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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

AGENDA

Administrative Committee Meeting

September 12, 2012

9:00 a.m.

Location

SANBAG

Super Chief Conference Room

1170 W. 3rd Street, 2nd Floor

San Bernardino, CA

Administrative Committee Membership

Chair – SANBAG Vice President

Council Member Mike Leonard
City of Hesperia

SANBAG President

Supervisor Janice Rutherford
County of San Bernardino

SANBAG Past President

Mayor Larry McCallon
City of Highland

Mt./Desert Representatives

Mayor Pro Tem Julie McIntyre (*Chair-MDC*)
City of Barstow

Council Member Jim Harris
City of Twentynine Palms

Supervisor Brad Mitzelfelt
County of San Bernardino

East Valley Representatives

Mayor Patrick Morris (*Chair-CRTC*)
City of San Bernardino

Mayor Dick Riddell (*Chair-MPC*)
City of Yucaipa

Supervisor Neil Derry
County of San Bernardino

West Valley Representatives

Mayor L. Dennis Michael
City of Rancho Cucamonga

Council Member Ed Graham
City of Chino Hills

Supervisor Gary Ovitt
County of San Bernardino

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

***The San Bernardino County Transportation Commission**, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*

***The San Bernardino County Transportation Authority**, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*

***The Service Authority for Freeway Emergencies**, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*

***The Congestion Management Agency**, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*

*As a **Subregional Planning Agency**, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
Service Authority for Freeway Emergencies
County Congestion Management Agency**

AGENDA

Administrative Committee Meeting

September 12, 2012

9:00 a.m.

**Location: SANBAG, Super Chief Conference Room, 1170 W. 3rd Street, 2nd Floor,
San Bernardino**

**CALL TO ORDER 9:00 a.m.
(Meeting chaired by Mike Leonard)**

- I. Pledge of Allegiance
- II. Attendance
- III. Announcements
- IV. Agenda Notices/Modifications – Anna Aldana

Notes/Actions

1. **Possible Conflict of Interest Issues for the Administrative Committee Meeting September 12, 2012.** Pg. 6

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by member request.

Administrative Matters

2. **Attendance Register** Pg. 7

A quorum shall consist of a majority of the membership of each SANBAG Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.

3. **August 2012 Procurement Report** Pg. 9

Receive August 2012 Procurement Report. William Stawarski

Discussion Items

Council of Governments

4. **Inland Empire Economic Partnership** Pg. 11

Receive a presentation on the efforts of the Inland Empire Economic Partnership (IEEP) to promote economic activity in the Inland Empire and provide direction on SANBAG's participation. **Duane Baker**

5. **Legislative Update** Pg. 20

Receive update and legislative bill matrix. **Eric Haley**

Administrative Matters

6. **Budget to Actual Report for fourth quarter ending June 30, 2012** Pg. 27

Receive and file Budget to Actual Report for fourth quarter ending June 30, 2012. **William Stawarski**

7. **Award On-Call Internal Audit and Price Review Services Contract** Pg. 31

That the Committee recommend the Board award Contract No. C12238 to Bazilio Cobb Associates, P.C., for On-Call Internal Audit and Price Review Services for a three year contract with two one-year options to extend for an amount not-to-exceed \$250,000 for the initial three year term. **William Stawarski**

8. **Addition to Contracting and Procurement Policy No. 11000, Independent Cost Estimates** Pg. 36

That the Committee recommend the Board approve an addition to Contracting and Procurement Policy No. 11000, providing that Independent Cost Estimates will be required for all procurement actions, including but not limited to all contract amendments and contract change orders. **Kathleen Murphy-Perez**

9. **Renaming the Administrative Committee and Reclassifying Major Projects Committee Meetings as Board Study Sessions for Metro Valley Issues** Pg. 40

That the Committee recommend the Board:

1. Rename the Administrative Committee as the General Policy Committee.
2. Reclassify the Major Projects Committee Meetings as Board of Directors Study Sessions for Metro Valley Issues. **Duane Baker**

Discussion Item Continued....

Air Quality/Traveler Services

- 10. Contract with the Riverside County Transportation Commission (RCTC) for the implementation of San Bernardino County Trip Reduction and 511 programs Pg. 43

That the Committee Recommend the Board approve Contract No. C12553 with Riverside County Transportation Commission, effective from July 1, 2012, through June 30, 2013, in an amount not-to-exceed \$1,800,000.
 Duane Baker

Regional/Subregional Transportation Planning

- 11. Memorandum of Understanding for the Implementation of a Property Assessed Clean Energy (PACE) Program Pg. 57

That the Committee recommend the Board:

- 1. Approve the Memorandum of Understanding between SANBAG and its member agencies that wish to participate in the PACE Program.
 - 2. Direct that this Memorandum of Understanding (MOU) be distributed to each city, town and the County with a request that they consider participating in the PACE Program.
- Duane Baker

Comments from Committee Members

Brief Comments from Committee Members

Public Comment

Brief Comments by the General Public

Adjourn to:

Closed Session

- 1. CONFERENCE WITH LABOR NEGOTIATOR RAY WOLFE
Regarding Unrepresented Employees of SANBAG
pursuant to Government Code Section 54957.6
- 2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: General Counsel
Pursuant to Government Code Section 54957

ADJOURNMENT

Additional Information

Acronym List

Pg. 67

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 1

Date: September 12, 2012

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Contractor/Agents	Subcontractors
7	C12238	Bazilio Cobb Associates PC Michael J. de Castro	None

Financial Impact: This item has no direct impact on the budget.

Reviewed By: This item is prepared monthly for review by the Board of Directors and Policy Committee members.

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	<p><i>Approved</i> <i>Administrative Committee</i></p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG	X	CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.

ADMINISTRATIVE COMMITTEE ATTENDANCE RECORD – 2012

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Rick Roelle Town of Apple Valley	X	X	X			X						
Julie McIntyre City of Barstow							X	X				
Bill Jahn City of Big Bear Lake		X										
Dennis Yates City of Chino	X		X	X	X							
Mike Leonard City of Hesperia	X		X	X	X	X	X	X				
Larry McCallon City of Highland	X	X	X	X	X	X		X				
Rhodes Rigsby City of Loma Linda	X	X	X	X	X	X						
Ed Scott City of Rialto	X	X	X	X	X							
Ed Graham City of Chino Hills	X	X	X	X	X	X	X	X				
L. Dennis Michael City of Rancho Cucamonga							X	X				
Patrick Morris City of San Bernardino		X	X	X	X	X		X				
Jim Harris City of Twentynine Palms		X	X	X	X	X	X	X				
Dick Riddell City of Yucaipa		X	X		X	X	X	X				
Janice Rutherford Board of Supervisors	X		X	X	X	X		X				
Josie Gonzales Board of Supervisors	X	X	X	X	X	X						
Brad Mitzelfelt Board of Supervisors	X		X		X			X				
Gary Ovitt Board of Supervisors	X	X	X	X	X	X	X	X				
Neil Derry Board of Supervisors	(Self-Suspension as of 5/2/11)	X	X				X	X				

X = Member attended meeting. Empty box = Member did not attend meeting. Crossed out box = Not a member at the time.

ADMINISTRATIVE COMMITTEE ATTENDANCE RECORD -- 2011

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Rick Roelle Town of Apple Valley		X	X	X	X	X	X		X	X	X	
Dennis Yates City of Chino	X	X	X	X	X	X	X	X	X	X	X	X
Mike Leonard City of Hesperia	X			X	X	X		X		X	X	X
Larry McCallon City of Highland	X		X	X	X	X	X	X	X	X	X	X
Rhodes Rigsby City of Loma Linda	X		X	X		X	X		X	X	X	X
Paul Eaton City of Montclair	X	X	X	X		X						
Janice Rutherford Board of Supervisors							X	X	X	X	X	X
Patrick Morris City of San Bernardino	X	X		X	X	X	X	X	X	X	X	X
John Pomierski City of Upland	X											
Ed Graham City of Chino Hills			X	X	X	X	X	X	X	X	X	X
Josie Gonzales Board of Supervisors	X		X		X	X			X	X	X	X
Brad Mitzelfelt Board of Supervisors	X	X		X	X	X	X	X			X	X
Gary Ovitt Board of Supervisors	X	X		X	X	X	X	X	X	X	X	X
Neil Derry Board of Supervisors (Self-Suspension as of 5/3/11)	X	X	X	X								

X = Member attended meeting.
Empty box = Member did not attend meeting
Crossed out box = Not a member at the time.



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 3

Date: September 12, 2012

Subject: August 2012 Procurement Report

Recommendation:* Receive August 2012 Procurement Report.

Background: The Board of Directors adopted the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997, and approved the last revision on October 6, 2010. The Executive Director, or designee, is authorized to approve Purchase Orders up to an amount of \$50,000. All procurements for supplies and services approved by the Executive Director, or designee, in excess of \$5,000 shall be routinely reported to the Administrative Committee and to the Board of Directors.

Attached are the purchase orders in excess of \$5,000 to be reported to the Administrative Committee for the month of August 2012.

Financial Impact: This item imposes no impact on the fiscal year 2012/2013 budget. Presentation of the monthly procurement report will demonstrate compliance with the Contracting and Procurement Policy (Policy No. 11000).

Reviewed By: This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff: William Stawarski, Chief Financial Officer

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	<p><i>Approved</i> <i>Administrative Committee</i></p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG	X	CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.
 ADM1208a-ws

August 2012 Report of Purchase Orders

PO No.	PO Issue Date	Vendor	Purpose	Amount
4000886	8/02/12	GM Business Interiors	Purchase two new ethos pace workstations with seating, additional work surface for postage machine in Room 7, reconfiguration of existing postage area into workstation with seating, freestanding pedestal drawer for legal counsel, and labor to reconfigure existing filing cabinets in mid-depot hallway.	\$29,624.14
4000891	8/08/12	Vavrinek, Trine, Day (VTD) & Co., CPA	During mid-2012 SANBAG procured auditing services from VTD for the fiscal year audits 2012-14, with option extensions for FY 2015 to 2016. SANBAG can amend the contract with VTD to adjust the scope to include MARTA's financial audit for FY 2011; however, this could take up to 3 months. MARTA currently is under significant financial constraints and SANBAG provides a major portion of their budget through TDA funds; however, SANBAG is not allowed to provide TDA funds unless a prior year audit has been completed and submitted to SANBAG. Predecessor Auditor, Miers and Miers, has not completed financial report and required single audit for FY 2011.	\$35,000.00
4000893	8/08/12	Mobility 21 Transportation, Coalition	Annual partner membership dues.	\$20,000.00
4000889	8/17/12	APPLE ONE	Temporary office assistance to provide receptionist duties, copying, and other clerical tasks. Billed rate, at County's negotiated rate, is \$14.19/hr.	\$5,400.00
4000901	8/27/12	Hinderliter, De Llamas & Assoc	SANBAG has an agreement (91026A) with the County to share costs for this vendor to provide sales tax analysis.	\$9,600.00
4000903	8/28/12	BNSF Railway Company	SANBAG is currently working on several projects to be constructed over, under and adjacent to the BNSF Railway corridor in San Bernardino that require design and construction coordination. BNSF has indicated that they can contract for outside consulting services in order to expedite the review and approval of these agreements. The agreements are required for the right of way certification and ready to list for our projects. SANBAG needs agreements to construct the projects.	\$20,000.00
*Note: Sole Source justification is noted in the Purpose statement, if applicable.				Total \$119,624.14



- San Bernardino County Transportation Commission
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Minute Action

AGENDA ITEM: 4

Date: September 12, 2012

Subject: Inland Empire Economic Partnership

Recommendation:* Receive a presentation on the efforts of the Inland Empire Economic Partnership (IEEP) to promote economic activity in the Inland Empire and provide direction on SANBAG's participation.

Background: The IEEP was formed to provide a regional voice to promote and enhance the economic vitality of the Inland Empire. The IEEP is a partnership that includes business, government, and academic leaders to develop and carry out initiatives to benefit the region.

SANBAG has been a member of the IEEP in the past but has deferred making a membership decision for this year. The reason for deferring the decision was that the IEEP was transitioning their organizational structure and programs and the SANBAG Board of Directors wanted more information about these changes before committing to membership.

Mr. Paul Granillo, President and Chief Executive Officer of the IEEP, will make a presentation to the Board of Directors on the IEEP's efforts and initiatives.

Financial Impact: This item is consistent with the adopted Fiscal Year 2012/2013 budget. Membership in the IEEP ranges from \$5,000 to \$25,000 depending on the

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	<p><i>Approved</i> Administrative Committee</p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG	X	CTC		CTA		SAFE	CMA	
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level of participation. Funds for participation are included in the adopted Fiscal Year 2012/2013 budget in Task 0104 – Intergovernmental Relations, should that be the direction of the Board of Directors.

