

AGENDA

General Policy Committee Meeting

February 12, 2014

9:00 a.m.

Location

SANBAG

Super Chief Conference Room
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA

General Policy Committee Membership

Chair – SANBAG Vice President

Mayor L. Dennis Michael
City of Rancho Cucamonga

SANBAG President

Council Member Bill Jahn
City of Big Bear Lake

SANBAG Past President

Supervisor Janice Rutherford
County of San Bernardino

Mt./Desert Representatives

Mayor Edward Paget (*Chair-MDC*)
City of Needles

Council Member Jim Harris
City of Twentynine Palms

Supervisor Robert Lovingood
County of San Bernardino

East Valley Representatives

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

Council Member Dick Riddell (*Chair-MVSS*)
City of Yucaipa

Mayor Pro Tem Larry McCallon
City of Highland

Supervisor James Ramos
County of San Bernardino

West Valley Representatives

Mayor Ed Graham
City of Chino Hills

Mayor Dennis Yates
City of Chino

Supervisor Gary Ovitt
County of San Bernardino

Ray Wolfe
Executive Director

Eileen MonaghanTeichert
SANBAG Counsel

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

General Policy Committee Meeting

February 12, 2014

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 L. Dennis Michael)

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

1. Possible Conflict of Interest Issues for the General Policy Committee Meeting February 12, 2014 Pg. 9

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. 11

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. January 2014 Procurement Report Pg. 13

Receive January 2014 Procurement Report. **William Stawarski**
This item is not scheduled for review by any other policy committee or technical advisory committee.

Notes/Actions

Consent Calendar Continued...Administrative Matters Continued...

4. Measure I Revenue

Pg. 22

That the Committee recommend the Board receive report on Measure I receipts for Measure I 2010-2040.
William Stawarski

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

Discussion ItemsAdministrative Matters

5. Resolution No. 14-009, Issuance of the 2014 Sales Tax Revenue Bond and Designating the Underwriter and Printer

Pg. 24

That the Committee recommend the Board:

1. Approve Resolution No. 14-009 authorizing the issuance and sale of not-to-exceed \$150,000,000 aggregate principal amount of San Bernardino County Transportation Authority sales tax revenue bonds (limited tax bonds), the execution and delivery of an indenture, supplemental indenture, escrow agreement, amendment to state transactions and use tax agreement, purchase contract, official statement and continuing disclosure agreement and the taking of all other actions necessary in connection therewith;

2. Designate Citigroup Global Markets Inc., as Senior Manager, and Bank of America Merrill Lynch, Goldman, Sachs & Co., Barclays Capital Inc., and RBC Capital Markets, LLC as Co-Managers for bond underwriting services; and

3. Designate Financial Printer Resource, Inc. for printing services. **William Stawarski**

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

6. Fiscal Year 2013/2014 Work Goals and Objectives

Pg. 33

Receive update on the Fiscal Year 2013/2014 Work Goals and Objectives. **Raymond Wolfe**

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

Discussion Items Continued...**Administrative Matters Continued****7. Public Reporting of Individual Votes or Abstentions (SB 751) Pg. 66**

That the Committee review and recommend the Board approve changes necessitated by SB 751 to SANBAG's Policy regarding General Practices for Conducting Meetings of the SANBAG Board of Directors and Policy Committees. **Vicki Watson and Eileen Monaghan Teichert**

This item is not scheduled for review by any other policy committee or technical advisory committee. This item and the "General Practices for Conducting Meetings" Policy has been reviewed by SANBAG's General Counsel.

8. Employee Classification and Compensation and Benefits Study Pg. 71

That the Committee recommend the Board:

1. Approve a budget amendment to Task No. 0140 – Indirect Human Resources to increase the budget by \$35,000 to complete a study of San Bernardino Associated Governments Employee Classification and Compensation and Benefit Plans.
2. Approve the attached scope of work for Employee Classification and Compensation and Benefits study.
3. Authorize the release of Request for Proposals No. 14125 for Consultant support to complete the Employee Classification and Compensation and Benefits study consistent with the approved scope of work. **Duane Baker**

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

Council of Governments**9. State and Federal Legislative Update Pg. 76**

Receive State and Federal Update. **Wendy Strack**

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

Discussion Items Continued...**Air Quality Traveler Services**

10. **Agreement with the California Department of Transportation (Caltrans) for Construction Freeway Service Patrol (CFSP) services** Pg. 81

That the Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Commission:

1. Approve Agreement No. R14019, between SANBAG and the California Department of Transportation (Caltrans) for Freeway Service Patrol services in various construction areas in San Bernardino County for a not-to-exceed amount of \$2,000,000 over a five-year period.

2. Adopt Resolution No. 14-012 authorizing the Chairperson to execute ordinances and resolutions, and the Chairperson and Executive Director to execute various agreements with the California Department of Transportation that have been approved by the Commission.

3. Delegate authority to the Executive Director to approve budget amendments to Task No. 0704 and possibly other freeway construction department projects, as various construction projects surface with funding source information, in an amount not-to-exceed \$2,000,000. **Duane Baker**

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 draft of the agreement.

11. **Budget Amendment to Task No. 0702 – Call Box System** Pg. 105

That the Committee recommend the Board approve a Fiscal Year 2013/2014 budget amendment to increase Task No. 0702, for the Call Box System in the amount of \$140,000, funded by SAFE – Vehicle Registration Fees for a total Task budget of \$1,282,713. **Nikki Miller**

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

Discussion Items Continued...**Transportation Fund Administration****12. Local Transportation Fund Apportionment Pg. 107**

That the Committee recommend the Board, acting as the San Bernardino County Transportation Commission:

1. Maintain Fiscal Year 2013/2014 Local Transportation Fund apportionment of \$81,265,071 as approved by the Board on March 6, 2013.

2. Maintain a Fund Reserve of \$7,250,000 for unexpected financial need.

3. Approve a Local Transportation Fund Estimated Apportionment of \$80,484,541 for Fiscal Year 2014/2015 as detailed in Attachment A and based on \$74,920,020 in estimated receipts, \$5,564,521 from the prior year audited unrestricted fund balance, and maintaining a \$7,250,000 Fiscal Year Fund Reserve. **Carrie Schindler**

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

13. Fiscal Year 2014/2015 State Transit Assistance Fund – Population Share Apportionment Pg. 112

That the Committee recommend the Board, acting as the San Bernardino County Transportation Commission:

1. Approve a State Transit Assistance Fund - Population Apportionment for Fiscal Year 2014/2015 of \$7,406,093 to be apportioned to the Valley and \$2,795,529 to be apportioned to the Mountain/Desert Areas, for a total of \$10,201,622, based on 2013 California Department of Finance Population Data. **Carrie Schindler**

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

14. Ten-Year Delivery Plan – 2014 Update Pg. 115

That the committee recommend the Board, acting as the San Bernardino County Transportation Authority, approve the 2014 Update to the Measure I 2010-2040 Ten-Year Delivery Plan. **Andrea Zureick**

This item is not scheduled for review by any other policy committee. The proposed 2014 Update to the Ten-Year Delivery Plan was presented to the Transportation Technical Advisory Committee on February 3, 2014. This item is scheduled for review by the Transportation Technical Advisory Committee on March 3, 2014.

Discussion Items Continued...

