
<td>1</td>
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<tr>
<td>Hollister City Council</td>
<td>1</td>
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<tr>
<td>SBC Department of Health and Human Services</td>
<td>1</td>
</tr>
<tr>
<td>San Benito County Probation Department</td>
<td>1</td>
</tr>
<tr>
<td>Behavioral Health Department</td>
<td>2</td>
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</table>

A formally established Director should be hired as an unbiased county employee consultant to direct the meetings and mediate and negotiate solutions. The BOS should confer with and select an individual to have knowledge, impartial bias, authority, and ability to travel to Sacramento to meet with relevant state authorities to obtain support and meet with all SBC community agencies ensuring their needs met. An ad hoc or permanent committee should be formed as soon as possible, and remain working with authority until formalized solutions for a viable public mental health care system are established from the beginning to end to correctly manage individuals in a temporary involuntary hold placed in SBC's responsibility. No appointees should have cognitive bias from an existing government, agency, or district to avoid counterproductive or ineffective resolution.
RESPONSES REQUIRED
Deliver responses to the findings and recommendations made in this final report to the Presiding Judge of the Superior Court within the following timeframes:

Board of Directors, Hazel Hawkins Hospital (HHH) (90 days)
San Benito County Board of Supervisors (BOS) (90 days)
San Benito County Council of Governments (COG) (90 days)
Mayor of Hollister and the City Council of Hollister (COH) (90 days)
City of Hollister, Chief of Police Department (60 days)
San Benito County, Sheriff (SD) (60 days)
SBC, Director of Health and Human Services (HHS) (60 days)
SBC, Director of Behavioral Health (60 days)
Executive Director, SBC Local Transit Authority (60 days)
September 21, 2017

To: Honorable Steven R. Sanders, Presiding Judge
Superior Court of California, County of San Benito

Response From: Council of San Benito County Governments
Chairperson, Ignacio Velazquez


This joint letter contains the Council of San Benito County Governments’ (COG) formal response to the Grand Jury Report for FY 2015-2016 specifically relating to the “Psychiatric Hold and Treatment SBC Issues in Public Healthcare Management” section, and the specific findings and recommendations related to COG and the San Benito County Local Transportation Authority (LTA) only.

This response fulfills Penal Code Section 933 that mandates a response to the Grand Jury Report within 60 days of the report.

<table>
<thead>
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<th>Psychiatric Hold and Treatment SBC Issues in Public Healthcare Management</th>
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<tr>
<td><strong>Finding #37</strong></td>
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<td>COG has not considered SBC LTA as an option for transportation in a comprehensive mental health care program nor a temporary solution in the shortfall of transportation logistics in SBC for mental health care patients.</td>
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**Response to Finding #37**

The respondent agrees with the finding.

While COG has no established program for transporting mental health care patients, the Local Transportation Authority operates services which are available to the general public and which could be made available to mental health care patients within the existing scope of those transportation services.
Recommendations

Recommendation #34:
BOS and COG evaluate and consult with BH and the Local Transportation Authority for possible transport of some types of patients to facilities for voluntary mental health care.

Response to Recommendation #34:
The recommendation has been implemented by COG. The COG Executive Director has evaluated and consulted with BH as described below. The information was provided to the COG Board for their evaluation on September 21, 2017.

The COG Executive Director consulted with LTA staff and contacted the Director of BH. Based on the consultation and the COG Executive Director’s evaluation of the recommendations, it was determined that Local Transportation Authority transportation options are limited by the existing contract with the transportation operators for LTA. Changes to the type of transportation provided would require contract amendments. In addition, the BH director indicated that the department has access to private transportation services that are more suitable for the type of transportation needed.

The COG Board of Directors considered this evaluation and consultation and has determined that the recommendation will not be implemented because it is not reasonable due to the required contract amendments and the existing availability of appropriate transportation services through Behavioral Health.

Sincerely,

Ignacio Velazquez
Chairperson
Staff Report

To: Council of Governments  
From: Regina Valentine, Transportation Planner  
Telephone: (831) 637-7665 Ext. 205  
Date: September 21, 2017  
Subject: Caltrans Sustainable Transportation Planning Grant

Recommendation:

AUTHORIZE Executive Director to Accept Grant Funds, if Awarded, for an Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study through Caltran’s Sustainable Transportation Planning Grant Program.

Summary:

The Department of Transportation (Caltrans), Division of Transportation Planning will soon release a Call for Projects for its Fiscal Year 2017/18 Sustainable Transportation Planning grants. Staff anticipates submitting an application for an Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study.

Financial Considerations:

There is $12.5 million for the Caltrans’ Sustainable Transportation Planning Grant Program Competitive Grants. The Council of Governments (COG) is planning to apply for one grant for $150,000, with an 11.47% local in-kind or cash match on behalf of the Local Transportation Authority (LTA). Time spent on the project by staff is considered by Caltrans as a cash match.

Background:

Caltrans conducts a Call for Projects for its Transportation Planning Grant Program annually. The Program includes a state-wide competitive program. COG and LTA were awarded the following grants in the past:

- Development of Transit Design Guidelines
- Implementation of Google Transit
- Update Bicycle and Pedestrian Master Plan
- Transit Advocates for the Future Internship Program
- Update Short Range Transit Plan and Develop Long Range Transit Plan
- Prepare a Bus Stop Improvement Plan
- Complete a Transit ITS Plan
Staff Analysis:

Census information indicates that 48.9% of employed San Benito County residents commute outside of the county for employment. As the population of the county continues to increase at a rate higher than the employment opportunities, current congestion issues for personal automobiles will continue to increase, including along Highway 25.

During the August 2016 LTA Board meeting, it was requested that staff conduct preliminary research on the possibility of creating a County Express commuter rail service to Gilroy to relieve congestion. Staff provided a related report to the Board in October 2016 regarding possible County Express commuter services to the Silicon Valley, and further reported the information to the Technical Advisory Committee (TAC) in February 2017.

Incorporating the comments received at the February 2017 TAC meeting, staff was directed to prepare a draft Scope of Work for a Caltrans Sustainable Transportation Planning Grant application for the TAC’s review at the August 2017 meeting.

At TAC’s recommendation, the Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study will analyze the feasibility of public transit network expansion projects for the Highway 25 corridor, including commuter rail. The overall project objectives of the study will include:

- Encouraging stakeholder participation
- Determining the feasibility of proposed public transit network expansion projects
- Preparing high-level implementation strategies for each of the public transit network expansion projects determined to be feasible
- Calculating project costs estimates, and
- Identifying potential funding strategies and sources for project implementation

Per the grant guidelines, COG would be the primary applicant and will submit the application on behalf of LTA, who will be sub-applicant and the lead agency for the project.

Grant applications are due electronically October 20, 2017 at 5:00 p.m. Details on the grant program can be found at: [http://www.dot.ca.gov/hq/tpp/grants.html](http://www.dot.ca.gov/hq/tpp/grants.html).

Executive Director Review: _______ Counsel Review: ___N/A__

Attachment: Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study Draft Scope of Work
Draft Scope of Work
Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor

Introduction:

State Route (SR) 25 in northern San Benito County is highly congested during weekdays commute hours due to the large number of residents commuting from the City of Hollister into Santa Clara County. For this reason, there is a desire to identify opportunities to expand the public transit network to provide more alternatives to driving along the corridor.

In August 2016, the Council of San Benito County Governments (COG) completed a Highway 25 Widening Design Alternatives Analysis Study to identify alternative design scenarios and delivery strategies for the SR 25 4-Lane Widening Project as project costs far exceed anticipated highway improvement revenues in San Benito County for the next 20 years. Included in the analysis was a cursory review of potential alternative transportation modes to reduce project costs, congestion, VMTs, and emissions. With the Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study, an in-depth feasibility study of public transit projects to help reduce congestion along the corridor, including passenger rail with a rail yard in Hollister and Bus Rapid Transit, will be completed.