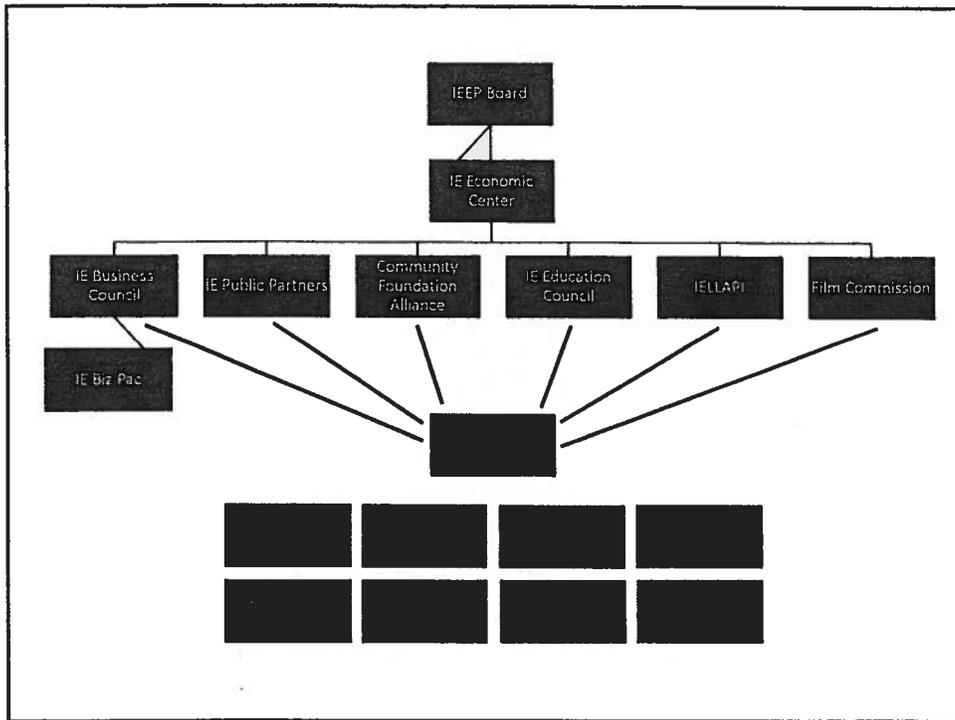
Reviewed By: This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff: Duane A. Baker, Director of Management Services



Our Mission

To help create the two-county region's voice for business and quality of life. Our membership, a collection of important organizations in the private and public sector, give the organization the knowledge and perspective needed to advocate and provide a vibrant business and living environment.



- The Center for the Study of Economy is lead by Dr. John Husing who serves as Chief Economist of the Inland Empire Economic Partnership and the Inland Empire Business Council.
- Dr. Husing leads strategic projects with many prominent organizations. His work includes designing innovative programs, strategies, and policy solutions for private industries, government, and private foundations.



- The Inland Empire Business Council (IEBC)
- IEBC will be the leading voice of business on important issues locally, regionally and nationally. The organization works to enhance the Inland Empire's economic development and prosperity to preserve a high quality of life.
- IEBC will promote economic development in the two county area and serve as the voice of business in one of America's largest regions.
- In providing a proactive forum for businesses, government and academia to join together, IEBC helps assure the prosperity of the Inland Region of Southern California. The Inland Empire Business Council serves pro-business interests so that the region's vibrant economy will continue to expand, bringing the benefits of prosperity to every corner of the county.
- **MISSION STATEMENT**
The Inland Empire Business Council represents and promotes the business community, working with government and academia to enhance the Inland Empire's economic development and prosperity in order to create and preserve a high quality of life.
- **IEBC INITIATIVES**
The Inland Empire Business Council accomplishes its mission by leading a high profile, proactive advocacy program for business interests throughout California and the nation, focusing on four core initiatives:
 - Public Policy
 - Infrastructure
 - Workforce Development
 - Economic Development

INLAND EMPIRE
PUBLIC PARTNERS

- The IEPP shall be comprised of cities in San Bernardino and Riverside Counties that choose to invest in the Partnership
- Counties and County Agencies are also welcome to invest in membership in IEPP
- **Mission Statement:** *The Mission of the Inland Empire Public Partners is to bring together elected officials, County Administrators, City Managers and Economic Development Specialists from Riverside and San Bernardino Counties in order for them to interface with Business Leaders and Community Leaders of the Inland Empire. By mutual information sharing and collaboration it is the purpose of the IEPP to help better the business climate and quality of life of the Inland Empire.*
- IEPP members will have access to the members of the Inland Empire Business Council in ways that promote healthy dialogue and information sharing about the needs of the Business Community of the Inland Empire.
- IEPP City members will be given economic data concerning their municipality.
- IEPP City members will receive the service of the Inland Empire Film Commission
- IEPP members will receive access to the services of the Husing Center for the Study of Economy of the Inland Empire at a discounted rate.



- **Mission Statement:** The Inland Empire Latino Leadership and Policy Institute promotes the professional, academic and health advancement of Latinos and Latinas living in Riverside and San Bernardino Counties. The Institute is a division of the Inland Empire Economic Partnership which exists to help create the two-county region's voice for business and quality of life.



The Community
Foundation
*Serving Riverside and
San Bernardino Counties*

- Building Support for the Non-Profit Sector
- The Community Foundation is a nonprofit, public charity created by and for the people of Riverside and San Bernardino Counties. We connect donors with the causes they care about. Established in 1941, The Community Foundation now has nearly \$54 million in assets and provides college scholarships and grants to nonprofit organizations across the two-county area. We are your center for charitable investment in your community: We offer donors a wide variety of options for giving—establishing permanent endowments, creating flexible donor-advised funds, or donating to existing funds here at The Community Foundation. We provide wise stewardship of donor funds through a conservative, diversified investment strategy guided by our Board with advice from our investment management firm, Wurts&Associates. Each year we award millions of dollars in scholarships and grants to the many educational, humanitarian, and cultural organizations that make this region a better place to live for all of us.



- The Inland Empire Film Commission (IEFC) is recognized by the California Film Commission as the official advocate for filming interests in the two-county region. The IEFC is also a member of the FLICS (Film Liaisons in California, Statewide). A FLICS designation recognizes the staff of the IEFC for their knowledge of all issues that affect production in their area. The FLICS certification serves as a "Seal of Approval" to the film industry and assures film companies that a FLICS location representative understands the film business and will be able to capably assist their company's on-location efforts.



Regional Economic Association Leaders
of California



One Region. One Voice. One Future.

**THE CALIFORNIA
STEWARDSHIP
NETWORK**
THRIVING REGIONS LEAD TO A THRIVING STATE

SOUTHERN CALIFORNIA



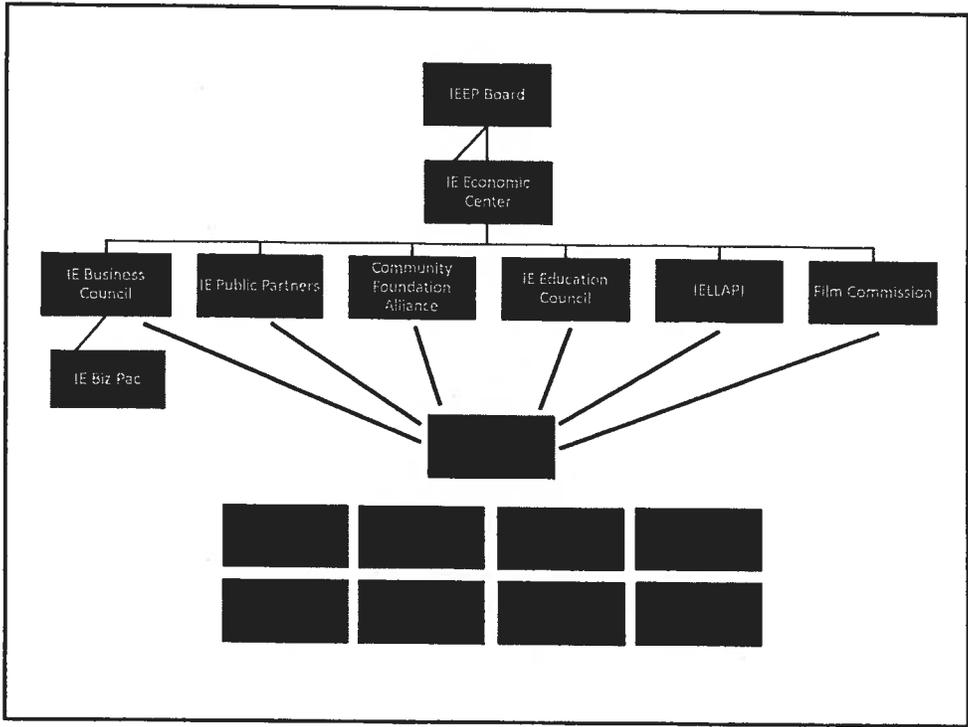
ASSOCIATION of
GOVERNMENTS

IEEP Committees

- Economic Development
- GAAP
- Healthcare
- IE Moves
- Education & Workforce
- Membership
- Sustainability & Infrastructure
- Legal Affairs

IEEP Board of Directors 2012/13

Patrick Brilliant Dr. Pam Clute	President & CEO Assistant Vice Chancellor, Educational & Community Engagement CEO	Riverside Community Hospital UC Riverside
James Cuevas Mike Gallo Paul Granillo Brett Guge	President & CEO President & CEO Vice President, Finance & Administration Director of Public Affairs VP of Gov't Relations Riverside & San Bernardino Counties	JJC Project Management Kelly Space & Technology Inland Empire Economic Partnership California Steel
Vincent Haydel Kristy Hennessey	Chief Economist Mayor of Riverside President Mayor of San Bernardino Director Partner Public Affairs Supervisor, 2 nd District Special Council Finance Controller Supervisor, 2 nd District	Southern California Edison Time Warner Cable Inland Empire Economic Partnership City of Riverside CSU San Bernardino City of San Bernardino Southern California Gas Company Best, Best & Krieger Cardenas Markets County of San Bernardino Best, Best & Krieger United Parcel Service County of Riverside
Dr. John Husing Ronald Loveridge Dr. Tomas Morales Patrick Morris Dan Rendler George Reyes Marco Robies Janice Rutherford Grover Trask Dan Byrnes John Tavaglione		



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ECONOMIC PARTNERSHIP
 The Region's Voice for Business and Quality of Life



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 5

Date: September 12, 2012

Subject: Legislative Update

Recommendation:* Receive update and legislative bill matrix

Background: August 31st was the last day the Legislature could pass bills before Final Recess began. The Governor will have until September 30th to sign or veto any bills passed by the Legislature.

Status of bills SANBAG has taken a position on:

- a) **AB 441 (Monning) – Oppose (Health)**
Governor’s desk
- b) **AB 890 (Olsen & Perea) – Support (CEQA)**
Governor’s desk
- c) **AB 1600 (Torres) – Support (Gold Line)**
Signed
- d) **AB 1665 (Galgiani) – Support (CEQA)**
Governor’s desk
- e) **AB 1780 (Bonilla) – Support (PIDs)**
Dead
- f) **SB 446 (Dutton) – Support (ONT Airport)**
Dead

*

Approved
Administrative Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.

Attached, please find an updated bill matrix that reflects the status of bills as of September 5, 2012.

Congress is on recess until September 7th.

Financial Impact: This item has no impact to the FY 2012/2013 SANBAG Budget.

Reviewed By: This item is not scheduled for review by any other policy committee or technical advisory committees.

Responsible Staff: Eric Haley, Acting Director, Legislative Affairs

Bill	Issue	Summary	Recommended Position	Platform	Known Support/Opposition	Position Taken
Bills that have been to a SANBAG Board						
AB 441 (Monning) Governor's Desk	Health	This bill requires the Governor's Office of Planning and Research to voluntarily develop guidelines for local and regional agencies to incorporate health issues into local or regional general plans and requires the CTC to include health issues in guidelines circulated by the CTC for the preparation of regional transportation plans.	Oppose	SANBAG supports budget and CTC allocations to fully fund projects for San Bernardino County included in the State Transportation Improvement Program, State Highway Operation and Protection Program, and the Measure I Expenditure Plan.	Support: California Pan-Ethnic Health Network & AQMD	Approved 5/2/2012
AB 890 (Olsen & Perea) Governor's Desk	CEQA	This bill, until January 1, 2016, would exempt city roadway improvement projects from the requirements of the California Environmental Quality Act (CEQA) if the project is within the existing right-of-way.	Support	SANBAG will advocate for reforms to ensure projects are delivered faster with more coordination.	Support: CSAC, League of California Cities Opposition: The Planning and Conservation League & Sierra Club CA	Approved 5/2/2012
AB 1600 (Torres) Signed	Gold Line	Extends Metro Gold Line Foothill Extension Construction Authority's light rail project to include the City of Montclair; and requires the Los Angeles County Metropolitan Transportation Authority (LAMTA) to assume responsibility for operation of all completed phases of the Gold Line.	Support w/ Amendments	SANBAG will advocate for high speed, and higher speed rail investment in San Bernardino County and connectivity with local and regional transit.	Support: City of Montclair, City of Ontario, County of San Bernardino, LAMTA	Approved 5/2/2012

