



**AGENDA
REGULAR MEETING
SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS**

- DATE:** Thursday, June 15, 2023
4:00 P.M.
- LOCATION:** County Board of Supervisors Chambers
481 Fourth Street
Hollister, CA 95023
(The meeting is open to the public)
- DIRECTORS:** Bea Gonzales, Chair (County of San Benito)
Scott Freels, Vice Chair (City of San Juan Bautista)
Mia Casey (City of Hollister)
Dolores Morales (City of Hollister)
Mindy Sotelo (County of San Benito)
- ALTERNATES:** San Benito County: Kollin Kosmicki
City of San Juan Bautista: Jacki Morris-Lopez
City of Hollister: Rick Perez

NOTICE OF PROCEDURES FOR SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS MEETINGS

The meeting will be available through Zoom, for those who wish to join or require accommodations.

Members of the public may participate remotely via Zoom at the following link: <https://zoom.us/join> with the following:

Webinar ID: 854-0074-4563 and Webinar Passcode: 292064

*Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9” (star-nine) . In order to receive full Zoom experience, please make sure your application is up to date.*

Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the COG Board of Directors reserves the right to conduct the meeting without remote access.

*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 3. Public Comment.***

- 1. CALL TO ORDER 4:00 P.M.**

2. **Verification of Certificate of Posting**

3. **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.)

4. APPROVE SAFE Draft Action Regular Meeting Minutes Dated January 19, 2023 – Gomez
5. APPROVE SAFE Draft Action Regular Meeting Minutes Dated February 16, 2023 – Gomez

ACTION ITEMS:

4:00 P.M. Public Hearing (Or As Soon Thereafter As the Matter May Be Heard)

6. Fiscal Year 2023-2024 Service Authority for Freeways and Expressways (SAFE) Budget – Rivera
- a. RECEIVE Presentation on the Fiscal Year 2023-2024 Budget for the Service Authority for Freeways and Expressways Budget.
 - b. HOLD Public Hearing on the Fiscal Year 2023-2024 SAFE Budget.
 - c. ADOPT Resolution 23-03 Adopting the Fiscal Year 2023-2024 SAFE Budget.

Adjourn to SAFE Meeting on August 17, 2023. Agenda deadline is August 1, 2023, 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 Service Authority for Freeways and Expressways 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.

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.

Public Comment Guidelines

1. If participating on Zoom: once you are selected, you will hear that you have been unmuted. At this time, state your first name, last name, and county you reside in for the record.
2. The Council of Governments Board welcomes your comments.
3. Each individual speaker will be limited to a presentation total of three (3) minutes.
4. 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.

If you have questions, contact the Council of Governments, and leave a message at (831) 637-7665 x. 201, or email monica@sanbenitocog.org.

CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Service Authority for Freeways and Expressways on **June 15, 2023**, at **4:00 P.M.** was posted at the following locations freely accessible to the public:

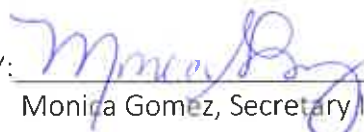
The front entrance of the Old San Benito County Courthouse, Monterey Street, Hollister, CA 95023, and the Council of Governments Office, 330 Tres Pinos Rd., Ste. C7, Hollister, CA 95023 at the following date and time:

On the 9th day of June 2023, on or before 5:00 P.M.

The meeting agenda was also posted on the Council of San Benito County Governments website, www.sanbenitoco.gov, under Meetings, SAFE 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
SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS
REGULAR MEETING
Board of Supervisors Chambers
481 Fourth Street, Hollister, CA 95023 & Zoom Platform

January 19, 2023 4:00 P.M.

MINUTES

MEMBERS PRESENT:

Chair Pro Tempore Mindy Sotelo, Director Bea Gonzales, and Director Dolores Morales (Via-Zoom),

MEMBERS ABSENT:

Director Mia Casey, Director Scott Freels

STAFF PRESENT:

Executive Director; Binu Abraham, Administrative Services Specialist; Norma Rivera, Transportation Planning Manager; Veronica Lezama, Transportation Planner; Regina Valentine, Office Assistant; Griselda Arevalo, Deputy County Counsel; Shirley Murphy

CALL TO ORDER:

Executive Director Binu Abraham called the meeting to order at 5:23 p.m.