SR 25 is located in San Benito County, a rural and agricultural 1,389 square mile bedroom community south of Silicon Valley. The County is surrounded by the Counties of Santa Clara, Santa Cruz, Monterey, Fresno and Merced. The population in the County was 55,269 according to the 2010 U.S. Census with a population density of 39.8 persons per square mile and 48.9 percent of the workforce traveling to other counties for work. There are two incorporated cities (City of Hollister and San Juan Bautista) and six unincorporated communities (Aromas, Tres Pinos, Panoche, Ridgemark, Bitterwater, and Paicines).

As mentioned above, SR 25 between San Felipe Road in Hollister and US 101 is the highly-traveled main connector between the City of Hollister and Santa Clara County. The average daily traffic at the San Benito/Santa Clara County Line has more than doubled since the mid-1990’s due to rapid population growth and commute trips, and is expected to double again by 2040. Included in the regular SR 25 travelers is an estimated 1,000 residents who attend Gavilan College in Gilroy, the community college serving San Benito County. Additionally in Gilroy, a significant projected trip generator for the residents of Hollister into Santa Clara County is the planned California High Speed Rail stop with service anticipated to begin in 2025. Congestion-reducing public transit alternatives to single-passenger vehicle improvements must be analyzed as it is consistent with the AMBAG region’s Sustainable Communities Strategy and project costs for the widening of SR 25 far exceed anticipated highway improvement revenues in San Benito County for the next 20 years.
Responsible Parties:

COG, as the Regional Transportation Planning Agency, is the primary applicant. The San Benito County Local Transportation Authority (LTA), with the assistance of a qualified consulting firm, will be responsible for development of the Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study. LTA will be responsible for Task 1 through Task 4, quarterly reports, and project invoicing. LTA will work closely with COG to ensure project delivery.

Overall Project Objectives:

The Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study will have the following project objectives:

- Stakeholder Participation: To solicit input on potential public transit network expansion projects, a Project Development Team will be formed ideally with representation from Caltrans, Capital Corridor, San Benito Railroad LLC, Caltrain, VTA, AMBAG, San Benito County, City of Hollister, Gavilan College administration and students, community leaders, and others to be determined. Other stakeholder participation opportunities with the general public will be assessed depending on the calendar of local community events during the development of the study.

- Public Transit Network Expansion Projects Feasibility: Before investing time and public funds into any potential projects, an analysis of how successfully each public transit network expansion project selected for further research must be completed, accounting for factors that affect it such as economic, technological, legal, governance structure options, ridership and scheduling factors.

- Implementation Strategy: A high-level implementation strategy for each of the public transit network expansion projects determine to be feasible will be prepared detailing the activities, project priority and phasing, potential project partnerships, expected difficulties/risks, performance measures and schedules required to achieve the objectives of the study.

- Project Cost Estimates: The estimates will establish the costs associated with implementing the feasible public transit network expansion projects identified in the study, at different stages of development, including the operations and maintenance stage. Both direct and indirect costs will be provided.

- Potential Funding Strategies and Sources Identification: To bring the study’s feasible public transit network expansion projects to fruition, potential funding strategies and sources, including revenue projections over the length of the project, will be identified and detailed. Passenger fare levels will be analyzed to maximize ridership and farebox recovery ratios. Investments will likely come from a variety of federal, state, and local sources.
1. Task: Selection of Consultant

Task 1.1: Develop and release Request for Proposals

Task 1.2: Review responses and interview respondents

Task 1.3: Execute contract with successful proposer

- Responsible Party: LTA

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<td>Consultant Interview Score Sheets</td>
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<td>Consultant Contract</td>
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2. Task: Development of Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study

Task 2.1: Kick-off meeting with project team and consultant

Task 2.2: Review of previously completed related reports/documents, and identifying comparable projects

Task 2.3: Develop list of potential public transit network expansion projects

Task 2.4: Develop list of feasible public transit network expansion projects and estimates

Task 2.5: Develop feasible public transit network expansion projects implementation plan and funding scenarios/strategies

Task 2.6: Develop Administrative Draft

Task 2.7: Review Administration Draft

Task 2.8: Incorporated comments on Administrative Draft and provide Draft for public review

Task 2.9: Present Draft to Board of Directors and Advisory Committees

Task 2.10: Review, respond, and incorporate comments received

Task 2.11: Final Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study Adoption

- Responsible Party: LTA and Consultant
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<td>Final Study</td>
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3. Task: Public Participation

Task 3.1: Hold Project Development Team meetings

Task 3.2: Evaluate local community event calendar for possible opportunities for public participation, attend meetings

Task 3.3: LTA open public review period of Draft Study

- Responsible Party: LTA and Consultant

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<td>Community Event Calendar and Project Schedule</td>
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<td>Public Review Period Notice</td>
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4. Task: Project Administration

Task 4.1: Kick-off meeting with Caltrans

Task 4.2: LTA to provide ongoing project management

Task 4.3: LTA to print Draft and Final Study

Task 4.4: LTA to provide quarterly reports and invoicing to Caltrans

- Responsible Party: LTA and Consultant
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Staff Report

To: Council of San Benito County Governments
From: Mary Gilbert, Executive Director
Date: September 21, 2017
Subject: Transportation Development Act Program for Fiscal Year 2017/2018

Recommendation:

DISCUSS Transportation Development Act – Local Transportation Funds and MAKE APPORTIONMENTS Pursuant to COG Guidelines

Summary:

As the Regional Transportation Planning Agency for San Benito County, COG is responsible for the administration of the Transportation Development Act (TDA) funds. TDA provides funds under two separate programs: the Local Transportation Fund and the State Transit Assistance Fund.

Financial Impact:

The Transportation Development Act generates approximately $1.6 million annually for public transit and other purposes in San Benito County. In FY 17/18, staff anticipates $243,650 in State Transit Assistance funds, while the Local Transportation Fund will generate approximately $1.5 million. There is currently a fund balance of $2,149,085 in TDA funds that can be allocated by COG. Staff is recommending that COG maintain a reserve of $1 million, leaving an additional $1.14 million for allocations to local streets and roads purposes.

Discussion:

The Local Transportation Fund has been in existence since 1972 and is derived from a ¼ cent of the general sales tax collected statewide and returned to COG as defined under the Transportation Development Act. By law, Local Transportation Funds are to be allocated by COG in the following priority order:

1. Administration and Planning
2. Pedestrian and Bicycle (2% set-aside required)
3. Transit
4. Local Streets and Roads
The State Transit Assistance Fund has been in existence since 1980 and is derived from the statewide sales tax on gasoline and diesel fuel. The State Transit Assistance Funds are allocated to COG by the State Controller’s Office based on the population of San Benito County and are to be used for transit purposes only.

The Council of Governments is the designated regional transportation planning agency for purposes of administrating the Transportation Development Act in San Benito County. COG is also responsible for developing an annual apportionment schedule. In February 2008, COG adopted TDA guidelines for the administration of the funds (Attachment 1).

Local Transportation Funds may be claimed from COG by jurisdictions through a three step process; apportionment, allocation and payment (reimbursement). The adopted TDA guidelines include rules and procedures for the submission and evaluation of TDA claims. These guidelines include claim instructions for all TDA funds which are to be completed by claimants when requesting funds. In 2008, COG set aside $700,000 in TDA funds for local streets and roads, allocated by population percentage to each local jurisdiction.

In June 2017, the COG Board directed staff to consider allocation of TDA reserves to local streets and roads. Local Transportation Funds may be used for local streets and roads after the Board has made findings regarding unmet transit needs. The Board holds public hearings and adopts an unmet transit needs annual report every year. The 2017 report is attached (Attachment 2). The unmet needs report include an identified need for additional weekend Dial-a-Ride service at a cost of approximately $30,000 annually. The other identified need is the restoration of mid-day fixed route service at a cost of $131,000 annually, for a total of $161,000 needed in TDA funds to meet the unmet needs.

Staff has reviewed the anticipated transit funding available for operations and determined that it would be prudent to maintain a reserve of $1 million, which is approximately one year of operations and administration costs. COG may not allocate funds to local streets and roads without first allocating funding to meet the identified unmet transit needs, which will cost approximately $161,000. This would allow for COG to authorize a one-time allocation of $1.14 million for local streets and roads purposes.

