



**AGENDA
REGULAR MEETING
COUNCIL OF SAN BENITO COUNTY GOVERNMENTS**

DATE: Thursday, April 18, 2019
3:00 p.m.

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

DIRECTORS: Chair César E. Flores, Vice Chair Jim Gillio
Directors, Mark Medina, Marty Richman, and Ignacio Velazquez
Alternates: San Benito County: Anthony Botelho;
City of Hollister: Rolan Resendiz; City of San Juan Bautista: Mary Vazquez Edge
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 D. 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 March 21, 2019 – Gomez
2. **RECEIVE** Construction Projects Report – Caltrans District 5

REGULAR AGENDA:

3:00 P.M. Public Hearing (Or As Soon Thereafter As the Matter May Be Heard)

3. **2019 Unmet Transit Needs Hearing** – Lezama
 - a. **RECEIVE** Report on Unmet Transit Needs
 - b. **OPEN** Public Hearing
 - c. **CLOSE** Public Hearing

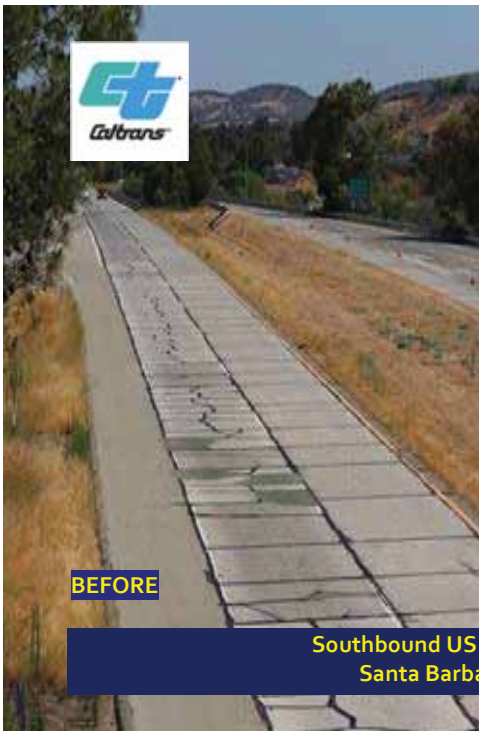
4. **COSIDER** Authorizing Executive Director to Sign Letter of Support for AB 1783 (R. Rivas) the Farm Worker Housing Act of 2019 – Lezama

5. **San Benito County Measure G** – Gilbert
 - a. **RECEIVE** Update on Measure G Outreach and Implementation.
 - b. **APPROVE** Request for Proposals 2019-01 for Financial Services

6. **RECEIVE UPDATE** on Regional Surface Transportation Program and Transportation Development Act Funding Available to Local Jurisdictions for Local Street and Roadway Projects – Gilbert

Adjourn to COG Meeting on May 16, 2019. Agenda Deadline is Tuesday, April 30, 2019 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.



BEFORE



AFTER

**Southbound US 101 in Buellton
Santa Barbara County**

Caltrans District 5



**District Director
Timothy Gubbins**

Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

WINTER 2019

District Director's Report

A quarterly publication for our transportation partners

Fix-it-First

In 2018, Caltrans completed more than 50 projects and began work on another 500 statewide—all funded through Senate Bill 1, the Road Repair and Accountability Act of 2017, and the State Highway Operation and Protection Program.

In District 5, these projects included:

- US 101 – 5.2 miles of repairs, shoulder pavement and striping, Santa Barbara County, \$4.4 million
- US 101 – 4.5 miles of pavement, San Benito County, \$1.4 million
- US 101, revamp two bridges, Santa Barbara County, \$1.2 million
- Highway 41 – 9.32 miles of pavement preservation, San Luis Obispo County, \$4.8 million
- US 101 – 16.2 miles of pavement, San Luis Obispo County, \$9.1 million
- US 101 – 367 miles of striping, Santa Barbara and San Luis Obispo counties, \$4.9 million
- US 101 – 379 miles of striping, San Luis Obispo and Monterey counties, \$5.2 million
- US 101 – 281 miles of striping, Monterey and San Benito counties, \$4.4 million

SB 1 invests \$5.4 billion annually to fix the state's transportation system. More information: <http://rebuildingca.ca.gov/>



District 5 Kicks Off Active Transportation Plan

Caltrans is developing active transportation plans in all 12 Districts statewide. Its consultant, Toole Design Group, will create and implement a route prioritization—emphasizing social equity—to identify bicycle and pedestrian network gaps, performance metrics and improvements. District 5 will work with multiple stakeholders and the public to identify needs and develop active transportation solutions on, across, and parallel to, the state highway system. The District plan will establish a vision with local partners for a safe network supporting

healthy communities for all users, especially in disadvantaged areas. Main goals for the plan include safety improvements, developing long-term strategies for multimodal options, better connectivity and accessibility, exploring shared mobility systems for short trips, identifying needs unique to rural and main street corridors, coordinating with trail networks, and maintaining long-term active transportation facilities. The District will roll out the major planning effort in early spring 2019. For more information, contact Terri Persons, District 5 Active Transportation Coordinator at terri.person@dot.ca.gov

Asset Management Coming

District 5 is engaging local partners in asset management implementation. The District's strategies are based on the Caltrans 2018 California Transportation Asset Management Plan developed in partnership statewide. Nearly \$2.7 billion in SB 1 funding is expected to be available statewide through 2027 to address pavement, culverts and transportation management systems as well as office buildings, roadside rest facilities and weigh stations.

Asset management calls for investing in highway infrastructure based on total life-cycle costs from design to long-term upkeep. It also stresses the *fix-it-first* approach using preventive maintenance to improve or preserve existing assets and not expand highway capacity. More information: http://www.dot.ca.gov/assetmgmt/documents/TA_MP_Final_03_30_18.pdf

Please Submit Maintenance Service Requests at the Following Link: <http://www.dot.ca.gov/hq/maint/mrssubmit/>



SLOW FOR THE CONE ZONE CALTRANS

Innovating Safety

District 5 is now using automated flagging assistance devices for temporary traffic control with high visibility signal heads. Just one person is needed to operate the hand-held remote control while standing well beyond the roadway and moving traffic. These devices are used in the daytime for short-term lane or road closures for bridge maintenance, haul road crossing, and guardrail and pavement repairs. They do not replace the need for trained flaggers and should only be used in locations where just one lane of approaching traffic needs control, according to the Federal Highway Administration. This equipment furthers Caltrans' high safety goal toward zero worker and user fatalities in all travel modes. More information: <https://ops.fhwa.dot.gov/publications/fhwahop17042/fhwahop17042.pdf> & http://www.dot.ca.gov/perf/library/pdf/Caltrans_Strategic_Mgmt_Plan_033015.pdf

TOWARD ZERO DEATHS	
CALTRANS SAFETY & HEALTH OBJECTIVES	TARGETS
Zero worker fatalities	Zero work zone-related worker fatalities every year
Reduce user fatalities and injuries by adopting a Toward Zero Deaths practice	Maintain 0.5 or less fatalities per 100 million vehicle miles traveled on the state highway system every year
Promote health through active transportation and reduced pollution in communities	10 percent reduction in number of fatalities every year for each mode: vehicle, transit, pedestrian and bicycle



State Rail Plan Serves Central Coast

The Caltrans 2018 California State Rail Plan sets a long-term vision for prioritizing state investment in an efficient, effective passenger and freight rail system consistent with the California Transportation Plan 2040. The plan's regional goals support:

- Running two daily intercity trains connecting the San Francisco Bay Area to Salinas via San Jose plus new stations in Pajaro, Watsonville and Castroville.
- Adding local stops along the coastal route in Soledad and King City.
- Enhancing rail connections to Gilroy.
- Providing express bus service to:
 - San Jose, Salinas, San Luis Obispo and Santa Barbara.
 - Central Valley to Paso Robles.
 - Hollister, Monterey and Santa Cruz to the statewide rail network.

More information:

http://www.dot.ca.gov/californiarail/docs/CSRP_Final_rev121818.pdf



Sea level rise, Highway 1 in San Luis Obispo County

D5 Climate Change Vulnerability Assessment

District 5 recently kicked off its first climate change vulnerability assessment. The study will identify specific locations for likely impacts of rising sea levels, increasing storm and wildfires, coastal erosion, changing precipitation patterns and higher temperatures. The report will feature a GIS database with online interactive mapping for public use. Caltrans will evaluate other modal vulnerabilities with local partners. Agency partners include: California Department of Water Resources, California Energy Commission, California Geological Survey, Federal Emergency Management Agency, UC-Berkeley, UC-Davis and the U.S. Army Corps of Engineers. Caltrans is producing assessments for each District. District 5's report is scheduled for completion in fall 2019. <http://www.dot.ca.gov/transplanning/ocp/vulnerability-assessment.html>



Landslide, Highway 154 in Santa Barbara County



Thomas Fire, Highway 192 in Santa Barbara County



Caltrans Funds Multimodal Plans

Downtown Multimodal Streetscape Plan

The City of Santa Maria recently completed its downtown multimodal plan. The \$265,590 grant project emphasizes beautification efforts, activities and partnerships to connect the downtown's retail and civic areas to Allan Hancock College, the transit center and surrounding residences. The comprehensive plan also identifies Complete Streets priorities for these locations with recommendations for future funding and implementation.

Alisal Corridor Complete Streets Plan

The City of Salinas is nearing completion on its corridor plan addressing pedestrian, transit, bicycle and vehicular needs along Alisal Street, a major local arterial. The \$262,782 grant project focuses on improving safety and access for all users with recommendations for parking, infill development opportunities, funding and implementation.

**SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
REGULAR MEETING**

March 21, 2019, 3:00 P.M.

DRAFT MINUTES

MEMBERS PRESENT:

César E. Flores, Jim Gillio, Marty Richman, Ignacio Velazquez, and Alternate Anthony Botelho
Ex Officio: John Olejnik, Caltrans District 5

MEMBERS ABSENT: Mark Medina

STAFF PRESENT:

Deputy County Counsel, Shirley Murphy; Executive Director, Mary Gilbert; Administrative Services Specialist, Kathy Postigo; Transportation Planner, Veronica Lezama; Transportation Planner, Regina Valentine; Secretary II, Monica Gomez

OTHERS PRESENT:

Brandy Rider, Caltrans District 5; David Leifer and Bobby Cheung, KNN Public Finance

CALL TO ORDER:

Chair Flores 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 Gillio, and seconded by Director Richman, the Directors acknowledged the Certificate of Posting. Vote: 5/0 motion passes.

C. COMMITTEE APPOINTMENTS:

1. Delegate and Alternate to the California Association of Councils of Governments (CALCOG)

*Upon a motion duly made by Director Richman, and seconded by Director Botelho, the Directors appointed **Jim Gillio** as the **CALCOG Delegate** and Director **Ignacio Velazquez** as the **Alternate**. Vote: 5/0 motion passes*

2. Two Representatives to the San Benito/Santa Clara Mobility Partnership

*Upon a motion duly made by Director Gillio, and seconded by Director Velazquez, the Directors appointed **Ignacio Velazquez** and **Mark Medina** to the San Benito/Santa Clara Mobility Partnership and **Marty Richman** as the **Alternate**. Vote: 5/0 motion passes*

3. Representative to Speak on Behalf of COG at California Transportation Commission and Central Coast Coalition Meetings

*Upon a motion duly made by Director Velazquez, and seconded by Director Botelho, the Directors appointed **Jim Gillio** as the **CTC and CCC representative**. Vote: 5/0 motion passes*

D. PUBLIC COMMENT:

Chair Flores stated for the record that the COG Board received Joe Thompson's public comment correspondence. The correspondence was entered into public record.

Mr. Eade (no speaker card)

Mr. Eade stated that every other day he drives 120 mile round trip to Panoche. He said he spends \$300 - \$400 a month to fix the front end on his trucks. His biggest concern is that we are going to spend too much time on bureaucracy and not enough on getting work done on the roads in a timely manner. He stated that the Board needs to do all they can to keep Caltrans out of the equation regarding Highway 25 because everyone knows it costs five times as much to build a road in California because of Caltrans.

E. EXECUTIVE DIRECTOR'S REPORT: Gilbert

Ms. Gilbert reported that staff, Director Velazquez and representatives from the Valley Transportation Authority were able to meet with Congressman Jimmy Panetta on February 21st at the COG office. They went over the State Route 152 Corridor and 25/101 Interchange project with him. They encouraged the need to find Federal funding for us.

Regarding SB1 funding, Ms. Gilbert reminded the Board that their local agency pavement management road rehabilitation project lists are due May 1st. She stated that it is very important to get the list in on time and that COG staff is available to assist their staff if needed.

F. CALTRANS DISTRICT 5 REPORT: John Olejnik

John Olejnik stated that he wanted to remind the COG Board and members of the public that they can submit a request for maintenance on a state highway for things such as repair of potholes, malfunctioning signals, graffiti, trash, weed abatement, or landscaping issues. Customer service maintenance requests can be submitted at their website at csr.dot.ca.gov. One of the benefits of using the website is that it tracks the requests and keeps the request open until the issue has been addressed.

Mr. Olejnik announced that Caltrans had released its Mile Marker report. It is a performance report of goals and projects that Caltrans plans on accomplishing each year.

Director Gillio thanked Brandy Rider with Caltrans for providing an update on the south Highway 25 curve correction project. He also mentioned that it is around that time of the year where they begin receiving complaints about weed abatement along the Highway 25 Bypass. He said he would look into the online Caltrans customer service maintenance request that Mr. Olejnik mentioned.

Director Velazquez inquired about a request he made at a previous meeting about possibly working on an agreement with the city and Caltrans regarding maintenance on the Highway 25 Bypass to get ahead of the dozens of complaints that come in around this time of the year.

Ms. Rider stated that there are two projects that will be going into construction next month. The projects include some landscape features that would address some weeds. She mentioned that one of the things they discussed in coordination with the City, should funds become available during construction, they may look into landscaping some other areas that they couldn't originally include as part of the contract. The limits for the project are from Sunnyslope to San Felipe Road. She noted that the project will include the signal head modification at Meridian so Caltrans will be coordinating with COG staff regarding the upcoming lane closures to ensure that there is plenty notice to the public.

Director Richman asked if Caltrans is responsible for any graffiti issues.