Transportation Fund Administration Continued

15. Congestion Mitigation and Air Quality Program Proposed Legislation Pg. 118

Receive report on proposed surface transportation reauthorization legislative language concerning use of Congestion Mitigation and Air Quality Program funds.
Andrea Zureick

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

Comments from Committee Members

Brief Comments from Committee Members

Public Comment

Brief Comments by the General Public

ADJOURNMENT

Additional Information

Acronym List

Pg. 122

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: February 12, 2014

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 |
|----------|--------------|--|----------------|
| 5 | N/A | Citigroup Global Markets, Inc. <i>Chris Mukai</i> | None |
| 5 | N/A | Bank of America-Merrill Lynch <i>Bryon Rockwell</i> | None |
| 5 | N/A | Goldman Sachs & Co. <i>Andrew Prindle</i> | None |
| 5 | N/A | Barclays Capital, Inc. <i>John McCray-Goldsmith</i> | None |

*

Approved
General Policy 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 type="checkbox"/> | CMA | <input checked="" type="checkbox"/> |
|-----|-------------------------------------|-----|-------------------------------------|-----|-------------------------------------|------|--------------------------|-----|-------------------------------------|

Check all that apply.

General Policy Committee Agenda Item

February 12, 2014

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| Item No. | Contract No. | Contractor/Agents | Subcontractors |
|----------|--------------|---|----------------|
| 5 | N/A | RBC Capital Markets, LLC <i>Tom A. Yang</i> | None |
| 5 | N/A | Financial Printer Resource, Inc. <i>Cheryl Granger</i> | 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.

GENERAL POLICY COMMITTEE ATTENDANCE RECORD – 2014

| Name | Jan | Feb | March | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|--|-----|-----|-------|-------|-----|------|------|-----|------|-----|-----|-----|
| Ed Graham City of Chino Hills | X | | | | | | | | | | | |
| Jim Harris City of Twentynine Palms | X | | | | | | | | | | | |
| Bill Jahn City of Big Bear Lake | X | | | | | | | | | | | |
| Robert Lovingood Board of Supervisors | | | | | | | | | | | | |
| Larry McCallon City of Highland | | | | | | | | | | | | |
| L. Dennis Michael City of Rancho Cucamonga | X | | | | | | | | | | | |
| Patrick Morris City of San Bernardino | X | | | | | | | | | | | |
| Gary Oviatt Board of Supervisors | | | | | | | | | | | | |
| Edward Paget City of Needles | | | | | | | | | | | | |
| Dick Riddell City of Yucaipa | X | | | | | | | | | | | |
| Janice Rutherford Board of Supervisors | X | | | | | | | | | | | |
| James Ramos Board of Supervisors | | | | | | | | | | | | |
| Dennis Yates City of Chino | | | | | | | | | | | | |

X = Member attended meeting. Empty box = Member did not attend meeting. Crossed out box = Not a member at the time. ** = The General Policy Committee did not meet this month

GENERAL POLICY COMMITTEE ATTENDANCE RECORD – 2013

| Name | Jan | Feb | March | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|--|-----|-----|-------|-------|-----|------|------|-----|------|-----|-----|-----|
| Ed Graham City of Chino Hills | X | X | X | X | X | | ** | X | X | X | X | X |
| Jim Harris City of Twentynine Palms | X | X | X | X | X | X | ** | X | X | X | X | X |
| Bill Jahn City of Big Bear Lake | | | | | | | | | | X | X | X |
| Mike Leonard City of Hesperia | X | X | X | X | X | X | ** | | | | X | |
| Robert Lovingood Board of Supervisors | | X | X | | X | X | ** | | | X | | |
| Larry McCallon City of Highland | X | | X | X | X | X | ** | X | X | | | X |
| Julie McIntyre City of Barstow | | X | X | X | X | | ** | | | | | |
| L. Dennis Michael City of Rancho Cucamonga | | | | | | X | ** | X | X | X | X | X |
| Patrick Morris City of San Bernardino | X | X | X | X | X | X | ** | X | X | X | X | X |
| Gary Ovitt Board of Supervisors | X | X | X | X | X | X | ** | | | X | | X |
| Edward Paget City of Needles | | | | | | | | | | | | |
| Dick Riddell City of Yucaipa | X | X | X | X | X | X | ** | X | X | X | X | X |
| Janice Rutherford Board of Supervisors | X | X | X | X | X | X | ** | X | X | | X | X |
| James Ramos Board of Supervisors | 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 =Member attended meeting. Empty box = Member did not attend meeting. Crossed out box = Not a member at the time. ** =The General Policy Committee did not meet this month



- 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: February 12, 2014

Subject: January 2014 Procurement Report

Recommendation:* Receive January 2014 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 May 1, 2013. On February 6, 2013, the Board of Directors authorized the Executive Director, or designee, to approve: a) contracts and purchase orders up to \$100,000; b) amendments with a zero dollar value; c) amendments to exercise the option term if the option term was approved by the Board of Directors in the original contract; and d) amendments that cumulatively do not exceed 50% of the original contract value or \$100,000, whichever is less and to release Request for Proposal (RFP), Request for Quote (RFQ) and Invitation for Bid (IFB) for proposed contracts from which funding has been approved in San Bernardino Associated Governments (SANBAG's) Annual Budget, and which are estimated not-to-exceed \$1,000,000. SANBAG staff has compiled this report that summarizes all contract actions approved by the Executive Director, or designee.

On July 11, 2012, the Board of Directors authorized SANBAG's General Counsel to award and execute legal services contracts up to \$50,000 with outside counsel as needed on behalf of SANBAG and its authorities organized under the umbrella

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Approved
General Policy Committee

Date: _____

Moved: _____ *Second:* _____

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

Witnessed: _____

| | | | | | | | | | |
|-----|---|-----|---|-----|---|------|---|-----|---|
| COG | X | CTC | X | CTA | X | SAFE | X | CMA | X |
|-----|---|-----|---|-----|---|------|---|-----|---|

Check all that apply.

GPC1402a-www

Attachments:

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2014/gpc1402/AgendaItems/GPC1402a1-www.docx>

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2014/gpc1402/AgendaItems/GPC1402a2-www.docx>

General Policy Committee Agenda Item

February 12, 2014

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of the Council of Governments. Also, periodically notify the Board after exercising such authority.

A list of all Contracts and Purchase Orders that were executed by the Executive Director and/or General Counsel during the month of January is presented herein as Attachment A, and all RFPs and IFBs are presented in Attachment B.

Financial Impact: This item imposes no impact on the Fiscal Year 2013/2014 budget. Presentation of the monthly procurement report demonstrates 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

Attachment A

December to January Contract Actions

New Contracts Executed:

| Contract No. | Description of Specific Services | Vendor Name | Dollar Amount | Description of Overall Program |
|--------------|----------------------------------|-------------|---------------|--------------------------------|
| None | | | | |
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*The Executive Director was authorized to execute Program Supplements associated with the Master Agreement between Caltrans and SANBAG on March 7, 2007. There are no dollar limits associated to the Executive Director's authorization for these Program Supplements.