- A. **CONTINUE SAFE** Chair and Vice Chairperson Appointments to the February 16, 2023 Board Meeting and **ELECT** Chair Pro Tempore to Conduct the January 19, 2023 meeting.

Motion made to continue SAFE Chair and Vice Chairperson appointments to the February 16, 2023 meeting and Elect Director Sotelo as Chair Pro Tempore to conduct the January 19, 2023 meeting.

Motion: Director Dolores Morales Second: Director Bea Gonzales

Motion carried: 3/0

Yes: Sotelo, Gonzales, Morales

No: None

Recused: None

Abstention: None

Absent: Casey, Freels

B. CERTIFICATE OF POSTING

Motion made to acknowledge Certificate of Posting:

Motion: Director Dolores Morales Second: Director Bea Gonzales

Motion carried: 3/0

Yes: Sotelo, Gonzales, Morales

No: None

Recused: None

Abstention: None
Absent: Casey, Freels

C. NOTICE OF TEMPORARY PROCEDURES FOR SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS 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 SAFE Board can attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

Chair Pro Tempore Sotelo reminded members of the public that an overview of temporary procedures (Zoom etiquette) for SAFE meetings was attached to the agenda.

D. PUBLIC COMMENT: None

CONSENT AGENDA:

- 1. Adopt** Resolution 23-01 Authorizing Teleconferencing Options for the Service Authority for Freeways and Expressways Meetings for the Period of January 20, 2023, through February 19, 2023 – Rivera
- 2. Approve** Service Authority for Freeways and Expressways Draft Meeting Minutes Dated December 15, 2022 – Gomez

There was no public comment on the Consent Agenda.

Motion made to approve the Consent Agenda:

Motion: Director Bea Gonzales Second: Director Dolores Morales

Motion carried: 3/0

Yes: Sotelo, Gonzales, Morales

No: None

Recused: None

Abstention: None

Absent: Casey, Freels

ADJOURNMENT:

There being no further business to discuss, Director Morales motioned to adjourn at 5:25 p.m.

Motion seconded by Director Gonzales.

Motion carried: 3/0

Yes: Sotelo, Gonzales, Morales

No: None

Recused: None

Abstention: None

Absent: Casey, Freels

ADJOURN TO MEA MEETING FEBRUARY 16, 2023 AT 4:00 P.M.

San Benito County
SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS
REGULAR MEETING
Board of Supervisors Chambers
481 Fourth Street, Hollister, CA 95023 & Zoom Platform
February 16, 2023 4:00 P.M.

ACTION MINUTES

MEMBERS PRESENT:

Chair Bea Gonzales, Vice-Chair Scott Freels, Director Mia Casey, Director Mindy Sotelo, Director Dolores Morales (via-Zoom)

STAFF PRESENT:

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

1. CALL TO ORDER:

Chair Gonzales called the meeting to order at 5:58 p.m.

2. CERTIFICATE OF POSTING

Motion made to acknowledge Certificate of Posting:

Motion: Director Scott Freels Second: Director Mindy Sotelo

Motion carried: 5/0

Yes: Gonzales, Casey, Morales, Freels, Sotelo

No: None

Recused: None

Abstention: None

Absent: None

3. NOTICE OF TEMPORARY PROCEDURES FOR SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS 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 SAFE can attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

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

4. PUBLIC COMMENT: None

REGULAR AGENDA:

ACTION ITEMS:

5. HOLD Nomination and Election of SAFE Chair and Vice Chairperson for the 2023 Meeting Calendar.

Motion made to Elect Bea Gonzales as SAFE Chairperson for 2023:

Motion: Director Mindy Sotelo Second: Director Mia Casey

Motion carried: 5/0

Yes: Gonzales, Casey, Morales, Freels, Sotelo

No: None

Recused: None

Abstention: None

Absent: None

Motion made to Elect Scott Freels as SAFE Vice Chairperson for 2023:

Motion: Director Mindy Sotelo Second: Director Mia Casey

Motion carried: 5/0

Yes: Gonzales, Casey, Morales, Freels, Sotelo

No: None

Recused: None

Abstention: None

Absent: None

There was no public comment.

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.)

