

**AGENDA
REGULAR MEETING
LOCAL TRANSPORTATION AUTHORITY**

DATE: Thursday, October 20, 2022
4:00 P.M.

LOCATION: Board of Supervisors Chambers
481 Fourth St., Hollister, CA 95023
(*The meeting is open to the public and also available through Zoom*)

Via-Zoom

To join meeting by Zoom: <https://zoom.us/join> see instructions provided at the end of the agenda: Meeting ID: 883-2501-2036

DIRECTORS: Chair Ignacio Velazquez, Vice Chair Kollin Kosmicki
Mary Vazquez Edge, Rolan Resendiz, and Peter Hernandez
Alternates: San Benito County: Betsy Dirks;
City of San Juan Bautista: Scott Freels; City of Hollister: Rick Perez

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

4:00 P.M. CALL TO ORDER:

A. ACKNOWLEDGE Certificate of Posting

B. NOTICE OF TEMPORARY PROCEDURES FOR LOCAL TRANSPORTATION AUTHORITY MEETINGS: (*Please see Zoom instructions at the end of the agenda*)

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, and Assembly Bill 361 (AB 361), relating to the convening of public meetings in response to the COVID-19 pandemic. The public may join the meeting by Zoom: <https://zoom.us/join> per the instructions provided at the end of the agenda.

Additionally, members of the Local Transportation Authority are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

The meetings are open to the public, under the following conditions: All attendees may attend the LTA meeting in person and follow the State guidelines. If an attendee is not fully vaccinated it is highly recommended that an attendee wears a face covering or face shield. All attendees must comply with any rules of procedures/instructions announced by the LTA Board and/or LTA staff. The meeting will be available through Zoom for those who wish to join or require accommodations with the [instructions listed at the end of the agenda](#).

C. PUBLIC COMMENT: (Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2. **Speakers are limited to 3 minutes.**)

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** Local Transportation Authority Draft Meeting Minutes Dated September 15, 2022 – Gomez
2. **ADOPT** Resolution 22-16 Authorizing Teleconferencing Options for the Local Transportation Authority meetings for the Period of October 20, 2022, through November 19, 2022 – Rivera
3. **ADOPT** Resolution 22-17 Authorizing the Filing of a Claim for Allocation of Transportation Development Act Funds for Fiscal Year 2021/2022 – Rivera

Adjourn to LTA Meeting on Thursday, November 17, 2022. Agenda deadline is November 01, 2022, 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 Local Transportation Authority 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 Board'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.

ZOOM INSTRUCTIONS:

1. Remote Viewing

Members of the public who wish to watch the meeting can view the meeting online through Zoom (<https://zoom.us/join>):

Meeting ID: 883-2501-2036

Instructions for participating via Zoom are included below.

2. Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM. on the Wednesday prior to the Board meeting to the Secretary at monica@sanbenitocog.org. Regardless of whether the matter is on the agenda. Every effort will be made to provide Board Members with your comments before the agenda item is heard.

3. Local Transportation Authority meeting - Zoom Instructions for remote Participants:

Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting. Three ways to attend zoom meetings:

1. Over the phone (Audio only):

- (669) 900-6833 or (408) 638-0968.

2. Open the Web-browser:

- <https://zoom.us/join>

3. Smart device Application:

- Apple App store: <https://apps.apple.com/us/app/id546505307>
- Android App store: <https://play.google.com/store/apps/details?id=u.s.zoom.videomeetings>

Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting (listed above). The chat feature is disabled for all participants. Additionally, the video function is not available to the public.

Zoom Audio Only (phone)

If you are **calling in as audio-only**, please dial **(669) 900-6833 or (408) 638-0968**.

1. It will ask you to enter the **Meeting ID, 883-2501-2036** followed by the **"#" key**, which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2022/10/LTA_Packet_102022.pdf
2. It will then ask for a **Participant ID**, press the **"#" key** to continue.
3. Once you enter the zoom meeting, you will automatically be placed on mute.
4. **Public Comment:** If you are using a phone, please press the **"*9"** to raise your hand, zoom facilitator will unmute you when your turn arrives.