The Transportation Development Act law (Public Utilities Code section 99231) requires that distribution of LTF funds be apportioned based on population.

The existing TDA guidelines adopted by COG in 2008 include the following language regarding fund apportionments: Each year the County Auditor’s Office furnishes a preliminary estimate of the LTF for the next fiscal year. This estimate is based on actual funds received in previous years and current economic conditions. Based on this fund estimate, COG estimates the allocations to jurisdictions based on current population figures provided by the California Department of
Finance. This estimate of each jurisdiction’s apportionment is forwarded to the public works staff of each jurisdiction. The preliminary estimate of apportionment is amended later in the spring when the annual Department of Finance population figures are released.

Staff has reviewed the Department of Finance population estimates and has identified the amounts that could be apportioned to each local jurisdiction by COG. Also included in the table below is information on the existing TDA fund balance for funds apportioned by COG in 2008 that remain in COG’s balance as the local jurisdictions have not yet requested allocations.

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<td>Total</td>
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Executive Director Review: ____________ Counsel Review: __N/A__

Supporting Attachments: 1. Adopted TDA Guidelines
## TRANSPORTATION DEVELOPMENT ACT
### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
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</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Local Transportation Fund &amp; State Transit Assistance</td>
<td>1-2</td>
</tr>
<tr>
<td>Unmet Transit Needs Process</td>
<td>2</td>
</tr>
<tr>
<td>Social Services Transportation Advisory Council</td>
<td>2</td>
</tr>
<tr>
<td>Claim Instructions</td>
<td>3</td>
</tr>
<tr>
<td>Regulations for Submittal of LTF and STA Claims</td>
<td>3-4</td>
</tr>
<tr>
<td>TDA Claim Forms</td>
<td>5</td>
</tr>
<tr>
<td>Annual Verification of TDA Compliance to Accompany LTF and STA Claims for Transit Streets and Roads Purposes</td>
<td>6-7</td>
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<tr>
<td>Claim for State Transit Assistance Funds</td>
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</tr>
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<td>Claim for Local Transportation Funds (Transit Purposes)</td>
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<td>Claim for Local Transportation Funds (Streets &amp; Road Purposes)</td>
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APPENDIX

Adopted Definitions and Procedures for Noticing and Conducting the Annual Unmet Transit Needs Hearing

Transportation Development Act Claim Worksheet
INTRODUCTION

The Transportation Development Act, also known as the Mills-Alquist-Bebbeh Act (SB325), was enacted in 1971, by the California Legislature to improve existing public transportation services and encourage regional transportation coordination. This law provides funding to be allocated to transit and non-transit related purposes that comply with regional transportation plans. The Council of San Benito County Governments is the regional transportation planning agency (RTPA) for San Benito County and as such is responsible for the allocation of Transportation Development Act funds. Two funds have been created by the Transportation Development Act, the Local Transportation Fund (LTF) and the State Transit Assistance (STA).

LOCAL TRANSPORTATION FUND & STATE TRANSIT ASSISTANCE

The Transportation Development Act provides two major sources of funding for public transportation:

1. Local Transportation Funds (LTF) are derived from a ¼ cent of the general sales tax collected statewide. The ¼ cent is returned by the State Board of Equalization to each county in accordance with the amount of sales tax collected in that county.

2. State Transit Assistance funds (STA), are derived from the statewide sales tax on gasoline and diesel fuel. The STA funds are appropriated by legislature to the State Controller’s office. The Controller’s office then allocates the tax revenue, by formula, to planning agencies including the Council of San Benito County Governments. Statute requires that 50% of STA funds be allocated according to population and 50% be allocated according to operator revenues from the prior fiscal year.

Because sales tax revenues are generally higher in times of an economic boom and lower in times of a recession, LTF revenues deposited vary from year to year.

The TDA provides a State funding source for use by local jurisdictions at the county level to improve existing public transportation and encourage regional public transportation coordination. The TDA provides a small percent (2% of LTF) of funding for bicycle and pedestrian projects. Counties with a population under 500,000 (according to the 1970 federal censes) may also use the LTF for local streets and roads. In San Benito County, the TDA can provide funding for local streets and roads projects when certain conditions are met. The main purpose and priority of TDA, however, is to provide funding for public transportation.

Two percent (2%) of the LTF revenues each year are exclusive for pedestrian and bicycle facility projects. The STA revenues can only be used for transportation planning and mass transportation purposes. TDA is a major funding source for public transportation in California.
To ensure program compliance, fiscal and performance audits are conducted. Fiscal audits are conducted annually, and include transit operator’s expense to revenue ratio known as farebox recovery. San Benito County being classified as a non-urbanized area, must maintain a ratio of fare revenues to operating cost at least equal to 10 percent excluding paratransit.

A claimant may receive exemptions from the various ratio requirements for services provided to new areas or along new routes. The exemptions apply until the end of the second full fiscal year of operation. If a claimant fails to meet a required ratio for a fiscal year, its TDA funding level may be reduced by the amount of required revenues that was not maintained. There is an exception if it is the first time that the claimant has ever failed to meet the required ratio.

The California Public Utilities Code requires that all transit operators and Regional Transportation Planning Agencies (that receive TDA) perform a triennial performance audit conducted of their activities. A performance audit is a systematic process of evaluating an organization’s effectiveness, efficiency and economy of operation under management control. The objectives of the audit are to provide a means for evaluating an organization’s performance and to enhance the performance by making recommendations for improvements. The Regional Transportation Planning Agency (Council of San Benito County Governments) and the public transit operator (San Benito county Local Transportation Authority) shall provide to the Director and the Controller prior to September 1, triennially a performance audit.

UNMET TRANSIT NEEDS PROCESS

Unmet Transit Needs hearings must be completed on an annual basis before the Council of San Benito County Governments, as the administrator of the TDA funds, can approve a claim for funding streets and roads projects. The Unmet Transit Needs process requires the Council of San Benito County Governments to perform specific tasks, which are:

1. Establish and consult with the Social Services Transportation Advisory Council.
2. Adopt a definition of “unmet transit need” and “reasonable to meet” (Appendix 1).
3. Hold an annual Unmet Transit Needs hearing to solicit comments on unmet transit needs that may exist.
4. Consider all the available information obtained in the above actions and adopt an Unmet Transit Needs finding. This finding shall be one of the following:
   - There are no unmet transit needs
   - There are no unmet transit needs that are reasonable to meet
   - There are unmet transit needs including needs that are reasonable to meet

Attached (Appendix 1) are the adopted definitions and procedures for noticing and conducting the annual unmet transit needs hearing.

SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL

The primary purpose of the Social Services Transportation Advisory Council (SSTAC) is to participate in the Unmet Transit Needs process and advise the Council of San Benito County
Governments Board of Directors on Unmet Transit Needs findings. The Board is required to consult with and consider the recommendations of the SSTAC before making an annual Unmet Transit Needs finding. The SSTAC may also be asked to advise the Board on other major transit issues, especially regarding paratransit services.

CLAIM INSTRUCTIONS

These claim instructions are for the purpose of outlining the eligibility of claims for transit and non-transit purposes.

Local Transportation Fund purposes in San Benito County include:

- TDA administration costs
- General public transit operations and capital
- Contract payments for transit services
- Transit-related research and development projects
- Administration of transit contracts
- Elderly and disabled transit
- Bicycle and pedestrian projects
- Local streets and roads (Cities & County based on population)

State Transportation Assistant Fund Purposes in San Benito County include:

- Capital requirements of public transportation system
- Transit operations
- Contract payments for public transit services
- Administrative and planning cost of contracted public transportation

REGULATIONS FOR SUBMITTAL OF LTF AND STA CLAIMS

There are three steps to distribute money from the LTF and the STA to local jurisdiction.