Bill	Issue	Summary	Recommended Position	Platform	Known Support/Opposition	Position Taken
AB 1665 (Galgiani) Governors Desk	CEQA	Specifies that CEQA does not apply to the closure of a railroad grade crossing by order of the PUC when the PUC has found the crossing to present a threat to public safety.	Support	SANBAG will advocate for a safe, funded, and growing rail system in Southern California.	Support: PUC (sponsor), American Council of Engineering Companies of CA & CA State Council of Laborers	Approved 6/6/12
AB 1780 (Bonilla) Dead	PIDs	This bill amends Caltrans protocols for conducting project study reports (PSR) for transportation projects on the state highway system and assigns cost-sharing responsibilities for the completion of PSR's. This bill assigns Caltrans with the responsibility to develop PIDs and to pay for costs to review and approve those locally-produced PIDs for projects on the state highway system that are in established programming documents. For all other projects, Caltrans's costs for review and approval of the PIDs are to be paid by the entity performing the work.	Support	SANBAG will advocate for reforms to ensure projects are delivered faster with more coordination.	Support: Self-Help Counties Coalition (sponsor) & Santa Clara Valley Transportation Authority	Approved 6/6/12
SB 446 (Dutton) Dead	ONT Airport	Local control of ONT Airport.	Support	Support local control of the Ontario International Airport in recognition of its goods movement and passenger impacts on San Bernardino County.	Support: City on Ontario (sponsor), County of San Bernardino...	Approved 5/1/2011

Bill	Issue	Summary	Recommended Position	Platform	Known Support/Opposition	Position Taken
Bills being reviewed						
AB 2405 (Blumenfield) Governor's Desk	HOT Lanes	Exempts qualifying clean alternative fuel vehicles from toll charges imposed on single-occupant vehicles in HOT lanes, unless prohibited by federal law. The bill specifically provides that this exemption does not apply to the imposition of tolls on toll roads, toll highways, or toll bridges.	Tracking	Not Applicable	Support: AQMD, CA Natural Gas Vehicle Coalition, CA Electric Transportation Coalition, CALSTART & Clean Energy Opposed: RCTC, CTA & American Council of Engineering Companies	
24 SB 1003 (Yee) Governors Desk	Brown Act	Amends the Brown Act to specify that a district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief to determine whether the Brown Act applies to a local legislative body's past actions, as well as threatened future actions. The bill establishes a procedure for filing an action, limiting filings for past actions to one year, requiring a letter be submitted to the local agency setting forth the alleged violation, and allowing the local agency 30 days to respond prior to proceeding with a legal action.	Tracking	Not Applicable	Opposed: CSAC & Regional Council of Rural Counties	

Bill	Issue	Summary	Recommended Position	Platform	Known Support/Opposition	Position Taken
SB 1117 (Desaulnier) Governor's Desk	Rail	This bill places new responsibility on the CTC to provide state overview of all rail operations through a new expanded rail plan. Caltrans would continue to do the actual support work, with policy guidance and approval by the CTC. Currently the CTC relies on Caltrans to prepare its various documents; this has allowed the CTC to maintain a small staff that focuses on the needs of the commissioners to address transportation policy issues, without the inevitable distractions of managing a large staff. This bill is silent on where the responsibility rests for preparing the rail transportation plan.	Tracking	Support equitable distribution of the funding for bus and rail services in California.	Support: Sen. Desaulnier (Sponsor)	
SB 1151 (Steinberg) Dead	RDA	The bill requires joint powers authorities to develop Long Range Asset Management Plans to maximize the social and economic value of the former redevelopment agency assets for the public sector. The plans would include detailed valuation and environmental contamination information on a parcel-by-parcel basis and facilitate the integration of properties into local land use plans. The bill authorizes the use of the trust funds to finance public and private infrastructure needed for infill development.	Tracking	Support continued regional decision making governing the use of all current funding sources.	Support: BRIDGE Housing, California Infill Builders Association, California Labor Federation, CSAC, DMB Pacific Ventures, Los Angeles Alliance for a New Economy & Mission Bay Development Group. CSAC is "Supporting w/ Amendments"	

Bill	Issue	Summary	Recommended Position	Platform	Known Support/Opposition	Position Taken
ACA 23 (Perea) Dead	Voting Requirement	Would change the vote requirement for local transportation taxes from 2/3 to 55% of the voters within the jurisdiction. This would apply to cities, counties and special districts. As for taxes, it does not specify, other than to exclude sales taxes on property sales. Any tax authority granted to a local government would be eligible under this measure to be approved under the 55%.	Tracking	Not Applicable	Support: League of Cities	



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 6

Date: September 12, 2012

Subject: Budget to Actual Report for fourth quarter ending June 30, 2012

Recommendation:* Receive and file Budget to Actual Report for fourth quarter ending June 30, 2012.

Background: SANBAG's Budget for Fiscal Year 2011/2012 for new activity was adopted by the Board of Directors on June 1, 2011. This report provides a summary of program activity and task activity compared to budget. Budgetary information includes the original and revised budgets, and year to date expenditures.

Financial Impact: This item reports the status of expenditures against budget and imposes no financial impact on the Fiscal Year 2011/2012 Budget.

Reviewed By: This item is not scheduled for review by any other policy or technical advisory committee.

Responsible Staff: William Stawarski, Chief Financial Officer

*

Approved
 Administrative Committee

Date: _____

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.

ADM1209b-ws

<http://portal.sanbag.ca.gov/mgmt/committee/admin/Admin2012/adm1209/AgendaItems/ADM1209b-ws.docx>

San Bernardino Associated Governments
Budget to Actual Report: July 2011 - June 2012
Fiscal Year 2011/2012

AIR QUALITY & TRAVELER SERVICES PROGRAM

TASK#	TASK DESCRIPTION	ORIGINAL			REVISED		TASK	% OF BUDGET
		BUDGET	AMENDMENTS	ENCUMBRANCES	BUDGET	EXPENDITURES	BALANCE	EXPENDED
0102	Air Quality Activities	140,177	-	-	140,177	68,857	71,320	49.12%
0406	Rideshare Management	2,106,653	25,250	600	2,132,503	1,740,125	392,378	81.60%
0702	Call Box System	1,720,467	-	159,950	1,880,417	924,388	956,029	49.16%
0704	Freeway Service Patrol/State	1,813,207	(250)	231,045	2,044,002	1,725,521	318,481	84.42%
0706	Intelligent Transportation Systems	96,820	-	-	96,820	10,710	86,110	11.06%
0812	Clean Fuels Implementation	4,990,148	-	11,403,503	16,393,651	12,026,705	4,366,946	73.36%
TOTAL AIR QUALITY & TRAVELER SERVICES PROGRAM		10,867,472	25,000	11,795,098	22,687,570	16,496,306	6,191,264	72.71%

TRANSPORTATION PLANNING & PROGRAMMING PROGRAM

TASK#	TASK DESCRIPTION	ORIGINAL			REVISED		TASK	% OF BUDGET
		BUDGET	AMENDMENTS	ENCUMBRANCES	BUDGET	EXPENDITURES	BALANCE	EXPENDED
0110	Regional Transportation Planning	180,599	35,958	-	216,557	207,607	8,950	95.87%
0111	Freight Movement Planning	118,921	(35,958)	-	82,963	42,755	40,208	51.54%
0112	Growth Forecasting & Planning	152,844	(35,958)	-	116,886	90,585	26,301	77.50%
0202	Transportation Modeling & Forecasting	184,083	10,000	53,478	247,561	155,407	92,154	62.78%
0203	Congestion Management	131,271	-	-	131,271	81,349	49,922	61.97%
0213	High Desert Corridor Studies	21,856	292,808	-	314,664	5,900	308,764	1.88%
0373	Federal/State Fund Administration	890,576	(71,529)	-	819,047	731,656	87,391	89.33%
0404	Subregional Transportation Planning	291,764	179,000	-	470,764	207,538	263,226	44.09%
0409	Data Development & Management	228,129	61,129	-	289,258	242,961	46,297	83.99%
0500	Transportation Improvement Program	237,447	63,071	-	300,518	300,103	415	99.86%
0526	Subregional Transportation Monitoring	49,073	-	-	49,073	3,826	45,247	7.80%
0609	Strategic Planning/Delivery Planning	427,909	189,458	16,000	633,367	282,731	350,636	44.64%
0701	Valley Signal Coordination	2,204,486	1,124,617	2,348,588	5,677,691	3,370,006	2,307,685	59.36%
0941	Mt./Desert Planning & Project Development	221,668	(17,979)	-	203,689	196,366	7,323	96.40%
TOTAL TRANSPORTATION PLANNING & PROGRAMMING PROGRAM		5,340,626	1,794,617	2,418,066	9,553,309	5,918,790	3,634,519	61.96%

MAJOR PROJECT DELIVERY PROGRAM

TASK#	TASK DESCRIPTION	ORIGINAL			REVISED		TASK	% OF BUDGET
		BUDGET	AMENDMENTS	ENCUMBRANCES	BUDGET	EXPENDITURES	BALANCE	EXPENDED
0815	Measure I Program Management	6,053,511	(507,464)	303,904	5,849,951	3,425,426	2,424,525	58.55%
0817	SR-60 Sound Wall	945,754	(76,870)	36,576	905,460	644,992	260,468	71.23%
0819	Hwy 62 & Rotary Way Traffic Signal Project	-	450,000	-	450,000	-	450,000	0.00%
0820	SR 210 Final Design	205,388	(30,000)	151,821	327,209	41,471	285,738	12.67%
0822	SR 210 Right of Way Acquisition	2,085,045	-	269,127	2,354,172	1,673,937	680,235	71.11%
0824	SR 210 Construction	8,922,958	38,000	4,661,934	13,622,892	6,857,362	6,765,530	50.34%
0825	I-10 Corridor Project Development	1,979,255	-	1,274,705	3,253,960	1,103,410	2,150,550	33.91%
0826	I-10 Citrus/Cherry Interchanges	42,396,327	(1,895)	4,929,102	47,323,534	6,673,960	40,649,574	14.10%
0830	I-215 San Riv Project Development	16,758	-	-	16,758	-	16,758	0.00%
0834	I-215 Final Design	276,160	-	192,251	468,411	64,923	403,488	13.86%
0836	I-215 Right of Way Acquisition	4,123,124	-	2,560,096	6,683,220	494,843	6,188,377	7.40%
0838	I-215 Construction	45,115,858	135,000	17,697,240	62,948,098	47,780,731	15,167,367	75.90%
0839	I-215 Bi- County HOV Gap Closure Project	8,725,178	-	576,595	9,301,773	4,735,059	4,566,714	50.90%
0840	I-215 Barton Road Interchange	840,597	-	5,935	846,532	627,762	218,770	74.16%
0841	I-10 Riverside Interchange	5,625,035	12,682	8,314,117	13,951,834	11,106,333	2,845,501	79.60%
0842	I-10 Tippecanoe Interchange	5,980,901	2,387,522	6,488,967	14,857,390	2,055,627	12,801,763	13.84%
0843	I-10 Live Oak Canyon	-	-	8,653	8,653	8,653	-	100.00%

San Bernardino Associated Governments
Budget to Actual Report: July 2011 - June 2012
Fiscal Year 2011/2012

0845	Mt. Vernon/Washington Interchange	345,004	-	338,060	683,064	227,139	455,925	33.25%
0850	Alternative Project Financing	3,127,299	(160,000)	29,400	2,996,699	555,928	2,440,771	18.55%
0862	I-10 Westbound Lane Addition - Yucaipa	6,042,662	124,552	6,046,638	12,213,852	11,154,472	1,059,380	91.33%
0869	Glen Helen Parkway Grade Separation	6,144,418	-	-	6,144,418	2,920,592	3,223,826	47.53%
0870	Hunts Lane Grade Separation	14,143,498	4,044,246	634,652	18,822,396	2,856,328	15,966,068	15.18%
0871	State St./University Parkway Grade Separation	350,956	4,762	-	355,718	5,514	350,204	1.55%
0874	Palm Avenue Grade Separation	7,000,602	1,507,464	3,022,429	11,530,495	1,593,221	9,937,274	13.82%
0875	Main Street Grade Separation	50,000	-	-	50,000	-	50,000	0.00%
0876	South Milliken Avenue Grade Separation	5,713,901	-	764,598	6,478,499	1,982,091	4,496,408	30.59%
0877	Vineyard Avenue Grade Separation	7,347,188	-	24,586	7,371,774	704,057	6,667,717	9.55%
0879	Colton Crossing BNSF/UPRR Grade Separation	36,495,511	44,688	-	36,540,199	2,910,820	33,629,379	7.97%
0880	I-15/I-215 Devore Interchange	12,098,571	12,740,000	9,800	24,848,371	16,123,677	8,724,694	64.89%
0881	Lenwood Avenue Grade Separation	6,465,500	(43,300)	413,568	6,835,768	1,205,801	5,629,967	17.64%
0882	North Milliken Avenue Grade Separation	26,649,224	(20,000)	12,004,553	38,633,777	19,042,910	19,590,867	49.29%
0883	SR 210 Pepper Avenue Interchange	813,252	-	800,000	1,613,252	519,060	1,094,192	32.17%
0884	Laurel Avenue Grade Separation	7,563,452	760,873	53,125	8,377,450	2,268,240	6,109,210	27.08%
0885	9th Street Rail Improvements	104,437	-	-	104,437	2,017	102,420	1.93%
0886	Colton Quiet Zone Project	2,442,707	-	-	2,442,707	184,866	2,257,841	7.57%
0887	SR 210 Lane Addition	1,045,061	-	-	1,045,061	62,302	982,759	5.96%
0888	I-15 La Mesa/Nisqualli Interchange	6,000,000	12,087,245	23,809	18,111,054	12,856,430	5,254,624	70.99%
0889	Yucca Loma Bridge	4,300,000	(100,000)	-	4,200,000	19,814	4,180,186	0.47%
0890	I-15 Ranchero Interchange	-	200,000	-	200,000	132,799	67,201	66.40%
0960	2009 A Sales Tax Revenue Note	261,335,100	126,155	-	261,461,255	261,461,255	-	100.00%
0965	2012 A Sales Tax Revenue Bond	-	-	-	-	-	-	0.00%
29	TOTAL MAJOR PROJECT DELIVERY PROGRAM	548,870,192	33,723,660	71,636,241	654,230,093	426,083,822	228,146,271	65.13%