6. Adopt Resolution 23-02 Authorizing Teleconferencing Options for the Service Authority for Freeways and Expressways Meetings for the Period of February 16, 2023, through February 28, 2023 – Rivera

There was no public comment on the Consent Agenda.

Motion made to approve the Consent Agenda:

Motion: Director Mindy Sotelo Second: Director Mia Casey

Motion carried: 5/0

Yes: Gonzales, Casey, Morales, Freels, Sotelo

No: None

Recused: None

Abstention: None

Absent: None

ADJOURNMENT:

There being no further business to discuss, Director Sotelo motioned to adjourn at 6:01 p.m.

Motion seconded by Director Casey.

Motion carried: 5/0

Yes: Gonzales, Casey, Morales, Freels, Sotelo

No: None

Recused: None

Abstention: None

Absent: None

ADJOURN TO ALUC MEETING MARCH 16, 2023 AT 4:00 P.M.



STAFF REPORT

Action

Prepared By: Norma Rivera, Administrative Services Specialist

Subject: Fiscal Year 2023-2024 SAFE Budget

Agenda Item No. 6

Approved By: Binu Abraham, Executive Director

Meeting Date: June 15, 2023

Recommendation:

- a. Receive presentation on the Fiscal Year 2023-2024 Budget for the Service Authority for Freeways and Expressways Budget.
- b. Hold public hearing on the Fiscal Year 2023-2024 SAFE Budget.
- c. Adopt Resolution 23-03 adopting the Fiscal Year 2023-2024 SAFE Budget.

Summary:

The Service Authority for Freeways and Expressways (SAFE) Budget totals \$59,396. The budget is balanced.

Background/ Discussion:

The Service Authority for Freeways and Expressways receives funding from the Department of Motor Vehicles from vehicle registration fees. With this funding, the SAFE maintains the emergency call box program for San Benito County. SAFE maintains 40 call boxes: eight located on Highway 25 north of Hollister, six along Highway 101, 17 along Highway 156, five along Highway 25 south of Hollister and four along Panoche Road. The funds received from vehicle registration fees can only be used for SAFE program purposes.

The SAFE budget was prepared using the line-item format. This style is easy to use and identifies where funds are spent. The budget includes conservative revenue assumptions that are based on State forecasting trends. The most important component of the budget focuses on aligning spending with anticipated funding sources. The SAFE program is funded solely by the DMV collected registration fee.

The SAFE budget for fiscal year 2023/24 totals \$59,396, a 2% increase over last year's budget. The Personnel category will see a minor decrease due to the reallocation of staff responsibilities. The Services & Supplies category has increased due to increased costs in call maintenance and phone line services. There was one change made to the SAFE budget since the draft budget was presented to the Board at the May meeting. The Service and Supplies category increased by \$500 due to a new government tax which has taken effect as of April 1, 2023, which increases the taxes

and fees charged per phone line. The Contracts line-item is budgeted with a minor increase for funding an agreement with the California Highway Patrol for answering incoming call box calls.

The SAFE budget has been prepared using funding assumptions that match information received from the State with respect to revenue estimates. The SAFE Draft Budget meets the goals and objectives of the agency and balances expenses and revenues.

Financial Impact:

The SAFE Budget totals \$59,396. The budget is balanced.

Attachment:

1. Resolution No. 23-03
2. Fiscal Year 2023-2024 Service Authority for Freeways and Expressways Budget



BEFORE THE SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS

A RESOLUTION OF THE SERVICE AUTHORITY FOR)
FREEWAYS AND EXPRESSWAYS ADOPTING THE) Resolution No. SAFE 23-03
2023/2024 FISCAL YEAR ANNUAL BUDGET)

WHEREAS, the Service Authority for Freeways and Expressways published and held a public hearing regarding the Authority’s consideration of the budget for the Service Authority for Freeways and Expressways for Fiscal Year 2023/2024; and

WHEREAS, at the public hearing, the Service Authority for Freeways and Expressways Board of Directors heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present at the hearing were given ample opportunity to hear and be heard with respect to any matter related to the budget for Fiscal Year 2023/2024; and

WHEREAS, said hearing has concluded, during which time all additions and deletions to the budget for Fiscal Year 2023/2024 were made or authorized; and

WHEREAS, the 2023/2024 fiscal year annual budget is a balanced budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Service Authority for Freeways and Expressways that the Adopted Budget of the Service Authority for Freeways and Expressways for Fiscal Year 2023/2024, is hereby adopted by reference to the attached Adopted Budget.