- Apportionment
- Allocation
- Payment

Apportionment
Each year the County Auditor’s Office furnishes a preliminary estimate of the LTF for the next fiscal year. This estimate is based on actual funds received in previous years and current
economic conditions. Based on this fund estimate, COG estimates the allocations to jurisdictions based on current population figures provided by the California Department of Finance. This estimate of each jurisdiction’s apportionment is forwarded to the public works staff of each jurisdiction. The preliminary estimate of apportionment is amended later in the spring when the annual Department of Finance population figures are released.

Every spring, the State Controller’s office estimates the allocation of STA funds by formula to regional transportation planning agencies including the Council of San Benito County Governments. Because the state legislature annually approves the allocation of funds to the STA program as part of the budgetary process, the final amount of the STA funds available is not finalized until the State Budget is adopted. The legislature has the discretion to eliminate, redistribute, or reduce the funding levels recommended by the State Controller.

In order to receive the annual allocation of LTF and STA funds, local jurisdictions must submit a claim. The key parts of the claim are the amount of funding requested and the purpose for which the funds will be used.

Allocation

A claimant wishing to receive an allocation from the Local Transportation Fund shall file a claim with the Council of San Benito County Governments (COG) in accordance with the rules and regulations established by COG.

Allocation is the discretionary action of the COG Board of Directors designating funds for a specific claimant for a specific purpose.

Two percent (2%) of the yearly LTF revenues are set aside for pedestrian and bicycle facilities.

Payment

Payment is authorized by the allocation instructions, which are paid when funds become available.
A completed transit, streets and roads claim package includes the following:

- TDA Compliance Checklist
- TDA Claim Worksheet (excel worksheet available)
- Claim for State Transit Assistance Funds
- Claim for Local Transportation Funds – Transit Purposes
- Claim for Local Transportation Funds – Streets and Roads Purposes
- TDA Annual Project and Financial Plan

A copy of the resolution from the claimant’s governing board approving the claim and its submittal to Council of San Benito County Governments. The resolution must include the amount claimed, the fiscal year for which funds are claimed, and the purpose for which the claim is made.

Claimants are responsible for submitting the annual reports to the State Controller in October and in December submitting annual fiscal audits of TDA funds as required by the TDA Guidelines.
PART I – ALL CLAIMANTS

1. Date annual TDA fiscal and compliance audit was approved by COG Board: __________

2. Is the claimant’s retirement system fully funded?
   O Yes
   O No

3. Is the claimant using the maximum Federal funds available for transit and/or streets and roads purposes?
   O Yes
   O No

PART II – TRANSIT CLAIMANTS

4. Date Transit Operator’s Financial Transaction Report was submitted to State Controller’s Office: _________________. Attach copy of dated, signed cover sheet from report.

5. Are public transit vehicles routinely staffed with one driver?
   O Yes
   O No (explain) __________________________________________________________

6. Has the proposed transit operating budget changed by more than 15% compared to the previous year?
   O No
   O Yes (explain) ________________________________________________________

7. Did the transit operator meet its minimum fare box recovery requirement during the previous fiscal year (requirement for San Benito County is 10%)?
   O Yes
   O No (see below)

If the fare box recovery requirement was not met, then claimant must complete the following for the most recent fiscal year:

Transit operating expenses: ____________________ +
Capital purchases/reserves: _________________ =
Subtotal: _________________ - LTF spent in most recent fiscal year cannot exceed
Federal revenues: _______________ - STA revenues: ________________ = result below.
Total: ____________________ x0.5= ____________________

6
8. Is there a prohibition on the employment of part-time drivers or on contracting with common carries?
   O No
   O Yes (explain) ______________________________________________________

9. Are STA funds being used for transit operating purposes?
   O No
   O Yes (see below)

   If STA funds are being used for transit operating purposes, list transit operating cost per vehicle revenue hour per year for the past three years. In calculating the operating cost, operators may exclude costs that exceed prior year cost, as adjusted by the CPI, for the following: ADA complementary paratransit service, fuel, power, and settlement payments. Notes: (1) These items may also be excluded when computing the farebox recovery ratio. (2) You may refer to operating cost figures from TDA fiscal audits for the applicable fiscal year.

   Operating cost per vehicle revenue hour in FY 200 /200 : ______________________
   Operating cost per vehicle revenue hour in FY 200 /200 : ______________________
   Operating cost per vehicle revenue hour in FY 200 /200 : ______________________

10. Describe or attach current fare structure:

11. Attach copy of latest CHP terminal inspection report.

12. Transit claimant must report on efforts to implement recommendation included in the previous triennial performance audit (attach additional pages as necessary).
CLAIM FOR STATE TRANSIT ASSISTANCE FUNDS

TO:  COUNCIL OF SAN BENITO COUNTY GOVERNMENTS
     330 TRES PINOS RD., SUITE C7, HOLLISTER, CA 95023

FROM: CLAIMANT: ___________________________________
      ADDRESS: ___________________________________
      ___________________________________
      CONTACT PERSON: _______________________________
      Phone: _____________ Email: ___________________

The ____________________________ hereby request, in accordance with the State of California Public Utilities Code, commencing with Section 99200 and the California Code of Regulations commencing with Section 6600, that this claim for State Transit Assistance be approved in the amount of $ ________________ for Fiscal Year ________________, to be drawn from the State Transit Assistance fund deposited with the San Benito County Treasurer.

When approved, this claim will be transmitted to the San Benito County Auditor for payment. Approval of the claim and payment by the County Auditor to the applicant is subject to such monies being available for distribution, and to the provisions that such monies will be used only in accordance with the terms of the approved annual financial plan and budget.

APPROVED:
COUNCIL OF SAN BENITO COUNTY APPLICANT
GOVERNMENTS BOARD OF
DIRECTORS

BY: ________________________________   BY: ________________________________
   (signature)                        (signature)

TITLE: ______________________________
DATE: ______________________________
CLAIM FOR LOCAL TRANSPORTATION FUNDS
TRANSIT PURPOSES

TO: COUNCIL OF SAN BENITO COUNTY GOVERNMENTS
330 TRES PINOS RD., SUITE C7, HOLLISTER, CA 95023

FROM: CLAIMANT: ___________________________________
ADDRESS: ___________________________________
___________________________________
CONTACT PERSON: ___________________________________
Phone: _____________ Email: ___________________

The __________________________ hereby request, in accordance with the State of California Public Utilities Code, commencing with Section 99200 and the California Code of Regulations commencing with Section 6600, that this claim for Local Transportation Funds be approved for Fiscal Year _________________, in the following amounts for the following purposes to be drawn from the Local Transportation Fund deposited with San Benito County Treasurer.

P.U.C. 99260a, Article 4, Transit Operation/Capital: $ ________________
P.U.C. 99275, Article 4.5, Community Transit Services: $ ________________
P.U.C. 66400c, Article 8c, Contracted Transit Services: $ ________________
C.C.R. 6648, Capital Reserve: $ ________________
P.U.C. 99400e, Article 8e, Capital for Contracted Services: $ ________________

When approved, this claim will be transmitted to the San Benito County Auditor for payment. Approval of the claim and payment by the County Auditor to the applicant is subject to such monies being available for distribution, and to the provisions that such monies will be used only in accordance with the terms of the approved annual financial plan and budget.

APPROVED:
SAN BENITO COUNTY COUNCIL APPLICANT
OF GOVERNMENTS BOARD OF DIRECTORS

BY: _______________________________ BY: _______________________________
    (signature)                           (signature)
TITLE: ______________________________ TITLE: ______________________________
DATE: ______________________________ DATE: ______________________________
CLAIM FOR LOCAL TRANSPORTATION FUNDS
STREETS & ROADS PURPOSES

TO: COUNCIL OF SAN BENITO COUNTY GOVERNMENTS
330 TRES PINOS RD., SUITE C7, HOLLISTER, CA 95023

FROM: CLAIMANT: ___________________________________
ADDRESS: ___________________________________
___________________________________
CONTACT PERSON: ___________________________________
Phone: _____________ Email: ___________________

The __________________________ hereby request, in accordance with the State of California Public Utilities Code, commencing with Section 99200 and the California Code of Regulations commencing with Section 6600, that this claim for Local Transportation Funds be approved for Fiscal Year _________________, FOR STREET AND ROAD PURPOSES (P.U.C. 99400a) in the amount of $ _________________ to be drawn from the Local Transportation Fund deposited with San Benito County Treasurer.