Attachment A

December to January Contract Amendment Actions

Contract Amendments Executed:

| Contract No. & Amendment No. | Reason for Amendment (include a description of the amendment) | Vendor Name | Previous Amendments & Dollar Values | Dollar Amount of Amendment | Amended Contract Total |
|------------------------------|---|----------------------------|---|----------------------------|------------------------|
| C06043 Amendment 2 | Amendment extended the contract duration 8 months to match construction completion and project closeout and updated key personnel. Articles for Technical Direction and Changes were updated to bring the contract to current language. Project: Construction Management Services for I-215 5th Street Overcrossing and Segments 1 and 2. | Jacobs Projects Management | Original: \$3,134,214.00 Amend. 1: Contract increased by \$25,805,007 | \$0.00 | \$28,939,221.00 |
| C06044 Amendment 4 | Amendment extended the contract duration 8 months to match construction completion and project closeout. Articles for Technical Direction and Changes we update to bring the contract to current language. Project: Material Testing Services for I-215 5th Street Overcrossing and Segments 1 and 2. | Ninyo & Moore | Original: \$425,000.00 Amend. 1: Contract increased by \$3,559,166.56 Amend. 2: Contract increased by \$480,000.00 Amend. 3: Contract increased by \$100,000.00 | \$0.00 | \$4,564,166.56 |

| | | | | | |
|-----------------------|---|----------------------------|---|------------|----------------|
| C06045 Amendment 2 | Amendment extended the contract duration 8 months to match construction completion and project closeout. Articles for Technical Direction and Changes were updated to bring the contract to current language. Project: I-215 Segments 1&2 Construction Surveying. | David Evans & Associates | Original: \$1,183,381.00 Amend. 1: Contract increased by \$4,953,175.79 | \$0.00 | \$6,136,556.79 |
| C14004 Amendment 1 | Removed the Builders Risk insurance requirement which was not required for underground facilities Project: Construction of 36" Storm Drain on E Street in San Bernardino for the Downtown San Bernardino Rail Project. | GRFCO, Inc. | n/a | \$0.00 | \$354,300.00 |
| C13020 Amendment 2 | Extend the contract by 12 months, although the plan has been completed, the services of ICF is needed until Environmental impact report is completed by Atkins. Project: Regional Greenhouse Gas Inventory & Reduction Plan. | ICF Jones & Stokes | Original: \$173,628.00 Amend. 1: Contract duration increased by 6 months | \$0.00 | \$173,628.00 |
| C13021 Amendment 2 | Extend the contract by 12 months to complete the report. Add additional public meetings and cost. Project: Regional Greenhouse Gas Reduction Plan Environmental Impact Report | Atkins North America, Inc. | Original: \$220,803.35 Amend. 1: Contract duration increased by 6 months | \$1,840.00 | \$222,643.35 |

Attachment A

December 12, 2013 - January 17, 2014 Purchase Order Actions

Purchase Orders:

| PO No. | PO Issue Date | Vendor Name | Description of Services | PO Dollar Amount |
|---------|---------------|---------------------------------------|---|------------------|
| 4001094 | 12/12/2013 | BNSF Railway Company | SANBAG requested flagging services from BNSF since it is the only entity that provides flagging services on the San Bernardino/Redlands Subdivision railroad. SANBAG requires this service for the Transit Center Project. | \$25,000.00 |
| 4001096 | 12/17/2013 | Economics & Politics, Inc. | John Husing, from Economics & Politics, has provided valuable economic information for various SANBAG projects. Mr. Husing is hired to produce an economic report for a bond rating presentation to rating agencies for the 2014 bond issue. | \$10,000.00 |
| 4001097 | 12/18/2013 | Simon Wong Engineering | SANBAG awarded contract to Simon Wong on June 5, 2013. However, SANBAG issued Purchase Order to Simon Wong to cover the cost of utility survey and coordination services that must commence prior to issuance of the Letter of Conformance and start of construction for the Lenwood Road Grade Separation Project. The amount spent on this Purchase Order will be deducted from current contract with Simon Wong. | \$100,000.00 |
| 4001101 | 01/13/2014 | Environmental Systems Research (ESRI) | ESRI is the only provider of maintenance to SANBAG's GIS (Geographic Information Systems) software. All of GIS systems run on ESRI software which SANBAG has been using since 1996. | \$12,294.00 |
| 4001104 | 01/14/2014 | Apple One | Since County of San Bernardino performed competitive procurement process, SANBAG piggyback from the County's contract with Apple One to obtain temporary receptionist services. | \$6,825.00 |

| | | | | |
|---|------------|----------------------------------|---|---------------------|
| 4001105 | 01/14/2014 | Southern California Edison (SCE) | SCE is the only electric utility for new meter installation, service and line extension for the Downtown San Bernardino Passenger Rail Project. | \$60,670.06 |
| 4001106 | 01/14/2014 | Southern California Edison (SCE) | SCE is the only electric utility provider and their poles need to be relocated for the Downtown San Bernardino Passenger Rail Project. | \$25,000.00 |
| 4001107 | 01/17/2014 | Southern California Edison (SCE) | SCE is the only electric utility provider and their poles need to be relocated for the Downtown San Bernardino Transit Center Project. | \$34,182.74 |
| <i>*Note: Sole Source justification is noted in the Purpose statement, if applicable.</i> | | | | Total |
| | | | | \$273,971.80 |

Attachment A

December to January Purchase Order Amendment Actions

Purchase Order Amendments Executed:

| Purchase Order No. & Amendment No. | Description of Services and Reason for Amendment | Vendor Name | Previous Amendments & Dollar Values | Dollar Amount of Amendment | Amended PO Total |
|------------------------------------|--|-------------|-------------------------------------|----------------------------|------------------|
| None | | | | | |
| | | | | | |

Attachment B
December to January RFPs and IFBs

Release of RFP's and IFB's

| Release Date | RFP/IFB No. | Description of Services | Anticipated Dollar Amount | Anticipated Award Date | Description of Overall Program and Program Budget |
|---------------------|--------------------|--|----------------------------------|-------------------------------|---|
| 1/21/14 | RFP14010 | Freeway Service Patrol for Beats 2, 4, and 5 | \$993,686 | May 7, 2014 | Provide roadside assistance to multiple sections of major freeways during peak times. |
| 1/21/14 | RFP14047 | PA/ED, PS&E & construction support for the I-10/ University Street project | \$800,000 | July 2, 2014 | For professional services for the initiation document, PA/ED, PS&E and construction support for the I-10/University Street project in the City of Redlands. |
| | | | | Total | \$1,793,686 |



- 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: 4

Date: February 12, 2014

Subject: Measure I Revenue

Recommendation:* That the Committee recommend the Board receive report on Measure I receipts for Measure I 2010-2040.

Background: Sales tax revenue collections for Measure I 2010 through 2040 began on April 1, 2010. Cumulative total receipts for Fiscal Year 2013/2014 as of December 31, 2013 were \$70,833,653.

Included is a summary of the current Measure I receipts by quarter and cumulative total since its inception. The quarterly receipts represent sales tax collection from the previous quarter taxable sales. For example, receipts for October through December represent sales tax collections from July through September.

Measure I revenue for the 2013/2014 Fiscal Year budget was estimated to be \$139,400,000. Actual Measure I receipts for Fiscal Year 2013/2014 October through December are \$35,403,641, in comparison to \$35,076,980 received during the quarter ending September 2012/2013, with an increase of .93%.

Financial Impact: Measure I revenues are expected to exceed both the budgeted amount and prior years' collections.

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

Approved
 General Policy Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

| | | | | | | | | | |
|-----|--|-----|---|-----|---|------|--|-----|---|
| COG | | CTC | X | CTA | X | SAFE | | CMA | X |
|-----|--|-----|---|-----|---|------|--|-----|---|

Check all that apply.