Mr. Olejnik stated that if the graffiti is on a state owned facility then it is Caltrans' responsibility, unless there is a pre-existing maintenance agreement with an entity.

Director Botelho inquired about the Highway 156 Improvement Project construction timeline beginning in the summer of 2020.

Ms. Rider stated that the project is on track to begin in the summer of 2020. She stated that they are in the middle of the right of way process. They are going into condemnation on some of the properties, which is a court driven process. They are on track for the October deadline for delivering the project out to bid. She said that typically, when they have a project that starts in the winter/spring it goes into winter suspension so full scale construction will begin to take off in June.

G. BOARD OF DIRECTORS REPORTS:

Director Botelho reported that he met with the City of Gilroy's mayor and VTA and was brought up to speed on the Mobility Partnership. He said it's coming to a critical point in which committee members will be coming back to their respective jurisdictions with some firm alignment recommendations and they must be ready and have a unified voice. It has a lot of implications with the Highway 25 widening project as well as with the connection into Santa Clara County on Highway 25 and 101. He said he was happy to hear the discussion on the committee appointments because they need to have a strong presence on the committee and make sure that our representatives from the COG and County are present to provide solid leadership.

Director Botelho also reported that he had the opportunity to go to Washington and meet with Congressman Panetta and Senator Feinstein's Chief of Staff. They talked about infrastructure dollars, the nation's \$22 trillion deficit, and how we're going to pay for all of the infrastructure needs. He said that we have to keep working to ensure that we are prepared to receive those funds when they become available.

Chair Flores concurred with Director Botelho's comment about working together and having a unified voice. He said it is important that any conflicts are resolved at the Board level to ensure that they have a unified voice when they go out to the public.

Director Richman stated that more than 50% of our residents are working/commuting out of the County. He said everyday he gets asked when are they going to start building. Although, he explains the long process of planning, engineering, getting the money, CEQA, it all goes over their head because all they know is that the next morning they will once again be stuck in the mystery traffic jam in San Martin. He said the transportation corridor is our lifeline to move around and he wanted to reinforce its importance.

Director Velazquez thanked Executive Director Mary Gilbert and staff for arranging the meeting with Congressman Panetta and the VTA staff to discuss the planning of State Route 152 Corridor and 25/101 Interchange project. He said it was exciting to be at the point where they are working together in partnership towards a mutual plan. He said he was also grateful to the public for recognizing the importance of the project.

Director Gillio echoed fellow Board members comments about working together and putting any differences aside. He said that each jurisdiction needs to be on the same page because if there is division on anything it is going to cause problems and they are going to lose credibility/faith with their neighbors to the north who they are depending on to make these projects work.

CONSENT AGENDA:

1. **APPROVE** Council of Governments Draft Meeting Minutes Dated November 15, 2018 – Postigo
2. **APPROVE** Council of Governments Draft Meeting Minutes Dated December 20, 2018 – Postigo

3. **APPROVE** Council of Governments Draft Special Meeting Minutes Dated January 24, 2019 – Gomez
4. **RECEIVE** Construction Projects Report – Caltrans District 5
5. **APPROVE** COG Executive Director Salary Increase from Step E to Step F Effective January 14, 2019, Pursuant to Employment Agreement Dated August 20, 2015 – Postigo
6. **RECEIVE** The Fiscal Year 2019/20 Draft Overall Work Program, which Includes Planning Activities to be Performed by the Council of Governments – Lezama

Director Richman pulled Item 4 for discussion.

Director Botelho abstained from Item 3.

There was no public comment on the Consent Agenda.

Upon a motion duly by made by Director Velazquez, and seconded by Director Richman, the Directors approved Items 1, 2, 5, & 6 from the Consent agenda. Vote: 5/0 motion passes.

Director Richman pulled Item 4 from consent to discuss the Highway 25/156 roundabout project. However, because the project was listed for discussion on the regular agenda as Item 12 he withdrew his request.

Upon a motion duly made by Director Gillio and seconded by Director Richman, the Directors approved Items 3 and 4 from the Consent agenda with an abstention on Item 3 from Director Botelho. Vote: 4/0/1 motion passes.

REGULAR AGENDA

TRANSPORTATION ITEMS:

7. **RECEIVE** Central Coast Coalition Legislative Platform and Information on Legislative Day Scheduled for March 20, 2019 – Gilbert

Mary Gilbert reported that the Council of Governments is a member of the Central Coast Coalition, made up of all of the Regional Transportation Planning Agencies from Santa Barbara County up to Santa Cruz County. The five Counties go to Sacramento on an annual basis to meet with transportation officials and members of the State Senate and Assembly officials.

Director Gillio provided an overview of the Legislative Day. He stated that they met with Assemblyman Robert Rivas, who is very supportive of all of our needs. Some of the highlights include meeting with Senator Ana Caballero, who is also 100% behind our efforts/needs and she is actively lobbying and speaking with representatives of the CTC. They also met with the Deputy Director of the CTC and discussed some of the challenges coming up in particular with the California Air Resource Board (CARB). The CARB is working their authority through a bill to try to get more involved in the planning of roads and transportation corridors that are particularly impacted, which threatens our ability to deliver safety and congestion projects. They were able to meet with the Governor and his staff and there was discussion about SB 1 funds and the importance of keeping it as a competitive funding process vs. formulaic.

Ms. Gilbert mentioned that there was a lot of discussion about rail with the Governor as well. He touched on high speed rail. The Central Coast Coalition counties are currently working on rail projects so they were advocating for funding.

There was no public comment on this item.

8. RECEIVE Council of Governments FY 2018/19 Second Quarter Budget Report and **APPROVE** Budget Transfer 18-19-08 – Postigo

Kathy Postigo reported that during the second quarter, total expenditures for all COG accounts were \$2,056,465. Revenues were at 90.98% during this period. Staff made budget adjustments, approved by the Executive Director as authorized in the Purchasing/Budget policy to cover small overages. A Budget Adjustment/Transfer is required to the Other Charges – Operating Transfers line item from Transportation Planning State Subvention Fund Balance.

Director Gillio asked if the dollar amount budgeted for travel would be sufficient due to the possible increase in travel to Sacramento related to Measure G.

Ms. Postigo stated that COG will be receiving some reimbursements for some scholarships that staff received.

Director Richman asked what the typical lag on the COG Administration budget was.

Ms. Postigo stated that there is a one year lag on COG Administration. Staff submits a claim for reimbursement at the end of the year for TDA funds.

There was no public comment on this item.

Upon a motion duly by made by Director Gillio, and seconded by Director Botelho, the Directors approved Item 8 as noted above. Vote: 5/0 motion passes.

9. RECEIVE Presentation from KNN Public Finance Regarding Cash Flow Model for Measure G Sales Tax Funds – Gilbert

Ms. Gilbert introduced David Leifer with KNN Public Finance. Mr. Leifer provided a detailed power-point presentation on the updated Cash Flow Model for Measure G funds and answered questions from the Board.

There followed some discussion. The COG Board members noted that the Strategic Planning document will be essential for their agencies to reach target dates and expectations. They said it is important to begin having conversations with their respective agencies on finding ways to repair their own roads and not rely on Measure G funds.

PUBLIC COMMENT:

Wayne Norton, Aromas

Mr. Norton urged each jurisdiction to go back to their Public Works departments and tell them to be prepared and have the jobs ready so that the local projects can get done. He mentioned that there's a bridge in Aromas that has to be fixed right away to allow the fire trucks to get over it.

Stephen Rosati, Hollister

Mr. Rosati stated that the 3rd page COG's financial liabilities is subtracted 1st before the disbursements to the local jurisdictions. He stated that bonding, like a house payment maybe they can be paid off sooner. We keep looking at the \$242 million cost on Hwy 25, our "fair share" of that is much less. We need to go to CTC to establish that as soon as possible, we would be looking at \$152-155 million, maybe it can get established soon within next 90 days. He said that they may want to get to the Strategic Plan sooner so that agencies know exactly where they stand when the money comes in.

There was no further discussion.

10. San Benito County Measure G – Gilbert

- a. RECEIVE** Update on Measure G Outreach and Implementation
- b. APPROVE** Citizens Oversight Committee Application and Recruitment Process
- c. APPROVE** Contract with CliffordMoss for Post-Election Communication Services for an Amount Not to Exceed \$40,000.

Ms. Gilbert provided a Power-point presentation of the work plan and next steps of Measure G and answered questions from the Board:

There followed some discussion about the responsibilities of the Oversight Committee.

PUBLIC COMMENT:

Al Guerra

Mr. Guerra asked how often the Oversight Committee would be meeting, what would they be reviewing, financial statements, expenditures, etc. He said it's important to have a cross-section of business people and concerned citizens that have something that they want to oversee.

Ms. Gilbert noted that it is already established in the Ordinance that the Committee would be meeting at least annually, but not more than four times a year. She stated that the Ordinance also clearly addresses the Committee's responsibilities as outlined in the presentation provided.

Stephen Rosati

Mr. Rosati asked when COG would be receiving the pavement management plan from the jurisdictions. He said since everything has to be geographically distributed it may make things easier to have the jurisdictions divide into sections and rotate them so everyone gets their fair share of funds. He recommended the Committee be made up of 9 members meeting quarterly. He asked if they would be reviewing the fund disbursements before the funds are provided rather than later so if there are any errors. Regarding the Strategic Plan, he said they need to get to the CTC as soon as possible so they know what they are going to be paying for the projects.

Upon a motion duly by made by Director Gillio, and seconded by Director Richman, the Directors unanimously approved an 11 member Oversight Committee, which meets quarterly, with a 2-year term. Vote: 5/0 motion passes.

PUBLIC COMMENT:

Stephen Rosati

Mr. Rosati clarified that the Ordinance clearly outlines the Oversight Committee's job: 1) Independent Audits 2) Plan changes 3) Project delivery and priorities 4) Annual and final reports. He said those are the four things that the committee has to do, the politics part of it is done.

After extensive discussion about the makeup of the Committee the COG Board provided the following direction to staff:

Measure G Citizens Oversight Committee: (11 members total)

(6) Members – (1) from each of the following groups below:

- Ag/Farm Bureau
- Seniors or people with Disabilities
- Industry representative
- Trade/Labor
- Latino/Hispanic
- Education

(5) Members from each Supervisorial District – (members at large selected by each member of COG, one per supervisor district) -- to be selected by the COG Board as a whole after they receive the applications.

The motion was made by Director Gillio, and seconded by Director Botelho on the above noted Measure G Citizens Oversight Committee membership Item 10b. Vote: 3/2 motion passes, with Director Richman and Director Velazquez voting No.

Upon a motion duly by made by Director Gillio, and seconded by Director Richman, the Directors unanimously approved the application for the Oversight Committee member recruitment Item 10b. Vote: 5/0 motion passes.

Chair Flores called for a 5 minute break at 5:42 p.m.

Chair Flores reconvened the COG meeting at 5:47 p.m.

Regarding Item 10c. approval for a contract with CliffordMoss for post-election communication services for an amount not the exceed \$40,000, the Board directed staff to table the Item for three months until they have a Strategic Plan in place so they have more information to present to the public.

PUBLIC COMMENT:

Stephen Rosati

Mr. Rosati agreed with the Board's recommendation to table the contract. He recommended to table it until the Strategic Plan is adopted and then move forward with the contract.

Upon a motion duly by made by Director Velazquez, and seconded by Director Gillio, the Directors unanimously tabled Item 10c. for 3 months. Vote: 5/0 motion passes

11. CONSIDER and PROVIDE DIRECTION on Changing the Time of the Regular Council of Governments Meeting – Gilbert

Ms. Gilbert stated that this item was placed on the agenda because the COG Board had expressed interest in changing the time of the monthly regular Council of Governments meetings from daytime to evening.

There was discussion amongst the COG Board and staff. The COG Board took into consideration staff overtime and late travel, especially for Caltrans Ex-officio member traveling from San Luis Obispo. They also expressed that although it sometimes is difficult to make it to meetings because of their personal occupations, at the end of the day it is part of being an elected official and their commitment to COG. They also discussed scheduling special meetings if needed.

Chair Flores noted that the Board received public comment via email on this item asking the Board to consider a time more easily accessible to the public, especially considering the role that COG will play with Measure G funds. A request was also made to consider making COG meetings available on CMAP, or somehow recorded and placed on the COG website.

The Board asked staff to look into CMAP option.

Ms. Gilbert stated that staff would look into CMAP, but noted that funding could be an issue since COG does not have a general fund.

There was consensus from the Board to leave the COG meeting time as is. The Board will schedule special meetings for evenings and/or weekends as needed. The Board directed staff to look into CMAP opportunities and possible funding for the service.

12. RECEIVE Update on the State Highway Operations and Protection Program Project to Construct a Roundabout at the Intersection of SR 25 and SR 156 – Gilbert

Brandy Rider, Caltrans Project Manager provided a PowerPoint presentation on the State Route 25/156 Roundabout and answered questions from the Board.

Director Velazquez stated that he appreciated that Caltrans was evaluating the use of “rumble stripe” and other temporary measures to alert drivers of the upcoming signal.

Board members expressed concern over the throw away component of the project and stated that residents are upset about the decision as well. The question was asked if there were other safety improvements that can be done with \$10 million.

Ms. Rider explained that something has to be done at the intersection Route 25/156 and the purpose of the project is to improve the intersection by reducing the number and severity of collisions. The need for the project is triggered by the signalized intersection experiencing a pattern of broadside and rear end collisions due to a recurrence of red light runs. She mentioned that it is an Interim safety solution (15+year life), the Long term safety and congestion solution (40+year life) would be a grade separation (interchange/under or over-crossing).

Director Botelho stated that he had to leave and excused himself from the meeting at 6:16 p.m.

Ms. Rider mentioned that Caltrans will provide public outreach/workshops to educate the public about highway roundabouts in advance of the project construction. Caltrans is currently planning a public workshop for the project to be held in April 2019.