PASSED AND ADOPTED BY THE COUNCIL OF SAN BENITO COUNTY GOVERNMENTS THIS 15TH DAY OF JUNE, 2023 BY THE FOLLOWING VOTE:

- AYES:
- NOES:
- ABSTAINING:
- ABSENT:

Bea Gonzales, Chair

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

Dated: June 5, 2023 By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel
Service Authority for Freeways & Expressways Legal Counsel

ATTEST:
Binu Abraham, Executive Director

Dated: _____ By: _____



San Benito County

Service
Authority for
Freeways and
Expressways

Adopted Budget Fiscal Year 2023/24

330 Tres Pinos Road, Suite C7
Hollister, California 95023
(831) 637-7665

Service Authority for Freeways and Expressways Adopted Budget Fiscal Year 2023 - 2024

Published by Order of the:
Board of Directors

Bea Gonzales, Chair
County of San Benito

Scott Freels, Vice Chair
City of San Juan Bautista

Mia Casey
City of Hollister

Dolores Morales
City of Hollister

Mindy Sotelo
County of San Benito

Executive Director
Binu Abraham

Prepared and Compiled by
Norma Rivera
Administrative Services Specialist

Adopted: June 15, 2023

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Executive Summary

San Benito County Service Authority for Freeways and Expressways (SAFE) administers a \$1 vehicle registration fee collected by the Department of Motor Vehicles (DMV) for maintaining an Emergency Motorist Aid Program in San Benito County. The program consists of the following programs:

Emergency Call Box Program - Through the Emergency Call Box Program, San Benito SAFE ensures that motorists have direct access to emergency services along the state highway system and remote local roads in San Benito County. Call boxes are considered lifelines for accessing emergency services in remote areas of the County and along San Benito County Highways.

Call boxes are telephone boxes installed primarily along highways and local roads with high accident rates, high vehicular traffic, or remote locations with limited to no cellular coverage. Call boxes provide motorists direct access to the California Highway Patrol (CHP) for assistance in case of an emergency.

Goals and Objectives

The Service Authority for Freeways and Expressways will continue to ensure that existing emergency call boxes are maintained in proper working order. The Service Authority for Freeways and Expressways also works with Caltrans and the California Highway Patrol to continue call box operations.

Budget Detail

The Service Authority for Freeways and Expressways total proposed budget for FY 2023/2024 is \$59,396. The FY 2023/2024 Budget reflects an overall 2% increase in expenditures. The Personnel category will see a minor decrease due to the reallocation of staff responsibilities. The Services & Supplies category has increased due to increased costs in call maintenance and phone line services. The Contracts line-item funds an agreement with the California Highway Patrol for answering incoming call box calls.

The Service Authority for Freeways and Expressways budget is balanced and supports the policies of the Board of Directors.

**SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS
BUDGET - FY 2023/24
EXPENDITURES**

EXPENDITURE DESCRIPTION	Adopted Budget FY 22/23	Estimated Actual to June 30, 2023	Proposed Budget FY 23/24	Budget Estimate for FY 24/25	Variance FY 22/23 FY 23/24
Personnel					
610.101 Salaries	23,326	17,317	22,898	24,043	(428)
619.226 Administrative Support	-	-	-	-	-
Total	23,326	17,317	22,898	24,043	(428)
Services and Supplies					
619.126 Magazines and Subscriptions	-	-	-	-	-
619.132 Communications	1,500	1,254	2,000	1,600	500
619.138 Computer Maintenance	-	-	-	-	-
619.140 Computer Supplies	-	-	-	-	-
645.701 General Insurance	698	676	598	600	(100)
619.152 Maintenance of Equipment	31,912	31,920	32,000	32,000	88
619.154 Maintenance of Equipment - Oil and Gas	-	-	-	-	-
619.158 Maintenance of Structures and Grounds	-	-	-	-	-
619.280 Marketing	-	-	-	-	-
619.166 Membership Dues	-	-	-	-	-
619.166 Office Furniture under \$3,000	-	-	-	-	-
619.168 Office Equipment under \$3,000	-	-	-	-	-
619.176 Special Project Supplies - Supplies	-	-	-	-	-
619.174 Supplies	-	-	-	-	-
619.172 Postage and Delivery	-	-	-	-	-
619.210 Legal	1,000	2,124	1,500	1,000	500
619.222 Other Consultants	-	-	-	-	-
619.180 Public and Legal Notices	-	-	-	-	-
619.184 Rent Equipment	-	-	-	-	-
619.186 Rent Structures	-	-	-	-	-
619.190 Small Tools	-	-	-	-	-
619.268 Special Dept. Expense - Other	-	-	-	-	-
619.196 Travel Lodging	-	-	-	-	-
619.198 Travel Meals	50	-	50	50	-
619.194 Training	-	-	-	-	-
619.200 Travel Transportation	150	-	150	150	-
619.306 Utilities	-	-	-	-	-
Total	35,310	35,974	36,298	35,400	988
Contracts					
619.250 Special Dept. Expense - Contracts	88	87	200	200	112
Total	88	87	200	200	112
Capital					
650.304 Furniture and Fixtures	-	-	-	-	-
650.302 Equipment other than Computer	-	-	-	-	-
650.303 Computer Hardware	-	-	-	-	-
650.301 Automobiles, Trucks, Vans	-	-	-	-	-
Total	-	-	-	-	-
Other					
640.320 OPEB	-	-	-	-	-
Total	-	-	-	-	-
TOTAL PROPOSED BUDGET	58,724	53,378	59,396	59,643	672

**SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS
BUDGET - FY 2023/24
REVENUES AND EXPENDITURES VS REVENUES**

REVEUE DESCRIPTION		Adopted Budget FY 22/23	Estimated Actual to June 30, 2023	Proposed Budget FY 23/24	Budget Estimate for FY 24/25	Variance FY 22/23 FY 23/24
550.109	Registered Vehicle Revenue	70,000	68,681	69,000	71,070	(1,000)
	Fund Balance(Carryover previous years)	212,062	213,859	229,602	239,706	17,540
541.001	Interest Revenue	440	440	500	-	60
TOTAL REVENUE		282,502	282,980	299,102	310,776	16,600

EXPENDITURES VS REVENUES		Adopted Budget FY 22/23	Estimated Actual to June 30, 2023	Proposed Budget FY 23/24	Budget Estimate for FY 24/25	Variance FY 22/23 FY 23/24
EXPENDITURES						
	Personnel	23,326	17,317	22,898	24,043	(428)
	Services & Supplies	35,310	35,974	36,298	35,400	988
	Contracts	88	87	200	200	112
	Capital	-	-	-	-	-
	Other	-	-	-	-	-
TOTAL EXPENDITURES		58,724	53,378	59,396	59,643	672
REVENUES						
	Revenues	282,502	282,980	299,102	310,776	16,600
TOTAL REVENUE		282,502	282,980	299,102	310,776	16,600
TOTAL PROPOSED BUDGET		58,724	53,378	59,396	59,643	672

FUND BALANCE	239,706	
DESIGNATED FUND BALANCE	-	
UNDESIGNATED FUND BALANCE	239,706	Only available for SAFE projects

BUDGET NOTES		Proposed Budget FY 23/24
Personnel Personnel includes salaries, administrative support, and professional services.		
	Total	22,898
Services and Supplies Maintenance and support of call boxes.		
	Total	36,298
Contracts Contract with CHP for responding to call box calls.		
	Total	200
Capital No Capital expenditures are proposed in this Budget.		
	Total	-
Other SAFE share of OPEB costs.		
	Total	-
TOTAL PROPOSED BUDGET		59,396

APPENDIX

PURCHASING POLICES FOR SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS

DEFINITIONS

For the purpose of this article, the following words and phrases shall have the meaning respectively ascribed by this section:

- 1) Agency: Service Authority For Freeways and Expressways
- 2) Board of Directors: The governing body of the agency.
- 3) Contractual services: Any telephone, gas, water, electric light and power services; the rental of equipment and machinery; insurance; the services of attorneys, physicians, electricians, engineers, consultants or other individuals or organizations possessing a high degree of technical skill; and all other types of agreements under which the contract provides services which are required by the agency, but not furnished by its own employees. Purchase of space for legal advertising shall not be subject to the provisions of this chapter.
- 4) Fixed Assets: Any piece of tangible personal property having an estimated useful life of one calendar year or more, capable of being permanently identified as an individual unit of property, and belonging to one of the general classes of property considered a fixed asset in accordance with generally accepted accounting practices (i.e., equipment, machinery, vehicles, furnishings,) with an accounting value of \$3,000 or more.
- 5) Local Business: any person or entity that regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, the County of San Benito.
- 6) Professional Services: An independent contractor's expert advice or professional services that involve extended analysis, personal expertise, the exercise of discretion and independent judgment in their performance, which are of an advisory nature, provide a recommended course of action, and have an end product transmitting information which is related to SAFE programs. Providers are selected on the basis of qualification, subject to the negotiation of a fair and reasonable compensation. Classification as professional services may also require an advanced, specialized type of knowledge, expertise, technical skill or training customarily acquired either by a prolonged course of study or equivalent experience, such as accountants, financial advisors, auditors, grant writers, program specialists, labor consultants and negotiators, investigators, law enforcement retained certified laboratories, attorneys and other litigation-related specialist, environmental consultants, appraisers, architects, landscape architects, surveyors, engineers, design professionals, and construction project management firms.
- 7) Supplies and equipment: Any personal property, such as physical articles, materials or things, which property shall furnished to, or shall be used by the agency.

B. PURPOSE OF CHAPTER

The purpose of this chapter is to adopt policies and procedures governing purchases of supplies, equipment and contractual services by the agency in accordance with section 54200 et seq. of the Government Code. This chapter is not intended to conflict with applicable provisions of state law and shall be interpreted as supplementary thereto.

C. DESIGNATION OF THE PURCHASING AGENT

The Board of Directors appoints the Executive Director or designee to serve as the Purchasing Agent for Service Authority For Freeways and Expressways.

D. PURCHASING AGENT – POWERS AND DUTIES

The Purchasing Agent shall have all the duties and powers prescribed by the laws of the state including the following duties:

1. Acquisition of Personal Property – To purchase equipment, materials, supplies and all other personal property and services for SAFE where funding has been approved and budgeted by the Board, unless specified otherwise in the Purchasing Policy.
2. Professional Service Contracts – To engage independent contractors to perform professional services through contracts for the SAFE with or without furnishing of material where the aggregate cost does not exceed \$50,000. Contracts shall not be split between fiscal years to circumvent this dollar limitation.
3. Renewal/Extension of Contracts – To renew or extend contracts for professional services that are critical to ongoing SAFE projects provided the financial obligation falls within his/her preview of authority.
4. Rental of Real Property – To negotiate and execute in the name of SAFE, contracts to lease or rent for the SAFE real property or storage space where funding has been approved by the SAFE Board, with an annual rent not to exceed \$50,000.

E. DESIGNATION OF ASSISTANT PURCHASING AGENTS

The Purchasing Agent has the authority to designate such assistants and limit or rescind authority. The Purchasing Agent may delegate the authority to purchase to a deputy or assistant.

F. ASSISTANT PURCHASING AGENT – POWERS AND DUTIES

The Assistant Purchasing Agent shall have all the duties and powers prescribed by laws of the state relating to SAFE purchasing agents, and orders of the Board of Directors to include the following duties:

1. Acquisition of Personal Property - To purchase, equipment, materials, supplies and all other personal property and services for SAFE where funding has been approved and budgeted by the Board unless specified otherwise in the SAFE Purchasing Policy.

2. Professional Service Contracts – To engage independent contractors for professional services through contracts where the cost does not exceed \$3,000, where funding has been approved and budgeted. Contracts shall not be split between fiscal years to circumvent this dollar limitation.
3. Rental of Real Property – To negotiate and execute in the name of SAFE, contracts to lease or rent for SAFE real property or storage space, with an annual rent not to exceed \$3,000, where funding has been approved and budgeted by the Board.

G. PURCHASING METHODS AND PROCEDURES

In the performance of his/her function hereunder, the Purchasing Agent or Assistant Purchasing Agent shall comply with all applicable statutes and regulations. Purchases shall be made using such methods and procedures to secure the lowest price consistent with the quality desirable for the use intended.