TRANSIT & PASSENGER RAIL PROGRAM

TASK#	TASK DESCRIPTION	ORIGINAL			REVISED		TASK BALANCE	% OF BUDGET EXPENDED
		BUDGET	AMENDMENTS	ENCUMBRANCES	BUDGET	EXPENDITURES		
0309	General Transit	309,401	154,619	-	464,020	320,050	143,970	68.97%
0315	Omnitrans	3,976,523	3,954,213	4,433,798	12,364,534	6,897,886	5,466,648	55.79%
0316	Barstow-County- Transit	49,710	105,942	70,069	225,721	145,917	79,804	64.64%
0317	Victor Valley Transit	107,223	622,938	-	730,161	671,453	58,708	91.96%
0318	Morongo Basin Transit	52,913	107,892	-	160,805	152,461	8,344	94.81%
0319	Social Service Transportation Plan	448,315	(21,350)	200,000	626,965	167,244	459,721	26.68%
0320	Needles Transit	21,202	(1,933)	-	19,269	13,076	6,193	67.86%
0321	Mountain Area Transit	60,727	52,442	86,809	199,978	173,231	26,747	86.63%
0352	General Commuter Rail	573,308	-	76,326	649,634	259,693	389,941	39.98%
0377	Commuter Rail Operating Expenses	10,417,103	1,571,106	287,712	12,275,921	10,323,642	1,952,279	84.10%
0379	Commuter Rail Capital Expenses	-	(1,282,799)	12,118,946	10,836,147	2,781,299	8,054,848	25.67%
0380	Redlands Rail Extension	15,171,583	12,187,019	-	27,358,602	11,113,424	16,245,178	40.62%
0381	Gold Line Phase II	265,451	-	-	265,451	6,471	258,980	2.44%
0382	San Bernardino Transit Center	-	8,943,261	-	8,943,261	591,365	8,351,896	0.00%
0501	Federal Transit Act Programming	24,545	-	14,083	38,628	12,871	25,757	33.32%
	TOTAL TRANSIT & PASSENGER RAIL PROGRAM	31,478,004	26,393,350	17,287,743	75,159,097	33,630,083	41,529,014	44.75%

**San Bernardino Associated Governments
Budget to Actual Report: July 2011 - June 2012
Fiscal Year 2011/2012**

TRANSPORTATION FUND ADMINISTRATION PROGRAM

TASK#	TASK DESCRIPTION	ORIGINAL BUDGET	AMENDMENTS	ENCUMBRANCES	REVISED BUDGET	EXPENDITURES	TASK BALANCE	% OF BUDGET EXPENDED
0502	TDA Administration	598,599	44,000	26,505	669,104	228,080	441,024	34.09%
0504	Measure I Administration	360,851	56,972		417,823	285,369	132,454	68.30%
0506	Local Transportation Fund	52,977,596	-	64,387,308	117,364,904	116,604,793	760,111	99.35%
0507	State Transit Assistance Fund	6,900,000	-	36,732,954	43,632,954	4,423,195	39,209,759	10.14%
0513	Measure I Valley Senior & Disabled	5,300,000	1,750,250	-	7,050,250	6,850,250	200,000	97.16%
0515	Measure I Valley Apportionment & Allocation	8,541,550	(1,134,502)	4,568,426	11,975,474	841,969	11,133,505	7.03%
0610	Measure I 2010-2040 Project Advancement	10,889,226	1,134,502	-	12,023,728	11,209,540	814,188	93.23%
0615	Measure I Local Stimulus	-	(775,975)	17,359,597	16,583,622	8,942,628	7,640,994	53.92%
0918	Measure I Local Pass-through	31,001,230	6,823,652	-	37,824,882	37,659,797	165,085	99.56%
TOTAL TRANSPORTATION FUND ADMINISTRATION PROGRAM		116,569,052	7,898,899	123,074,790	247,542,741	187,045,621	60,497,120	75.56%

GENERAL - COUNCIL OF GOVERNMENTS SUPPORT PROGRAM

TASK#	TASK DESCRIPTION	ORIGINAL BUDGET	AMENDMENTS	ENCUMBRANCES	REVISED BUDGET	EXPENDITURES	TASK BALANCE	% OF BUDGET EXPENDED
0104	Intergovernmental Relations	365,865	(622)	-	365,243	231,860	133,383	63.48%
0490	Council of Governments New Initiatives	125,854	31,970	446,636	604,460	192,465	411,995	31.84%
0503	Legislation	647,827	16,006	-	663,833	475,544	188,289	71.64%
0601	County Transportation Commission-General	454,052	75,209	-	529,261	463,052	66,209	87.49%
0605	Publications & Public Outreach	509,237	(73,715)	-	435,522	370,152	65,370	84.99%
0805	Building Operations	81,039	-	14,392	95,431	19,690	75,741	20.63%
0806	Building Improvements	18,272	-	-	18,272	914	17,358	5.00%
0942	Financial Management	713,834	622	402,548	1,117,004	963,570	153,434	86.26%
TOTAL COUNCIL OF GOVERNMENTS SUPPORT PROGRAM		2,915,980	49,470	863,576	3,829,026	2,717,247	1,111,779	70.96%

GRAND TOTAL ALL PROGRAMS	716,041,326	69,884,996	227,075,514	1,013,001,836	671,891,869	341,109,967	66.33%
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CONSOLIDATED BY PROGRAM

PROGRAM DESCRIPTION	ORIGINAL BUDGET	AMENDMENTS	ENCUMBRANCES	REVISED BUDGET	EXPENDITURES	PROGRAM BALANCE	% OF BUDGET EXPENDED
AIR QUALITY & TRAVELER SERVICES PROGRAM	10,867,472	25,000	11,795,098	22,687,570	16,496,306	6,191,264	72.71%
TRANSPORTATION PLANNING & PROGRAMMING PROGRAM	5,340,626	1,794,617	2,418,066	9,553,309	5,918,790	3,634,519	61.96%
MAJOR PROJECT DELIVERY PROGRAM	548,870,192	33,723,660	71,636,241	654,230,093	426,083,822	228,146,271	65.13%
TRANSIT & PASSENGER RAIL PROGRAM	31,478,004	26,393,350	17,287,743	75,159,097	33,630,083	41,529,014	44.75%
TRANSPORTATION FUND ADMINISTRATION PROGRAM	116,569,052	7,898,899	123,074,790	247,542,741	187,045,621	60,497,120	75.56%
GENERAL - COUNCIL OF GOVERNMENTS SUPPORT PROGRAM	2,915,980	49,470	863,576	3,829,026	2,717,247	1,111,779	70.96%
GRAND TOTAL ALL PROGRAMS	716,041,326	69,884,996	227,075,514	1,013,001,836	671,891,869	341,109,967	66.33%

30



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 7

Date: September 12, 2012

Subject: Award On-Call Internal Audit and Price Review Services Contract

Recommendation:* That the Committee recommend the Board award Contract No. C12238 to Bazilio Cobb Associates, P.C., for On-Call Internal Audit and Price Review Services for a three year contract with two one-year options to extend for an amount not-to-exceed \$250,000 for the initial three year term.

Background: The San Bernardino Associated Governments (SANBAG) receives funding from federal, state and local funds for various public works construction projects. SANBAG was seeking a qualified auditing firm to serve on an "on-call" basis to perform pre-award price reviews for Architectural & Engineering (A&E) procurements and Non-A&E procurements. Services are anticipated to generally include pre-award price reviews, which shall be conducted as determined by SANBAG staff. The audits shall be conducted in accordance with Government Auditing Standards as issued by the Comptroller General of the United States.

On June 6, 2012, the SANBAG Board of Directors approved the release of a Request For Proposals (RFP) 12238 for On-Call Internal Audit and Price Review Services. The RFP was posted on SANBAG's website and RFP notifications were sent to approximately thirty-eight vendors who specialize in these services. A Pre-Proposal Meeting was conducted on June 20, 2012, and one (1) firm was in attendance. One (1) Addendum was issued to respond to proposers' written questions. On July 18, 2012, four (4) proposals were received by the date and

*

Approved
 Administrative Committee

Date: _____

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

COG		CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.
 ADM1209c-ws
 ADM1209c1-ws, C12238

time specified in the RFP. A responsive review was conducted for the four (4) proposals received on time. All four (4) proposals were found to be responsive to the RFP.

An Evaluation Committee was established to review the proposals. The Evaluation Committee consisted of one (1) external (outside) individual and three (3) SANBAG staff representing the various departments most affected by internal audits and price reviews services. The proposals were evaluated based on the evaluation criteria stated in the RFP, which were: qualifications of the firm; related experience and client references; the qualifications and experience of the staffing proposed; work plan; and price. Two (2) firms demonstrated significant experience in providing internal audits and price reviews services to the public sector. The staff proposed all had extensive experience, positive references, and fair and reasonable pricing. The Evaluation Committee agreed to interview the following two (2) firms (listed in alphabetical order):

BAZILIO COBB ASSOCIATES, P.C.

MAYER HOFFMAN MCCANN P.C.

On August 15, 2012, the Evaluation Committee conducted oral interviews with the two firms. The interviews were allotted fifty (50) minutes and consisted of an opening presentation followed by thirty (30) minutes of questions and answers. Each firm responded well to the questions and presented an overall understanding of the labor compliance process. The firm Bazilio Cobb Associates, P.C. clearly understood SANBAG's needs. The firm has extensive experience with transportation authorities, pre-award price review and Generally Acceptable Accounting Principal requirements. The firm responded very well to the questions posed, with each key person providing detailed responses. Based on the combination of technical strength and responses to the questions asked during the interview, and positive references, the Evaluation Committee selected Bazilio Cobb Associates, P.C. to provide On-Call Internal Audit and Price Review Services. The contract will have an initial term of three years with two one-year options to extend and a not-to-exceed amount of \$250,000.

Financial Impact: This item is consistent with SANBAG's Fiscal Year 2012/2013 budget. Internal Audit and Price Review activities under this On-Call contract are budgeted under various projects.

Reviewed By: This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel and Contract Administrator have reviewed this item and Contract.

Responsible Staff: William Stawarski, Chief Financial Officer



CONTRACT SUMMARY SHEET

Contract No. C 12238 Amendment No. _____

By and Between

San Bernardino Associated Governments and Bazilio Cobb Associates, P.C.

Contract Description On call pre-award price reviews conducted in accordance with Government Auditing Standards as issued by the Comptroller General of the United States.

Board of Director's Meeting Date: 10/3/12	
Overview of BOD Action: RFP released approved Board action 6/6/12	
Is this a Sole-Source procurement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

CONTRACT OVERVIEW					
Original Contract Amount	\$	250,000	Original Contingency Amount	\$	0
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$	0	Revised Contingency Amount <i>Inclusive of prior amendments</i>	\$	0
Current Amendment Amount	\$	0	Contingency Amendment	\$	0
TOTAL CONTRACT VALUE	\$	250,000	TOTAL CONTINGENCY VALUE	\$	0
TOTAL BUDGET AUTHORITY (contract value + contingency)					\$ 250,000

Contract Start Date 10/3/12	Current Contract Expiration Date 11/3/15, with 2 1-yr extensions	Revised Contract Expiration Date N/A
Has the contract term been amended? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - please explain.		

FINANCIAL INFORMATION				
<input checked="" type="checkbox"/> Budget authority for this contract currently exists in Task No. <u>Various Projects</u> .				
<input type="checkbox"/> A Budget Amendment is required.				
How are we funding current FY?				
<input type="checkbox"/> Federal Funds	<input type="checkbox"/> State Funds	<input checked="" type="checkbox"/> Local Funds	<input type="checkbox"/> TDA Funds	<input checked="" type="checkbox"/> Measure I Funds
Provide Brief Overview of the Overall Funding for the duration of the Contract: This contract is funded in various projects each year for the term of the contract.				
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable				

CONTRACT MANAGEMENT INFORMATION	
Check all applicable boxes:	
<input type="checkbox"/> Retention? If yes, indicate % _____.	
<input type="checkbox"/> Disadvantaged Business Enterprise (DBE) Goal _____ %	<input type="checkbox"/> Underutilized DBE (UDBE) Goal _____ %

Paula Beauchamp for G. Cohoe
Task Manager (Print Name)

MS
Project Manager (Print Name)

Jeffery Hill
Contracts Administrator (Print Name)

WILLIAM STAWARSON
Chief Financial Officer (Print Name)

[Signature] 9/5/12
Signature Date

Mike Savner 9/5/12
Signature Date

[Signature] 9/5/12
Signature Date

[Signature] 9/5/12
Signature Date

ATTACHMENT A
“SCOPE OF SERVICES”

Scope of Services

Consultant shall assist SANBAG staff in carrying out Board adopted policy and Federal regulations related to the procurement of goods and services.