PUBLIC COMMENT:

Kevin Stopper

Mr. Stopper stated that he spoke with Brandy Rider regarding the round about right of way location. He stated he was a truck driver by trade, 30 years hazardous material driving. He said last year he was in up in Oregon on Hwy 126 and Southwest at Tom McCall Rd. right outside the town of Prineville. He said Hwy 126 in Prineville is almost identical to Hollister’s Hwy 25 area they also put a roundabout in. He said it’s a high traffic/truck traffic area as well. He said that there’s a lot of talk about how roundabouts don’t work. He said roundabouts work and they’re very safe as long as you’re safe. He’s driven through them with his 30ft 5th wheel, he’ seen doubles, triples, Biggy cranes go through them as well. He said he’s not sure how but he would still recommend putting something together with Caltrans to mesh Hwy 25 with the roundabout. He also said a rumble strip would not fix the problem, it would only ruin the suspension in vehicles.

Stephen Rosati (no speaker card)

Mr. Rosati said that he did not believe that Caltrans District 4 and Caltrans District 5 can't work together to get some expeditious workings between the two Districts to get an interchange there in six years. Numerous studies have been done on the widening, all the layouts, some engineering has been done. He said if we can guarantee our fair share of \$16 million today and say here's the start of this thing to save SHOPP money to be used elsewhere for safety. He questions a Level of service B if there's no roundabout like our area to compare to –it's all based on theory. He said that if all of the temporary safety solutions can be put in, then Caltrans Dist. 4&5 can meet with the CTC and tell them to use Hwy 152, which has been neglected all these decades. He said the public will be disgusted with this project.

There was no further discussion

Upon a motion duly made by Director Velazquez, and seconded by Director Gillio, the Directors Unanimously adjourned the COG meeting. The meeting was adjourned at 6:33 p.m. Vote: 4/0 motion passes.

ADJOURN TO COG MEETING APRIL 18, 2019 at 3:00 P.M.



PROJECT UPDATE – SAN BENITO COUNTY

PREPARED FOR THE APRIL 18, 2019 SAN BENITO COUNTY COUNCIL OF GOVERNMENTS MEETING

CONSTRUCTION PROJECTS

Project	Location/Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager (Resident Engineer)	Contractor	Comments
1. Highway 25 Super Elevation Adjustment and Culvert Extension (1C260)	Just north of La Gloria Road (PM 25.9/R26.2)	Curve correction	Spring 2019	\$2.1 million	SHOPP	Brandy Rider (RJ)	Granite Rock Company, San Jose, CA	Project awarded Dec. 18, 2018 and approved Jan. 9, 2019. Construction tentatively scheduled for April 15.
2. Highway 25 Roadway Safety Improvements 1F4304	In Hollister from Sunnyslope/Tres Pinos Road to San Felipe Road (PM R49.9/R52.2)	Route deficiency corrections	Spring 2019	\$6.9 million	SHOPP	Brandy Rider (BB)	Granite Rock Company, San Jose, CA	Project awarded on Nov. 14 and approved on Dec. 10, 2018. Construction tentatively scheduled for April 15.

PROJECTS IN DEVELOPMENT

Project	Location/Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Phase	Comments
3. Highway 25 Curve Alignment Restoration (1H810)	Near Hollister, just north of San Benito Lateral (PM 18.8/19.1)	Curve restoration	Begin in Fall 2020	\$4.3 million	SHOPP	Brandy Rider	PA&ED	Project design and environmental review are ongoing.
4. Highway 25 Repair and Replace Culverts Project (1K340)	From south of San Benito River to south of Murphy Road in the town of Paicines (PM 29.9-32.0.5)	Drainage project to repair and replace 2 culverts	Summer 2019 - Fall 2019	\$120K	Highway Maintenance SB1	Kelly McClain (TBD)	PS&E	Project is in the process of being awarded. Construction tentatively scheduled for Summer 2019.



PROJECT UPDATE – SAN BENITO COUNTY

PREPARED FOR THE APRIL 18, 2019 SAN BENITO COUNTY COUNCIL OF GOVERNMENTS MEETING

PROJECTS IN DEVELOPMENT (CONTINUED)

Project	Location/Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Phase	Comments
5. Highway 25 Expressway Conversion Project (48540)	Near Hollister and Gilroy in SBt & SCL Counties (PM SBt 51.5 to SCL 2.6)	Conversion of 2-lane conventional highway to a 4-lane expressway	N/A	N/A	Local	Brandy Rider	PA&ED	Caltrans is currently working with SBCOG to develop a workplan for PA&ED and develop a cooperative agreement to initiate work on Phase 1.
6. Highway 25/156 Roundabout (1J480_)	Intersection of SR 25/156, north of Hollister (PM 54.048)	Construct roundabout	Spring 2021-Fall 2021	\$10.7 million	SHOPP	Brandy Rider	PS&E/RW	Project Design Kick-Off in October 2018. Caltrans to schedule a community roundabout workshop in Spring 2019.
7. Highway 156 Improvement Project (34490)	In and near San Juan Bautista, from The Alameda to slightly east of Fourth Street (PM 3.0/R8.2)	Construct four-lane expressway	Summer 2020 - Summer 2022	\$57.4 million	STIP/Local	Brandy Rider	PS&E/RW	Project design continues with 95% completion. ROW appraisals in progress. Utility relocation, design coordination under way.

ACRONYMS USED IN THIS REPORT:

PA&ED	Project Approval and Environmental Document
PS&E	Plans, Specifications, and Estimate
ROW	Right of way
SB1	Senate Bill 1
SBt	San Benito County
SCL	Santa Clara County
SR	State Route
SHOPP	Statewide Highway Operation and Protection Program
STIP	Statewide Transportation and Improvement Program



Staff Report

To: Council of Governments
 From: Veronica Lezama, Transportation Planner Telephone: (831) 637-7665
 Date: April 18, 2019
 Subject: 2019 Unmet Transit Needs Hearing

Recommendation:

- a. **RECEIVE** Report on Unmet Transit Needs
- b. **OPEN** Public Hearing
- c. **CLOSE** Public Hearing

Summary:

In its role as the Transportation Development Act fund administrator, the Council of Governments is responsible for conducting the annual Unmet Transit Needs process, which consists of the following three key steps:

1. Solicit testimony from the public on the Unmet Transit Needs of the community;
2. Analyze the Unmet Transit Needs expressed by the public, in accordance with COG adopted definition of an Unmet Transit Need and Reasonable to Meet criterion; and
3. Adopt findings regarding Unmet Transit Needs, found Reasonable to Meet, which may exist for implementation by the Local Transportation Authority (LTA) in the upcoming 2019/20 Fiscal Year.

Financial Considerations:

The Council of Governments receives an annual allocation of approximately \$2,200,000 in Transportation Development Act (TDA) funds. About, \$1,553,000 of the total is budgeted for the San Benito County Local Transportation Authority for operations of County Express and Specialized Transportation services. An additional \$233,000 finances COG agency administration, while two percent of all funds, ≈ \$44,000, is reserved for bicycle and pedestrian projects.¹

Any remaining TDA funds must be used to finance the community's Unmet Transit Needs that are found Reasonable to Meet before being allocated to other transportation needs.² The

¹ Two percent of the funds is made available to the Cities and County for facilities provided for the exclusive use of pedestrians and bicycles.

²TDA Guidebook states that TDA funds shall be allocated by the designated transportation planning agency for the purposes specified in the PUC in the following priority: Administration Allocations (i.e. COG administration), Planning and Programming Allocations (i.e. COG planning and administration), Pedestrian and Bicycle Allocations (i.e. for Cities and County use), Rail Passenger Service, Transit Development Board Area Allocations (i.e. LTA administration), Community Transit Service Allocations (i.e. Specialized Transportation service), Public Transportation and Grade Separation Allocations (i.e. County Express service), and Miscellaneous Transportation Allocations (i.e. local streets and roads, bicycle and pedestrian projects, rail, and transit).

Council of Governments must also conduct an independent financial audit³ and performance audit⁴ to ensure that TDA funds are spent and used in compliance.

Background:

Assembly Bill 325 was enacted by the California Legislature to improve existing public transportation services and encourage regional transportation coordination. Known as the Transportation Development Act (TDA) of 1971, this law provides funding to be allocated to transit and non-transit related purposes that comply with regional transportation plans. TDA continues to be a major funding source for public transportation in California.

Public participation is a key component of TDA. Each year, COG must hold at least one Unmet Transit Needs hearing to ensure that there are no Unmet Transit Needs that are found Reasonable to Meet in the community. The Unmet Transit Needs process accomplishes more than simply meeting a state requirement. It also provides a forum for public input on the bus services provided by the San Benito County Local Transportation Authority (LTA).

The LTA was formed by a joint powers agreement between the Cities and County of San Benito in 1990 and is responsible for the administration and operation of the [County Express](#) and [Specialized Transportation](#) public transportation services. Both County Express and Specialized Transportation Services are operated through their respective contracts with MV Transportation and Jovenes de Antaño.

In its role as the Transportation Development Act fund administrator, COG is responsible for conducting the annual Unmet Transit Needs Process. Unmet Transit 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.”

Presuming that an unmet transit need is identified, a further determination is conducted to establish whether or not that need is "Reasonable to Meet" in accordance with COG adopted criteria. If an Unmet Transit Need is found “Reasonable to Meet,” then COG is responsible for ensuring that funds are expended to meet those needs before any TDA funds can be used for any other transportation purposes.

³ Fiscal audits are conducted annually, and include transit operator’s revenue-to-expense ratio, known as farebox recovery.

⁴ Performance audits are conducted every three years and include performance measures that verify the efficiency and effectiveness of COG and LTA.

Staff Analysis:

The COG Board is being asked to open a public hearing on the annual Unmet Transit Needs to obtain public input on the public transportation service needs provided by County Express and Specialized Transportation services.

In addition to today’s hearing, the public had opportunity to provide input on their unmet transit needs at two additional bilingual meetings (Attachment 1). COG staff also solicited input onboard the buses during the month of February. Additional outreach ensures that those unable to attend any of the three in-person meetings will be able to provide comment through other means. Comments are also being accepted by mail, email, or phone.

Once the public comment period concludes on April 18, staff will review and analyze the public testimony received with the Social Services Transportation Advisory Council⁵ and provide the draft recommendations to the COG Board of Directors for consideration at the June 20, 2019 meeting. Please see timeline below.

UNMET TRANSIT NEEDS PROCESS TIMELINE	SCHEDULE 2019
Onboard passenger outreach	February
Public meeting, Hollister Community Center	February 14
Public meeting, San Juan Bautista Community Center	February 19
Public hearing, COG meeting in Hollister (meeting cancelled, hearing rescheduled to April 18, 2019)	February 21
Public hearing, COG meeting in Hollister	April 18
Public comment period concludes	April 18
Social Services Transportation Advisory Council meeting to review all comments received	May 24
COG Board receives draft Unmet Transit Needs Report	June 20
COG Considers Adoption the 2019 Unmet Transit Needs Report	July 18/August 15
COG submits adopted Unmet Transit Needs Report to Caltrans	August 15
Report due to Caltrans	August 15

Executive Director Review: _____

Counsel Review: N/A

1. 2019 Unmet Transit Needs Bilingual Meeting Flyer

⁵ The Social Services Transportation Advisory Council advises the Council of Governments on matters related to its public transportation services and is responsible for representing the concerns of all segments of the community, including the elderly, persons with disabilities, and persons of limited means.



TRANSIT MEETINGS

2019

What are your bus needs?

We want to hear your thoughts on the unmet service needs for Specialized Transportation Services and County Express.

Thursday, February 14

San Juan Bautista Community Center at 12:30 p.m.
10 San Jose Street, San Juan Bautista, CA

Tuesday, February 19

Hollister Community Center at 1 p.m.
300 West Street, Hollister, CA

Thursday, February 21

County Administration Building at 3 p.m.
481 Fourth Street, Hollister, CA
rescheduled

Comment Deadline

March 1, 2019



Attn: Transit Needs
330 Tres Pinos Road, C7
Hollister, CA 95023

.....



veronica@sanbenitocog.org

Contact:

Veronica Lezama
Transportation Planner

Council of Governments

330 Tres Pinos Road, C7
Hollister, CA 95023
831.637-7665, Ext. 204
veronica@sanbenitocog.org



County Express Bus

JUNTAS SOBRE EL SERVICIO DE TRÁNSITO



2019

¿Cuáles son sus necesidades de los servicios de autobús?

Queremos escuchar sus opiniones sobre las necesidades de los servicios de autobús Jovenes de Antaño y County Express.

Jueves, febrero 14

Centro Comunitario de San Juan Bautista, 12:30 p.m.
10 San Jose Street, San Juan Bautista, CA

Martes, febrero 19

Centro Comunitario de Hollister, 1 p.m.
300 West Street, Hollister, CA

Jueves, febrero 21

Edificio de Administración del Condado, 3 p.m.
481 Fourth Street, Hollister, CA
Junta fue cambiada a otra fecha

Fecha Límite de Comentarios

1 de marzo del 2019



Attn: Necesidades de
Transito
330 Tres Pinos Road, C7
Hollister, CA 95023

.....



veronica@sanbenitocog.org

Información de Contacto:
Veronica Lezama
Planificadora de Transporte

Concilio de Gobiernos
330 Tres Pinos Road, C7
Hollister, CA 95023
831.637-7665, Ext. 204
veronica@sanbenitocog.org



Autobús County Express

Staff Report

To: Council of Governments
From: Veronica Lezama, Transportation Planner **Telephone: (831) 637-7665**
Date: April 18, 2019
Subject: **Letter of Support for Assembly Bill 1783 (R. Rivas) Farm Worker Housing Act of 2019**

Recommendation:

AUTHORIZE Executive Director to Sign Letter of Support for AB 1783 (R. Rivas) Farm Worker Housing Act of 2019.

Summary:

The Council of Governments received a request from the office of Assemblymember Robert Rivas¹ for the support of Assembly Bill 1783 (R. Rivas) Farm Worker Housing Act of 2019 (Attachment 1). This law would create a streamlined process for farm owners and operators to develop quality employee housing on their agricultural lands.² From a transportation perspective, a key issue for sustainable development is closing the commute gap between where people live and work.

Financial Impact:

There is no financial impact to Council of Government resources.

Background:

Existing law, the Employee Housing Act, requires a person operating employee housing to obtain a permit to operate that housing from the agency that enforces the act, which may either be the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for enforcing the act. The act generally reserves local use zone requirements to local governments, including requiring a specified streamlined approval process for certain improvements related to employee housing for agricultural employees. The act also deems employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household to be an agricultural land use and prohibits a local government from requiring a conditional use permit, zoning variance, or other

¹ Coauthors: Senators Caballero, Durazo, and Wiener.