H. EXCEPTIONS TO THE COMPETITIVE PROCESS

Except as otherwise directed by law, or as directed by the Board of Directors, competitive process is not required for the following purchases:

1. Expert and professional services which involve extended analysis: the exercise of discretion and independent judgment in their performance; and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience as defined under Definitions – Professional Services.
2. Legal brief printing, stenographic services, and transcripts.
3. Books, publications, subscriptions, recordings, motion picture films, and annual book and periodical contracts.
4. Insurance.
5. Contracts for services which by law when some other office or body is specifically charged with obtaining.
6. Public utility services.
7. Ordinary travel expenses.
8. Personal property or services obtainable through master contracts or purchasing association pools identified for the use and benefit of all local agencies.
9. Where law fixes the price of property or services.
10. Training, seminars, and classes for SAFE personnel.

11. Sole source procurement, defined as an award for a commodity or service which can only be purchased from one supplier, usually because of its technological, specialized, or unique character.
12. Emergency purchases necessary when unforeseen circumstances require an immediate purchase in order to avoid a hazard to life or property or serious interruption of the operation of SAFE, or the necessary emergency repair of SAFE equipment.
13. When the product/services are needed by SAFE pending a contract award and a contractor agrees to provide such product/services at the same contract price as a previous award, until a new contract has been awarded. Such interim period contracts shall not exceed six months.

I. CONTRACTUAL PROCEDURES

All Contracts are binding legal documents that are subject to the following provisions:

1. All contracts, leases and any amendments or modifications shall be reviewed and approved as to legal form by the County Counsel's Office prior to execution of the Purchasing Agent, Assistant Purchasing Agents and/or Board of Directors.
2. Prior approval shall be obtained from County Counsel's Office before any contracts for professional services relating to outside attorney services are executed.

J. PREFERENCE FOR PRODUCTS CONTAINING RECYCLED MATERIALS

1. The Purchasing Agent shall establish and maintain procedures and specifications to ensure that SAFE gives preference, in its purchasing decisions, to products containing the maximum amount of recycled materials, where the quality and fitness of such products is equal to those of products containing no recycled materials, or a lesser amount of recycled materials, and where the total cost of such products is reasonable in comparison to the total cost of those products containing no recycled materials, or a lesser amount of recycled materials.
2. "Product containing recycled materials" means, with respect to a paper product, a "recycled paper product" as that term is defined in Section 12301© of the Public Contract Code, and means, with respect to other products, a "recycled product," as that term is defined in Section 12301(d) of the Public Contract Code.
3. To the extent that the Public Contract Code or other provisions of state law provide for purchasing preferences which are more extensive than those established herein, or for additional procedures to increase the use of recycled materials, the provisions of state law shall prevail.

K. PREFERENCE FOR LOCAL BUSINESSES

When all other factors are determined to be equal, preference shall be given to individuals or firms having a bona-fide place of business within the County of San Benito. Any responsive, responsible bid, proposal or quote for materials and supplies from a local business which is within ten percent (10%) of the lowest responsive, responsible bid, proposal or quote for materials and supplies, shall be considered equal to the amount of the lowest responsive, responsible bid, proposal or quote. If the business has additional places of business located outside of the County of San Benito, the designated point of sale for all resulting purchases shall be the bona-fide place of business located within the County of San Benito.

L. UNLAWFUL PURCHASES

Failure of the Purchasing Agent or Assistant Purchasing Agent to adhere to the provisions of this policy may incur costs not meriting the definition of county charges and therefore becoming the personal responsibility of the Purchasing Agent or Assistant Purchasing Agent. Except as otherwise provided by law, no purchase of Materials, supplies, furnishings, equipment, other personal property or contractual services shall be made in excess of the amount of the appropriations allowed by the budget.

M. EMERGENCY PURCHASES WITHOUT PRIOR APPROVAL

Emergency purchases may be made by the Purchasing Agent or Assistant Purchasing Agent when a generally unexpected occurrence or unforeseen circumstances require an immediate purchase of material, supplies or equipment:

1. in order to avoid a hazard to life or property;
2. in order to avoid a serious interruption or discontinuance of essential services or operation of SAFE;
3. in order to make necessary emergency repairs of SAFE equipment required to provide essential services or for the operation of SAFE; or
4. in order to avoid economic loss to SAFE.