Pre-Award Price Review Requirements

To comply with adopted policies and procedures related to the procurement of goods and services, SANBAG will conduct pre-award price reviews for competitive procurements with a value greater than \$1,000,000 where the proposal is evaluated on its technical merit rather than cost. These procurements generally are for:

- Architectural and Engineering Services

Additionally, SANBAG may conduct pre-award price reviews of the following types of procurements:

- Single bid procurements
- Sole source procurements

Pre-Award Price Reviews

All pre-award price reviews shall be conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States as well as the cost principles identified in 48 CFR part 31. Each of the pre-award price reviews should include some or all of the following objectives:

- a. To ensure that the proposer's proposed labor rates, overhead rates, other direct costs, and fixed fee are reasonable, allowable, and allocable and in conformity with the Federal Acquisition Regulations;
- b. To ensure the proposer(s) complied with applicable prevailing wage rates;
- c. To ascertain that the pricing or cost data are current, accurate, and complete;
- d. To determine whether the proposer(s) is financially sound and stable; and
- e. To determine the adequacy of the proposer's accounting systems in order to identify, account for, record, and accumulate costs; to identify and segregate direct and indirect costs; and to determine consistency in accounting treatment of costs.

Written Reports

Independent Accountant's Report for Applying Agreed-Upon Procedures (AUP) will be issued for each pre-award price review performed. In addition to AUP exceptions, all issues or concerns arising during the course of performing the AUPs, such as internal control issues, should be provided in the report. Reports will be submitted to SANBAG' Project Manager with a copy to the Contract Administrator.

Other Services

SANBAG may request, on an "as-needed basis" other auditing services relative to the procurement function such as closeout audits for capital construction projects or other service contracts. The audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 8

Date: September 12, 2012

Subject: Addition to Contracting and Procurement Policy No. 11000, Independent Cost Estimates

Recommendation:* The Committee recommend the Board approve an addition to Contracting and Procurement Policy No. 11000, providing that Independent Cost Estimates will be required for all procurement actions, including but not limited to all contract amendments and contract change orders.

Background: In August 2012, this Committee reviewed the audit findings from the California Department of Transportation (Caltrans). One of the findings identified in the audit report was that San Bernardino Associated Governments (SANBAG) staff did not prepare independent cost estimates as required by State and federal procurement guidelines. United States Department of Transportation, Federal Highways Administration and Federal Transit Administration requires recipients of federal dollars to “perform a cost or price analysis in connection with every procurement action, including contract modifications...” The starting point for cost or price analysis is the development of an independent cost estimate which should be used in the evaluation of the consultant’s or contractor’s price proposal.

An independent cost estimate (ICE) should be prepared by staff that is knowledgeable about the services being procured. It is the best ‘estimate’ as to

*

*Approved
 Administrative Committee*

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

COG	<input checked="" type="checkbox"/>	CTC	<input checked="" type="checkbox"/>	CTA	<input checked="" type="checkbox"/>	SAFE	<input checked="" type="checkbox"/>	CMA	<input checked="" type="checkbox"/>
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Check all that apply.

ADM1209a-kmp

<http://portal.sanbag.ca.gov/mgmt/committee/admin/Admin2012/adm1209/AgendaItems/ADM1209a1-kmp.docx>

what the services being procured should cost. The method and degree of analysis is dependent on the complexity of the services being procured. The proposed addition to the policy would require an ICE be prepared in advance of the receipt of any bids or proposals, amendments or change orders. The ICE is particularly critical whenever there is no price competition (e.g. for architectural and engineering procurements or where only one proposal is received), or when firms submit unusually high price proposals.

Upon Board approval of this addition to Policy No. 11000, "Contracting and Procurement", staff will prepare procedural guidelines to support this requirement and include a training component so that staff managing procurements will have the requisite tools necessary to effectively manage procurements.

Financial Impact: This item poses no financial impact of Fiscal Year 2012/2013 budget.

Reviewed By: This item is not scheduled for review by any other policy committee or technical advisory committee. This item has been reviewed by SANBAG's General Counsel and Contract Administrator.

Responsible Staff: Kathleen Murphy-Perez, Contracts Manager

Attachment

San Bernardino Associated Governments	Policy	11000
Adopted by the Board of Directors	January 3, 1997	Revised
		Draft 9/12/12 8/1/12
Contracting and Procurement Policy	Revision No.	15 14

Table of Contents

[Purpose](#) | [References](#) | [Policy](#) | [Contract Types](#) | [Standard Procedures](#) | [Public Works Contracts](#) | [Supplies and Services Contracts](#) | [Leasing of Real Property](#) | [Amendments to Contracts](#) | [Standard of Ethics](#) | [Revision History](#) |

I. PURPOSE

This policy establishes contracting and procurement standards to guide the selection of the most qualified firms to perform services to the best advantage of the Agency. It provides guidance to SANBAG staff with respect to policy considerations adopted by the SANBAG Board of Directors.

II. REFERENCES

[Policy 10025](#), Guidelines for Agenda Materials
California Public Contract Code Section 20142

III. POLICY

All contracts, including contracts for construction projects, leases of real property, professional services, and service and maintenance contracts, shall be processed according to the following policies.

V. STANDARD PROCEDURES

The SANBAG standard practice shall be that:

- A. Contracts shall be required for construction projects, roadwork, purchase or lease of real property and all employment contracts.
- B. All contracts shall be reviewed by legal counsel prior to presentation to the Board for approval.
- C. All contracts shall specify a period of performance, description of the function to be performed, total contract amount, and appropriate performance standards.
- D. All contracts shall contain a standard non-discrimination clause.
- E. When utilizing state and federal funds requiring more rigorous or different standards than applied by these policies, such standards will prevail. SANBAG is responsible for ensuring that such standards are met and/or are included in appropriate contracts.
- F. The maximum term for standard SANBAG contracts, unless otherwise authorized by the Board of Directors, shall be for five years.
- G. Special consideration is required in the instances of a formal competitive process resulting in only one bidder. In those instances, SANBAG staff shall evaluate factors relative to the competitive process, including adequacy of notification to qualified competitors, requirements of the RFQ/RFP, the amount of time provided to respond to the RFQ/RFP, adequacy of the one proposal received, and urgency. After such an analysis, the Executive Director shall make a recommendation to either accept or reject the proposal. Each circumstance will require consideration of facts relevant to the specific solicitation and work to be performed.
- H. All contracts, contract amendments, and memoranda of understanding require approval by the Board of Directors, unless otherwise authorized by the Board of Directors. In order to prevent delays that would result in negative impacts to SANBAG projects and/or programs, SANBAG staff will provide sufficient time for SANBAG Policy Committees and the Board of Directors to appropriately review and

consider staff recommendations for approval of contracts and contract amendments. Refer to Policy 10025.

- I. In the event of significant time constraints, extenuating circumstances, or emergencies when approval is required, either the Administrative Committee or the Plans and Programs Committee is authorized to approve contracts in excess of \$25,000, with notification to the Board of Directors. Notification shall be made at the next regularly scheduled meeting of the Board of Directors following such approval (by the Administrative Committee or the Plans and Programs Committee).
- J. The SANBAG President is the officer designated to sign contracts on behalf of the organization, unless otherwise authorized by the Board of Directors. In the absence of the SANBAG President, the SANBAG Vice President is authorized to sign contracts on behalf of the organization.
- K. In order to address SANBAG's legal needs, General Counsel is authorized to award and execute legal services agreements up to \$50,000. All such agreements shall be routinely reported to the Board of Directors.
- L. Independent Cost Estimates (ICEs) are required for all procurement actions, including but not limited to all contract amendments and contract change orders. United States Department of Transportation, Federal Highways Administration and Federal Transit Administration requires recipients of federal dollars to "perform a cost or price analysis in connection with every procurement action, including contract modifications...". The starting point for cost or price analysis is the development of an independent cost estimate which should be used in the evaluation of the consultant's or contractor's price proposal.

An independent cost estimate (ICE) should be prepared by staff that is knowledgeable about the services being procured. It is the best 'estimate' as to what the services being procured should cost. The method and degree of analysis is dependent on the complexity of the services being procured. The proposed addition to the policy would require an ICE be prepared in advance of the receipt of any bids or proposals, amendments or change orders. The ICE is particularly critical whenever there is no price competition (e.g. for architectural and engineering procurements or where only one proposal is received), or when firms submit unusually high price proposals.

XI. REVISION HISTORY

Revision No.	Revisions	Adopted
13	Par. V.K: Added authorization for SANBAG General Counsel to award and execute legal services agreements up to \$50,000. Par. VII.B.1.b: Added authorization for SANBAG General Counsel to issue RFQs.	07/11/12
14	Par. IX.C: Changed 'Director of Project Delivery' to 'SANBAG Department Directors'. Par. V.F: Changed the maximum term for standard SANBAG contracts, unless otherwise authorized by the Board of Directors, to five years (was three years).	08/01/12
15	Par. V.L: Added. Requirement for Independent Cost Estimates.	



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 9

Date: September 12, 2012

Subject: Renaming the Administrative Committee and Reclassifying Major Projects Committee Meetings as Board Study Sessions for Metro Valley Issues

Recommendation:* That the Committee recommend the Board:

1. Rename the Administrative Committee as the General Policy Committee.
2. Reclassify the Major Projects Committee Meetings as Board of Directors Study Sessions for Metro Valley Issues.

Background: On September 5, 2012, the Board of Directors approved a plan to eliminate the Plans and Programs Committee. To help SANBAG operate more efficiently, the Board directed that the items usually considered by the Plans and Programs Committee be allocated to the Administrative Committee, the Major Projects Committee, or the Mountain/Desert Committee depending on the subject.

By taking this action it became apparent that the Administrative Committee would have a broader range of topics than in the past. Items such as Council of Governments functions, the Countywide Vision and countywide issues that affect both the Valley and Mountain/Desert areas are examples of new items for the Administrative Committee. Because of this, Board Members have expressed an interest in renaming the Administrative Committee to reflect this broader role.

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	<p><i>Approved</i> <i>Administrative Committee</i></p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG	X	CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.
 ADM1209b-dab

Names that have been suggested are:

- Administration, Plans and Programs Committee
- Administrative, Legislative and Regional Policy Committee
- Regional Council
- Policy Committee
- General Policy Committee

The name "General Policy Committee" is being recommended because it is a succinct name that reflects a broad area of jurisdiction. This committee will handle every topic not specifically covered by another committee and thus a broad name is appropriate.

A second issue related to committee organization deals with the Major Projects Committee. As it is currently configured, the Major Projects Committee has 19 members representing all of the cities and county supervisorial districts in the Valley region. This number of members constitutes a quorum of the Board of Directors and the Major Projects Committee must be identified as a meeting of the Board of Directors or have its membership reduced to 14 members or less to be considered as a committee of the Board.

A few methods have been looked at to address this issue. One is to reduce the size of the Committee to get below a quorum of the Board of Directors from the current 19 members to 14 members but this would mean disenfranchising five current members. Another method would be to split the Committee into two subcommittees representing the East Valley and the West Valley. This has the disadvantage of adding another committee after we just eliminated one. It also has the disadvantage of fragmenting the discussion of the allocation of Measure I Valley funds. These funds are in a single pot and are not split by east and west. Recommendations could not be made by one committee without affecting the other. It would be better if a single group could continue to discuss issues specific to the Valley.

In order to keep a single Valley group while addressing the Board quorum issue, it is recommended that the Major Projects Committee be reclassified as a Study Session of the Board of Directors, with limited jurisdiction to address Metro Valley Issues only. In practice this Study Session of the Board for Metro Valley Issues would operate much as the Major Projects Committee does today. Even though it would be a Board Meeting, the Board could establish a rule for itself to designate a Valley Board Member to preside over these Study Sessions instead of the Board President. This would essentially mimic the way in which a Major Projects Committee Chairperson currently presides over the Major Projects Committee and would avoid potential issues that would occur when the Board

Presidency rotates to a Mountain/Desert representative. Even though all members of the Board would be able to attend and vote, it would be clear that the focus of the agendas would only be on the Metro Valley issues so there would be minimal interest for Mountain/Desert members to attend. Also, it would be recommended that the rules of the Board be amended to provide that no final Board decision would be made at a Study Session. The Study Session would be for discussion of and providing direction on Metro Valley issues. Final Board actions would only take place at what is currently the regular meeting of the Board on the first Wednesday of the month. This change in the rules would help keep the Valley members and the Mountain/Desert members on an equal footing. The Mountain/Desert Committee is not a quorum of the Board and must have its decisions ratified by the full Board. So keeping a similar arrangement for Metro Valley issues is fair, involves the entire Board in final decisions, and does not require members to attend additional meetings beyond what they are attending today.