GPC1402b-wws

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2014/gpc1402/AgendaItems/GPC1402b1-wws.docx>

ATTACHMENT A

Summary of SANBAG Measure I Receipts 2010-2040

| Fiscal Year | July- September | October- December | January- March | April- June | Fiscal Year Total | Cumulative Total To Date |
|-------------------------------------|--------------------|----------------------|-------------------|-------------|----------------------|-----------------------------|
| Receipts Prior to FY 2010/11 | | | | | | \$7,158,800 |
| Fiscal Year 2010/11 | 28,188,907 | 29,207,950 | 28,808,766 | 29,397,456 | 115,603,079 | \$122,761,879 |
| Fiscal Year 2011/12 | 31,027,319 | 33,547,956 | 32,757,419 | 33,476,051 | 130,808,745 | \$253,570,624 |
| Fiscal Year 2012/13 | 34,279,449 | 35,076,980 | 34,675,280 | 34,309,171 | 138,340,881 | \$391,911,504 |
| Fiscal Year 2013/14 | 35,430,012 | 35,403,641 | 0 | 0 | 70,833,653 | \$462,745,157 |
| % Increase Over 12/13 | 3.36% | 0.93% | | | | |



- 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: February 12, 2014

Subject: Resolution No. 14-009, Issuance of the 2014 Sales Tax Revenue Bond and Designating the Underwriter and Printer

Recommendation:* That the Committee recommend the Board:

1. Approve Resolution No. 14-009 authorizing the issuance and sale of not-to-exceed \$150,000,000 aggregate principal amount of San Bernardino County Transportation Authority sales tax revenue bonds (limited tax bonds), the execution and delivery of an indenture, supplemental indenture, escrow agreement, amendment to state transactions and use tax agreement, purchase contract, official statement and continuing disclosure agreement and the taking of all other actions necessary in connection therewith;
2. Designate Citigroup Global Markets Inc., as Senior Manager, and Bank of America Merrill Lynch, Goldman, Sachs & Co., Barclays Capital Inc., and RBC Capital Markets, LLC as Co-Managers for bond underwriting services; and
3. Designate Financial Printer Resource, Inc. for printing services.

*

Approved
General Policy Committee

Date: _____

Moved: _____ *Second:* _____

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

Witnessed: _____

| | | | | | | | | | |
|-----|---|-----|---|-----|---|------|--|-----|---|
| COG | X | CTC | X | CTA | X | SAFE | | CMA | X |
|-----|---|-----|---|-----|---|------|--|-----|---|

Check all that apply.

GPC1402c-wws

Attachment:

<http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProgress%20Files%20%202014/Res%20No.14-009.docx>

Background: In 2004, San Bernardino County voters approved the extension of the Measure I sales tax (Measure I 2010-2040). Ordinance 04-01 authorizes the allocation of revenue to the Valley and Mountain-Desert areas and establishes the expenditure plan. SANBAG recently completed a 10-Year Delivery Plan to identify lists of projects to be delivered over the next ten (10) years and financing scenarios. The delivery plan is for identifying bonding needs.

The 2014 Sales Tax Revenue Bond will provide proceeds for projects to be undertaken in the next few years. Projects are identified in the Cajon Pass, Valley and Mountain/Desert Measure I 2010-2040 expenditure plan. The 2014 bond issuance will not exceed an aggregate principal amount of \$150 million.

SANBAG staff and the designated finance team (financial consultant, bond and disclosure counsel, and underwriter) are in the process of completing the Preliminary Official Statement and other bonding documents.

Financial Impact: The 2014 Sales Tax Revenue Bond will provide financing for projects identified in the Measure I 2010-2040 expenditure plan.

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

RESOLUTION NO. 14-009

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$150,000,000 AGGREGATE PRINCIPAL AMOUNT OF SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY SALES TAX REVENUE BONDS (LIMITED TAX BONDS), THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE, PURCHASE CONTRACT, OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE AND THE TAKING OF ALL OTHER ACTIONS NECESSARY IN CONNECTION THEREWITH

WHEREAS, the San Bernardino County Transportation Authority (the "Authority") is a public instrumentality duly established and existing pursuant to the Local Transportation Authority and Improvement Act (the "Act"), being Division 19 of the Public Utilities Code of the State of California (Section 180000 *et seq.*) and is authorized pursuant to the Act to, among other things, and with voter approval, levy a retail transactions and use tax in accordance with the provisions of Chapter 5 of the Act (Section 180200 *et seq.*) and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code (the "Sales Tax Law");

WHEREAS, the Authority adopted Ordinance No. 89-1, named the "Transportation Expenditure Plan and Retail Transactions and Use Tax Ordinance" (as further amended and supplemented, "Ordinance No. 89-1"), on August 2, 1989, pursuant to the provisions of the Act, which Ordinance No. 89-1 provided for the imposition of a retail transactions and use tax (the "Sales Tax") applicable in the incorporated and unincorporated territory of the County of San Bernardino (the "County") in accordance with Chapter 5 of the Act and the Sales Tax Law at the rate of one-half of one percent (1/2%) for a period not to exceed twenty (20) years;

WHEREAS, by its terms, Ordinance No. 89-1 became effective at the close of the polls on November 7, 1989, the day of the election at which the proposition imposing the Sales Tax was approved by a majority vote of the electors voting on the measure, and the collection of the Sales Tax commenced on April 1, 1990;

WHEREAS, the Authority adopted Ordinance No. 04-01, named "An Ordinance Providing for the Continuation of a One-Half of One Percent Retail Transactions and Use Tax by the San Bernardino County Transportation Authority for Local Transportation Purposes and the Transportation Expenditure Plan" (the "Ordinance") on June 2, 2004, pursuant to the provisions of the Act, which Ordinance provides for the continued imposition of the Sales Tax applicable in the incorporated and unincorporated territory of the County in accordance with the provisions of Chapter 5 of the Act and the Sales Tax Law at the rate of one-half of one percent (1/2%) for a period not to exceed thirty (30) years beginning April 1, 2010;

WHEREAS, the Ordinance became effective at the close of the polls on November 2, 2004, the day of the election at which the proposition providing for the continued imposition of the Sales Tax was approved by more than two-thirds of the electors voting on the measure;

WHEREAS, the Authority is authorized by the Ordinance and the Act, including Section 180251 thereof, to issue from time to time limited tax bonds authorized by voters concurrently with the approval of the Sales Tax, secured and payable in whole or in part from revenues of the Sales Tax ("Sales Tax Revenues"), in an aggregate principal amount at any one time outstanding not to exceed the estimated proceeds of the Sales Tax, for capital outlay expenditures for transportation purposes as set forth in the Act and the Ordinance, including to carry out the transportation projects described in the San Bernardino County Transportation Authority Expenditure Plan adopted as part of the Ordinance (including any amendments thereto, the "Expenditure Plan");

WHEREAS, the Authority expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the projects in the Expenditure Plan prior to the issuance of indebtedness for the purpose of financing costs associated with such projects on a long-term basis;

WHEREAS, Section 1.150-2 of the Treasury Regulations requires the Authority to declare its reasonable official intent to reimburse prior expenditures for such projects with proceeds of a subsequent borrowing;

WHEREAS, the Authority has heretofore issued \$91,880,000 aggregate principal amount of its Sales Tax Revenue Bonds (Limited Tax Bonds), 2012 Series A (the "2012 Bonds"), pursuant to an Indenture dated as of March 1, 2012 (as amended from time to time, the "Indenture"), as amended and supplemented by a First Supplemental Indenture, dated as of March 1, 2012, each entered into by the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee");

WHEREAS, in order to provide funds to finance, refinance or reimburse the Authority for its prior payment of, the costs of certain transit and road improvements identified in the Expenditure Plan (hereinafter collectively referred to as the "Project"), the Authority hereby determines to issue one or more new series or subseries of limited tax bonds, in an aggregate principal amount not to exceed one hundred fifty million dollars (\$150,000,000), which is the estimated cost of accomplishing the purposes for which such limited tax bonds are being issued and which amount does not exceed the amount of limited tax bonds which the Authority is authorized to issue pursuant to the Act, and the Authority has determined that such bonds shall be secured by a lien on the Sales Tax Revenues collected pursuant to the Ordinance and the Sales Tax Law, and shall be designated, subject to changed or additional series and subseries designations, as the "San Bernardino County Transportation Authority Sales Tax Revenue Bonds (Limited Tax Bonds) 2014 Series A" (the "Bonds");