Emergency purchases shall be submitted to the Board of Directors for ratification at its next meeting.

N. PROTEST PROCEDURES

Any aggrieved potential provider of supplies, equipment or contractual services may file a written protest against a potential purchase by the board of directors. The protest shall be filed with the Executive Director one (1) day before the day of the meeting at which the board of directors is initially scheduled to consider the subject purchase. The exact basis for the protest and proof that the protester is a viable and responsible provider of the supplies, equipment or services sought shall be specified in writing and filed with the Executive Director who shall render a written decision in response to the protest not later than five (5) days after the day of the meeting at which the board of directors is initially scheduled to consider the subject purchase. Any protester disagreeing with the decision of the Executive Director may file an appeal not later than five (5) days after the date of the Executive

Director's decision. The appeal shall state the basis of error that the Executive Director allegedly made. The board of directors shall hear the appeal at the next meeting when the appeal may be placed on the agenda.

O. ACCEPTANCE OF GRATUITIES

The acceptance of any gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the agency, or by an official or employee of a public agency contracting with the agency, from a vendor or contractor, or prospective vendor or contractor, is prohibited and shall be a cause for disciplinary action in the case of an agency employee or official, or in the case of an official or employee of the contracting public entity, cause for termination of the contract between the agency and the public entity.

Policies for Amending the Service Authority for Freeways and Expressways' Budget

Periodically, it may be necessary for the Executive Director to take financial steps to support administrative functions. A transfer of funds from one item to another may sometimes be needed due to inadequate budget allocations or unforeseen circumstances. Below are the policies for amending the Service Authority for Freeways and Expressways' Budget.

1. BUDGET TRANSFER REQUEST FORM

- a. A Budget Adjustment/Transfer Form must be completed to initiate any budget transfer. (See Attachment 1)
- b. The Budget Adjustment/Transfer Form must be signed by the Executive Director and/or the Administrative Services Specialist.

2. EXECUTIVE DIRECTOR APPROVAL OF BUDGET TRANSFERS

- a. The following Budget Transfers may be made with prior approval of the Executive Director.
 - Interdepartmental transfers of less than \$50,000.
 - Interobject transfers of less than \$50,000.
 - Intraobject transfers of any amount.

3. BOARD APPROVAL OF BUDGET TRANSFERS

- a. The following Budget Transfers can only be made with prior approval of the Board of Directors.
 - Transfers of revenue increases.
 - Interdepartmental transfers of more than \$50,000.
 - Interobject transfers of more than \$50,000.

Note: Intraobject is within object titles example within Services and Supplies.
Interobject is between object titles example between Contracts and Personnn

**Service Authority for Freeways and Expressways
BUDGET ADJUSTMENT/TRANSFER**

Please Indicate Type:

Fiscal Year: _____

Appropriation/Est. Revenue Increase
(Requires Board Approval)

Department: _____

Org Key: _____

**Interdepartmental Transfer or
Interobject Transfer >\$50,000**
(Requires Board Approval)

Interobject Transfer <\$50,000
(Requires Executive Director and Admin Ser Spe)

Intraobject Transfer
(Requires Executive Director)

<u>Org Key:</u>	<u>Object No:</u>	<u>Description</u>	<u>Decrease/ Rev. Increase</u>	<u>Increase</u>
_____	_____	_____	\$ -	\$ -
_____	_____	_____	\$ -	\$ -
_____	_____	_____	\$ -	\$ -
_____	_____	_____	\$ -	\$ -
_____	_____	_____	\$ -	\$ -
_____	_____	_____	\$ -	\$ -
_____	_____	_____	\$ -	\$ -
_____	_____	_____	\$ -	\$ -
_____	_____	_____	\$ -	\$ -
_____	_____	_____	\$ -	\$ -
Total			\$ -	\$ -

Comments: _____

Submitted: _____ Date _____

Verification of Sufficient Funds: _____
 Administrative Services Specialist Date _____

Approval: _____
 Executive Director Date _____

Approval by COG Board _____
 Date _____

Attested: _____
 Clerk of the Board: _____ Vote: _____ Yes _____ No