When approved, this claim will be transmitted to the San Benito County Auditor for payment. Approval of the claim and payment by the County Auditor to the applicant is subject to such monies being available for distribution, and to the provisions that such monies will be used only in accordance with the terms of the approved annual financial plan and budget.

APPROVED:
COUNCIL OF SAN BENITO COUNTY APPLICANT
GOVERNMENTS BOARD OF DIRECTORS

BY: ___________________________ BY: ___________________________
   (signature)                   (signature)
TITLE: ___________________________ TITLE: ___________________________
DATE: ___________________________ DATE: ___________________________
TDA ANNUAL PROJECT AND FINANCIAL PLAN

This form will show the planned expenditures of all TDA funds claimed for the fiscal year. Briefly describe all projects which will be funded by current year TDA funds, provide the total cost of the project, and provide all sources of funding associated with the project. The project, costs, and funding should be consistent with the budget developed in the TDA Claim Worksheet completed for the submittal of this claim. The total project cost and total funding source(s) should balance for each project.

Claimant: __________________________________________________
Fiscal Year: __________________________________________________

<table>
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<tr>
<th>Brief Project Description</th>
<th>Project Cost</th>
<th>Source of Funding &amp; Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

11
A completed Bicycle/Pedestrian claim package includes the following:

Completed forms:
- Bicycle and Pedestrian Project Description and Financial Plan
- Claim for LTF Bicycle and Pedestrian Funds

Certified copy of resolution from the claimant’s governing board approving the claim and its submittal to Council of San Benito County Governments. The resolution must include the specific dollar amount of LTF Bicycle/Pedestrian funds being requested.

At the discretion of the Board, the Council of San Benito County Governments may allocate 2% of the LTF for bicycle and pedestrian facilities. Allocations are made to each jurisdiction based on the current population estimate by the California Department of Finance.

Using the attached bicycle/pedestrian claim forms, jurisdictions may submit claims to the Council of San Benito County Governments. The claim form must be accompanied by a resolution from the claimant’s governing board approving the claim and its submittal to the Council of San Benito County Governments. Approval of the claim by the Council of San Benito County Governments Board then reserves the funds for that particular jurisdiction’s bicycle and pedestrian facility project(s). As the jurisdictions expend funds in implementing the projects, it should submit invoices, accompanied with appropriate documentation to the Council of San Benito County Governments. The Council of San Benito County Governments will then process the claim for payment with the County Auditor’s office. If a jurisdiction does not claim its allocation of bicycle and pedestrian funds within five-years the funds will revert to the LTF for apportionment to another project and jurisdiction.
CLAIM FOR BICYCLE AND PEDESTRIAN FUNDS

TO: COUNCIL OF SAN BENITO COUNTY GOVERNMENTS
330 TRES PINOS RD., SUITE C7, HOLLISTER, CA 95023

FROM: CLAIMANT: ___________________________________
ADDRESS: ___________________________________
___________________________________
CONTACT PERSON: ___________________________________
Phone: _____________ Email: ___________________

The ______________________________ hereby request, in accordance with the State of California Public Utilities Code, as amended (Chapter 3, Section 99234), that this claim for Bicycle and Pedestrian funds in the amount of $ _________________ be approved for Fiscal Year _________________, to be drawn from the Bicycle and Pedestrian Trust Fund.

When approved, this claim will be transmitted to the San Benito County Auditor for payment. Approval of the claim and payment by the County Auditor to the applicant is subject to such monies being available for distribution, and to the provisions that such monies will be used only in accordance with the terms of the approved annual financial plan and budget.

APPROVED:
COUNCIL OF SAN BENITO COUNTY APPLICANT
GOVERNMENTS BOARD OF DIRECTORS

BY: _______________________________ BY: _______________________________
   (signature)                        (signature)

TITLE: ______________________________ TITLE: _______________________________

DATE: ______________________________ DATE: _______________________________
BICYCLE AND PEDESTRIAN PROJECT AND FINANCIAL PLAN

Briefly describe the project for which you are applying for Bicycle / Pedestrian Funds. Also identify all funding sources related to the project. The total project cost and total funding source(s) should balance for the project.

Include a location map for the project as appropriate.

Claimant: __________________________________________________
Fiscal Year: __________________________________________________

<table>
<thead>
<tr>
<th>Brief Project Description</th>
<th>Project Cost</th>
<th>Source of Funding &amp; Amount</th>
</tr>
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I. ADOPTED DEFINITIONS AND PROCEDURES FOR NOTICING AND CONDUCTING
THE ANNUAL UNMET TRANSIT NEEDS HEARING

As required by PUC section 9940 1.5, the Council of San Benito County Governments must adopt formal definitions of "unmet transit need" and "reasonable to meet." The first definition is the primary tool used to evaluate the public testimony received during the initial hearing.

The second definition is used to evaluate the reasonableness of meeting those requests. State law (PUC Section 994015(c)) has been modified to clarify that..."the fact that an identified transit need cannot fully be met based on available resources shall not be the sole reason for finding that a transit need is not reasonable to meet."

Additionally, the Act specifies that..."An agency's determination of needs that are reasonable to meet shall not be made by comparing unmet transit needs with the need of streets and roads."

I. The "unmet needs" definition adopted by Council of San Benito County Governments:

"Unmet needs are defined as expressed or identified needs of a significant segment of the community for public transportation services to meet basic mobility needs which are not currently being met through existing transit services or other means of transportation.

Included, at a minimum, are those public transportation or specialized services that are identified in the Regional Transportation Plan, Short Range Transit Plan and/or Transit Development Plan, which have not been implemented or funded."

II. The “unmet needs” threshold criteria adopted by the Council of San Benito County Governments:

The following criteria must be true for the COG to consider a request an “unmet need”. If a request fails to satisfy any of the criteria below, the request is not an unmet need.

1. The request fills a gap in transit service, or
   is identified as a deficiency in the Regional Transportation Plan.
2. Sufficient broad-based community support exists.
3. Request is a current rather than future need.
4. Request is not operational in nature (i.e. minor route change, bus stop change, etc.)
III. Adopted Definition of "Transit Needs That Are Reasonable To Meet Determination."

In making the reasonableness determination, an analysis will be conducted on existing transit services, available options, likely demand and general costs based on similar services in the area and available studies. Once completed, the following criteria shall be considered.

A. EQUITY

The proposed service:

1. Shall not unreasonably discriminate against nor favor any particular area or segment of the community.

2. Shall not result in reduced service levels for other parts of the transit system that have an equal or higher priority.

3. Shall require a subsidy per passenger generally equivalent to other parts of the transit system unless overriding reasons so justify.

4. Shall not adversely affect existing systems (or systems with higher priority) immediately or within the foreseeable future.

B. TIMING

The proposed service:

1. Shall be in response to an existing rather than a future need.

2. Shall be implemented consistent with federal or state grant approval delays if such a grant is the most appropriate primary method of funding.

C. FEASIBILITY

The proposed service:

1. Shall be provided within available funding and shall not exceed the operator's funding ability.

2. Shall be provided with the existing vehicle fleet or with vehicles that can be acquired with available funds.

3. Shall not unduly affect the operator's ability to maintain the required fare to operating cost ratio.

D. COMMUNITY ACCEPTANCE

A significant level of support exists for the public subsidy of transit services designed to address the unmet transit need. Including but not limited to, support from
community groups, community leaders, and community meetings reflecting a public commitment to public transit.

E. ECONOMY
The provision of the proposed transit service shall not set a precedent for other service expansions without a reasonable expectation of available funding.

The proposed service shall have a reasonable expectation of future demand and funding to maintain general conformance with all parts of this definition.

F. COST EFFECTIVENESS
The estimated number of passengers carried per service hour for the proposed service shall be in the range of other similar service provided by the operator.