Financial Impact: This item is not anticipated to have an impact on the adopted SANBAG budget.

Reviewed By: This item is scheduled for review by the Administrative Committee on September 12, 2012.

Responsible Staff: Duane A. Baker, Director of Management Services



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 10

Date: September 12, 2012

Subject: Contract with the Riverside County Transportation Commission (RCTC) for the implementation of San Bernardino County Trip Reduction and 511 programs.

Recommendation:* The Committee Recommend the Board approve Contract No. C12553 with Riverside County Transportation Commission, effective from July 1, 2012, through June 30, 2013, in an amount not-to-exceed \$1,800,000.

Background: San Bernardino Associated Governments (SANBAG) has been involved in the funding and implementation of ridesharing and trip reduction services since the agency's inception. In 1993, SANBAG started a bi-county partnership with RCTC to provide implementation of local programs. In Fiscal Year (FY) 2002/2003, SANBAG's regional rideshare programs were implemented with the four other County Transportation Commissions (CTCs). Last year an Inland Empire 511 program was developed and implemented in partnership with RCTC. It is recommended that RCTC and its contractors continue to provide service in the implementation of these services and it is recommended they continue these services for FY 2012/2013.

Under this contract for FY 2012/2013 SANBAG and RCTC will continue to share 511 program costs equally (50%/50%) and will continue to enhance the program as needs arise. The services provided by RCTC (through its various contractors) are briefly outlined in Attachment A, and include:

1. Rideshare Services (\$1,035,774) to include:
 - a. Technical and programmatic assistance to county employers;

*

COG		CTC	X	CTA	X	SAFE		CMA	X
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Check all that apply.

ADM1209a-nm

<http://portal.sanbag.ca.gov/mgmt/APOR-Mgmt/Shared%20Documents/C12553.pdf>

Approved
 Administrative Committee

Date: September 12, 2012

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

- b. Maintenance of a regional commuter database;
 - c. Survey and ride guide dissemination;
 - d. Operation of a 511 phone and web system available to commuters 24 hours a day, 7 days per week, 365 days per year;
 - e. Expanded Teleservices function, responding to 511 as well as other inquiries from commuters and employers;
 - f. Outreach, marketing campaigns, promotional efforts;
 - g. Special projects and one time studies/surveys;
 - h. Coordination and participation on local, regional and state committees; and
 - i. Marketing/outreach throughout the fiscal year.
2. Rideshare incentive and reward programs (\$764,226) to include:
- a. Option Rideshare incentive program for new ridesharers who try a rideshare mode for a 3 month trial period;
 - b. A nine month staggered vanpool incentive; and
 - c. The Rideshare Plus reward program for ongoing ridesharers.

The county trip reduction/rideshare program is funded in part through federal Congestion Mitigation/Air Quality (CMAQ) funds, which were allocated by the SANBAG Board on October 5, 2005. The rideshare program funding has also been programmed in the Regional Transportation Improvement Program and is included in the Regional Transportation Plan. As a transportation control measure, ridesharing strategies are needed in order to assist the region in meeting its air quality and transportation conformity goals.

Financial Impact: The total contract amount is \$1,800,000, and has been budgeted in the FY 2012/2013 Budget. Funding sources are Measure I Valley TMS (\$206,460) and CMAQ (\$1,593,540).

Reviewed By: This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel and Contract Administrator have reviewed this item and a draft of the contract.

Responsible Staff: Duane A. Baker, Director of Management Services



CONTRACT SUMMARY SHEET

Contract No. C 12553 Amendment No. _____

By and Between

SANBAG and RCTC

Contract Description Trip Reduction/Rideshare Programs

Board of Director's Meeting Date: 10/3/12
Overview of BOD Action: Approve Agreement with RCTC for Trip Reduction/Rideshare Programs for the period beginning July 1, 2012 through June 30, 2013, in an amount not to exceed \$1,800,000.

Is this a Sole-Source procurement? Yes No

CONTRACT OVERVIEW

Original Contract Amount	\$	\$1,800,000	Original Contingency Amount	\$	
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$		Revised Contingency Amount <i>Inclusive of prior amendments</i>	\$	
Current Amendment Amount	\$		Contingency Amendment	\$	
TOTAL CONTRACT VALUE	\$	\$1,800,000	TOTAL CONTINGENCY VALUE	\$	
TOTAL BUDGET AUTHORITY (contract value + contingency)				\$	1,800,000

Contract Start Date 7/1/12	Current Contract Expiration Date 6/30/13	Revised Contract Expiration Date
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Has the contract term been amended? No Yes - please explain.

FINANCIAL INFORMATION

Budget authority for this contract currently exists in Task No. 406.

A Budget Amendment is required.

How are we funding current FY?

Federal Funds State Funds Local Funds TDA Funds Measure I Funds

Provide Brief Overview of the Overall Funding for the duration of the Contract:

Measure I Valley TMS funds at 11.47% and CMAQ funds at 88.53% of allowable costs.

Payable Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:

Retention? If yes, indicate % _____.

Disadvantaged Business Enterprise (DBE) Goal _____ % Underutilized DBE (UDBE) Goal _____ %

Duane Baker
Task Manager (Print Name)
Nikki Miller
Project Manager (Print Name)
Jeffery Hill
Contracts Administrator (Print Name)
William Sawarski
Chief Financial Officer (Print Name)

Duane Baker 9-5-12
Signature Date
Nikki Miller 9/5/12
Signature Date
Jeffery Hill 9/5/12
Signature Date
William Sawarski 9/5/12
Signature Date

AGREEMENT C12553

BY AND BETWEEN

SAN BERNARDINO ASSOCIATED GOVERNMENTS

AND

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

FOR

**IMPLEMENTATION OF SAN BERNARDINO COUNTY FISCAL YEAR
2012/2013 EMPLOYER AND COMMUTER
TRIP REDUCTION/RIDESHARE PROGRAMS**

THIS AGREEMENT ("Agreement") is entered into as of July 1, 2012, in the State of California by and between SAN BERNARDINO ASSOCIATED GOVERNMENTS, referred to herein as "SANBAG," and the RIVERSIDE COUNTY TRANSPORTATION COMMISSION, referred to herein as "RCTC."

WHEREAS, SANBAG approved allocation of Measure I - Valley Traffic Management Systems (VTMS) funds, and Victor Valley Traffic Management Systems funds, and Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy to Users (SAFE-TEA LU) Congestion Mitigation and Air Quality (CMAQ) funds, the allocation of SAFE-TEA LU (initially approved in October of 2005 by SANBAG board), to provide trip reduction services as well as incentives for the commuter programs.

WHEREAS, SANBAG receives SAFE-TEA LU and other federal funds and may use these funds to reimburse RCTC for its services in performing Employer and Commuter Trip Reduction/Rideshare Services.

WHEREAS, SANBAG requires professional and consulting services with respect to the provision of commuter services and programs within San Bernardino County.

WHEREAS, RCTC has managed the bi-county Inland Empire Commuter Services program since November 3, 1993, and has the expertise and resources necessary to manage such services for SANBAG.

WHEREAS, for the avoidance of doubt, the parties to this Agreement acknowledge and agree that RCTC is acting in the capacity of a third party contractor to SANBAG under this Agreement, and is not a subrecipient of federal funds from SANBAG.

NOW, THEREFORE, the parties agree as follows:

A. Contract Services.

1. RCTC will administer, market, and implement commuter services and 511 programs in coordination with RCTC's commuter services program and in coordination with the regional ridesharing core services program in compliance with and as specified in the scope of work, Attachment "A," attached hereto and incorporated herein by reference.

2. RCTC shall provide program administration and oversight and assure that its consultants and/or staff performs its services within the budgets set forth in the scope of work, Attachment "A."

3. RCTC shall provide SANBAG with the following reports, on a monthly or quarterly basis, as set forth below, relative to tasks identified in the scope of work, Attachment "A" to this Agreement:

- (a) Quarterly Commuter Assistance Report
- (b) Quarter Commuter Assistance Activity Master Report
- (c) Quarterly Regional Database Report
- (d) Monthly IE511 All Hands Meeting Minutes/Agenda/Monthly

Stats.

4. RCTC will notify and work collaboratively with SANBAG regarding any possible program changes that would impact the SANBAG Rideshare Program.

5. SANBAG shall timely respond to RCTC on matters requiring RCTC to coordinate with SANBAG, as set forth in Attachment "A".

B. Compensation.

1. It is understood that SANBAG funding for the program under this Agreement will not exceed one million eight hundred thousand, and no cents (\$1,800,000.00) and is being provided from the following sources:

(a) One million five hundred and ninety-three thousand, five hundred and forty dollars and no cents (\$1,593,540) from CMAQ funds, and

(b) Two hundred and six thousand, four hundred, sixty dollars and no cents (\$206,460.00) from San Bernardino County local ½ cent sales tax, Measure I-Valley Funds.

2. SANBAG receives SAFETEA-LU and other federal funds and may use these funds to reimburse RCTC for its services in performing Employer and Commuter Trip Reduction/Rideshare Services.

3. It is agreed that SANBAG Measure I Funds will reimburse RCTC for the cost of purchasing any items not reimbursable by CMAQ, and invoices submitted to SANBAG shall clearly delineate CMAQ non-reimbursable expenditures. It is agreed that in the event sufficient funds from the sources set forth in (a) and (b) above do not become available to SANBAG for this Agreement, SANBAG may immediately terminate this Agreement with written notice, but shall pay to RCTC from other sources any amounts required to cover RCTC's costs to the date of Agreement termination.

4. SANBAG shall pay RCTC on a cost-reimbursement basis, based upon invoices which delineate charges based on tasks identified in the scope of work, Attachment "A." All invoices shall be provided to SANBAG no more frequently than on a bi-monthly basis and no less than a quarterly basis. All invoices must be received by SANBAG no later than 60 days after the quarter.

5. SANBAG shall be fully responsible for obtaining cost reimbursements of CMAQ funds. SANBAG shall ensure that the SAFE-TEA LU funds are used for authorized purposes in compliance with laws, regulations, and the provision of the terms in this agreement, and that performance goals are achieved

6. SANBAG shall review all billings submitted by RCTC for accuracy and process payment based thereon to RCTC in a timely manner.

7. RCTC shall maintain during the term of this Agreement and for three years thereafter accounting records which cover the receipt and disbursement of all funds provided for the programs administered and implemented under this Agreement. Such records shall be made available for inspection during normal business hours by duly authorized representatives of SANBAG, SANBAG's auditors, Caltrans, Federal Highway Administration, and the United States Department of Transportation, so that SANBAG can comply with the Single Audit Act and OMB Circular No. A-133.

C. Term.

1. This Agreement shall commence on July 1, 2012 and terminate on June 30, 2013, unless it is extended by a written amendment approved by the parties.

2. Either party may terminate this Agreement by giving thirty (30) days written notice to the other for no or any reason, including, but not limited to, changes in legislation, rules and regulations impacting trip reduction programs. SANBAG shall pay for any service provided up to the effective date of the termination.

3. The Executive Directors of both RCTC and SANBAG shall have the authority in their sole discretion to give notice of termination on behalf of their respective agencies.

D. Indemnification and Insurance.

1. (a) It is understood and agreed that neither RCTC nor any officer, official, employee, director, consultant, agent, or volunteer thereof is responsible for any damage or

liability occurring by reasons of anything done or omitted to be done by SANBAG under or in connection with any work authority or jurisdiction delegated to SANBAG under this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, SANBAG shall fully defend, indemnify and save harmless RCTC, and all its officers, employees, consultants and agents from all claims, suits or actions of every name, kind, and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by SANBAG under or in connection with any work, authority or jurisdiction delegated to SANBAG under this Agreement.

(b) It is understood and agreed that neither SANBAG nor any officer, official, employee, director, consultant, agent, or volunteer thereof is responsible for any damage or liability occurring by reasons of anything done or omitted to be done by RCTC under or in connection with any work authority or jurisdiction delegated to RCTC under this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, RCTC shall fully defend, indemnify and save harmless SANBAG, and all its officers, employees, consultants and agents from all claims, suits or actions of every name, kind, and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by RCTC or its consultants under or in connection with any work, authority or jurisdiction delegated to RCTC under this Agreement.

2. Insurance Requirements

Without anyway affecting the indemnity provision identified in this Contract, RCTC shall, at the RCTC's sole expense, and prior to the commencement of any work, procure and maintain in full force, insurance through the entire term of this Agreement, and shall be written with at least the following limits of liability:

(a) Professional Liability - Shall be provided in an amount not less than \$1,000,000, per claim and \$2,000,000 in the aggregate. RCTC shall secure and maintain this insurance or "tail" coverage provided throughout the term of this Contract and for a minimum of three (3) years after Contract completion.

(b) Workers' Compensation - Worker's Compensation insurance shall be provided in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employers Liability with \$250,000 limits, covering all persons providing services on behalf of RCTC and all risks to such persons under this Agreement.