WHEREAS, the Authority hereby further determines that the Bonds shall be issued pursuant to the Indenture and a Second Supplemental Indenture (the "Second Supplemental Indenture"), which Second Supplemental Indenture is proposed to be entered into by the Authority and the Trustee;

WHEREAS, the proceeds of the Bonds will be applied pursuant to the provisions of the Act, the Ordinance, the Expenditure Plan and the Indenture, including as supplemented by the Second Supplemental Indenture as finally executed and delivered, for the following purposes: (i) to finance, refinance or reimburse the Authority for its prior payment of, the costs of the Project,

(ii) to fund capitalized interest on the Bonds, (iii) to fund a reserve fund, if any, for such Bonds, and (iv) to pay costs incurred in connection with the issuance of such Bonds;

WHEREAS, in order to set forth the terms of sale of the Bonds, the Authority proposes to enter into a bond purchase agreement (the "Purchase Contract") with Citigroup Global Markets Inc., Barclays Capital Inc., Goldman, Sachs & Co., Merrill Lynch, Pierce, Fenner & Smith Incorporated, and RBC Capital Markets, LLC (the "Underwriters"), and, in order to facilitate the offering of the Bonds, the Authority proposes to execute and deliver an official statement (the "Official Statement") describing the Bonds and certain related matters;

WHEREAS, in order to assist the Underwriters in complying with Securities and Exchange Commission Rule 15c2-12, the Authority proposes to execute a Continuing Disclosure Certificate (the "Continuing Disclosure Certificate") with The Bank of New York Mellon Trust Company, N.A., acting as dissemination agent (the "Dissemination Agent");

WHEREAS, the Authority has appointed Montague DeRose and Associates, LLC as financial advisor to the Authority (the "Financial Advisor"), and has retained Orrick, Herrington & Sutcliffe LLP as bond counsel and Fulbright and Jaworski LLP (a member of Norton Rose Fulbright) as disclosure counsel to the Authority;

WHEREAS, the Authority has been presented with proposed forms of Second Supplemental Indenture, Purchase Contract, Continuing Disclosure Certificate and the Official Statement in preliminary form (the "Preliminary Official Statement") relating to the financing described herein (the "Financing"), and the Authority has examined and approved each document and desires to authorize and direct the execution of such documents as are specified herein and such other documents as are necessary or advisable in connection with the Financing and to authorize and direct the consummation of the Financing; and

WHEREAS, all acts, conditions and things required by the Act, the Sales Tax Law, the Ordinance, the Expenditure Plan and the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the Financing authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Authority is now duly authorized and empowered, pursuant to each and every requirement of law, to authorize such Financing, including the issuance of the Bonds pursuant to the Indenture and Second Supplemental Indenture, and to authorize the execution of the Second Supplemental Indenture, the Purchase Contract, the Official Statement and the Continuing Disclosure Certificate for the purposes, in the manner and upon the terms provided;

NOW, THEREFORE, BE IT RESOLVED BY THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY as follows:

Section 1. The Authority finds and determines that the foregoing recitals are true and correct.

Section 2. The issuance by the Authority of not to exceed \$150,000,000 aggregate principal amount of San Bernardino County Transportation Authority Sales Tax Revenue Bonds (Limited Tax Bonds) 2014 Series A, in accordance with the provisions set forth in the Second

Supplemental Indenture, in one or more series or subseries and subject to changed or additional series and subseries designations, as applicable, is hereby authorized and approved.

Section 3. The proposed form of Second Supplemental Indenture presented to this meeting and the terms and conditions thereof are hereby approved. The structure, date, maturity date or dates (not to exceed March 1, 2040), fixed interest rate or rates (such rates not to exceed a maximum of 6.00% per annum) or methods of determining the same, principal and interest payment dates, forms, registration and conversion and exchange privileges, if any, place or places of payment, terms of redemption, mandatory purchase, authorized denominations of \$5,000 or integral multiples thereof, series and sub-series designations, form of bonds and other terms of the Bonds shall be (subject to the foregoing limitations) as provided in the Indenture and the Second Supplemental Indenture as it is finally executed and delivered.

The Executive Director of the Authority (the "Executive Director") and the Chief Financial Officer of the Authority (the "Chief Financial Officer" and, together with the Executive Director, referred to herein as an "Authorized Officer") are singly hereby authorized and directed, for and in the name and on behalf of the Authority, to execute and deliver the Second Supplemental Indenture, in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. The proposed form of Purchase Contract presented to this meeting and the terms and conditions thereof are hereby approved. An Authorized Officer is hereby authorized and directed, for and in the name and on behalf of the Authority, (i) to sell the Bonds pursuant to the Purchase Contract to the Underwriters designated by the Authorized Officer, and (ii) to execute and deliver a Purchase Contract, in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof, provided that the Underwriters' compensation set forth therein shall not exceed 0.375% of the principal amount of the Bonds and the true interest cost ("TIC") to the Authority of the Bonds shall not exceed 5.50%.

Section 5. The proposed form of Preliminary Official Statement presented to this meeting is hereby approved, and an Authorized Officer is hereby authorized and directed to append the Authority's Basic Financial Statements for fiscal year 2012-13 to such Preliminary Official Statement. An Authorized Officer is hereby authorized and directed to execute and deliver to the Underwriters a certificate deeming final the Preliminary Official Statement, in substantially the form presented to this meeting and with such changes as the Authorized Officer approves in the interest of the Authority, within the meaning of Securities Exchange Authority Rule 15c2-12. The Underwriters are hereby authorized to distribute the Preliminary Official Statement in the form so deemed final by the Authorized Officer. An Authorized Officer is hereby authorized and directed, for and in the name and on behalf of the Authority, to execute and deliver a final Official Statement, in substantially said form, including the Authority's Basic Financial Statements appended thereto by an Authorized Officer, and with such changes therein as the officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 6. The proposed form of Continuing Disclosure Certificate presented to this meeting is hereby approved. An Authorized Officer is hereby authorized and directed, for and in

the name and on behalf of the Authority, to execute and deliver the Continuing Disclosure Certificate, in substantially said form, with such changes therein as such officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 7. An Authorized Officer is hereby authorized to negotiate with financial institutions and/or insurance companies, as applicable, a surety bond or an insurance policy, and, if the Authorized Officer, with the advice of the Financial Advisor, determines that doing so is in the best interest of the Authority, to secure on such terms as the Authorized Officer, with the advice of the Financial Advisor, determines are appropriate such insurance policy or surety bond in order to secure payment of the principal of, or interest on, the Bonds or to fund any bond reserve fund established pursuant to the Second Supplemental Indenture.

Section 8. The Executive Director and the Chief Financial Officer are each hereby authorized to enter into or to instruct the Trustee to enter into one or more investment agreements (hereinafter collectively referred to as the "Investment Agreement") providing for the investment of moneys in any of the funds and accounts created under the Second Supplemental Indenture, on such terms as the Executive Director shall deem appropriate. Pursuant to Section 5922 of the California Government Code, the Board of Directors of the Authority (the "Board") hereby finds and determines that the Investment Agreement will reduce the amount and duration of interest rate risk with respect to amounts invested pursuant to the Investment Agreement and is designed to reduce the amount or duration of payment, rate, spread or similar risk or result in a lower cost of borrowing when used in combination with the Bonds or enhance the relationship between risk and return with respect to investments.