G. OTHER FACTORS
Other specific, articulable factors that COG determines to affect the reasonableness of meeting an unmet transit need.
**SAN BENITO COUNTY COUNCIL OF GOVERNMENTS TRANSPORTATION DEVELOPMENT ACT CLAIM WORKSHEET 2007/2008**

Claimant: ____________________________

**Part 1 of 4**

**PROJECTED PUBLIC TRANSIT REVENUES AND EXPENSES FOR FISCAL YEAR 2007/08**

**I. FY 2006/07 AVAILABLE RESOURCES**

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<th>Category</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
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<td><strong>A. Deferred Revenues</strong></td>
<td>(Unexpended prior year cash receipts held in claimant's treasury as of June 30, 2006. From TDA Financial Audit Report)</td>
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<tr>
<td><strong>B. Interest Earnings through June 30, 2006.</strong></td>
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<td>$ -</td>
</tr>
<tr>
<td><strong>C. Federal Grants &amp; Reimbursements received in 2006/07:</strong></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>1. FTA Planning Assistance</td>
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</tr>
<tr>
<td></td>
<td>2. FTA Operating Assistance</td>
<td>$ -</td>
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<td></td>
<td>3. FTA Capital Assistance</td>
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<tr>
<td></td>
<td>4. Other</td>
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</tr>
<tr>
<td><strong>D. State Grants (Source/Amount):</strong></td>
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</tr>
<tr>
<td></td>
<td>1. LTF-Operations/Capital (PUC 99260a; Article 4)</td>
<td>$ -</td>
</tr>
<tr>
<td></td>
<td>2. LTF-Community Transit Services (PUC 99275; Article 4.5)</td>
<td>$ -</td>
</tr>
<tr>
<td></td>
<td>3. LTF-Contracted Transit Service (PUC 99400c; Article 8c)</td>
<td>$ -</td>
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<td>4. LTF-Capital Reserve Contribution (CCR 6648)</td>
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<tr>
<td></td>
<td>5. LTF-Capital expenses for contracted transit services (PUC 99400e; Article 8e)</td>
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<tr>
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<td>6. STAF-Operations (CCR 6730a)</td>
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<td>7. STAF-Capital (CCR 6730b)</td>
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<td>8. STAF-Community Transit Services (CCR 6730d; &lt;CTSA&gt;)</td>
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<td><strong>E. Local Cash Grants:</strong></td>
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<td>1. LTF-Operations/Capital (PUC 99260a; Article 4)</td>
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<td>2. LTF-Community Transit Services (PUC 99275; Article 4.5)</td>
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<td>3. LTF-Contracted Transit Service (PUC 99400c; Article 8c)</td>
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<td>4. LTF-Capital Reserve Contribution (CCR 6648)</td>
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<td>5. LTF-Capital expenses for contracted transit services (PUC 99400e; Article 8e)</td>
<td>$ -</td>
</tr>
<tr>
<td></td>
<td>6. STAF-Operations (CCR 6730a)</td>
<td>$ -</td>
</tr>
<tr>
<td></td>
<td>7. STAF-Capital (CCR 6730b)</td>
<td>$ -</td>
</tr>
<tr>
<td></td>
<td>8. STAF-Community Transit Services (CCR 6730d; &lt;CTSA&gt;)</td>
<td>$ -</td>
</tr>
<tr>
<td></td>
<td>9. STAF-Contracted Service (CCR 6731b)</td>
<td>$ -</td>
</tr>
<tr>
<td></td>
<td>10. Other</td>
<td>$ -</td>
</tr>
<tr>
<td><strong>F. Operating Revenues:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Passenger Fares</td>
<td>$ -</td>
</tr>
<tr>
<td></td>
<td>2. Other</td>
<td>$ -</td>
</tr>
<tr>
<td><strong>G. Other Revenues</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ -</td>
</tr>
</tbody>
</table>

**H. TOTAL FY 06/07 AVAILABLE RESOURCES (A+B+C+D+E+F+G)** | $ - |
II. FY 06/07 PROJECTED EXPENSES & USES

<table>
<thead>
<tr>
<th>I. Personnel</th>
<th></th>
<th>$</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Administrative Salaries, Wages and Fringe Benefits</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>2. Operating Salaries, Wages and Fringe Benefits</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>3. Other Salaries Wages and Fringe Benefits</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>J. Services and Supplies</th>
<th></th>
<th>$</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Professional Services</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>2. Maintenance Services</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>3. Other Services</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>4. Vehicle Maintenance &amp; Supplies</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>5. Vehicle Fuels</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>6. Insurance</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>7. Purchased Transit Services</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>8. Miscellaneous</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>9. Leases &amp; Rentals</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>K. Capitol Assets (Itemize)</th>
<th></th>
<th>$</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>4.</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>5.</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>L. Other Uses:</th>
<th></th>
<th>$</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Outlay Reserve Contribution (CCR 6648)</td>
<td>$</td>
<td></td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>M. TOTAL FY 06/07 EXPENSES &amp; USES (I+J+K+L)</th>
<th>$</th>
<th>-</th>
</tr>
</thead>
</table>

| N. Estimated Deferred Revenue as of June 30, 2007 (H-M) | $ | - |
# BUDGETED PUBLIC TRANSIT REVENUES & EXPENSES FOR FISCAL YEAR 2007/08

## I. FY 2007/08 NON-TDA BUDGETED RESOURCES & DEFERRED REVENUE

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Deferred Revenues</strong> (Unexpended prior year cash receipts held in claimant's treasury as of June 30, 2007 – From Part 1, line O)</td>
<td>$ -</td>
</tr>
<tr>
<td>B. Interest earnings through June 30, 2007</td>
<td>$ -</td>
</tr>
<tr>
<td>C. Federal Grants &amp; Reimbursements</td>
<td></td>
</tr>
<tr>
<td>1. FTA Planning Assistance</td>
<td>$ -</td>
</tr>
<tr>
<td>2. FTA Operating Assistance</td>
<td>$ -</td>
</tr>
<tr>
<td>3. FTA Capital Assistance</td>
<td>$ -</td>
</tr>
<tr>
<td>4. Other</td>
<td>$ -</td>
</tr>
<tr>
<td>D. State Grants (Source/Amount):</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>$ -</td>
</tr>
<tr>
<td>2.</td>
<td>$ -</td>
</tr>
<tr>
<td>E. Local Non-TDA Cash Grants:</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>$ -</td>
</tr>
<tr>
<td>2.</td>
<td>$ -</td>
</tr>
<tr>
<td>3.</td>
<td>$ -</td>
</tr>
<tr>
<td>F. Operating Revenues:</td>
<td></td>
</tr>
<tr>
<td>1. Passenger Fares</td>
<td>$ -</td>
</tr>
<tr>
<td>2. Other</td>
<td>$ -</td>
</tr>
<tr>
<td>G. Other Revenues</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>$ -</td>
</tr>
<tr>
<td>H. TOTAL FY 07/08 CARRYOVER &amp; NON-TDA BUDGETED RESOURCES (A+B+C+D+E+F+G)</td>
<td>$ -</td>
</tr>
</tbody>
</table>
**I. TOTAL FY 07/08 CARRYOVER & NON-TDA BUDGETED RESOURCES (From Line H)**

<table>
<thead>
<tr>
<th></th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I.</strong> TOTAL FY 07/08 CARRYOVER &amp; NON-TDA BUDGETED RESOURCES (From Line H)</td>
<td>-</td>
</tr>
</tbody>
</table>