Zoom On Web-browser or Zoom app on Tablet or Smartphone

If joining through web-browser launch: <https://zoom.us/join> or launch the Zoom app on your Tablet or Smartphone

1. Select **"JOIN A MEETING"**
2. The participant will be prompted to enter **Meeting ID, 883-2501-2036** and name to join the meeting, which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2022/10/LTA_Packet_102022.pdf
3. You can launch audio through your computer or set it up through the phone. Follow instructions provided by Zoom.
4. **Public Comment:** Click **"Raise hand"** icon, the Zoom facilitator will unmute you when your turn arrives.

Public Comment Guidelines

- If participating on zoom Once you are selected, you will hear that you have been unmuted: State your first name, last name, and county you reside in for the record.
- The Local Transportation Authority welcomes your comments.
- Each individual speaker will be limited to a presentation total of three (3) minutes.
- Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Local Transportation Authority on **October 20, 2022**, at **4:00 P.M.** was posted at the following locations freely accessible to the public:

The front entrance of the Old San Benito County Courthouse, Monterey Street, Hollister, CA 95023, and the Council of Governments Office, 330 Tres Pinos Rd., Ste. C7, Hollister, CA 95023 at the following date and time:

On the **14th day of October 2022**, on or before **5:00 P.M.**

The meeting agenda was also posted on the Council of San Benito County Governments website, www.sanbenitocoq.org, under Meetings, LTA Board, Meeting Schedule

I, Monica Gomez, swear under penalty of perjury that the foregoing is true and correct.

BY: _____


Monica Gomez, Secretary II
Council of San Benito County Governments

**San Benito County
LOCAL TRANSPORTATION AUTHORITY
REGULAR MEETING
(Zoom Platform)**

September 15, 2022 4:00 P.M.

MINUTES

MEMBERS PRESENT:

Chair Ignacio Velazquez, Vice Chair Kollin Kosmicki, Director Mary Vazquez Edge, Director Rolan Resendiz, and Director Peter Hernandez

STAFF PRESENT:

Administrative Services Specialist, Norma Rivera; Transportation Planner, Regina Valentine; Transportation Planning Manager, Veronica Lezama; Office Assistant, Griselda Arevalo; Secretary, Monica Gomez; Deputy County Counsel, Shirley Murphy

CALL TO ORDER:

Chair Velazquez called the meeting to order at 4:42 p.m.

A. CERTIFICATE OF POSTING

Motion made to acknowledge Certificate of Posting:

Motion: Vice Chair Kollin Kosmicki Second: Director Mary Vazquez Edge

Secretary Gomez called the roll call vote.

Director Vazquez Edge voted yes, Director Resendiz voted yes, Vice Chair Kosmicki voted yes, Director Hernandez voted yes, and Chair Velazquez voted yes.

Motion carried: 5/0
Yes: Velazquez, Kosmicki, Vazquez Edge, Resendiz, Hernandez
No: None
Recused: None
Abstention: None
Absent: None

B. NOTICE OF TEMPORARY PROCEDURES FOR LOCAL TRANSPORTATION AUTHORITY MEETINGS

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Additionally, members of the LTA Board can attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

Chair Velazquez reminded members of the public that an overview of temporary procedures (Zoom etiquette) for LTA meetings was attached to the agenda.

C. PUBLIC COMMENT: None

CONSENT AGENDA:

1. **Approve** Local Transportation Authority Draft Meeting Minutes Dated August 18, 2022 – Gomez
2. **Adopt** Resolution 22-15 Authorizing Teleconferencing Options for the Local Transportation Authority Meetings for the Period of September 20, 2022, through October 19, 2022 – Rivera
3. **Approve** the Updated San Benito County Local Transportation Authority's Transit Asset Management Plan – Valentine

Director Vazquez Edge noted a correction to Item 1 Draft Meeting Minutes Dated August 18, 2022. The Consent Agenda roll call vote needs to be corrected to Absent: Vazquez Edge instead of Velazquez Edge.

There was no public comment on the Consent Agenda.

Motion made to approve the Consent Agenda as amended:

Motion: Vice Chair Kollin Kosmicki Second: Director Mary Vazquez Edge

Secretary Gomez called the roll call vote.

Director Vazquez Edge voted yes, Director Resendiz voted yes, Vice Chair Kosmicki voted yes, Director Hernandez voted yes, and Chair Velazquez voted yes.