² The H-2A program allows U.S. employers or U.S. agents who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary agricultural jobs. A U.S. employer, a U.S. agent as described in the regulations, or an association of U.S. agricultural producers named as a joint employer must file the necessary forms on a prospective worker's behalf.

zoning clearance for the employee housing, or from subjecting the employee housing to certain taxes or fees that are not required for other agricultural activity in that zone. A violation of the act is a misdemeanor.

Staff Analysis

The Board of Directors is being asked to consider authorizing the Council of Governments' Executive Director to sign a letter in support of AB 1783 (R. Rivas) Farm Worker Housing Act of 2019 (Attachment 2).

This law would streamline the approval process for agricultural employee housing development. Existing federal law governing immigration authorizes the importation of foreign nationals, known as an H-2A agricultural worker, if specified requirements are met, including that the employer furnish housing.³ Although the federal H-2A program steers resources towards a temporary worker visa program, it does not allow for family housing.

AB 1783 would provide a new avenue to state resources to build dignified, quality housing for farmworkers and their families. By developing long-term, permanent housing on their own land, an agricultural company would have the opportunity to retain and develop a more knowledgeable workforce.

From a transportation perspective, narrowing the gap between where people live and employment opportunities will dictate how people travel. Integrating the two will have a key role in shaping the region and in delivering social, economic, and environmental sustainability, while reducing vehicles miles travel and greenhouse gas emissions. AB 1783, is also consistent with several of the objectives of the 2040 San Benito Regional Transportation Plan, including:

1. Accessibility & Mobility
2. System Preservation and Safety
3. Economic Vitality
4. Social Equity
5. Healthy Communities
6. Environment

Support for AB 1783 has been provided from the President of Gavilan College, City of Morgan Hill, City of Hollister, City of Salinas, City of Soledad, Community Housing Improvement Systems and Planning Association, Inc., California Yimby, and Center for Farmworker Families.

³ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1783

Executive Director Review: _____

Counsel Review: N/A

Supporting Attachments:

1. Letter of Support
2. California Legislative Information, AB 1783 Farm Worker Housing Act of 2019



April 18, 2019

The Honorable Cecilia Aguiar-Curry
Assembly Local Government Committee
Sacramento, CA 95814

RE: AB 1783 (R. Rivas) – SUPPORT

Honorable Cecilia Aguiar-Curry:

On behalf of Council of San Benito County Governments (COG), we are pleased to offer our support for AB 1783 (R. Rivas) also known as the Farm Worker Housing Act of 2019 which creates a streamlined process for farm owners and operators to develop quality employee housing on their agricultural lands, and phases out state support of the federal H-2A program. Together these two components push the State towards a future with more dignified, family friendly farmworker housing.

California's housing shortage isn't just an urban problem – the severe shortage of quality and affordable housing for farmworker families in rural agricultural areas cripples our ability to attract workers to California's farms. Many farms have surplus land that could be used to build safe and secure housing for farmworkers, but this type of development can be stifled by zoning laws.

This leads to farmworker housing stopgaps that are often substandard and unsafe. Without adequate housing, farmworkers and their families are left with no choice but to sleep in their vehicles, in illegally converted garages, and even outdoors— living conditions all can agree are not suitable under any circumstances.

From a transportation perspective, narrowing the gap between where people live and employment opportunities will dictate how people travel. Integrating the two will have a key role in shaping the region and in delivering social, economic, and environmental sustainability, while reducing vehicles miles travel and greenhouse gas emissions. AB 1783, is also consistent with several of the objectives of the 2040 San Benito Regional Transportation Plan, which include:

1. Accessibility & Mobility
2. System Preservation and Safety
3. Economic Vitality
4. Social Equity
5. Healthy Communities
6. Environment

Additionally, the 2018 Farmworker Study & Action Plan for the Salinas and Pajaro Valleys confirmed that agricultural workers are living in severely overcrowded conditions and found that a preponderance of farmworkers in the area are year round residents.

It's important to note, the shortage of available farmworker housing impacts farmworkers' children as well. From the 2018 farmworker survey, 75% are married, often living in households with minor children. Moreover, in twelve schools in rural Monterey County, more than one out of every five students are homeless. In one school in particular, Sherwood Elementary, that number is nearly 40%. Although much focus has been on providing housing for temporary farmworkers, the data is clear that the most significant need is for permanent farmworker family housing.

Unfortunately, California's failure to provide decent and affordable housing hurts our ability to attract workers to local farms, while the federal H-2A program steers resources towards a temporary worker visa program that does not allow for family housing.

We are proud to support AB 1783 and commend Assemblymember Rivas for his leadership on this important issue.

Sincerely,

Mary Gilbert
Executive Director
Council of San Benito County Governments



AB-1783 H-2A worker housing: state funding: streamlined approval process for agricultural employee housing development. (2019-2020)

SHARE THIS:



Date Published: 04/04/2019 09:00 PM

AMENDED IN ASSEMBLY APRIL 04, 2019

AMENDED IN ASSEMBLY MARCH 28, 2019

AMENDED IN ASSEMBLY MARCH 19, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL

No. 1783

Introduced by Assembly Member Robert Rivas
(Coauthors: Senators Caballero, Durazo, and Wiener)

February 22, 2019

An act to amend Sections 12745, 12760, 12767, 12787, and 65582.1 of, and to add Section 12788 to, the Government Code, and to amend Sections 17008, 17021, 17021.6, 17030, 17035, 17037, 17037.5, 50470, 50517.10, and 50715 of, and to add Sections 17021.8, 17030.10, and 50205 to, the Health and Safety Code, relating to agricultural employee housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1783, as amended, Robert Rivas. H-2A worker housing: state funding: streamlined approval process for agricultural employee housing development.

(1) Existing federal law governing immigration authorizes the importation of an alien as a nonimmigrant agricultural worker, known as an H-2A worker, if specified requirements are met, including that the employer furnish housing, as provided.

Existing state law establishes various housing programs administered by the Department of Housing and Community Development, including the Joe Serna, Jr. Farmworker Housing Grant Program, pursuant to which the department provides, subject to availability of funds, grants and loans to specified entities for the construction or rehabilitation of housing for agricultural employees and their families or for the acquisition of manufactured housing, as provided. Existing state law, the California Community Services Block Grant Program, requires the Department of Community Services and Development to administer the federal Community Services Block Grant funds to provide financial assistance for activities designed to have a measurable and potentially major impact on causes of poverty in a community or areas of a community where poverty is a particularly acute problem. Existing law authorizes this funding to assist programs that, among other things, meet the needs of

migrant and seasonal farmworkers and their families, such as improved housing and sanitation, including the provision and maintenance of emergency and temporary housing and sanitation facilities.

This bill would prohibit the provision of state funding, as defined, for the purposes of planning, developing, or operating any housing used to comply with the federal law requirement to furnish housing to H-2A workers and would require an employer, as defined, or other recipient of state funding who utilizes state funding for these purposes to reimburse the state or state agency that provided the funding in an amount equal to the amount of that state funding expended for those purposes. The bill would exempt from these provisions any contract or other enforceable agreement pursuant to which the state or a state agency provides funding that was entered into prior to January 1, 2020. The bill would also make various conforming changes to other laws.

(2) The Planning and Zoning Law requires that the housing element of a city's or county's general plan include, among other things, that the housing element of a city's or county's general plan include, among other things, an analysis of any special housing needs, including the needs of, among others, farmworkers. Existing law exempts certain housing developments from conditional use permits and requires those developments to be subject to certain streamlined approval processes, as specified.

Existing law, the Employee Housing Act, requires a person operating employee housing, as defined, to obtain a permit to operate that housing from the agency that enforces the act, which may either be the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for enforcing the act. The act generally reserves local use zone requirements to local governments except as provided, including requiring a specified streamlined approval process for certain improvements related to employee housing for agricultural employees. The act also deems employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household to be an agricultural land use and prohibits a local government from requiring a conditional use permit, zoning variance, or other zoning clearance for the employee housing, or from subjecting the employee housing to certain taxes or fees that are not required for other agricultural activity in that zone. A violation of the act is a misdemeanor.

This bill would expand the definition of employee housing under the act to include agricultural employee housing, as defined, and would require the department to be the enforcement agency for agricultural employee housing. The bill would provide that a tenant residing in agricultural employee housing has all rights applicable to a person residing in employee housing under existing provisions, including the California Fair Employment and Housing Act and specified provisions relating to tenant rights. The bill would require the department to establish and administer, as specified, an application and review process for certifying that a person is an affordable housing organization qualified to operate specified agricultural employee housing. The bill also would require the department to establish and maintain a roster of all certified affordable housing organizations. The bill would, as an exception to the provision reserving local use zone requirements to local governments, authorize a development proponent to submit an application for an agricultural employee housing development that is subject to a streamlined, ministerial approval process, as specified, and that is not subject to a conditional use permit if certain requirements are met, including that the agricultural employee housing will be maintained and operated by a qualified affordable housing organization that has been certified by the department and has been issued a permit to operate the agricultural employee housing from the department. The bill would require a local government to notify the development proponent in writing if the local government determines that the development does not meet any of those requirements by a specified time; otherwise, the development would be deemed to comply with those requirements. The bill would authorize a specified local government entity to conduct a design review or public oversight of the development, as provided. The bill would provide that agricultural employee housing approved pursuant to the provision providing for a streamlined, ministerial approval process is not subject to the density limitations otherwise required to be considered an agricultural land use and exempt from local approval, taxes, and fees, as described above. The bill would also require, as a condition of that approval process, the qualified affordable housing organization and the landowner to obligate themselves and any successors in interest to maintain the affordability of the proposed agricultural employee housing, as specified, for not less than 55 years. If that organization does not continue to operate and maintain the housing for the time period agreed to satisfy that condition, the bill would require the landowner who obtained approval of the housing to select an alternative certified person within 90 days, and would subject the landowner to an unspecified administrative penalty if the landowner fails to do so. By increasing the duties of local officials with respect to the Employee Housing Act, and by expanding the scope of an existing crime with respect to violations of the Employee Housing Act, this bill would impose a state-mandated local program. The bill would make related findings and declarations, and would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would make various conforming changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

Because the approval process established by the bill is streamlined and ministerial in nature, the approval of projects subject to this process are exempt from CEQA.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12745 of the Government Code is amended to read:

12745. (a) Eligible activities for which financial assistance may be obtained pursuant to this chapter shall be designed to have a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. These activities shall be designed to assist low-income participants to do all the following:

- (1) Secure and retain meaningful employment.
- (2) Attain an adequate education.
- (3) Make better use of available income.
- (4) Obtain and maintain adequate housing and suitable living environment subject to Section 12788.
- (5) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment-related assistance subject to Section 12788.
- (6) Remove obstacles and solve problems that block the achievement of self-sufficiency.
- (7) Achieve greater participation in the affairs of the community.
- (8) Address the needs of youth in low-income communities.
- (9) Make more effective use of other programs related to the purposes of this chapter.

(b) Additionally, activities shall be designed to do all of the following:

- (1) Provide on an emergency basis for the provision of the supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor.
- (2) Coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of those services to low-income individuals.
- (3) Encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community.

(c) Each eligible entity shall, through the local planning process, select and propose for funding the programs or projects that, in its judgment, will produce the maximum impact on its community.

(d) Entities eligible for funding under Article 9 (commencing with Section 12775) are limited purpose agencies that need not respond to the broad range of eligible activities but may provide specialized training, technical assistance and support services to enhance the effectiveness of community action programs, migrant and seasonal farmworker programs, and American Indian programs.

(e) The department may prescribe statewide priorities among eligible activities or strategies that shall be considered and addressed in the local planning process and described in the community action plan submitted to the state. Each eligible entity shall be authorized to set its own program priorities in conformance to its own determination of local needs.

(f) If no other entity in the community provides those services, eligible entities under Article 6 (commencing with Section 12750), Article 7 (commencing with Section 12765), or Article 8 (commencing with Section 12770) shall provide a minimum level of services to help the poor receive the benefits for which they are eligible under health, food, income, and housing assistance programs designed to meet the basic survival needs of the poor subject to Section 12788. These services shall include, but shall not be limited to, all of the following:

(1) A service to help the poor complete the various required application forms, and, when necessary and possible, to help them gather verification of the contents of completed applications.

(2) A service to explain program requirements and client responsibilities in programs serving the poor.

(3) A service to provide transportation, when necessary and possible.

(4) A service that does all things necessary to make the programs accessible to the poor, so that they may become self-sufficient.

(g) Standards of effectiveness to be addressed and attained in setting goals and assessing accomplishments are:

(1) Strengthened community capabilities for planning and coordinating so as to insure that available assistance related to the elimination of poverty can be more responsive to local needs and conditions.

(2) Better organization of services related to the needs of the poor.

(3) Maximum feasible participation of the poor in the development and implementation of all programs and projects designed to serve the poor.

(4) Broadened resource base of programs directed to the elimination of poverty so as to include all elements of the community able to influence the quality and quantity of services to the poor.

(5) Greater use of new types of services and innovative approaches in attacking causes of poverty, so as to develop increasingly effective methods of employing available resources.

(6) Maximum employment opportunity, including opportunity for further occupational training and career development for residents of the area and members of the groups served.

(7) Those programmatic and fiscal standards set by the department through regulation that are necessary to enable the department to demonstrate the assurances and certifications it makes to the secretary in the state plan.

(h) In administering the California Community Services Block Grant Program, the department shall enforce all the programmatic and fiscal requirements and standards of effectiveness provided by this chapter, except that no eligible entity shall be determined to be out of compliance with programmatic or fiscal requirements established by the department until those requirements and standards are published for review and comment by the eligible entities and until eligible entities are afforded a reasonable opportunity to comply therewith.

SEC. 2. Section 12760 of the Government Code is amended to read:

12760. Subject to Section 12788, community action agencies funded under this article shall coordinate their plans and activities with other eligible entities funded under Articles 7 (commencing with Section 12765) and 8 (commencing with Section 12770) that serve any part of their communities, so that funds are not used to duplicate particular services to the same beneficiaries and plans and policies affecting all grantees under this chapter are shaped, to the extent possible, so as to be equitable and beneficial to all community agencies and the populations they serve.