**II. FY 07/08 PROJECTED EXPENSES & USES**

<table>
<thead>
<tr>
<th>J. Personnel:</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Administrative Salaries and Wages</td>
<td>-</td>
</tr>
<tr>
<td>2. Operating Salaries and Wages</td>
<td>-</td>
</tr>
<tr>
<td>3. Other Salaries and Wages</td>
<td>-</td>
</tr>
<tr>
<td>4. Fringe Benefits</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>K. Services and Supplies:</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Professional Services</td>
<td>-</td>
</tr>
<tr>
<td>2. Maintenance Services</td>
<td>-</td>
</tr>
<tr>
<td>3. Other Services</td>
<td>-</td>
</tr>
<tr>
<td>4. Vehicle Materials &amp; Supplies</td>
<td>-</td>
</tr>
<tr>
<td>5. Utilities</td>
<td>-</td>
</tr>
<tr>
<td>6. Insurance</td>
<td>-</td>
</tr>
<tr>
<td>7. Purchased Transit Services</td>
<td>-</td>
</tr>
<tr>
<td>8. Miscellaneous</td>
<td>-</td>
</tr>
<tr>
<td>9. Interest</td>
<td>-</td>
</tr>
<tr>
<td>10. Leases &amp; Rentals</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>L. Capital Assets (Itemize):</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>-</td>
</tr>
<tr>
<td>4.</td>
<td>-</td>
</tr>
<tr>
<td>5.</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>M. Other Uses:</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Capital Outlay Reserve Contribution.(CCR 6648)</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>N. TOTAL FY 07/08 EXPENSES &amp; USES (J+K+L+M)</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>N. TOTAL FY 07/08 EXPENSES &amp; USES (J+K+L+M)</strong></td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>O. Unfunded Balance (I - N)</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>O. Unfunded Balance (I - N)</td>
<td>-</td>
</tr>
</tbody>
</table>
### O. Unfunded Balance (I - N)
- $ -

### III. FY 2007/2008 TDA TRANSIT CLAIMS

### P. FY 06/07 LTF TRANSIT CLAIMS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. LTF-Operations/Capital (PUC 99260a; Article 4)</td>
<td>$ -</td>
</tr>
<tr>
<td>2. LTF-Community Transit Services (PUC 99275; Article 4.5)</td>
<td>$ -</td>
</tr>
<tr>
<td>3. LTF-Contracted Transit Service (PUC 99400c: Article 8c)</td>
<td>$ -</td>
</tr>
<tr>
<td>4. LTF-Capital Reserve Contribution (CCR 6648)</td>
<td>$ -</td>
</tr>
<tr>
<td>5. LTF-Capital for contracted transit service</td>
<td>$ -</td>
</tr>
<tr>
<td><strong>6. TOTAL LTF CLAIM (P1+P2+P3+P4+P5)</strong></td>
<td>$ -</td>
</tr>
</tbody>
</table>

### Q. FY 06/07 STAF CLAIMS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. STAF-Operations (CCR 6730a)</td>
<td>$ -</td>
</tr>
<tr>
<td>2. STAF-Capital (CCR 6730b)</td>
<td>$ -</td>
</tr>
<tr>
<td>3. STAF-Community Transit Services (CCR 6730d) / CTSA</td>
<td>$ -</td>
</tr>
<tr>
<td>4. STAF-Contracted Service (CCR 6731b)</td>
<td>$ -</td>
</tr>
<tr>
<td><strong>5. TOTAL STF CLAIM (Q1+Q2+Q3+Q4)</strong></td>
<td>$ -</td>
</tr>
</tbody>
</table>

### R. TOTAL 07/08 TRANSIT CLAIMS (P6 + Q5)
- $ -
## ESTIMATED STREETS AND ROAD TDA EXPENDITURES FOR FISCAL YEAR 2006/07

### I. FY 06/07 AVAILABLE TDA STREET AND ROAD RESOURCES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Carryover (Actual Unexpended Prior Year TDA Street And Road Cash Receipts Held in Claimant's Treasury as of June 30, 2007. From TDA Fiscal Audits)</td>
<td>$ -</td>
</tr>
<tr>
<td>B. FY 06/07 TDA Cash Receipts from LTF trust fund for street and road purposes (PUC 99400a).</td>
<td>$ -</td>
</tr>
<tr>
<td>C. Interest Earned on claimant TDA streets and roads cash balances through June 30, 2007.</td>
<td>$ -</td>
</tr>
<tr>
<td>D. Total FY 06/07 Available TDA Street and Road Resources. (A+B+C)</td>
<td>$ -</td>
</tr>
</tbody>
</table>

### II. FY 06/07 TDA STREET AND ROAD EXPENDITURES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Administration and Engineering</td>
<td>$ -</td>
</tr>
<tr>
<td>F. Maintenance</td>
<td>$ -</td>
</tr>
<tr>
<td>G. Construction</td>
<td>$ -</td>
</tr>
<tr>
<td>H. Equipment</td>
<td>$ -</td>
</tr>
<tr>
<td>I. Other</td>
<td>$ -</td>
</tr>
<tr>
<td>J. TOTAL FY 06/07 EXPENDITURES (E+F+G+H+I)</td>
<td>$ -</td>
</tr>
<tr>
<td>K. Estimated Carryover of TDA Street and Road Revenues at JUNE 30, 2007 (D-J)</td>
<td>$ -</td>
</tr>
</tbody>
</table>
STREETS AND ROADS TDA BUDGET FOR FISCAL YEAR 2007/2008

I. FY 07/08 AVAILABLE TDA STREET AND ROAD RESOURCES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Carryover as of June 30, 2007 (From Part 3, Line K.)</td>
<td>$ -</td>
</tr>
<tr>
<td>B. 2007/08 TDA Funds Available For Streets And Roads</td>
<td></td>
</tr>
<tr>
<td>1. FY 2007/08 LTF Total Apportionment (From COG)</td>
<td>$ -</td>
</tr>
<tr>
<td>2. FY 2007/08 LTF Transit Claim (From Part 2, Line P6)</td>
<td>$ -</td>
</tr>
<tr>
<td>3. Balance of 2007/08 LTF Apportionment (B1-B2)</td>
<td>$ -</td>
</tr>
<tr>
<td>4. FY 07/08 LTF Apportionment To be Claimed for Streets and Roads Purposes Pursuant to PUC 99400a. (Can Not Exceed Line B3)</td>
<td>$ -</td>
</tr>
<tr>
<td>C. FY 07/08 Estimated Interest Earned on TDA Cash Balances through June 30, 2008.</td>
<td>$ -</td>
</tr>
<tr>
<td>D. Total Estimated FY 07/08 Available TDA Resources. (A+B4+C)</td>
<td>$ -</td>
</tr>
</tbody>
</table>

II. FY 07/08 ESTIMATED EXPENDITURES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>H. Administration and Engineering</td>
<td>$ -</td>
</tr>
<tr>
<td>I. Maintenance</td>
<td>$ -</td>
</tr>
<tr>
<td>J. Construction</td>
<td>$ -</td>
</tr>
<tr>
<td>K. Equipment</td>
<td>$ -</td>
</tr>
<tr>
<td>L. Other</td>
<td>$ -</td>
</tr>
<tr>
<td>M. Other</td>
<td>$ -</td>
</tr>
<tr>
<td>N. Total FY 2007/08 Estimated Expenditures (H+I+J+K+L+M)</td>
<td>$ -</td>
</tr>
<tr>
<td>O. Estimated Carryover as of June 30, 2008 (D-N)</td>
<td>$ -</td>
</tr>
</tbody>
</table>
Staff Report

To: Council of San Benito County Governments
From: Mary Gilbert, Executive Director Contact: (831) 637-7665 x. 207
Date: September 21, 2017
Subject: SB1 Implementation

Recommendation:

RECEIVE UPDATE on Senate Bill 1 Implementation by the California Transportation Commission

Summary:

On April 6, the California state legislature approved a $5.2 billion annual transportation funding package aimed at fixing the state’s local roads, freeways and bridges in and investing more dollars toward transit and safety projects through the passage of SB 1 (Beall). It also approved ACA 5 (Frazier), which will place a constitutional amendment on the November 2018 ballot to firewall the resources from being diverted away from their intended use.

Financial Impact:

The following are estimated for new local annual revenues through the Road Maintenance and Rehabilitation Account (RMRA). These revenues are an average and initial revenues in early years of the program will be lower than the full estimated amount.