Section 9. All approvals, consents, directions, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, including, without limitation, any amendment of any of the documents authorized by this Resolution or any other agreement related thereto, or any reserve facility, any investment of proceeds of the Bonds, or in connection with the addition, substitution or replacement of underwriters, or any agreements with paying agents, the removal or replacement of the Trustee or any similar action may be given or taken by an Authorized Representative (as such term is defined in the Indenture), without further authorization or direction by this Board, and each Authorized Representative is hereby authorized and directed to give any such approval, consent, direction, notice, order, request, or take other action and to execute such documents which such Authorized Representative or Director may deem necessary or desirable to further the purposes of this Resolution.

Section 10. All actions heretofore taken by the officers and agents of the Authority with respect to the Financing and the issuance and sale of the Bonds are hereby ratified, confirmed and approved. If at the time of execution of any of the documents authorized herein, the Executive Director is unavailable, such documents may be executed by the Deputy Executive Director of the Authority or the Chief Financial Officer in lieu of the Executive Director. The Chief Financial Officer of the Authority shall act as the Auditor-Controller of the Authority for execution of the Bonds. The Clerk of the Board of the Authority is hereby authorized to attest to the execution by the Executive Director or the Deputy Executive Director or the Chief Financial Officer of any of such documents as said officers deem appropriate.

The proper officers, directors and agents of the Authority are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the Authority, to adopt written procedures relating to its bonds and to do any and all things, attend rating agency presentations and take any and all actions and execute and deliver any and all agreements, certificates and documents, including, without limitation, signature certificates, certificates concerning the contents of the Official Statement and the representations and warranties in the Purchase Contract, any tax certificates or agreements, any agreements for depository or verification services, and any agreements for rebate compliance services, which they, or any of them, may deem necessary or advisable in order to consummate the Financing and the issuance and sale of the Bonds and otherwise to carry out, give effect to and comply with the terms and intent of the Ordinance, this Resolution, the Bonds and the documents approved hereby.

Section 11. This Resolution shall take effect immediately upon its adoption and approval.

APPROVED AND ADOPTED by the San Bernardino County Transportation Authority at its meeting on March 5, 2014.

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| | |
|--|---------------------------------|
| <i>Approved Board of Directors</i> | |
| <i>Date:</i> _____ | |
| <i>Moved:</i> | <i>Second:</i> |
| <i>In Favor:</i> | <i>Opposed: Abstained:</i> |
| <i>Witnessed:</i> | |

CERTIFICATE OF THE CLERK OF THE BOARD OF THE
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

I, _____, Clerk of the Board of the San Bernardino County Transportation Authority (the "Authority"), hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a meeting of the governing board of said Authority duly and regularly held in San Bernardino, California, on March 5, 2014, of which meeting all of the members of said Authority had due notice.

I further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

I further certify that an agenda of said meeting was posted at least 72 hours before said meeting at a location in San Bernardino, California, freely accessible to the public and a brief general description of the resolution to be adopted at said meeting appeared on said agenda.

IN WITNESS WHEREOF, I have executed this certificate hereto as of this date,
_____, 2014.

By _____
Clerk



- ▣ 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: February 12, 2014

Subject: Fiscal Year 2013/2014 Work Goals and Objectives

Recommendation:* Receive update on the Fiscal Year 2013/2014 Work Goals and Objectives

Background: The SANBAG Fiscal Year 2013/2014 Work Goals and Objectives establish the Board of Directors priorities for the year. The Executive Director uses this as a tool with the Executive Management Team to evaluate SANBAG's progress in achieving the Board's priorities. This report is a quarterly update on those work goals and objectives.

Financial Impact: This item is consistent with the adopted Fiscal Year 2013/2014 budget.

Reviewed By: This item is not scheduled for review by any other Policy Committee or Technical Advisory Committee.

Responsible Staff: Raymond Wolfe, Executive Director

*

Approved
 General Policy Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

| | | | | | | | | | |
|-----|---|-----|---|-----|---|------|---|-----|---|
| COG | X | CTC | X | CTA | X | SAFE | X | CMA | X |
|-----|---|-----|---|-----|---|------|---|-----|---|

Check all that apply.
 GPC1402a-rw

http://portal.sanbag.ca.gov/mgmt/workgroups/admin/Administration%20Workgroup%20Library/Fiscal%20Year%202013%20work%20goals_Q2%20report.docx

SAN BERNARDINO ASSOCIATED GOVERNMENTS
 FISCAL YEAR 2013/2014 INITIATIVES AND ACTION PLAN — 2ND QUARTER

Initiative #1: Focus on creating and strengthening collaborative partnerships with governmental and business entities

| LA | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division(s) | Status |
|----|---|--|--|--|------------------|---------------------|--------|
| | <p>Create Vision in Action Awards to recognize "Business Friendly", "Cradle to Career", and regional collaboration. Make the awards part of the General Assembly.</p> | <p>Work with Vision Element Groups to identify exemplary programs for this year's awards. Develop full program of criteria and nomination process for next year. Business Friendly award can be similar to Orange County Business Council "Red Tape to Red Carpet" awards.</p> | <p>Identify award recipients in concert with Vision element groups.</p> | <p>IEEP has scheduled their awards program "Red Tape to Red Carpet Awards" on February 19. We are working with them on the program in partnership with WRCOG and CVAG.</p> | <p>COG</p> | | |
| | | | <p>Develop nomination submittal and vetting process in concert with Vision element groups for next year.</p> | <p>Preparing to send call for nominations out in January 2014.</p> | | | |
| | | | | <p>In preparation for the General Assembly, WTS has proposed a program recognizing local accomplishments in each of the 24 cities/towns and the five supervisorial districts</p> | <p>COG</p> | | |

- 1 Green shading equates to good progress
- Yellow shading means the work is behind schedule
- Red shading signifies urgent and significant challenges in completing the task

| Notes | | | | | | |
|---|--|---|---|------------------|--------------------------------|--------|
| Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division(s) | Status |
| 1B Evolve General Assembly into a regional "must attend" destination event | Work closely with incoming Board President to set focus, and then secure support to deliver as appropriate | Outline plans including speaker by mid-January 2014 | <i>We have already identified the date, the speaker and the venue. Save the Date cards will be sent out in October, so we are well on the way to a great event.</i> | COG | Legislative and Public Affairs | C |
| | | Coordinate external team by mid-January 2014 | <i>WTS is managing the effort this year.</i> | COG | Legislative and Public Affairs | C |
| | | Secure facilities and speaker by early February | <i>The event will be held on June 12, 2014 at the Citizen's Business Bank Arena in Ontario. Ben Stein will provide the keynote address.</i> | COG | Legislative and Public Affairs | C |
| Notes | | | | | | |

2 Green shading equates to good progress

Yellow shading means the effort is lagging the committed time schedule

Red shading signifies serious impediments to progress that could translate to failure in completing the task

| 1C | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division(s) | Status |
|--|--|---|--|---|------------------|--------------------------------|--------|
| | Create regional forums to discuss issues of regional concern throughout the County | Actively seek issues of regional concern, coordinate meetings with key stakeholders including legislators | Conduct West Valley regional forum in Q1 | <i>A June 4th event was held in the West Valley regarding the proposed San Gabriel Mountains National Recreation Area and featured presenters from the National Parks Service and the Santa Monica Mountains National Recreation Area.</i> | COG | Legislative and Public Affairs | C |
| | | | Conduct East Valley regional forum by Q3 | <i>Working with East Valley city managers to identify important issues for possible forum topics. Anticipate late spring forum.</i> | COG | Legislative and Public Affairs | |
| | | | Conduct Mountain/Desert regional forum by Q4 | <i>A forum was conducted October 3 at Copper Mountain College. San Bernardino County Superior Courts Presiding Judge Marsha Slough spoke along with San Bernardino County Sheriff McMahon and Caltrans District 8 Director Basem Muallem.</i> | COG | Legislative and Public Affairs | C |
| Notes | | | | | | | |
| <i>Also planning a veterans hiring forum to occur in FY 2013-14.</i> | | | | | | | |