SEC. 3. Section 12767 of the Government Code is amended to read:

12767. Subject to Section 12788, programs assisted under this article may include projects or activities to do any of the following:

(a) Meet the immediate needs of migrant and seasonal farmworkers and their families, such as daycare for children and elderly persons, education, health services, improved housing and sanitation, including the provision and maintenance of emergency and temporary housing and sanitation facilities, legal advice and representation, and consumer training and counseling, and assistance in processing applications for legalization and citizenship.

(b) Promote increased community acceptance of migrant and seasonal farmworkers and their families.

(c) Equip unskilled migrant and seasonal farmworkers and members of their families, as appropriate, through education, training, and developmental programs to meet the changing demands in agricultural employment brought about by technological advancement and economic exigencies, and to take advantage of opportunities available to improve their well-being and self-sufficiency by gaining regular or permanent employment or by participating in available federally assisted employment or training programs.

(d) Provide such other services as are permissible under Section 12745 with specific focus on the needs of migrant and seasonal farmworkers and their families.

SEC. 4. Section 12787 of the Government Code is amended to read:

12787. Except as provided in Section 12788, this chapter shall not be construed to prohibit an eligible entity under Article 6 (commencing with Section 12750), Article 7 (commencing with Section 12765), or Article 8 (commencing with Section 12770), from applying for state discretionary funds, provided that no discretionary funding received by the eligible entity shall be used to duplicate services funded pursuant to other provisions of this chapter.

SEC. 5. Section 12788 is added to the Government Code, to read:

12788. (a) On and after January 1, 2020, housing funded pursuant to this chapter shall not include housing used to comply with the requirement under Section 1188(c)(4) of Title 8 of the United States Code to furnish housing to H-2A workers, as defined in Section 50205 of the Health and Safety Code. A person who receives funds made available pursuant to this chapter on or after January 1, 2020, and expends any of those funds for the purpose of planning, developing, or operating housing described in this article shall reimburse the department or other state agency that provided those funds, as provided in paragraph (2) of subdivision (b) of Section 50205 of the Health and Safety Code.

(b) This section shall not apply to any contract entered into or any financial assistance provided pursuant to this chapter prior to January 1, 2020.

SEC. 6. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) Accessory dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing is designated a permitted use (Section 65589.4).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

(l) Limiting moratoriums on multifamily housing (Section 65858).

(m) Prohibiting discrimination against affordable housing (Section 65008).

(n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).

(o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

(p) Streamlining housing approvals during a housing shortage (Section 65913.4).

(q) Housing sustainability districts (Chapter 11 (commencing with Section 66200)).

(r) Streamlining agricultural employee housing development approvals (Section 17021.8 of the Health and Safety Code).

SEC. 7. Section 17008 of the Health and Safety Code is amended to read:

17008. (a) "Employee housing," as used in this part, means any portion of any housing accommodation, or property upon which a housing accommodation is located, if all of the following factors exist:

(1) The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.

(2) The accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved.

(b) (1) Except as provided in paragraphs (2) and (3), "employee housing," as used in this part, also includes any portion of any housing accommodation or property upon which housing accommodations are located, if all of the following factors exist:

(A) The housing accommodations or property are located in any rural area, as defined by Section 50101.

(B) The housing accommodations or property are not maintained in connection with any work or workplace.

(C) The housing accommodations or property are provided by someone other than an agricultural employer, as defined in Section 1140.4 of the Labor Code.

(D) The housing accommodations or property are used by five or more agricultural employees of any agricultural employer or employers for any of the following:

(i) Temporary or seasonal residency.

(ii) Permanent residency, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.

(iii) Permanent residency, if the housing accommodation is subject to the State Housing Law and is more than 30 years old and at least 51 percent of the structures in the housing accommodation, or 51 percent of the accommodation if not separated into units, are occupied by agricultural employees.

(2) "Employee housing" does not include a hotel, motel, inn, tourist hotel, multifamily dwelling, or single-family house if all of the following factors exist:

(A) The housing is offered and rented to nonagricultural employees on the same terms that it is offered and rented to agricultural employees.

(B) None of the occupants of the housing are employed by the owner or property manager of the housing or any party with an interest in the housing.

(C) None of the occupants of the housing have rent deducted from their wages.

(D) The owner or property manager of the housing is not an agricultural employer as defined in Section 1140.4 of the Labor Code, or an agent, as it relates to the housing in question, of an agricultural employer.

(E) Negotiation of the terms of occupancy of the housing is conducted between each occupant and the owner of the housing or between each occupant and a manager of the property who is employed by the owner of the housing.

(F) The occupants are not required to live in the housing as a condition of employment or of securing employment and the occupants are not referred to live in the housing by the employer of the occupants, the agent of the employer of the occupants, or an agricultural employer as defined in Section 1140.4 of the Labor Code.

(G) The housing accommodation was not at any time before January 1, 1984, employee housing as defined in subdivision (a).

(3) "Employee housing," as defined by this subdivision, does not include a hotel, motel, inn, tourist hotel, or permanent housing as defined by subdivision (d) of Section 17010, that has not been maintained, before January 1, 1984, or is not maintained on or after that date, as employee housing, as defined in subdivision (a).

(c) If at any time before January 1, 1984, a housing accommodation was employee housing, as defined in subdivision (a), and on or after January 1, 1984, was employee housing, as defined in subdivision (b), the owner and operator shall comply with all requirements of this part. The owner and operator of any other housing accommodation which is employee housing pursuant to subdivision (b) shall be subject to the licensing and inspection provisions of this part and shall comply with all other provisions of this part, except that if any portion of the housing accommodation is held out for rent or lease to the general public, the construction and physical maintenance standards of the housing accommodation shall be consistent with the applicable provisions of the State Housing Law, Part 1.5 (commencing with Section 17910), the Manufactured Housing Act, Part 2 (commencing with Section 18000); or the Mobilehome Parks Act, Part 2.1 (commencing with Section 18200). The owner or operator of the employee housing shall designate all units or spaces which are employee housing, as defined in this subdivision, for the purpose of inspection and licensing by the enforcement agency, subject to confirmation by the enforcement agency, based on all relevant evidence.

(d) "Employee housing" does not include employee community housing, as defined by Section 17005.5, that has been granted an exemption pursuant to Section 17031.3; housing, and the premises upon which it is situated, owned by a public entity; or privately owned housing, including ownership by a nonprofit entity, and the premises upon which it is situated, financed with public funds equaling 50 percent or more of the original development or purchase cost.

(e) "Employee housing" means the same as "labor camp," as that term may be used in this or other codes and, notwithstanding any local ordinance to the contrary in a general law or charter city, county, or city and county, shall be deemed a residential use if it exists in structures that are single-family houses or apartment houses as those terms are used in the State Housing Law (Part 1.5 (commencing with Section 17910)).

(f) (1) (A) "Employee housing," as used in this part, also includes agricultural employee housing, as defined in paragraph (B).

(B) "Agricultural employee housing" means housing occupied by an employee of an agricultural employer, as defined in Section 1140.4 of the Labor Code, or by a farm labor contractor, as defined in Section 1682 of the Labor Code.

(2) A tenant residing in agricultural employee housing has all rights applicable to a person residing in employee housing, including the following:

(A) The right to file a verified complaint with the Department of Fair Employment and Housing alleging a violation of housing discrimination, or to assert any other right, under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code).

(B) Any protections for tenants or lessees under the Civil Code or the Labor Code, except as otherwise provided in Section 17031.6.

(C) Any protection or right under the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code).

SEC. 8. Section 17021 of the Health and Safety Code is amended to read:

17021. (a) Except as provided in Sections 17021.5, 17021.6, and 17021.8, local use zone requirements, local fire zones, property line, source of water supply and method of sewage disposal requirements are hereby specifically and entirely reserved to the local jurisdictions.

(b) Notwithstanding any other law, with respect to a building permit, grading permit, or other approval from a city or county building department for the rehabilitation of real property improvements that are or will be agricultural employee housing, or from a city or county health department for the operation, construction, or repair of a water system or waste disposal system servicing agricultural employee housing, all of the following processing requirements shall apply:

(1) The local building or health department shall have up to 60 calendar days to approve or deny a complete application or permit request accompanied by applicable fees, or a shorter time period if required by the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code). The local building or health department may deny an application or permit request on procedural grounds only if the denial occurs within 30 calendar days and the denial includes an itemization of the procedural defects. The local building or health department may deny an application or permit request on substantive grounds if the denial includes an itemization of all substantive defects.

(2) If the local building or health department does not approve or deny the application or permit request within the period prescribed by paragraph (1), then the Department of Housing and Community Development may approve the application or permit request if it determines that the plans are consistent with all applicable building codes and health and safety requirements. At that time, the applicant may initiate any work consistent with the application or permit approved pursuant to this subdivision. Upon completion of the work, any other state or local agency shall accept the improvements as if the local building or health department had approved them. However, if that other local agency identifies any defects that would have resulted in that agency's disapproval of the improvements or plans for improvement, the agency may identify those defects and the applicant shall correct them. The local building or health department shall inspect the plans and improvements prior to and during rehabilitation and issue a certificate of completion if the work is consistent with the plans and all applicable building codes and health and safety requirements.

(c) Nothing in this section shall be construed to exempt an application or permit request from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(d) The Department of Housing and Community Development may recover from a local building or health department costs incurred to review an application or permit request in compliance with paragraph (2) of subdivision (b). The amount recoverable may not exceed the applicable plan check fee published by the International Conference of Building Officials.

SEC. 9. Section 17021.6 of the Health and Safety Code is amended to read:

17021.6. (a) The owner of any employee housing who has qualified or intends to qualify for a permit to operate pursuant to this part may invoke this section.

(b) Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Section 17021.8, shall be deemed an agricultural land use for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

(c) Except as otherwise provided in this part, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Section 17021.8, shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other agricultural activities in the same zone are not likewise subject. This subdivision does not forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other agricultural activities in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator, or any resident for enforcing fire inspection regulation pursuant to state law or regulations

or local ordinance, with respect to employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Section 17021.8, shall be considered an agricultural use of property, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivisions (b) and (c) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need. This section shall apply equally to any charter city, general law city, county, city and county, district, and any other local public entity.

(f) If any owner who invokes the provisions of this section fails to maintain a permit to operate pursuant to this part throughout the first 10 consecutive years following the issuance of the original certificate of occupancy, both of the following shall occur:

(1) The enforcement agency shall notify the appropriate local government entity.

(2) The public agency that has waived any taxes, fees, assessments, or charges for employee housing pursuant to this section may recover the amount of those taxes, fees, assessments, or charges from the landowner, less 10 percent of that amount for each year that a valid permit has been maintained.

(g) Subdivision (f) shall not apply to an owner of any prospective, planned, or unfinished employee housing facility who has applied to the appropriate state and local public entities for a permit to construct or operate pursuant to this part prior to January 1, 1996.

SEC. 10. Section 17021.8 is added to the Health and Safety Code, to read:

17021.8. (a) A development proponent may submit an application for a development that is subject to a streamlined, ministerial approval process, provided in subdivision (b), and is not subject to a conditional use permit if all of the following requirements are met:

(1) The development is located on land zoned for agricultural uses.

(2) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(D) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(E) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901)), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(F) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with

Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(G) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(H) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(I) Lands under conservation easement.

(3) The development is an agricultural employee housing development that satisfies both of the following:

(A) The agricultural employee housing does not contain dormitory style housing.

(B) (i) Except as otherwise provided in clause (ii), the agricultural employee housing will be maintained and operated by a qualified affordable housing organization that has been certified pursuant to Section 17030.10 and that has been issued a permit pursuant to Section 17030. The development proponent shall submit proof of issuance of the qualified affordable housing organization's permit.

(ii) In the case of agricultural employee housing that is maintained and operated by a local public housing agency or a multicounty, state, or multistate agency that has been certified as a qualified affordable housing organization as required by this subparagraph, that agency may either directly maintain and operate the agricultural employee housing or contract with another qualified affordable housing organization that has been certified pursuant to Section 17030.10 and that has been issued a permit pursuant to Section 17030 to maintain and operate the agricultural employee housing.

(4) The qualified affordable housing organization and the landowner shall obligate themselves and any successors in interest to maintain the affordability of the proposed agricultural employee housing for agricultural employees for not less than 55 years. *For purposes of this paragraph, "affordability" means the agricultural housing is made available at an affordable housing cost, as defined in Section 50052.5, to lower-income households, as defined in Section 50079.5.*

(5) The agricultural employee housing is not ineligible for state funding pursuant to paragraph (1) of subdivision (b) of Section 50205.

(b) (1) If a local government determines that a development submitted pursuant to this section does not meet any of the requirements specified in subdivision (a), the local government shall provide the development proponent written documentation of which requirement or requirements the development does not satisfy and an explanation for the reason or reasons the development does not satisfy the requirement or requirements, as follows:

(A) Within 60 days of submission of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submission of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the requirements specified in subdivision (a).

(c) The local government's planning commission or an equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate, may conduct a design review or public oversight of the development. The design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. For purposes of this subdivision, "objective design standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submission. The design review or public oversight shall be completed as follows and shall

not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submission of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 180 days of submission of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(d) A development that is approved pursuant to this section shall not be subject to the density limits specified in Section 17021.6 in order to constitute an agricultural land use for purposes of that section.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of agricultural employee housing as are commensurate with local need. The Legislature further finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

SEC. 11. Section 17030 of the Health and Safety Code is amended to read:

17030. (a) A person operating employee housing shall obtain a permit to operate that employee housing from the enforcement agency, unless otherwise exempted by this part. It shall be unlawful for a person to operate employee housing without a valid permit to operate issued by the enforcement agency, as required by this part. Permits to operate shall be issued annually by the enforcement agency, except as provided in this section and Section 17030.5.

(b) Employee housing on a dairy farm which meets the requirements of Section 32505 of the Food and Agricultural Code, consisting only of permanent single-family employee housing, may be exempted from the requirement of obtaining a permit to operate employee housing, as provided in Section 17031. This housing shall meet the requirements of the State Housing Law before an exemption is granted.