Motion carried: 5/0

Yes:	Velazquez, Kosmicki, Vazquez Edge, Resendiz, Hernandez
No:	None
Recused:	None
Abstention:	None
Absent:	None

ADJOURNMENT:

There being no further business to discuss, Director Vazquez Edge motioned to adjourn at 4:44 p.m.

Motion seconded by Vice Chair Kosmicki.

Secretary Gomez called the roll call vote.

Director Vazquez Edge voted yes, Director Resendiz voted yes, Vice Chair Kosmicki voted yes, Director Hernandez voted yes, and Chair Velazquez voted yes.

Motion carried: 5/0

Yes:	Velazquez, Kosmicki, Vazquez Edge, Resendiz, Hernandez
No:	None
Recused:	None
Abstention:	None
Absent:	None

ADJOURN TO LTA MEETING OCTOBER 20, 2022 AT 4:00 P.M.

Staff Report

To: Local Transportation Authority
From: Norma Rivera, Administrative Services Specialist **Telephone:** (831) 637-7665
Date: October 20, 2022
Subject: Assembly Bill 361 Teleconferencing Options For LTA

Recommendation:

ADOPT Resolution 22-16 Authorizing Teleconferencing Options for the Local Transportation Authority meetings for the Period of October 20, 2022, through November 19, 2022.

Summary:

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency legislative body.

Financial Considerations:

None.

Discussion:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, amending his prior Executive Order N-29-20 and waiving certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies or other personnel in a particular location as a condition of participation or as a quorum for a public meeting. These modifications remained in effect through September 30, 2021.

Under Assembly Bill (AB) 361, when the state of emergency lasts longer than 30 days, as is the case presently, the legislative body must make findings every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. AB 361 mandates that the legislative body must find that there is a continuing need for teleconferencing due to dangers posed by the ongoing state of emergency. This means that local agencies will have to put an item on the public

meeting agenda at least every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's teleconference provisions.

To continue to meet under those modified rules after November 19, 2022, the Board will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Reducing the circumstances under which people come into close contact remains a vital component of the San Benito County and LTA's COVID-19 response strategy. Local agency public meetings are an essential government function and the last 18 months have proven that the teleconferencing format protects public access while minimizing exposure to COVID-19.

The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Omicron variant of COVID-19 is spreading quickly throughout the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>).

Staff Analysis:

Staff recommends that the Board adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days to afford the Board the opportunity to reconsider such findings, is included herewith. If the Board adopts the proposed resolution, then it may continue to meet under the modified Brown Act teleconference rules of AB 361 through November 19, 2022.

Counsel Review: Yes

Attachment: 1. Resolution 22-16

2. Letter from San Benito County Health Officer

BEFORE THE SAN BENITO COUNTY LOCAL TRANSPORTATION AUTHORITY

A RESOLUTION OF THE SAN BENITO COUNTY)	
LOCAL TRANSPORTATION AUTHORITY)	Resolution No. <u>22-16</u>
AUTHORIZING CONTINUED REMOTE)	
TELECONFERENCE MEETINGS OF THE LOCAL)	
TRANSPORTATION AUTHORITY PURSUANT TO)	
<u>AB 361</u>)	

WHEREAS, the San Benito County Local Transportation Authority is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, pursuant to his authority under the California Emergency Services Act, California Government Code section 8625; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting Law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and

WHEREAS, on June 4, 2021, Governor Newsom clarified that the "reopening" of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which provides that a legislative body subject to the Brown Act may continue

to meet without fully complying with the teleconferencing rules in the Brown Act, provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

WHEREAS, California Department of Public Health ("CDPH") and the federal Centers for Disease Control and Prevention ("CDC") caution that the Omicron variant of COVID-19 is spreading quickly throughout the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>); and

WHEREAS, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing at public meetings of legislative bodies within San Benito County; and

WHEREAS, on January 5, 2022, Dr. Gellert, San Benito County Public Health Officer, issued an updated recommendation on continued Social Distancing at public meetings of legislative bodies within San Benito County, attached hereto as Exhibit "A", and incorporated herein by this reference; and