- 3 Green shading equates to good progress
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- Red shading signifies serious impediments to progress that could translate to failure in completing the task

| ID | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division(s) | Status |
|----|-------------------|---|---|--|------------------|--------------------------------|--------|
| | Enhance COG role | Coordinate role in implementing Countywide Vision | <p>Conduct meeting with school districts and other stakeholders to discuss the primary goal of "cradle to career"</p> <p>Participate in Vision Element Groups and integrate SANBAG as appropriate</p> <p>Develop "Business Friendly Best Practices" inventory</p> | <p><i>Steering committee has been formed to develop a cradle to career education forum to be hosted by SANBAG to bring together education community, business leaders and local elected officials. Plan is to have a forum in the spring of 2014.</i></p> <p><i>Have scheduled vision related presentations for all SANBAG Board meetings. SANBAG staff has taken lead roles in the Jobs/Economy and the Environment element groups. Staff also participates with County CAO staff on Visioning steering committee.</i></p> <p><i>The business friendly best practices document is complete and has been reviewed by the steering committee and city managers. The members of the Housing Vision Element are now reviewing and providing feedback because much of the focus is on development processing. Expect all feedback and review to be complete by February 17, 2014 With presentation to Board to follow.</i></p> | COG | Legislative and Public Affairs | |
| | | | | | COG | TBD | |
| | | | | | COG | Legislative and Public Affairs | |

4 Green shading equates to good progress

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Notes

Meet monthly with Countywide Vision steering group in County CEO's office.

| IE | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|----|--|--|--|--|------------------|------------------|--------|
| | Provide leadership and assistance to our members in implementing clean energy and energy conservation projects to reduce utility bills and greenhouse gas emissions. | Continue to work on providing information and regional programs to all SANBAG members that reduce utility bills and greenhouse gas through energy efficiency and clean energy. | Conduct a joint Solar Power Procurement with cities that are interested in solar power for their facilities. | Phase I of joint solar procurement program is complete with consultant reviewing city utility bills and completing preliminary financial analysis of proposed solar sites. Cities have received the phase I report and will be presented with cost and financing options in January with which to make a decision about proceeding with Phase II which is the actual solar procurement and installation. | COG | | |
| | | | Initiate a Property Assessed Clean Energy program for all of San Bernardino County so property owners can access capital to install energy conservation and clean energy projects. | The HERO Program commenced in October 2013. It has been a huge success thus far, with 2,554 applications approved through the end of 2013 for up to \$102.3 million of improvements. Of those approved applications, 1,423 so far have selected a contractor and are moving forward with energy efficiency or solar power | COG | | |

5 Green shading equates to good progress

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|-------|--|--|--|--|--|--|--|
| | | | | <p>projects totaling \$27.6 million. These property owners will annually save \$417,000 annually on their utility bills and reduce greenhouse gas emissions by 1,180 tons.</p> <p>Have also started work on an Energy Leader program in partnership with SCE. SANBAG staff has developed a program abstract and has submitted to SCE for approval. If approved at the level requested, staff will work with cities in early 2014 to get them to sign up to implement energy saving programs and receive utility rebates and credits.</p> | | | |
| Notes | | | | | | | |
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6 Green shading equates to good progress
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Initiative #2: Accelerate delivery of capital projects

| 2.A | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|-----|--|---|---|---|--------------------------------|------------------|--------|
| | Effectively advocate to maintain historic funding levels provided by state and federal governments | Work with regional and statewide entities to ensure that MAP-21 is implemented consistent with SANBAG's goals and policy priorities | Q2 - Primary Freight Network designations expected to be released | <p>On Monday November 19th, the U.S. Department of Transportation released the draft Primary Freight Network (PFN), as required by the Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 calls for the Secretary of Transportation to designate up to 27,000 miles on existing interstate and other roadways to help states strategically direct resources toward improving freight movement. This release identified more than 41,000 miles of comprehensive, connected roadways critical to ensuring the efficient transport of goods throughout the nation to make up the highway PFN. San Bernardino County fared well in the overall analysis, with the entire length of I-10, I-15, I-40 and SR-60 included (approximately 406 miles). There is some question of whether portions of SR-210 and SR-30 are</p> | Legislative and Public Affairs | | |

7 Green shading equates to good progress

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|-------|--|--|---|---|---------------------------------------|--|--|
| | | | <p>Q2 – Passage of any state legislation in 2013, taking effect in 2014</p> | <p><i>accurately included, but this will be an item we hope will be clarified in the final map expected to be released by Spring 2014.</i></p> <p><i>Working on MAP-21 implementation with regional stakeholders and Caltrans. Implementing bills related to the Active Transportation program and the Congestion Mitigation and Air Quality program were signed by the Governor in 2013. Other efforts with Caltrans are proceeding well regarding additional implementation efforts that do not require legislative action.</i></p> | <p>Legislative and Public Affairs</p> | | |
| Notes | | | | | | | |

- 8 Green shading equates to good progress
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| 2B | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|----|---|--|------------------------------|--|------------------|------------------|--------|
| | Deliver all highway/interchange commitments listed in FY 2013/2014 budget | Commence construction of Lenwood Grade Separation | CTC allocation August 2013 | Complete; Allocation deferred by CTC due to reluctance by SCE to sign a Buy America compliant Utility Agreement (UA). UA was needed to receive allocation. | Major Projects | | C |
| | | | Contract bid October 2013 | Project delayed due to Buy America clause in utility agreement, which has been resolved. | Major Projects | | C |
| | | | Contract award December 2013 | See above | Major Projects | | C |
| | | Commence construction of Palm Avenue Grade Separation | CTC allocation March 2013 | Complete | Major Projects | | C |
| | | | Contract bid July 2013 | Complete | Major Projects | | C |
| | | | Contract award Sept. 2013 | Complete | Major Projects | | C |
| | | Commence construction of Baseline Avenue Interchange Improvement | CTC allocation June 2013 | Complete | Major Projects | | C |
| | | | Contract bid February 2014 | Delayed due to federal fund recipient issue. Working with the City, Caltrans and FHWA to amend the FTIP to reflect the City as the sole recipient of SLPP and IMD funds. | Major Projects | | |
| | | | Contract award May 2014 | See above | Major Projects | | |
| | | | | | Major Projects | | |

9 Green shading equates to good progress

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|--|---|---|----------------|---|
| Commence construction of I-10 Tippecanoe, Phase II | Federal Allocation October 2013 February 2014 March 2014 | Project delayed due to Resolution of Necessity process with property owner to be heard at the CTC. Also, TCIF savings were identified for use on this project, however this triggered the need to update the FTIP and required allocation by the CTC before seeking federal obligation. | Major Projects | |
| | Contract bid November 2013 March 2014 June 2014 | See above | Major Projects | |
| | Contract Award January 2014 May 2014 August 2014 | See above | Major Projects | |
| | CTC allocation June 2013 | Complete | Major Projects | C |
| | Contract bid July 2013 | Complete | Major Projects | C |
| | Contract award Sept. 2013 | Complete | Major Projects | C |
| | Construction completion (open to traffic) July 2013 | Complete | Major Projects | C |
| | Construction completion (open to traffic) January 2014 | Expect completion in late January | Major Projects | |
| | Construction completed (open to traffic) July 2013 | Complete | Major Projects | C |