(c) A permit to operate shall be valid from the date of issuance through December 31 of the year of issuance, or December 31 of the year designated by the enforcement agency for permanent single-family employee housing. Permits to operate employee housing may prescribe conditions on the use or occupancy of the employee housing.

(d) The Department of Housing and Community Development shall be the enforcement agency for employee housing owned or operated by a railroad corporation.

(e) The Department of Housing and Community Development shall be the enforcement agency for agricultural employee housing.

SEC. 12. Section 17030.10 is added to the Health and Safety Code, to read:

17030.10. (a) The department shall establish an application and review process for certifying that a person is an affordable housing organization qualified to operate agricultural employee housing that is approved pursuant to Section 17021.8.

(b) A person desiring certification as a qualified affordable housing organization may, in the form and manner prescribed by the department, submit an application to the department. The department shall review an application so submitted, and shall certify the person as a qualified affordable housing organization if the following requirements are satisfied:

(1) The applicant has demonstrated relevant prior experience in California and current capacity, as capable of operating the housing and related facilities for its remaining useful life, either by itself or through a management agent.

(2) The applicant is one of the following:

(A) A not-for-profit corporation organized pursuant to Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code that satisfies both of the following:

(i) The not-for-profit corporation has as its principal purpose the ownership, development, or management of housing or community development projects for persons and families of low or moderate income and very low

income.

(ii) The not-for-profit corporation has a broadly representative board, a majority of whose members are community based and have a proven track record of local community service.

(B) A local public housing agency. For purposes of this subdivision, "local public housing agency" means a housing authority, redevelopment agency, or any other agency of a city, county, or city and county, whether general law or chartered, that is authorized to own, develop, or manage housing or community development projects for persons and families of low or moderate income and very low income.

(C) A not-for-profit, charitable corporation organized on a multicounty, state, or multistate basis that satisfies both of the following:

(i) The charitable corporation has as its principal purpose the ownership, development, or management of housing or community development projects for persons and families of low or moderate income and very low income.

(ii) The charitable corporation owns or operates at least three comparable rent- and income-restricted affordable rental properties governed under a regulatory agreement with a department or agency of the State of California or the United States, either directly or by serving as the managing general partner of limited partnerships or managing member of limited liability corporations.

(D) A multicounty, state, or multistate agency that satisfies both of the following:

(i) The agency is authorized to own, develop, or manage housing or community development projects for persons and families of low or moderate income and very low income.

(ii) The agency owns and operates at least three comparable rent- and income-restricted affordable rental properties governed under a regulatory agreement with a department or agency of the State of California or the United States, either directly or by serving as the managing general partner of limited partnerships or managing member of limited liability corporations.

(E) Any other not-for-profit organization that the department determines, by regulation, is sufficiently similar to any of the organizations described in this paragraph.

(3) Except for local public housing agencies with elected legislative bodies, the applicant does not have a member among its officers or directorate with a financial interest in an agricultural employer, as defined in Section 1140.4 of the Labor Code, or a farm labor contractor, as defined in Section 1682 of the Labor Code.

SEC. 13. Section 17035 of the Health and Safety Code is amended to read:

17035. (a) The department shall establish and maintain a roster of all employee housing having a valid permit to operate.

(b) The department shall establish and maintain a roster of all affordable housing organizations certified pursuant to Section 17030.10.

SEC. 14. Section 17037 of the Health and Safety Code is amended to read:

17037. A person, or the agent or officer thereof, constructing, operating, or maintaining employee housing shall comply with the requirements of this part, with building standards published in the State Building Standards Code relating to employee housing, and with the other regulations adopted pursuant to this part.

(a) A person operating or maintaining employee housing without first having obtained a permit to operate from the enforcement agency shall pay double the fees prescribed for the permit to operate the employee housing.

(b) A person found for a second or subsequent time within a five-year period to be operating or maintaining employee housing without first having obtained a permit to operate from the enforcement agency shall pay 10 times the fees prescribed for the permit to operate the employee housing. The two or more violations referenced in this paragraph may be with regard either to the same enforcement agency or to two or more different enforcement agencies.

(c) Notwithstanding Section 17061, a landowner who obtained approval of an agricultural employee housing development pursuant to Section 17021.8 shall be subject to an administrative penalty issued by the department

if the landowner fails to select an alternative certified person to operate and maintain the agricultural employee housing development as required by subdivision (c) of Section 17037.5.

SEC. 15. Section 17037.5 of the Health and Safety Code is amended to read:

17037.5. (a) A person who ceases to operate or maintain employee housing that is subject to the permit requirement pursuant to this part shall complete and submit annually a Certificate of Non-Operation to the enforcement agency. The Certificate of Non-Operation shall be submitted for two years following the discontinuation of the use of any area on the property as employee housing. The Certificate of Non-Operation shall attest under penalty of perjury that the employee housing has been destroyed, or is no longer owned or operated, or has not been and shall not be occupied by five or more employees during the calendar year.

(b) The Certificate of Non-Operation shall include the owner's name and address, the operator's name and address, the employee housing name and location, the maximum number of employees who have occupied or shall occupy the employee housing during the calendar year, and any other information considered relevant by the enforcement agency. The Certificate of Non-Operation shall be completed and submitted to the enforcement agency no later than 30 calendar days after the enforcement agency provides the form to the owner or operator.

(c) If a certified person's permit required by Section 17030 expires or the certified person is otherwise unable or unwilling to continue to operate and maintain an agricultural employee housing that was approved pursuant to Section 17021.8 for the agreed time period as required by Section 17021.8, the landowner who obtained that approval within 90 days of the certified person's ceasing operation and maintenance of the agricultural employee housing, shall select an alternative certified affordable housing organization to operate and maintain the agricultural employee housing.

SEC. 16. Section 50205 is added to the Health and Safety Code, to read:

50205. (a) As used in this section:

(1) "Employer" means a person who has petitioned, or will petition, to import an H-2A worker pursuant to Section 1188 of Title 8 of the United States Code to work on the employer's agricultural land.

(2) "H-2A worker" means a nonimmigrant alien as described in Section 1101(a)(15)(H)(ii)(a) of Title 8 of the United States Code employed to work for an employer.

(3) "State funding" means any provision of moneys or other financial assistance provided by the state or a state agency, including, but not limited to, grants, loans, and write-downs of land costs, but does not include any allocation of federal or state low-income housing tax credits pursuant to Chapter 3.6 (commencing with Section 50199.4) of this part or Sections 12206, 17058, or 23610.5 of the Revenue and Taxation Code.

(b) (1) Notwithstanding any other law and subject to paragraph (2), state funding shall not be provided for the purposes of planning, developing, or operating any housing used to comply with the requirement under Section 1188(c)(4) of Title 8 of the United States Code to furnish housing to H-2A workers.

(2) Any employer or other recipient of state funding who utilizes state funding for the purposes described in paragraph (1) shall reimburse the state or state agency that provided the funding in an amount equal to the amount of that state funding expended for those purposes.

(3) This subdivision shall not apply to any contract or other enforceable agreement pursuant to which the state or a state agency provides state funding that was entered into prior to January 1, 2020.

SEC. 17. Section 50470 of the Health and Safety Code is amended to read:

50470. (a) (1) There is hereby created in the State Treasury the Building Homes and Jobs Trust Fund. All interest or other increments resulting from the investment of moneys in the fund shall be deposited in the fund, notwithstanding Section 16305.7 of the Government Code.

(2) Moneys in the Building Homes and Jobs Trust Fund shall not be subject to transfer to any other fund pursuant to any provision of Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, except to the Surplus Money Investment Fund.

(b) Moneys in the Building Homes and Jobs Trust Fund shall be appropriated either through the annual Budget Act, or as provided in this subdivision, in accordance with the following:

(1) Moneys collected on and after January 1, 2018, and until December 31, 2018, shall, upon appropriation by the Legislature, be allocated as follows:

(A) Fifty percent of deposits into the fund shall be made available for local governments to update planning documents and zoning ordinances in order to streamline housing production, including, but not limited to, general plans, community plans, specific plans, sustainable communities strategies, and local coastal programs. Eligible uses also include new environmental analyses that eliminate the need for project-specific review and local process updates that improve and expedite local permitting.

(i) Five percent of the funds specified by this subparagraph shall be available for technical assistance to jurisdictions updating specified planning documents. Technical assistance shall be provided by the department and the Governor's Office of Planning and Research.

(ii) The funds to be allocated pursuant to this subparagraph shall be held by the department until a local government submits a request for use. The request shall include a description of the proposed use of the funds in the interest of accelerating housing production. The proposed use of these funds shall be included in the local government's funding plan and annual reports pursuant to subclauses (II) and (III) of clause (ii) of subparagraph (B) of paragraph (2). Any of these funds not allocated by the department within the first two years that those funds are available shall be made available by the department for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(B) Fifty percent of deposits into the fund shall be made available to the department to assist persons experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, navigation centers, and the new construction, rehabilitation, and preservation of permanent and transitional rental housing.

(C) The department shall ensure geographic equity in the distribution and expenditure of funds allocated pursuant to this paragraph.

(2) Moneys collected on and after January 1, 2019, shall be allocated as follows:

(A) Twenty percent of all moneys in the fund shall, upon appropriation by the Legislature, be expended for affordable owner-occupied workforce housing.

(B) (i) Seventy percent of moneys deposited in the fund shall, upon appropriation by the Legislature, be made available to local governments as follows:

(I) Ninety percent of the moneys specified in this subparagraph shall be allocated based on the formula specified in Section 5306 of Title 42 of the United States Code, in accordance with the distribution of funds pursuant to that formula for the federal Fiscal Year 2017, except that the portion allocated to nonentitlement areas pursuant to that section shall be distributed through a competitive grant program, administered by the department, as follows:

(ia) The department shall award priority points to a county that has a population of 200,000 or less within the unincorporated areas of the county, to a local government that did not receive an award based on the formula specified in Section 5306 of Title 42 of the United States Code in 2016, and to a local government that pledges to use the money awarded pursuant to a competitive grant under this subclause to assist persons experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, navigation centers, and the new construction, rehabilitation, and preservation of permanent and transitional rental housing.

(ib) Moneys awarded to a local government pursuant to the competitive grant program shall be used for the purposes specified in subparagraph (D).

(II) The remaining 10 percent of the moneys specified in this subparagraph shall be allocated equitably among local jurisdictions that are nonentitlement areas pursuant to the formula specified in Section 5306 of Title 42 of the United States Code for federal Fiscal Year 2017.

(ii) To receive moneys pursuant to this subparagraph, local governments shall document minimum standards including the following:

(I) Submit a plan to the department detailing the manner in which allocated funds will be used by the local government in a manner consistent with this paragraph and to meet the local government's unmet share of the regional housing needs allocation.

(II) Have a compliant housing element with the state and submit a current annual report pursuant to Section 65400 of the Government Code.

(III) Submit an annual report to the department that provides ongoing tracking of the uses and expenditures of any allocated funds.

(IV) Funds may be expended for the uses listed in subparagraph (D). Two or more local governments that receive an allocation pursuant to this subparagraph may expend those moneys on a joint project that is an authorized use under subparagraph (D).

(V) Prioritize investments that increase the supply of housing to households that are at or below 60 percent of area median income, adjusted for household size.

(VI) If a local government does not have a documented plan to expend the moneys allocated to it pursuant to this subparagraph within five years of that allocation, those moneys shall be exempt from the allocation requirements in this paragraph and shall revert to, and be paid and deposited in, the Housing Rehabilitation Loan Fund established pursuant to Section 50661 to be used for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)) or for technical assistance for local governments.

(VII) A local government may petition the department to return any moneys allocated to it pursuant to this subparagraph. Any moneys returned pursuant to this clause shall be used for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(C) Thirty percent of moneys deposited in the fund shall be made available to the department for use as follows:

(i) Five percent of the moneys deposited in the fund shall, upon appropriation by the Legislature, be used for state incentive programs, including loans and grants administered by the department. If the department receives insufficient funding applications for incentive programs financed pursuant to this clause, the department shall make those funds available for the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675)).

(ii) (I) Subject to subclause (II), 10 percent of the moneys deposited in the fund shall, upon appropriation by the Legislature, be used to address affordable homeownership and rental housing opportunities for agricultural workers and their families.

(II) On and after January 1, 2020, housing funded pursuant to this clause shall not include housing used to comply with the requirement under Section 1188(c)(4) of Title 8 of the United States Code to furnish housing to H-2A workers, as defined in Section 50205. A person who receives funds made available pursuant to this clause on or after January 1, 2020, and expends any of those funds for the purpose of planning, developing, or operating housing described in this subclause shall reimburse the department or other state agency that provided those funds, as provided in paragraph (2) of subdivision (b) of Section 50205. *This subclause shall not apply to any contract entered into or any financial assistance provided pursuant to this clause prior to January 1, 2020.*

(iii) Fifteen percent of the moneys deposited in the fund shall, notwithstanding any other provision of this section or Section 13340 of the Government Code, be continuously appropriated to the California Housing Finance Agency for the purpose of creating mixed income multifamily residential housing for lower to moderate income households pursuant to Chapter 6.7 (commencing with Section 51325) of Part 3.

(D) The moneys in the fund allocated to local governments may be expended for the following purposes:

(i) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low, very low, low-, and moderate-income households, including necessary operating subsidies.

(ii) Affordable rental and ownership housing that meets the needs of a growing workforce earning up to 120 percent of area median income, or 150 percent of area median income in high-cost areas.

(iii) Matching portions of funds placed into local or regional housing trust funds.

(iv) Matching portions of funds available through the Low and Moderate Income Housing Asset Fund pursuant to subdivision (d) of Section 34176 of the Health and Safety Code.

(v) Capitalized reserves for services connected to the creation of new permanent supportive housing, including, but not limited to, developments funded through the Veterans Housing and Homelessness Prevention Bond Act of

2014.

(vi) Assisting persons who are experiencing or at risk of homelessness, including providing rapid rehousing, rental assistance, navigation centers, emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.

(vii) Accessibility modifications.

(viii) Efforts to acquire and rehabilitate foreclosed or vacant homes.

(ix) Homeownership opportunities, including, but not limited to, downpayment assistance.

(x) Fiscal incentives or matching funds to local agencies that approve new housing for extremely low, very low, low-, and moderate-income households.