WHEREAS, the San Benito County Local Transportation Authority is a joint powers authority formed under the joint exercise of powers provisions of California Government Code Sections 6500-6522 and the California Code of Civil Procedure section 1240.140, among the County of San Benito, a political subdivision of the State of California, and the Cities of Hollister and San Juan Bautista, municipal corporations located in San Benito County; and

WHEREAS, the San Benito County Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare, and safety within the County of San Benito; and

WHEREAS, at its regular meetings on October 12, 2021, November 9, 2021, November 23, 2021, December 14, 2021, January 25, 2022, February 22, 2022, March 22, 2022, April 19, 2022, May 24, 2022, June 28, 2022, August 9, 2022, September 13, 2022, and October 11, 2022, the San Benito County Board of Supervisors considered all information related to this matter, as presented at the public meetings of the Board of Supervisors identified herein, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-128, 2021-140, 2021-148, 2021-160, 2022-04, 2022-21, 2022-38, 2022-47, 2022-59, 2022-73, 2022-107, and 2022-122, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Local Transportation Authority has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the Local Transportation Authority; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Local Transportation Authority deems it necessary to find that a requirement to meet in person for meetings of the Local Transportation Authority would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and

WHEREAS, at its regular meetings on October 21, 2021, November 18, 2021, and December 16, 2021, its special meeting on January 11, 2022, and regular meetings on January 20, 2022, February 17, 2022, March 17, 2022, April 21, 2022, May 19, 2022, June 16, 2022, July 21, 2022, August 18, 2022, and September 15, 2022, the San Benito County Local Transportation Authority considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein, including any supporting reports by Local Transportation Authority Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-07, 2021-08, 2021-09, 2022-01, 2022-02, 2022-03, 2022-04, 2022-07, 2022-09, 2022-11, 2022-13, and 2022-15, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Local Transportation Authority has further considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein as of the date of this Resolution, including any supporting reports by Local Transportation Authority's Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in effect; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the California Legislature have exercised their respective powers, pursuant to California Government Code section 8629, to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature, and the proclaimed state of emergency remains in effect; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that meeting in person would present imminent risks to the health or safety of attendees of public meetings; and

WHEREAS, the Board of Directors of the San Benito County Local Transportation Authority further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Benito County Local Transportation Authority as follows:

1. Recitals. The Board of Directors hereby finds that the facts set forth in the Recitals to this Resolution are true and correct and are incorporated into this Resolution by this reference.
2. Proclamation of Local Emergency. The Board of Directors hereby proclaims that a local emergency continues to exist throughout the County, and social distancing orders are currently in place and needed to protect the health and safety of the citizens.
3. Consideration of Future Extensions of Resolution. As long as the State Emergency remains in effect or until directed otherwise by the Board of Directors, staff shall present to the Board at every meeting an item necessary to continue the findings required by AB 361.
4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Board of Directors adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Local Transportation Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
5. Remote Teleconference Meetings. The staff and Counsel for the Local Transportation Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

PASSED AND ADOPTED BY THE SAN BENITO COUNTY LOCAL
TRANSPORTATION AUTHORITY THIS 20th DAY OF OCTOBER 2022 BY THE
FOLLOWING VOTE:

AYES:

NOES:

ABSTAINING:

ABSENT:

Ignacio Velazquez, Chair

APPROVED AS TO LEGAL FORM:
SAN BENITO COUNTY COUNSEL'S OFFICE

Dated: Oct. 5, 2022

By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

ATTEST:

Dated: _____

By: _____
Norma Rivera
Administrative Services Specialist

EXHIBIT A



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

GEORGE GELLERT MD, MP, MPA
HEALTH OFFICER

TRACEY BELTON
AGENCY DIRECTOR

PUBLIC HEALTH SERVICES

Healthy People in Healthy Communities

January 5, 2022

CAO Ray Espinosa
San Benito County Administration

Re: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta and more recently the Omicron variant, I strongly urge all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. The conduct of public meetings in a remote or hybrid manner enables members of the community to participate from the comfort of their homes without having to risk contracting these viruses by attending in-person meetings.

In addition, these measures help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where these virus variants can potentially spread among attendees and participants. However, when combined with social distancing and effective masking practices, along with continued efforts to increase vaccination uptake within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of infection for the public, agency staff, meeting presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "George Gellert", written over a light blue horizontal line.