(c) Commercial General Liability - To include coverage for Premises and Operations, Contractual Liability, Personal Injury Liability, Products/Completed Operations Liability, Broad-Form Property Damage and Independent Contractors' Liability, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and \$2,000,000 in the aggregate written on an occurrence form. For products and completed operations a \$2,000,000 aggregate shall be provided.

(d) Automobile Liability - To include owned, non-owned and hired automobiles, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and in the aggregate written on an occurrence form.

(e) Network and Privacy Insurance. RCTC shall carry, or shall cause its third party contractor to carry, Network and Privacy (Errors and Omissions) insurance in an amount of not less than \$1,000,000 per claim and \$1,000,000 in the annual aggregate, protecting RCTC and SANBAG from the following exposures relating to RCTC's or any of its subcontractors performance under the Agreement:

(i) the theft, dissemination and/or unauthorized disclosure of use of confidential information and personally identifiable information (not to be limited bank information, social security numbers, health information, credit card account information, and confidential corporate information). Such insurance shall also include coverage for credit monitoring, notification expenses and other related costs associated with mitigating a data security or privacy breach; and

(ii) the introduction of a computer virus into, or otherwise causing damage to, a computer, computer system, network or similar computer-related property and the data, software, and programs used herein.

If such insurance is maintained on an occurrence basis, RCTC or its third party contractor shall maintain such insurance for an additional period of one year following the end of the applicable Term. If such insurance is maintained on a claims-made basis, RCTC or its third party contractor shall maintain such insurance for an additional period of three year following the end of the applicable Term.

(f) Proof of Coverage - RCTC shall furnish certificates of insurance to SANBAG evidencing the insurance coverage required above, prior to the commencement of performance of services hereunder, and such certificates shall include San Bernardino Associated Governments/San Bernardino County Transportation Authority) as additional insured on Comprehensive General Liability Insurance or Commercial General Liability Insurance and auto insurance. Prior to commencing any work, RCTC shall furnish SANBAG with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth in this Article. If the insurance company elects to cancel or non-renew coverage for any reason, the CONSULTANT will provide SANBAG 30 days' notice of such cancellation or nonrenewal. If the policy is cancelled for nonpayment of premium, the RCTC will provide SANBAG ten (10) days' notice. RCTC shall maintain such insurance from the time RCTC commences performance of services hereunder until the completion of such Services. All certificates of insurance are to include the contract number and Project Manager' name.

(g) Additional Insured - All policies, except for Workers Compensation and Professional Liability policies, shall contain endorsements naming SANBAG and its officers, employees, agents, and volunteers as additional insureds with respect to liabilities arising out to the performance of Services hereunder. The additional insured endorsements shall not limit the scope of coverage for SANBAG to vicarious liability but shall allow coverage for SANBAG to the full extent provided by the policy.

(h) Waiver of Subrogation Rights - RCTC shall require the carriers of the above required coverages to waive all rights of subrogation against SANBAG, its officers,

employees, agents, volunteers, contractors, and subcontractors. All general auto liability insurance coverage provided shall not prohibit RCTC or CONSULTANT'S employees or agents from waiving the right of subrogation prior to a loss or claim. CONSULTANT hereby waives all rights of subrogation against SANBAG.

(i) All policies required herein are to be primary and non-contributory with any insurance carried or administered by SANBAG.

(j) Certificates/Insurer Rating/Cancellation Notice.

(1) RCTC shall maintain and shall require its consultants to maintain such insurance from the time the Services commence until the Services are completed, except as may be otherwise required by this Section.

(2) RCTC may legally self-insure, but shall require its consultants to place insurance with insurers having an A.M. Best Company rating of no less than A: VIII and licensed to do business in California.

(3) RCTC and its consultants shall replace certificates, policies and endorsements for any insurance expiring prior to completion of the Services.

E. Rights of SANBAG and RCTC.

The Executive Directors of both SANBAG and RCTC shall have full authority to exercise their respective entity's rights under this contract.

F. Ownership of Materials/Confidentiality/Use of Data.

1. Ownership. The following documents and data prepared by RCTC or RCTC's subconsultant pursuant to this Agreement shall become the common property of RCTC and SANBAG: (i) data regarding commuters in San Bernardino County, (ii) San Bernardino County employer information, (iii) park and ride information specific to San Bernardino County; (iv) any monthly or quarterly reports produced by RCTC as required by this Agreement, and (v) advertisements and collateral material funded in whole or in part by SANBAG under this Agreement ("Documents and Data"). RCTC and SANBAG shall not be limited in any way in its use of Documents and Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at the respective party's sole risk and provided that the other party shall be indemnified against any damages resulting from such use, including the release of this material to third parties for a use not intended by this Agreement. Neither party to this Agreement shall sell the Documents and Data prepared under this Agreement without the written permission of both parties.

2. Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other materials described in subsection (1) either created by or provided to RCTC in connection with the performance of this Agreement shall be held confidential by RCTC. Such materials shall not, without the prior written consent of SANBAG, be used by RCTC for any purposes other than the performance of the Services. Nor shall such materials be disclosed to any person or

entity not connected with the performance of the Services. Nothing furnished to RCTC that is otherwise known to RCTC or is generally known, or has become known, to the related industry shall be deemed confidential. RCTC shall not use SANBAG's name or insignia, photographs of the project, or any publicity pertaining to the Services in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of SANBAG.

3. Use of Data. All Documents and Data, as defined above, shall be provided to SANBAG in hard copy and electronic media. Documents and Data in electronic media shall be provided in a form that will allow SANBAG to use, access, and manipulate the Documents and Data to prepare reports and perform other ride matching activities contemplated by this Agreement. All Documents and Data shall be provided to SANBAG within 30 days upon written notice.

G. Independent Contractor. SANBAG retains RCTC on an independent contractor basis and RCTC and its consultants shall not be employees of SANBAG. The consultants and other personnel performing the Services under this Agreement on behalf of RCTC shall at all times be under RCTC's exclusive direction and control. RCTC shall pay all wages, salaries, and other amounts due its employees in connection with their performance of Services under this Agreement and as required by law. RCTC shall be responsible for all reports and obligations respecting such employees, including, but not limited to, social security taxes, income tax withholding, unemployment insurance, and workers' compensation insurance.

H. Attorneys' Fees and Costs. If any legal action is instituted to enforce or declare any party's rights hereunder, each party, including the prevailing party, must bear its own costs and attorneys' fees. This paragraph shall not apply to those costs and attorneys' fees directly arising from any third party legal action against a party hereto and payable under Paragraph D(1), Indemnification and Insurance.

I. Consent. Whenever consent or approval of any party is required under this Agreement, that party shall not unreasonably withhold nor delay such consent or approval.

[Signatures on following page]

**SIGNATURE PAGE TO
AGREEMENT C12553
BY AND BETWEEN
SAN BERNARDINO ASSOCIATED GOVERNMENTS
AND
RIVERSIDE COUNTY TRANSPORTATION COMMISSION
FOR
IMPLEMENTATION OF SAN BERNARDINO COUNTY FISCAL YEAR
2012/2013 EMPLOYER AND COMMUTER
TRIP REDUCTION/RIDESHARE PROGRAMS**

IN WITNESS THEREOF, THE AUTHORIZED PARTIES HAVE BELOW SIGNED AND EXECUTED THE AGREEMENT ON THE EFFECTIVE DATE:

**SAN BERNARDINO ASSOCIATED
GOVERNMENTS**

**RIVERSIDE COUNTY
TRANSPORTATION COMMISSION**

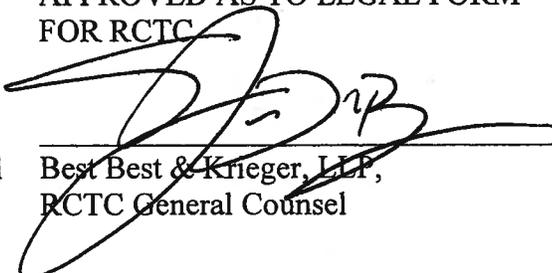
Janice Rutherford, President

John J. Benoit, Chair

APPROVED AS TO LEGAL FORM
SANBAG

APPROVED AS TO LEGAL FORM
FOR RCTC

Eileen Monaghan Teichert, SANBAG Counsel



Best Best & Krieger, LLP,
RCTC General Counsel

CONCURRENCE:

Jeffery Hill, Contracts Manager

Scope of Work

San Bernardino Employer and Commuter Assistance Programs

Fiscal Year 2012-13

Inland Empire Rideshare Services

Provide a variety of services to employers and commuters, who participate in trip reduction activities. Activities shall include, but not be limited to: RideGuide/survey services, employer technical assistance, promotions, RideGuide production, coordination/dissemination of surveys and resulting report analysis for target marketing, Rideshare Connection broadcast e-mails, CommuteSmart News, networking meetings and coordination with other rideshare agencies and service providers. Assist multi-site and multi-jurisdictional headquarters employers within the County as well as related worksites outside of the County. Oversee and maintain a regional website (CommuteSmart.info), IE511.org website, social media platforms, and other regional products/outreach as assigned. Respond and coordinate inquiries with SANBAG that are San Bernardino specific generated from 511, 1-800-COMMUTE, 1-866-RIDESHARE, CommuteSmart.info, as well as direct referrals. Oversee and maintain a regional database of commuters, working with the five county transportation commission's (CTCs) throughout the region, with SANBAG owning all Documents and Data (hard copy and electronic formats), as that term is defined in Section F(1) of the Agreement. Market the regional Guaranteed Ride Home Program to employers in San Bernardino County. Assist in the County's leased Park'N'Ride lot program. Operate the 511 program through phone and web services, providing enhancements, resolving issues, conducting marketing and periodic surveys. RCTC is to keep SANBAG advised regarding potential enhancements, issues, and periodic surveys if such tasks could potentially change/alter the current Rideshare and/or 511 programs in San Bernardino County. Conduct special projects and studies, as assigned, and coordinate with/inform SANBAG rideshare staff if special projects and/or studies impact the San Bernardino Rideshare Program.

Related Expenses (\$1,035,774):

Includes labor, office expenses, marketing materials, office equipment, computer programming, telephone and other direct expenses.

Goals:

1. Implementation of commuter assistance programs to approximately 380 regulated and non regulated employer worksites in San Bernardino County, to assist in the development and implementation of trip reduction programs and for technical assistance.
2. Work with 90 employers on AVR/Transportation surveys and AVR calculations.
3. Maintain an accurate database of 52,000 active San Bernardino County commuter registrants, resulting from completed commuter surveys at 90 San Bernardino County employers.

4. Disseminate 7,800 RideGuides to San Bernardino County commuters at 380 worksites.
5. Provide assistance to six multisite/multijurisdictional headquarters located in San Bernardino County representing 47 worksites in San Bernardino, Riverside, as well as Los Angeles and Orange counties.
6. Develop and implement three employer transportation network meetings, one promotional marketing campaign at San Bernardino employer worksites, and other events.
7. Produce and disseminate other regional marketing materials, as standalone campaigns within the Inland Empire or regional campaigns in coordination with the five CTCs.
8. Broadcast 14 Rideshare Connection e-mails to San Bernardino County employers.
9. For the two-county area, respond to 1,300 inquires/calls from commuters who work or reside in San Bernardino or Riverside counties, via 1-866-RIDESHARE, 1-800-COMMUTE, CommuteSmart.info, 511, direct referrals and other internet sources. Of these 1,300 inquiries, 325 RideGuides will be generated. In addition, 500 Inland residents will register in the database via the www.ridematch.info and the www.ie511.org website. SANBAG will be copied on responses that are specific to San Bernardino County.
10. Manage and operate the 511 system which will be available to commuters 24 hours a day, 7 days per week, 365 days per year.
11. The 511 phone system will provide assistance to 29,000 callers per month throughout the year. The system will have the capacity to handle 100,000 concurrent callers.
12. The www.ie511.org website will potentially receive 19,000 unique visitors per month. Website will be able to handle 100,000 concurrent users.
13. Continue 511 marketing/outreach and coordinating development of the marketing plan, campaign themes, surveys, studies and potential collateral materials which include San Bernardino County with SANBAG rideshare staff, before the tasks are implemented.
14. Conduct and coordinate periodic surveys with SANBAG to determine the 511 program use, effectiveness and customer satisfaction.
15. Provide website and phone enhancements/upgrades as needed.

Rideshare Incentive Programs

Option Rideshare offers San Bernardino County residents who commute to work, up to \$2 a day (in local merchant gift cards) for each day they participate in a rideshare mode, during a three-month period. The Vanpool Incentive Program provides up to \$1,800 over nine months in discounted vanpool fares. Team Ride provides ongoing ridesharers who reside in San Bernardino County a Rideshare Plus Rewards Book, with discount coupons from more than 135,000 merchants throughout the southland. RCTC to manage and operate the Incentive

Programs listed above, and to coordinate and discuss with SANBAG when potential changes to San Bernardino County Incentive Programs are being considered.

Related Expenses (\$764,226):

Includes labor, office expenses, marketing materials, office equipment, computer programming, telephone, direct commuter incentives (gift cards/ subsidies) and other direct expenses.