(3) A state or local entity that receives an appropriation or allocation pursuant to this chapter shall use no more than 5 percent of that appropriation or allocation for costs related to the administration of the housing program for which the appropriation or allocation was made.

(c) Both of the following shall be paid and deposited in the fund:

(1) Any moneys appropriated and made available by the Legislature for purposes of the fund.

(2) Any other moneys that may be made available to the department for the purposes of the fund from any other source or sources.

(d) In consultation with stakeholders, the department may adopt guidelines to implement this section, including to determine allocation methodologies. Any guideline, rule, policy, or standard of general application employed by the department in implementing this chapter shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 18. Section 50517.10 of the Health and Safety Code is amended to read:

50517.10. (a) In addition to the purposes specified in subdivision (a) of Section 50517.5 and except as otherwise provided in subdivision (b), the department may make grants and loans under the Joe Serna, Jr. Farmworker Housing Grant Program to local public entities and nonprofit corporations in order to establish capitalized operating reserves for short-term occupancy housing for migrant farmworker households, purchase land for, and construct, housing structures for short-term occupancy by migrant farmworker households, lease or purchase existing structures for short-term occupancy by migrant farmworker households, and, where the department determines that extraordinary or emergency circumstances exist, directly rent or lease housing for short-term occupancy by migrant farmworker households.

(b) (1) Notwithstanding any other provision of this chapter, except as provided in paragraph (2), the department shall not make grants or loans under the Joe Serna, Jr. Farmworker Housing Grant Program on or after January 1, 2020, for the purpose of planning, developing, or operating housing used to comply with the requirement under Section 1188(c)(4) of Title 8 of the United States Code to furnish housing to H-2A workers, as provided in subdivision (b) of Section 50205. A person who receives any grant or loan under the Joe Serna, Jr. Farmworker Housing Grant Program on or after January 1, 2020, and expends any of those funds for any purpose described in this subdivision shall reimburse the department as provided in paragraph (2) of subdivision (b) of Section 50205.

(2) This subdivision shall not apply to any contract entered into or any grant or loan provided pursuant to the Joe Serna, Jr. Farmworker Housing Grant Program prior to January 1, 2020.

SEC. 19. Section 50715 of the Health and Safety Code is amended to read:

50715. (a) Housing operated pursuant to this chapter may be used for the purposes set forth in Chapter 11.5 (commencing with Section 50800), provided that no funds appropriated for the purposes of this chapter shall be used for the operation or administration of this housing as emergency shelter pursuant to Chapter 11.5, and provided further that this housing may be made available as emergency shelter pursuant to Chapter 11.5 only during the months of November to March, inclusive.

(b) (1) Notwithstanding any other provision of this chapter, except as provided in paragraph (2), housing operated pursuant to this chapter shall not include any housing used to comply with the requirement under Section 1188(c)(4) of Title 8 of the United States Code to furnish housing to H-2A workers, as defined in Section 50205. The department or a city, county, or other local agency shall not enter into any contract pursuant to Section 50710 or 50712, respectively, or provide any financial assistance under this chapter on or after January 1, 2020. A person who receives financial assistance under this chapter on or after January 1, 2020, and expends any of those funds for any purpose described in this subdivision shall reimburse the department as provided in paragraph (2) of subdivision (b) of Section 50205.

(2) This subdivision shall not apply to any contract entered into or any financial assistance provided pursuant to this chapter prior to January 1, 2020.

SEC. 20. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Staff Report

To: Council of San Benito County Governments
From: Mary Gilbert, Executive Director Phone Number: (831) 637-7665 x.207
Date: April 18, 2019
Subject: **San Benito County Measure G**

Recommendation:

- a. **RECEIVE** Update on Measure G Outreach and Implementation.
- b. **APPROVE** Request for Proposals 2019-01 for Financial Services

Background:

COG approved a Transportation Safety and Investment Plan and adopted Ordinance 2018-01, the Roads, Transportation, Safety and Investment Plan Ordinance in July 2018. The Ordinance and Investment Plan was put before voters for approval in the November 6, 2018 General Election. Measure G received approval of 69.77% of voters, well above the 2/3 approval required by law.

Financial Impact:

Measure G is anticipated to generate an average of \$16 million annually over the 30-year term.

Summary

Staff is continuing steps for implementation of Measure G. The tax has been collected since April 1, 2019 and first distributions of funds to COG will occur in July 2019.

Updates on Measure G project categories in the Transportation Safety and Investment Plan priority order are provided below:

- **Category 1: Route 25 4-Lane Expressway Project:** Staff is working closely with the State and Federal government to ensure maximum investments in the Route 25 Project. Our first step is to prepare a work plan to most efficiently conduct an environmental study and design, formulate timely benchmark goals, and prepare a timeline. The next team meeting will be held in April.
- **Category 2: Maintain local roads, repair potholes, and improve traffic:** Staff is coordinating with local jurisdictions to ensure they are aware of requirements for receiving funds through this category.
- **Category 3: Mobility and More -** Improve transit options for seniors, youth, and people with disabilities, pedestrian and bicycle safety and traffic flow, administration, and future

planning & contingency. Staff is in the process of outlining next steps in this category that are aligned with the needs in our Regional Transportation Plan.

- **Category 4: Administration** – Staff is reviewing administration requirements, coordinating with the County of San Benito on ensuring that financing and accounting procedures are in place prior to receipt of sales tax dollars.

Staff Analysis

Measure Administration

At its January 24 special meeting the COG Board discussed the consideration of need for expanded staff resources for administration and implementation of the Measure. Administration costs are limited to 1% of Measure G revenues, which in the first tax year are anticipated to be \$6 million, with an administration cap of \$60,000. Staff recommends that the COG Board prepare a Request for Proposals for on-call support services in the fields of engineering, project management, and financial management. Other options include hiring staff, with engineering and project management experience, to augment existing staff expertise at the agency. This option would require more than the 1% available for administration when salary and benefits are included.

Local Jurisdiction Funding – Street and Road Rehabilitation

Staff anticipates that funds for local jurisdictions will begin to be available for distribution in Fall 2019. Staff has prepared a handout with relevant sections of the Ordinance and Expenditure Plan related to requirements for use of the funds by the local agencies (Attachment 3). It is anticipated that a total of \$216 million will be available for local street and road rehabilitation projects over the 30-year measure. The City of Hollister and County of San Benito will each receive 47.5% of those funds while the City of San Juan Bautista will receive 5%.

Staff is meeting with the local jurisdictions to ensure that they are aware of requirements to use the funding, including the use of each jurisdiction's Pavement Management Plan to select projects, as required by the Measure G ordinance. Staff will be developing a Local Jurisdiction Funding Agreement with the input of local staff to ensure that all requirements for funding are clearly addressed by both COG and the local jurisdictions. An agreement will be before the COG Board for consideration in May 2019.

Citizens' Oversight Committee

COG is currently recruiting for the Oversight Committee and applications are due April 30th. Staff anticipates the Board making member appointments in May, as well as adopting a resolution establishing baseline goals and activities of the committee. A draft resolution is attached for the Board's review prior to adoption (Attachment 1).

Strategic Plan

As a primary goal, staff is developing a Measure G Strategic Plan for Board approval later this year. The Strategic Plan will detail all anticipated funding sources, opportunities for bonding and project management, advocacy, and other strategies to ensure that Measure G is successfully implemented with sufficient oversight by COG. Strategic Plan development is a “best practice” of self-help counties to guide the implementation of a new sales tax.

Part of the Strategic Plan will include updating financial forecasting and receiving support in developing a plan for distribution of funds from the Measure. Staff is recommending approval of RFP 2019-01 for a qualified Financial Services firm to complete work on behalf of COG (Attachment 2).

Executive Director Review: _____

Counsel Review: Yes

Supporting Attachments:

1. DRAFT Oversight Committee Resolution
2. RFP 2019-01

RESOLUTION NO. _____

A RESOLUTION OF THE SAN BENITO COUNTY COUNCIL OF GOVERNMENTS ESTABLISHING THE MEASURE G TRANSPORTATION SAFETY AND INVESTMENT PLAN OVERSIGHT COMMITTEE

WHEREAS, the San Benito County General Election held November 6, 2018, resulted the voters approving Measure G, a 30-year Transactions and Use Tax (sales tax) in the amount of one percent (1%) for funding the San Benito County Roads and Transportation Safety and Investment Plan; and

WHEREAS, the Council of San Benito County Governments (COG) Ordinance 2018-01, the "Roads, Transportation, Safety and Investment Plan Transactions and Use Tax Ordinance", requires the establishment of a Measure G Transportation Safety and Investment Plan Oversight Committee to provide for taxpayer safeguards and oversight; and

WHEREAS, the make up and terms of the Committee members, organization, and their specific duties and responsibilities shall be established by resolution of the San Benito County COG; and

WHEREAS, COG intends to establish a Measure G Transportation Safety and Investment Plan Oversight Committee to receive and review the independent financial audit of the Measure G funding, operations and other related reports necessary to advise the San Benito COG and public of its findings and make recommendations for the thirty-year timeframe of the sales tax.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Establishment: There is hereby established, the Measure G Measure G Transportation Safety and Investment Plan Oversight Committee (hereafter referred to as "the Committee").

Membership: The full Committee shall be composed of 11 voting members and requires the votes of a quorum of at least 6 members to take Committee action. The Committee may appoint hoc sub-committees of less than a quorum as required for efficiency.

Terms: The term of the Committee existence shall be until the fulfillment of all Measure G obligations which is expected to be at least 30-years. The Committee members will serve staggered two-year terms and can be reappointed. The first

reappointments shall commence in one year after the Committee formation to establish the stagger.

Appointment of Members: The San Benito COG shall appoint all members of the Committee by majority vote. In the event any vacancies occur during the Term of the Committee, such vacancies shall be filled for the remaining unexpired terms in the same manner as original appointments.

Qualifications for Appointment: As established in COG Ordinance 2018-01, the Committee members shall be residents who are neither elected officials of any government, nor employees from any agency or organization that either oversees or benefits from the proceeds of the sales tax. The Committee shall include, at a minimum, representatives from the City of Hollister, the City of San Juan Bautista, and the unincorporated areas of San Benito County. The Committee will fairly represent the geographical, social, cultural and economic diversity of the County to ensure maximum benefit for road and transportation users.

The following types of individuals and organizations are eligible for appointment as members of the Committee:

- Five (5) at-large members, representing each of the five San Benito County Supervisorial Districts.
- Six (6) members representing each of the following groups or interests:
 - a. Agriculture/Farm Bureau
 - b. Seniors or Persons with Disabilities
 - c. Industry
 - d. Trade/Labor
 - e. Latino/Hispanic
 - f. Education

Organization of the Committee and Staff Support: At its first meeting following appointment of its members, the Committee shall organize itself by electing a chair, establish a regular meeting schedule, and arrange for the preparation and adoption of rules of procedure or by-laws. The COG Executive Director shall designate appropriate staff support for the Committee.

Meetings: The Committee shall meet at least once but no more than four times per year. All meetings of the Committee shall comply with the provisions of the Ralph M. Brown Act commencing with Section 54950 of the Government Code of the State of California.

Powers: The Committee shall act in an advisory capacity to the GOG and information source for the public, no express authority or power to act on behalf of the COG is hereby delegated.

Committee Responsibilities and Duties as Set Forth in COG Ordinance 2018-01:

- A. Independent Audits: The Committee shall have full access to the COG's independent auditor and review the annual audits, have the authority to request and review the specific financial information, and provide input on the audit to assure the funds are being expended in accordance with the Transportation Safety and Investment Plan
- B.
- C. Plan Changes: The Committee shall review and make recommendations on any proposed changes to the Transportation Safety and Investment Plan, prior to COG consideration, subject to 2/3 vote of the voting Committee members;
- D. Project Delivery and Priorities: The Committee shall review and comment on the project delivery schedules and make recommendations to the COG on any proposals for changing project delivery priorities; and
- E. Annual and Final Reports: The Committee shall prepare annual reports regarding the administration of the program, to be presented to the COG's Board of Directors and posted to the COG's website.

PASSED AND ADOPTED BY THE COUNCIL OF SAN BENITO COUNTY GOVERNMENTS on this 1th day of May 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

César E. Flores, Chair

ATTEST:
Mary Gilbert, Executive Director

APPROVED AS TO LEGAL FORM:
San Benito County Counsel's Office

By: _____

By: _____
Shirley L. Murphy, Deputy County Counsel

Date: _____

Date: _____

DRAFT

REQUEST FOR PROPOSALS (RFP)

COG #2019-01

THE COUNCIL OF SAN BENITO COUNTY GOVERNMENTS INVITES CONSULTANTS TO SUBMIT THEIR PROPOSALS FOR THE:

TRANSPORTATION SALES TAX FINANCAIL SERVICES

You are invited to submit your Proposal for the services to complete the above project. Submissions are due in the office of the Executive Director of the Council of San Benito County Governments by **3:00 p.m. PDT on May 2, 2019.**

Copies of the RFP and the detailed information regarding the submission of the Proposal are available at the COG offices and may be obtained upon request. This RFP is available at the COG website (www.sanbenitocog.org) in PDF format. You may call Mary Gilbert at (831) 637-7665 to obtain a copy and for further information.

DATE: April 18, 2019
TO: Interested Consultants
FROM: Mary Gilbert, Executive Director
SUBJECT: Transportation Sales Tax Financial Services

INVITATION

In November 2018, San Benito County voters approved Measure G, a 1% sales and use tax increase to fund transportation projects included in the Council of San Benito County Governments' (COG's) 2018 Transportation Safety and Investment Plan. Measure G is anticipated to collect up to \$16 million annually to fund highway improvements, local streets and roads rehabilitation, and other regional transportation improvement priorities identified in the Investment Plan.

You are invited to submit a Proposal for the financial services related to Measure G, as further described in this Request for Proposals (RFP), together with a Cost Proposal, to include an hourly rate schedule and an estimate of hours per task by named individual(s) to complete the project, as well as an estimate of other direct costs to be charged to this project.

Your Proposal is due in the office of the Council of San Benito County Governments, 330 Tres Pinos Road Ste. C-7 Hollister, CA 95023 by **3:00 p.m. on Thursday, May 2 2019**. Proposals received after the date and time specified above will not be considered.

Proposals shall be considered firm offers to enter into a contract, as described in this RFP for a period of ninety (90) days from the time of submittal.