George Gellert MD, MPH, MPA
Health Officer

PUBLIC HEALTH SERVICES
351 Tres Pinos Road, Suite A-202
Hollister CA 95023
831-637-5367

ENVIRONMENTAL HEALTH
351 Tres Pinos Road, Suite C-1
Hollister CA 95023
831-636-4035

MEDICAL THERAPY UNIT
761 South Street
Hollister CA 95023
831-637-1989

Staff Report

To: Local Transportation Authority
From: Norma Rivera, Administrative Services Specialist Telephone: (831) 637-7665
Date: October 20, 2022
Subject: Allocation of Transportation Development Act Funds for FY 21/22

Recommendation:

ADOPT Resolution 22-17 Authorizing the Filing of a Claim for Allocation of Transportation Development Act Funds for Fiscal Year 2021/2022.

Summary:

Each year the COG Board is required by the Transportation Development Act to allocate Local Transportation Funds and State Transit Assistance Funds to eligible claimants. The Local Transportation Authority adopts a resolution to claim Local Transportation Funds and State Transit Assistance Funds.

Financial Considerations:

For fiscal year 2021/2022, the Local Transportation Authority is requesting \$583,934 in State Transit Assistance Funds, \$509,441 for Transit Operations under Article 4 and \$331,257 for Community Transit Services under Article 4.5 totaling \$1,424,634. This requested allocation amount is in line with the Board approved budget for fiscal year 21/22.

Background:

The Local Transportation Fund is derived from a ¼ cent of the general sales tax collected statewide and returned to COG. Local Transportation Funds are to be used for statutory purposes in San Benito County and include (in priority order):

- TDA administration costs
- General public transit operations and capital
- Contract payments for transit services
- Transit-related research and development projects
- Administration of transit contracts
- Elderly and disabled transit

- Bicycle and pedestrian projects
- Local streets and roads (Cities & County based on population)

The State Transit Assistance Fund is derived from the statewide sales tax on gasoline and diesel fuel. The State Transit Assistance Funds are monies allocated to the COG by the State Controller's Office based on the population of San Benito County and returned to COG to be used for public transit only. State Transit Assistance Fund purposes in San Benito County include:

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

Staff Analysis:

Resolution 22-17 is required under the Transportation Development Act pursuant to Public Utilities Code Article 4 and Article 4.5 which are a part of the claims process. Listed below are the requirements of the claimants for the Local Transportation Funds and the State Transit Assistance Funds:

1. The Local Transportation Authority is in conformity with the Regional Transportation Plan.
2. The level of passenger fares and charges are sufficient to enable the Local Transportation Authority to meet the fare box revenue requirements of the Public Utilities Code. This requirement was waived for fiscal year 2021-2022 as a result of the COVID-19 pandemic.
3. The sum of the County of San Benito allocations from the State Transit Assistance Fund and from the Local Transportation Fund does not exceed the amount the claimant is eligible to receive during the fiscal year.

The Local Transportation Authority has submitted the certification required by the Department of California Highway Patrol verifying that the operator is in compliance with Section 1801.1 of the Vehicle Code.

Staff reviewed the request from the Local Transportation Authority and found it to be following the Transportation Development Act and State Transit Assistance requirements. The attached Resolution 2022-17 approves the request for this claimant.

Reviewed By: NR

Counsel Review: Yes

Attachment: 1. Resolution 22-17
2. TDA Claim Form

BEFORE THE SAN BENITO COUNTY LOCAL TRANSPORTATION AUTHORITY

A RESOLUTION OF THE SAN BENITO COUNTY)
LOCAL TRANSPORTATION AUTHORITY)
AUTHORIZING THE FILING OF A CLAIM WITH) Resolution No. 22-17
THE COUNCIL OF SAN BENITO COUNTY)
GOVERNMENTS, ACTING AS THE REGIONAL)
TRANSPORTATION PLANNING AGENCY, FOR)
ALLOCATION OF TRANSPORTATION)
DEVELOPMENT ACT FUNDS FOR FISCAL)
YEAR 2021/2022)

WHEREAS, the Transportation Development Act (TDA), as amended (California Public Utilities Code commencing with Section 99200 et seq.) provides for the allocation of funds from the Local Transportation Fund and the State Transit Assistance Fund by Regional Transportation Planning Agencies, for the use by eligible claimants for various transportation purposes; and

WHEREAS, the Council of San Benito County Governments is the Regional Transportation Planning Agency in and for the County of San Benito; and

WHEREAS, pursuant to the provisions of the TDA, as amended and pursuant to the applicable rules and regulations thereunder (Title 21, Division 3, Chapter 2 (commencing with section 6600) of the California Code of Regulations) a prospective claimant wishing to receive an allocation from the Local Transportation Fund or the State Transit Assistance fund shall file its claim with the Council of San Benito County Governments.