Goals:

1. The Option Rideshare program will enlist 1,500 County residents, who commute to work to 145 employers in Southern California. These participants on average have a one-way commute distance of 27.59 miles and the goal is to reduce 145,000 one way vehicle trips from the roadways.
2. Team Ride registrants will consist of 7,000 members when the program is at its highest membership. Members will work at employment sites from 380 employers throughout Southern California.



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 11

Date: September 12, 2012

Subject: Memorandum of Understanding for the Implementation of a Property Assessed Clean Energy (PACE) Program

Recommendation:* That the Committee recommend the Board:

1. Approve the Memorandum of Understanding between SANBAG and its member agencies that wish to participate in the PACE Program.
2. Direct that this Memorandum of Understanding (MOU) be distributed to each city, town and the County with a request that they consider participating in the PACE Program.

Background: On November 2, 2011, the Board of Directors directed staff to proceed with the steps necessary to create a regional energy efficiency and water conservation improvement loan program as defined by Assembly Bill (AB) 811 and AB 474 and commonly referred to as a Property Assessed Clean Energy (PACE) Program. On August 1, 2012, the Board of Directors approved a number of contracts with a team of firms for the formation and on-going operation of a PACE Program.

One of the first steps in the formation of a PACE Program is to have each individual city, town and the County consider if they want to participate in the program. Though SANBAG is taking the lead on creating a PACE Program,

*

*Approved
 Administrative Committee*

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

COG	X	CTC		CTA		SAFE		CMA	
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Check all that apply.

ADM1209c-dab

<http://portal.sanbag.ca.gov/mgmt/APOR-Mgmt/Shared%20Documents/C13041.doc>

each individual jurisdiction must decide whether they want to participate or not. SANBAG is requesting that each agency that wants to participate indicate that desire by having their legislative body approve this Memorandum of Understanding (MOU).

This MOU states that SANBAG is establishing a PACE Program and generally will be responsible for all aspects of financing and administering the Program. The MOU further states that the term is 20 years and that participating jurisdictions may withdraw from the PACE Program with 90 days notice.

If approved by the SANBAG Board of Directors, each member jurisdiction will be asked to approve the MOU. To help each member jurisdiction in their consideration, below is basic information on how the PACE Program will work and some of the expected benefits.

How does a PACE program work?

SANBAG and an interested property owner enter into a contractual agreement to finance the installation of eligible renewable energy, energy efficiency, or water efficiency improvements that are permanently fixed to the property. Examples of eligible improvements include:

- Air sealing and weatherization
- Insulation
- Cool roof systems
- Duct sealing
- High efficiency heat and air conditioning
- Attic fans and whole house fans
- High efficiency and tank less water heaters
- Weatherized doors, windows and window film
- High efficiency pool pumps and heaters
- Solar photovoltaic systems
- Solar thermal water heating
- Small wind turbines
- High efficiency toilets and shower heads
- Weather based irrigation control systems
- Drip irrigation
- Gray water systems
- Commercial light fixture replacements
- Commercial boiler improvements
- Commercial refrigeration improvements

SANBAG loans the property owner the funds for the improvement. The amount of the loan plus a fixed interest amount is repaid through an assessment on the property tax bill for the property. The term of the loan can be from 5 to 20 years.

SANBAG gets the funds to loan by selling bonds to private investors secured by the property tax assessments paid by the property owners. SANBAG has been able to secure commitments from private investors for up to \$200 million.

What are the benefits of a PACE program?

There are two primary types of benefits from a PACE program. The first type of benefit is economic. Economic benefits include:

- Lower utility bills for property owners
- Increased property value due to improvements
- Investment of millions of dollars in local economy through contractors and suppliers
- Jobs

The second type of benefit is environmental and the benefits include:

- Lower greenhouse gas emissions due to reduced energy use
- Reduce air pollution due to reduced energy use
- Conservation of water

The PACE program can serve as a conduit to get millions of dollars in private investment circulating in the local economy. The program can help residential property owners lower their energy bills. The program can help commercial property owners and businesses lower their energy and water costs which could help make them more competitive. This private investment can help create jobs for contractors, installers, and suppliers of the materials used for these improvements. All of this economic benefit also directly benefits our environment by reducing greenhouse gas emissions, delaying construction of new power plants, helping the common goal of energy security, and conserving one of California's most precious resources – water.

Why a regional PACE program makes sense.

Any individual agency can implement a PACE program. However, there are some real advantages to taking this regional approach. This approach allows agencies large and small to participate. This is a real benefit to smaller agencies that may not have the staff or volume of interested property owners to make sense for a stand-alone program. This approach provides for a uniform application process for property owners regardless of what community they are in. This also allows for the program to be marketed on a regional basis which is more cost effective and reaches more people. A regional program is able to attract more private capital because the larger market means larger investment opportunity.

Next Steps

This MOU is the first step in the process to establish the PACE Program in San Bernardino County. While jurisdictions are considering joining the PACE Program by approving the MOU, SANBAG and its consultant team will be preparing a Resolution of Intention to form the PACE Program and will be drafting the legally required PACE Program Report. SANBAG will also formally notify affected water and electric service providers of the PACE Program.

After a number of jurisdictions have approved the MOU, SANBAG will set a public hearing to formally establish the PACE Program. At the public hearing, SANBAG will consider resolutions authorizing issuance of bonds for the PACE Program and a resolution directing the filing of judicial validation actions covering the PACE Program bonds.

Staff believes that there are benefits that each of SANBAG's member jurisdictions and their residents can gain from a PACE program. In addition, we are recommending a process that would not impact SANBAG's or any member agency's budget. For these reasons SANBAG staff is recommending the Committee recommend the Board of Directors to approve the MOU and its distribution to all SANBAG member agencies.

Financial Impact: This item will not have an impact on the adopted SANBAG budget.

Reviewed By: This item is scheduled to be reviewed by the Administrative Committee on September 12, 2012. SANBAG General Counsel has reviewed this item and a draft of the Memorandum of Understanding.

Responsible Staff: Duane A. Baker, Director of Management Services

MEMORANDUM OF UNDERSTANDING
BY AND AMONG THE SAN BERNARDINO ASSOCIATED GOVERNMENTS
AND
[INSERT CITY OR COUNTY NAMES]

FOR IMPLEMENTATION OF
A PROPERTY ASSESSED CLEAN ENERGY PROGRAM (PACE)
TO FINANCE THE INSTALLATION OF
DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES,
ENERGY OR WATER EFFICIENCY IMPROVEMENTS OR
ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

This Memorandum of Understanding ("MOU") is entered into as of [INSERT DATE OF APPROVAL BY SANBAG BOARD OF DIRECTORS] between the SAN BERNARDINO ASSOCIATED GOVERNMENTS ("SANBAG"), a joint powers authority formed under Government Code sections 6500 et seq., and [INSERT CITY OR COUNTY NAMES] ("Participating Entities"), each a general law or charter city or a county formed under the Constitution and the laws of the State of California. SANBAG and the Participating Entities are sometimes collectively referred to in this MOU as the "Parties" or individually as a "Party."

RECITALS

WHEREAS, the County of San Bernardino and various cities within such county have entered into an "Amended Agreement for the Joint Exercise of Powers Relative to the San Bernardino Associated Governments" last amended October 17, 1975 (the "JPA"), to create SANBAG; and

WHEREAS, Participating Entities are each signatories to the JPA; and

WHEREAS, the purpose of the JPA is to improve and coordinate governmental services on a countywide, subregional and regional basis through the establishment of SANBAG as a cooperative association of governments; and

WHEREAS, Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (commencing with Section 5898.12) ("Chapter 29") permits cities and counties to establish contractual assessment programs to finance the installation of distributed generation renewable energy sources, energy or water efficiency improvements or electric vehicle charging infrastructure that are permanently fixed to residential, commercial, industrial, agricultural, or other real property; and

WHEREAS, the parties to the JPA, as cities and counties, have the common power to implement and administer contractual assessment programs pursuant to Chapter 29 which programs are commonly referred to as a property assessed clean energy (the "PACE Program") to finance installation of such improvements within their respective jurisdictions; and

WHEREAS, SANBAG and Participating Entities believe that the establishment by SANBAG of a single, countywide PACE Program would improve and coordinate the provision of such a PACE Program within the jurisdictions of Participating Entities and SANBAG and Participating Entities

desire to enter into this MOU in order to authorize SANBAG to implement and administer such a PACE Program on behalf of Participating Entities.

NOW, THEREFORE, it is mutually understood and agreed by SANBAG and the Participating Entities as follows:

AGREEMENT

Section 1: Establishing the PACE Program

SANBAG will undertake proceedings pursuant to Chapter 29 to establish a PACE Program to make such contractual assessment financing available to eligible property owners within the jurisdictional boundaries of Participating Entities.

Section 2: Establishing Eligible Improvements

SANBAG shall identify the kinds of distributed generation renewable energy sources, energy or water efficiency improvements or electric vehicle charging infrastructure that may be financed (“Eligible Improvements”) under the PACE Program.

Section 3: Boundary of Program

SANBAG, in coordination with Participating Entities, shall describe the boundaries of the area within which contractual assessments under the PACE Program may be entered into, which may include the entire jurisdictional area of each of the Participating Entities or a lesser portion thereof.

Section 4: Financing the Installation of Eligible Improvements

SANBAG shall develop and implement a plan for the financing of the purchase and installation of the Eligible Improvements under the PACE Program.

Section 5: Ongoing Administration

SANBAG shall be responsible for the ongoing administration of the PACE Program, including but not limited to producing education plans to raise public awareness of the PACE Program, soliciting, reviewing and approving applications from property owners who freely and willingly consent to participate in the PACE Program, establishing assessment contracts for property owners participating in the PACE Program, establishing and collecting assessments due under the PACE Program, and providing reports as required by Chapter 29. The PACE Program will be administered in accordance with the JPA.

Section 6: Phased Implementation

The Parties recognize and agree that implementation of the PACE Program as a whole can and may be phased as other parties to the JPA elect to enter into the MOU. The Participating Entities entering into this MOU will obtain the benefits of and incur the obligations imposed by this MOU in its jurisdictional area, irrespective of whether other parties to the JPA enter into the MOU.

Section 7: Term

The term of this MOU shall be for twenty (20) years unless modified or extended pursuant to this MOU.

Section 8: Termination

Upon ninety (90) days written notice, a Participating Entity may terminate its participation in the PACE Program through this MOU.

Section 9: Environmental Review

SANBAG shall be the lead agency under the California Environmental Quality Act for any environmental review that may be required in implementing or administering the PACE Program under this MOU.

Section 10: Cooperative Effort

Participating Entities shall cooperate with SANBAG by providing information and other assistance in order for SANBAG to meet its obligations hereunder. Participating Entities recognize that one of their responsibilities related to the PACE Program will include any permitting or inspection requirements as established by the Participating Entities pertaining to the installation of Eligible Improvements within their respective jurisdictions.

Section 11: Miscellaneous Provisions

11.1 Notice. Any and all communications and/or notices in connection with this MOU shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed to the respective Parties at the addresses set forth in Exhibit A attached hereto and incorporated herein by this reference.

11.2 Entire MOU. This MOU, together with the JPA, constitutes the entire agreement among the Parties regarding the subject matter of this MOU. This MOU supersedes any and all other agreements, either oral or in writing, among the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by the other Party or anyone acting on behalf of the other Party that is not embodied herein.

11.3 Successors and Assigns. This MOU and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. A Party may only assign or transfer its rights and obligations under this MOU with prior written approval of the other Parties, which approval shall not be unreasonably withheld.

11.4 Attorney's Fees. If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this MOU, each Party to the litigation shall bear its own attorney's fees and costs.

11.5 Governing Law. This MOU shall be governed by and construed in accordance with the laws of the State of California, as applicable.

11.6 No Third Party Beneficiaries. This MOU shall not create any right or interest in the public, or any member thereof, as a third party beneficiary hereof, nor shall it authorize anyone not a Party to this MOU to maintain a suit for personal injuries or property damages under the provisions of this MOU. The duties, obligations, and responsibilities of the Parties to this MOU with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

11.7 Severability. In the event one or more of the provisions contained in this MOU is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this MOU and the remaining parts of this MOU shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this MOU.

11.8 Headings. The paragraph headings used in this MOU are for the convenience of the Parties and are not intended to be used as an aid to interpretation.

11.9 Amendment. No amendment, modification, alteration or variation of the terms of this MOU shall be valid unless made in writing and signed by the Parties hereto and no oral understanding or agreement pertaining to the subject matter of this MOU and not incorporated herein shall be binding on any of the Parties hereto.

(signature pages to follow)

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this MOU to be in effect as of the date last signed below.

SAN BERNARDINO ASSOCIATED GOVERNMENTS ("SANBAG")

By: _____ Date: _____
Title: _____
San Bernardino Associated Governments

By: _____ Date: _____

By: _____ Date: _____
Legal Counsel

PARTICIPATING ENTITIES

EXHIBIT A
NOTICE ADDRESSES FOR THE PARTIES

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IIEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
S RTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning

- Develop an accessible, efficient, multi-modal transportation system

- Strengthen economic development efforts

- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996