Proposals and inquiries relating to this Request for Proposals shall be submitted to:

Mary Gilbert, Executive Director
Council of San Benito County Governments
330 Tres Pinos Rd. Ste. C-7
Hollister, CA 95023
(831) 637-7665 mary@sanbenitocog.org

Email inquiries relating to this Request for Proposals should include "COG RFP 2019-01" in the subject header.

BACKGROUND

The Council of San Benito County Governments is a state-designated public agency with regional transportation planning responsibilities that cross city-county boundaries. COG is committed to planning, funding and delivering transportation projects for the region. COG is also committed to providing information to the public about its projects, plans and activities, ensuring public participation and fostering public understanding of its functions.

COG's Board of Directors includes five members who consist of local officials from each of its incorporated cities and two county supervisorial districts, and an ex-officio member from Caltrans.

PROJECT DESCRIPTION

The Council of San Benito County Governments (COG) is seeking the services of a firm or team of firms experienced in the financial operations of transportation-related public entities, to provide independent financial advice and serve solely the interest of the COG for an initial period of three years, as further described in Attachment A to this Request for Proposals. These on-call financial advisor services may include analysis, consultation and support for all financial, investment and other related matters affecting COG, including the issuance of sales tax revenue notes, bonds or other appropriate financing instruments. The scope includes providing assistance to COG in preparing Strategic Plans and plan updates, management of sales tax and other revenue, and delivery of a financing plan for projects listed in the COG Measure G Expenditure Plan.

A copy of COG's standard contract used for contracting with consultants or individuals for professional services is included in Attachment B and shall serve as the basis for a contract with the successful respondent. *Respondents should not respond to this RFP if they cannot agree to the standard contract terms and conditions.*

It is important that the consultant have the capability to work closely with the COG staff. The consultant or consultant team must be prepared to undertake whatever liaison and meetings are required to satisfy this requirement.

SELECTION PROCESS

COG will establish a committee to review the Proposals. This review may be followed by an oral interview between a review committee and the firm(s) that responds best to the RFP. Based on the recommendations of the review committee, COG staff will meet (in person or by phone) with the most qualified consultant or consultant team and will attempt to negotiate a final Scope of Work and a Fee Schedule for the project. The final Scope of Work will include a full description of each task, a description of deliverable products, and a schedule of the due dates for the deliverable products and other important milestones. Upon successful completion of negotiations the consultants or consultant teams will be recommended to the COG Board for

final selection and contract approval. The COG Board will have the sole right of contract approval.

Should the most qualified consultant or consultant team and COG fail to successfully negotiate a final scope of work and a mutually agreed upon Fee Schedule for these consulting services, then COG reserves the right to enter negotiations with the next most qualified candidate for performance of the work.

Further, COG may, or may not, also negotiate contract terms with selected respondents prior to award, and expressly reserves the right to negotiate with several respondents simultaneously and, thereafter, to award a contract to the respondent offering the most favorable terms to the Agency. Proposals submitted, therefore, should contain the respondents' most favorable terms and conditions, because the selection and award may be made without further discussion with any respondent. COG will submit the Proposal considered to be the most responsive and competitive to the Board of Directors for consideration and selection. COG reserves the right to accept or reject any and all submitted Proposals, to waive minor irregularities, and to request additional information or revisions to offers, and to negotiate with any or all respondents at any stage of the evaluation.

Factors to be considered in selecting the consultant(s) are indicated below:

- | | |
|--|------------|
| 1) Experience in providing similar services in California | 40 percent |
| 2) Knowledge of San Benito County transportation and financial issues; | 40 percent |
| 3) References; and | 10 percent |
| 4) Cost. | 10 percent |

QUESTION & ANSWERS, REQUESTS FOR CLARIFICATION OR EXCEPTIONS, ADDENDA

This Request for Proposals and any addenda will be posted on the COG'S website (www.sanbenitocog.org). Questions and answers regarding the Request for Proposals will also be posted on the website. All potential respondents are responsible for checking the website for any addenda to the Request for Proposal documents. To receive email notifications of addenda to this Request for Proposals, prospective respondents must submit an email request to the Project Manager.

Any requests for clarification or exceptions to requirements in this Request for Proposals must be received by COG no later than **12 noon, Pacific Daylight Time, on April 26, 2019**, to guarantee response or consideration. Responses to questions concerning this Request for Proposals posed before this deadline will be posted on the COG website (www.sanbenitocog.org) and shall be acknowledged in the cover letter of the Proposal.

SUBMITTAL REQUIREMENTS/PROPOSAL FORMAT

All interested firms are required to submit three (3) hard copies and one (1) digital copy of their Proposal to perform the requested consulting services. The Proposal may not exceed 10 pages, exclusive of resumes and other supporting documentation. The Proposal must include the names and qualifications of all personnel to be employed on the project. The Proposal should provide a short description of the firm's experience with projects that relate to this Scope of Work. A list of relevant past clients should be included.

A. Cover Letter

The cover letter shall introduce the firm, and give a brief description of the project understanding. The cover letter shall also include acknowledgement of any addenda or other notices posted on the COG website (www.sanbenitocog.org) during the proposal period.

B. Project Team

The Proposal shall clearly identify a Project Manager and include the names and qualifications of all personnel of the proposed team to be assigned to the contract and a chart representing the proposed organizational structure of the team. The Proposal shall demonstrate that the key personnel have the time available to work on the project. The Proposal shall include the estimated number of hours individual personnel will dedicate to the project.

C. Demonstrated Knowledge

The Proposal shall include the assigned project team's demonstrated knowledge of, expertise and experience with providing similar services and completing similar types of contracts.

D. Work Plan

The Proposal shall include the consultant's proposed approach to the development and implementation of this type of strategy and public outreach plan, broken out by tasks which demonstrate the consultant's knowledge and understanding of the project and the constraints and challenges associated with performing the tasks outlined in the scope of work.

E. Cost Proposal

The Proposal must include a Cost Proposal, included in a separately sealed envelope, clearly marked as "COG RFP 2019-01 Cost Proposal". The Cost Proposal must contain an overall cost for the project as well as cost by task. The Cost Proposal must include an hourly rate schedule and an estimate of hours per task by named individual(s) to complete the project, as well as an estimate of other direct costs to be charged to the project.

F. Proposed Schedule of Work and Deadlines

The Proposal must include availability of the Project Team to conduct work within the anticipated timeframes.

G. References

The Proposal shall include at least three (3) recent references from past clients for similar types of public outreach plans.

All Proposals must be submitted in a sealed envelope to the office of the Executive Director of the Council of San Benito County Governments, 330 Tres Pinos Road Ste. C-7, Hollister, CA 95023 by **3:00 p.m. PDT on May 2, 2019.**

PROPOSED SCHEDULE

April 18, 2019	Distribute RFP
May 2, 2019	Proposals due from Consultants
May 3, 2019	Review and Rank Proposals
May 6, 2019	Interview Top Ranked Consultants (If Deemed Necessary by COG)
May 7, 2019	Select Top Ranked Consultant, Negotiate Contract
May 16, 2019	Present Consultant Contract to COG Board for Approval

MISCELLANEOUS

A. Modification or Withdrawal of Submittals

Any Proposals received prior to the date and time specified above for receipt may be withdrawn or modified by written request of the respondent. To be considered, however, a modified Proposal must be received by the time and date specified above.

B. Property Rights

Any Proposals received within the prescribed deadline become the property of COG and all rights to the contents therein become those of COG.

C. Confidentiality

Before award of the contract, all Proposals will be designated confidential to the extent permitted by the California Public Records Act. After award of the contract (or if not awarded, after rejection of all Proposals), all responses will be regarded as public records subject to review by the public. Any language purporting to render all or portions of the Proposal confidential will be regarded as non-effective and will be disregarded.

D. Amendments to Request for Proposals

COG reserves the right to amend the Request for Proposals by addendum before the final Proposal submittal date.

E. Non-Commitment of COG

This Request for Proposals does not commit COG to award a contract, to pay any costs incurred in the preparation of a Proposal for this request, or to procure or contract for services.

All products used or developed in the execution of any contract resulting from this Request for Proposals will remain in the public domain at the completion of the contract.

F. Conflict of Interest

The respondent shall disclose any financial, business or other relationship with COG that may have an impact upon the outcome of this contract or any COG construction projects that will follow. The respondent shall also list current clients who may have a financial interest in the outcome of this contract or any COG construction projects that will follow. In particular, the respondent shall disclose any financial interest or relationship with any construction company that might submit a bid on COG construction projects.

G. Nondiscrimination

The respondent must certify compliance with nondiscrimination requirements of COG pertaining to the development, implementation and maintenance of a nondiscrimination program. The respondent's signature affixed to and dated on the cover letters shall constitute a certification under penalty of perjury under the laws of the State of California that the respondent has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Code of Regulations, Section 8103.

H. Final Selection and Protests

The RFP process is considered concluded when a letter is sent to all participating consultants indicating which consultant will be recommended for Board approval. The firm recommended is not a final selection and no contract is certain until approved by COG Board of Directors.

Protestants shall submit a detailed written statement of protest to:

Council of San Benito County Governments
330 Tres Pinos Rd. Suite C-7
Hollister, CA 95023

no later than five (5) days prior to the Board meeting to enable proper consideration by the Board.

Attachments: A --- Scope of Work
B --- Sample COG Standard Agreement for Professional Services

ATTACHMENT A

SCOPE OF WORK

The Council of San Benito County Governments (COG) is seeking the services of a firm or team of firms experienced in the financial operations of transportation-related public entities, to provide independent financial advice and serve solely the interest of the COG for an initial period of three years. These on-call financial advisor services may include analysis, consultation and support for all financial, investment and other related matters affecting COG. The scope includes providing assistance to COG in preparing Strategic Plans and plan updates, management of sales tax and other revenue, and delivery of a financing plan for projects listed in the COG Measure G Expenditure Plan. Specifically, the proposed scope of services includes the following:

Task 1. Goal Setting

- Assist COG with the development of financial goals and objectives for the implementation of Measure G.

Task 2. Strategic Plan

- Assist COG with the development of a Strategic Plan for the implementation of Measure G.
- Prepare a timetable setting forth the actions necessary to accomplish the financing objectives of COG;
- Review financial alternatives and scenarios available to COG and make recommendations on specific strategies to meet the Strategic Plan's financial and policy principles, goals and protocols including size and timing of recommended debt issuance and appropriate debt issuance instrument;
- Evaluate and assist in refining the Strategic Plan's financial and cash flow principles, goals and protocols; assist in the identification of financing alternatives and recommend adjustments where appropriate; and
- Assist in the development of the financial plan and cash flow for the next Strategic Plan update.

Task 3. Other Services

Assist in other financial studies, tasks and services as may be deemed desirable by COG, including:

- Assist in planning for future debt financing
- Assist in capital planning
- Develop expertise of COG personnel and Board Members
- Refine Measure G cash flow model and develop or refine plan of financing
- Analyze alternative financing structures and make recommendations
- Provide transaction services as needed
- Provide knowledge of markets and expertise on available resources
- Provide written and oral reports for COG staff and Board Members
- Dissemination Agency and Continuing Disclosure Consulting Services
- Other related services as determined necessary

**ATTACHMENT B – Standard Contract
(Begins on Next page)**

Staff Report

To: Council of San Benito County Governments
From: Mary Gilbert, Executive Director Telephone: (831) 637-7665 x. 207
Date: April 18, 2019
Subject: **Local Streets and Roads Funding**

Recommendation:

RECEIVE UPDATE on Regional Surface Transportation Program and Transportation Development Act Funding Available to Local Jurisdictions for Local Street and Roadway Projects

Summary:

Regional Surface Transportation Program funding is made available each year through the Council of Governments when the funding is allocated by the State. COG has also made two one-time apportionments of Transportation Development Act funds to each local jurisdiction, in 2008 and 2017. These funds are available for use by the Cities of Hollister and San Juan Bautista and the County of San Benito for streets and roads maintenance as well as roadway projects. Staff is providing a quarterly update to the Board on the status of apportionments and claims under the two programs as of April 1, 2019.

Financial Impact:

The balance of Local Streets and Roads funds allocated by COG and available to local jurisdictions as of April 1, 2019 totals \$4,244,191. More detailed analysis of the financial impact is included in the Staff Analysis below.

Background:

The COG Board last approved 3-year apportionments of RSTP in August 2017. In September 2017, the Board approved apportionments of Transportation Development Act funds to the Cities and County.

Staff Analysis:

In general, funds are apportioned and provided to local jurisdictions under the following process:

- COG apportions funding by existing formula
- Local agencies submit projects for allocation by COG Board
- COG Board approves funding allocation
- Local agency submits invoice for project with back-up documentation

Since the last update to the Board on this item, COG has received one claim for RSTP funds from the City of Hollister in the amount of \$1,725,270 to fund the City's Road Rehabilitation Program at various locations throughout the City. No claims have been received from the City of San Juan Bautista or the County of San Benito.

Staff regularly updates the local jurisdictions on the availability of their balances and the simplified claims process to receive funding. Staff is available for assistance to jurisdictions as they prepare and process claims.

Current fund balances are listed in the tables below:

Transportation Development Act – Local Transportation Funds Balances			
	2017 LTF Apportionment Balance	2008 LTF Apportionment Balance	Total Available
San Juan Bautista	\$37,164	\$21,000	\$58,164
Hollister	\$735,414	\$448,000	\$1,183,414
San Benito County	\$367,308	\$231,000	\$598,308

Regional Surface Transportation Program Balances			
	2018/2019 RSTP Apportionment Balance	Prior Years' Balance	Total Available
San Juan Bautista	\$60,622.60	\$317,639.37	\$378,261.97
Hollister	\$ 363,735.60	\$537,868.70	\$854,668.70
San Benito County	\$ 181,867.80	\$989,486.39	\$1,171,354.19

Total Balances by Jurisdiction (Rounded to Nearest Dollar)			
	City of Hollister	San Juan Bautista	San Benito County
RSTP	\$854,669	\$378,262	\$1,171,354
Transportation Development Act	\$1,183,414	\$58,164	\$598,308
TOTAL AVAILABLE	\$2,038,103	\$ 436,426	\$ 1,769,662

Executive Director Review: _____

Counsel Review: N/A