NOW, THEREFORE, BE IT RESOLVED that the San Benito County Local Transportation Authority is authorized to execute and file an appropriate claim pursuant to the terms of the Transportation Development Act, as amended and pursuant to applicable rules and regulations promulgated thereunder, together with all necessary supporting documents, with the Council of San Benito County Governments for an allocation of TDA funds in Fiscal Year 2021/2022.

BE IT FURTHER RESOLVED that the authorized claim includes \$1,424,634 for transit purposes.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Council of San Benito County Governments in conjunction with the filings of the claims.

PASSED AND ADOPTED BY THE SAN BENITO COUNTY LOCAL TRANSPORTATION AUTHORITY THIS 20TH DAY OF OCTOBER 2022 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAINING:

ABSENT:

Ignacio Velazquez, Chair

APPROVED AS TO LEGAL FORM:

SAN BENITO COUNTY COUNSEL'S OFFICE

Dated: Oct. 11, 2022

By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

ATTEST:

Norma Rivera, Administrative Services Specialist

Dated: _____

By: _____

CLAIM FOR STATE TRANSIT ASSISTANCE FUNDS

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

FROM: CLAIMANT: Local Transportation Authority
ADDRESS: 330 Tres Pinos Rd., Suite C7
Hollister, CA 95023
CONTACT PERSON: Regina Valentine
Phone: (831)637-7665 Email: regina@sanbenitocog.org

The Local Transportation Authority hereby request, in accordance with the State of California Public Utilities Code, commencing with Section 99200 and the California Code of Regulations commencing with Section 6600, that this claim for State Transit Assistance be approved in the amount of \$ 583,934.69 for Fiscal Year 2021-2022, to be drawn from the State Transit Assistance fund deposited with the San Benito County Treasurer.

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

APPROVED:

COUNCIL OF SAN BENITO COUNTY
GOVERNMENTS BOARD OF
DIRECTORS

APPLICANT

BY: _____
(signature)

TITLE: Chairperson

DATE: _____

BY:  _____
(signature)

TITLE: Transportation Planner

DATE: 10/10/2022

CLAIM FOR LOCAL TRANSPORTATION FUNDS
TRANSIT PURPOSES

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

FROM: CLAIMANT: Local Transportation Authority
ADDRESS: 330 Tres Pinos Rd., Suite C7
Hollister, CA 95023

CONTACT PERSON: Regina Valentine

Phone: (831)637-7665 Email: regina@sanbenitocog.org

The Local Transportation Authority hereby request, in accordance with the State of California Public Utilities Code, commencing with Section 99200 and the California Code of Regulations commencing with Section 6600, that this claim for Local Transportation Funds be approved for Fiscal Year 2021-2022, in the following amounts for the following purposes to be drawn from the Local Transportation Fund deposited with San Benito County Treasurer.

P.U.C. 99260a, Article 4, Transit Operation/Capital:	\$ <u>509,441.99</u>
P.U.C. 99275, Article 4.5, Community Transit Services:	\$ <u>331,257.33</u>
P.U.C. 66400c, Article 8c, Contracted Transit Services:	\$ <u> </u>
C.C.R. 6648, Capital Reserve:	\$ <u> </u>
P.U.C. 99400e, Article 8e, Capital for Contracted Services:	\$ <u> </u>

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

APPROVED:

SAN BENITO COUNTY COUNCIL
OF GOVERNMENTS BOARD OF
DIRECTORS

APPLICANT

BY: _____
(signature)

TITLE: Chairperson

DATE: _____

BY:  _____
(signature)

TITLE: Transportation Planner

DATE: 10/10/2022