<table>
<thead>
<tr>
<th></th>
<th>Estimated Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Benito County</td>
<td>$ 2.2 million</td>
</tr>
<tr>
<td>Hollister</td>
<td>$ 835,000</td>
</tr>
<tr>
<td>San Juan Bautista</td>
<td>$ 43,000</td>
</tr>
<tr>
<td>State Transit Assistance</td>
<td>$ 320,009</td>
</tr>
</tbody>
</table>

Background:

The Council of Governments approved a letter of support for SB1 on March 16, 2017. The bill includes several provisions which have been a part of COG’s legislative platform since 2014.

Staff Analysis:

The California Transportation Commission (CTC) will be developing guidelines for the majority of the programs funded through SB1. Staff is monitoring the development of the guidelines, in particular for the State/Local Partnership Program and the RMRA.
The State/Local partnership program funds will be available to Counties that have developed a local funding mechanism, which includes both local sales tax measures and traffic impact fees. The program will be split with 50% going toward a competitive program and 50% by formula. San Benito County jurisdictions will be eligible for competitive program funds via their participation in the Traffic Impact Mitigation Fee Program. The proposed guidelines for the Local Partnership Program are being updated by the CTC at this time with adoption expected in December. Applications are expected to be due January 31, 2018.

The final guidelines for the RMRA program were adopted by the CTC in August and are available online:

An overview of all SB1 programs, prepared by the CTC, is attached.

Executive Director Review: _____________  Counsel Review: _____ N/A
Supporting Attachment: CTC SB1 Program Overview
Senate Bill 1 (Beall, Chapter 5, Statutes of 2017), The Road Repair and Accountability Act of 2017, provides the first significant, stable, and ongoing increase in state transportation funding in more than two decades. In providing this funding, the Legislature has provided additional funding for transportation infrastructure, increased the role of the California Transportation Commission (Commission) in a number of existing programs, and created new transportation funding programs for the Commission to oversee. The development of guidelines will include workshops open to all interested parties. The timelines below are intended to be a guide. Staff will update these timelines during the guidelines development process.

### EXISTING PROGRAMS UNDER COMMISSION OVERSIGHT

<table>
<thead>
<tr>
<th>Active Transportation Program Augmentation ($100M per year)</th>
<th>Local Partnership Program ($200M per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Commission will make this funding available to already programmed projects that can be delivered earlier than currently programmed or for projects that applied for funding in the 2017 Active Transportation Program but that were not selected for funding.</td>
<td></td>
</tr>
<tr>
<td>June 9, 2017 – Workshop to develop guidelines</td>
<td></td>
</tr>
<tr>
<td>June 28, 2017 – Adoption of guidelines</td>
<td></td>
</tr>
<tr>
<td>August 1, 2017 – Applications due</td>
<td></td>
</tr>
<tr>
<td>October 18-19, 2017 – Adopt statewide &amp; small urban and rural components</td>
<td></td>
</tr>
<tr>
<td>December 6-7, 2017 – Adopt MPO component</td>
<td></td>
</tr>
<tr>
<td>To recognize the benefits of a competitive program while still providing incentives to counties to enact taxes and fees to fund transportation needs, staff recommends implementing the Local Partnership Program as a 50% competitive program, 50% formulaic program. Due to the concerns raised by a number of regional transportation planning agencies regarding the implementation of the program as a mainly competitive program, the Commission directed staff to work with the Self-Help Counties Coalition to reach a compromise on the portion of the program to be competitive versus formulaic.</td>
<td></td>
</tr>
<tr>
<td>June through September 2017 – Workshops to develop guidelines</td>
<td></td>
</tr>
<tr>
<td>August 16-17, 2017 – Presentation of draft guidelines</td>
<td></td>
</tr>
<tr>
<td>October 18-19, 2017 – Adoption of guidelines</td>
<td></td>
</tr>
<tr>
<td>March 2018 – Applications due</td>
<td></td>
</tr>
<tr>
<td>June 2018 – Program Adoption</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State Highway Operation And Protection Program (SHOPP) (Approximately $1.9B per year for the SHOPP and Caltrans maintenance efforts)</th>
<th>State Transportation Improvement Program (STIP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Along with a significant expansion of the Commission’s oversight responsibilities. SB 1 requires additional Commission oversight of the development and management of the SHOPP, including allocating support staff, project review and approval, and convening public hearings prior to adopting the SHOPP. The Commission is also responsible for monitoring Caltrans’ performance and progress toward accomplishing the specific goals set out in SB 1 and other targets or performance measures adopted by the Commission.</td>
<td></td>
</tr>
<tr>
<td>May 17, 2017 - Presentation of draft interim guidelines</td>
<td></td>
</tr>
<tr>
<td>June 28-29, 2017 - Adoption of interim SHOPP guidelines and Asset Management Plan Guidelines</td>
<td></td>
</tr>
<tr>
<td>SB 1 stabilizes funding for the STIP. The impact of the stabilization of STIP funding will be included in the 2018 STIP Fund Estimate and incorporated in the 2018 STIP.</td>
<td></td>
</tr>
<tr>
<td>May 17, 2017 - Approval of fund estimate assumptions</td>
<td></td>
</tr>
<tr>
<td>June 28, 2017 - Presentation of draft guidelines and draft fund estimate</td>
<td></td>
</tr>
<tr>
<td>August 16-17, 2017 - Adoption of guidelines and fund estimate</td>
<td></td>
</tr>
<tr>
<td>October 15, 2017 - Submittal of draft Interregional Transportation Improvement Program</td>
<td></td>
</tr>
<tr>
<td>October 2017 - Interregional Transportation Improvement Program Hearings</td>
<td></td>
</tr>
<tr>
<td>December 15, 2017 - Submittal of Regional Transportation Improvement Programs and the final Interregional Transportation Improvement Programs</td>
<td></td>
</tr>
<tr>
<td>January-February 2018 - STIP Hearings</td>
<td></td>
</tr>
<tr>
<td>March 2018 - Program adoption</td>
<td></td>
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## NEW SB 1 PROGRAMS

### Local Streets & Roads (Approximately $1.5B per year)

SB 1 creates new responsibilities for the Commission relative to this funding, including development of guidelines, review of project lists submitted by cities and counties, reporting to the State Controller, and receiving reports on completed projects.

- June and July 2017 – Workshops to develop guidelines
- August 16-17, 2017 – Adoption of guidelines
- October 16, 2017 – Project lists due
- December 6-7, 2017 – Adoption of list of eligible cities and counties

### Solutions for Congested Corridors Program ($250M per year)

Key issues to be addressed in the guidelines include the definition of a corridor, the definition of a highly congested corridor, the key elements of a comprehensive corridor plan, and the scoring criteria weighting.

- June through October 2017 – Workshops to develop guidelines
- October 18-19, 2017 – Presentation of draft guidelines
- December 6-7, 2017 – Adoption of guidelines
- February 2018 – Applications due
- May 2018 – Program adoption

### Trade Corridor Enhancement Account ($300M per year)

SB 103, signed by the Governor on July 21, 2017, incorporates SB 1 freight funding and federal freight funding into a single program to fund infrastructure improvements in on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, and along other corridors that have a high volume of freight movement.

- June through November - Workshops to develop guidelines
- December 6-7, 2017 - Presentation of draft guidelines
- January 2018 – Adoption of guidelines
- March 2018 – Applications due
- May 2018 – Program adoption

### Traffic Congestion Relief Program (TCRP)

SB 1 states “as of June 30, 2017, projects in... the Traffic Congestion Relief Program shall be deemed complete and final...” SB 1 directs the repayments due of all outstanding TCRP loans to other programs. Therefore, the only funding available to fund TCRP projects is approximately $90 million of savings attributable to specific projects. Staff recommends the following:

- Only consider programming amendments and allocations prior to June 30, 2017.
- Only consider programming amendments and allocations to shift identified savings to another TCRP project within the same county.
- Allow savings to be transferred between counties only upon agreement of both applicants.
- Programming amendments and allocations will not be considered if the project is already fully funded.

### Office of Inspector General (Effective July 1, 2017)

No Action Required.

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