10 Green shading equates to good progress

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| | | construction | Board decision on including Express Lanes as an alternative October 2013 | Board agreed to proceed with Express Lanes alteration of PAED for both I-10 and I-15 at December 4 meeting. | Major Projects | | |
|-------|--|---|--|--|------------------|------------------|--------|
| Notes | | | | | | | |
| 2C | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Deliver all transit and rail project commitments listed in the FY 2013/2014 budget | Commence construction on Downtown San Bernardino Passenger Rail and Transit Center Projects Complete Redlands Rail PA&ED | Award contract by beginning of Q3 Before the end of Q3 | Contract awarded in December. Work commencing. Behind schedule. EIREIS should be accepted in Q4. Environmental work is expected to be completed by fall 2014. Delayed due to FTA. | Transit and Rail | | C |
| | | Study alternatives to provide Metrolink service into Ontario Airport | Develop and award RFP by end of Q2 | Consultant contract awarded in Q1. Completion of final report is anticipated in September 2014. | Transit and Rail | | C |
| | | On-Call RFP for Transit and Rail Services (Studies, Capital Projects and Operations) | Develop and award RFP by end of Q1 | Contract awarded at December 4 Board meeting. | Transit and Rail | | C |

11

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| FTA Grantees | Work with SANBAG departments to comply with FTA guidelines to submit to FTA by end of Q3 | Initiated work within SANBAG, however assistance will be needed from on-call contact which was awarded on Dec 4 th . Anticipated submittal into Q3 in FY15. See Notes Section | Transit and Rail | Fund Admin. and Programming, Procurement, Legal, Legislative and Public Affairs | | |
|--|--|--|--|---|--|----------|
| Notes | | | | | | |
| <p><i>A complete list has been created with all documents needed for FTA submittal. There are 6 outstanding documents out of 12 needed, which require the assistance of the On-Call Consultant services contract. These include SANBAG SRTP, Title VI Program, Grants Procedure/Manual, EEO Plan, DBE Program and Procurement Manual. The delay in completing in part has been attributed to other higher priority projects within the department of Transit and Rail.</i></p> | | | | | | |
| Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| <p>Deliver the highest quality and most cost effective rail & transit projects and service possible in San Bernardino County</p> | <p>Explore consolidation of various regional transit agencies Victor Valley Transit Agency, Barstow Area Transit, Needles Area Transit to provide greater efficiencies and more coordinated service and project delivery</p> | <p>Study consolidation of Victor Valley Transit Agency (VVTA), Barstow Area Transit, Needles Area Transit to a single transit provider</p> | <p>Study is complete. Implementation underway with presentations to city/town council meetings.</p> | <p>Transit and Rail</p> | <p>Fund Admin. and Programming, Legislative and Public Affairs</p> | <p>C</p> |
| | | <p>Study the efficiency of all seven transit operators</p> | <p>On-call consultant contract awarded in Q2, which will be the vehicle used to deliver this work. Scope developed and task order expected to be executed in January 2014.</p> | <p>Transit and Rail</p> | <p>Fund Admin. and Programming, Legislative and Public Affairs</p> | |

2D

12

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| Notes | | | | | | | |
|-------|---|---|---|---|------------------|-----------------------------|--------|
| 2E | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Manage TDA funds in accordance with SANBAG Board priorities | Complete Omnitrans COA | Work with joint ad hoc committee and SANBAG Board to resolve outstanding issues by Q2 | Complete. | Transit and Rail | | C |
| | | Develop long-term plan to ensure cost projections do not exceed revenues for Valley Apportionment (this requires a review of Omnitrans as well as Metrolink expenditures) | Complete by April <u>September</u> 2014 | <i>On-call consultant will prepare SRTP which is expected to address this issue. Scope of work has been prepared, on-call consultant was not awarded until Q2 (Dec). Project timeline is 9 months from issuance of CTO.</i> | Transit and Rail | Fund Admin. and Programming | |
| Notes | | | | | | | |

13

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| Initiative #3: Maximize funding opportunities | | | | | | | |
|---|--|---|--|--|-----------------------------|----------------------------------|--------|
| 3A | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Use strategic programming to ensure that no funds are lost | Manage projects closely with Caltrans to ensure adequate review resources available when projects ready | <p>May 1 is Caltrans' deadline for guaranteed access to federal OA</p> <p>June 30 is CTC deadline for project allocation or extension requests</p> | <p>Exceeded OA target by 100%</p> <p><i>All funds available from the CTC were allocated by CTC deadlines for FY12/13. We have worked closely with CT D8 staff to define review priorities based on funding deadlines and to respond to comments expeditiously. As discussed in Initiative 2B, Tippecanoe Phase 2 will be proposed for use of TCIF savings and will be allocated concurrently with CTC approval of the environmental document, which is planned for March 2014.</i></p> | Fund Admin. and Programming | Major Projects, Transit and Rail | C |
| | | | | | Fund Admin. and Programming | Major Projects, Transit and Rail | |
| Notes | | | | | | | |

14 Green shading equates to good progress

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| 3B | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|----|--|---|---|--|-----------------------------|----------------------------------|--------|
| | Protect San Bernardino County's equitable share of available state and federal funds | Develop funding strategies that result in opportunities to seize additional state and federal funds | Use more than 100% federal OA each fiscal year to be candidate for additional OA through August redistribution - Q4 | All funds allocated by the CTC were allocated for FY12/13. Secured 200% federal program delivery for federal FY12/13. Planned obligations for FY13/14 will exceed the OA targets for FY13/14. Staff will continue to monitor project schedules and project closeouts to ensure we can exceed target. | Fund Admin. and Programming | Major Projects, Transit and Rail | |
| | | Promote policies to garner more state and federal funding | Ongoing as issues arise | Will be advocating in 2014 to ensure that Cap and Trade funds resulting from the expansion of the program to transportation fuels are allocated to transportation projects, per the Board adopted Legislative Platform. Governor's FY 2014-15 proposed Budget includes funding for transit and active transportation projects from existing cap and trade program funds. Additionally, advocacy will occur as MAP-21 expires in the fall of 2014 to ensure that funding levels and favorable policies are protected and preserved in any extension or reauthorization. | Fund Admin. and Programming | Legislative and Public Affairs | |

15

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|-------|--|--|--|---|---------------------------------|------------------|---|
| | Advocate legislation that protects and grows state and federal funds | Evaluate results of prior year advocacy efforts – Q2 Develop platform for next fiscal year – Q2 | End of Year report provided at the December 6 Board meeting highlighting legislation signed by the Governor in 2013 that impacts SANBAG. Legislative platform update approved by the Board of Directors in December 2013. | Legislative and Public Affairs | Fund Admin. and Programming | C | |
| Notes | | | | | | | |
| 3C | Division Strategy Develop long-term bonding needs to help leverage other funds and deliver projects | Action Plan Name financial advisor, bond and disclosure counsel, and investment bankers | Milestones Completed by September 2013 | Milestone Status <i>Financial Advisor RFP's were received and reviewed by a panel in May. Final candidates were interviewed, following the initial review and the finalist for Financial Advisor was recommended at the June General Policy Committee and September Board meetings. Montague DeRose & Associates, LLC was awarded the contract.</i> <i>General Counsel is responsible for the bond and disclosure counsel. RFP's were received and reviewed by a panel in July. Final candidates were interviewed</i> | Primary Division Finance | Support Division | C |

16 Green shading equates to good progress
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|--|--|---|---|------------------------------------|--|
| | <p>Establish 2014 sales tax revenue bond program</p> | <p>Update Ten-Year Delivery Plan – Q2</p> | <p>following the initial review and finalists for bond and disclosure counsel were recommended at the August General Policy Committee and September Board meetings. Orrick, Herrington & Sutcliffe LLP and Fulbright & Jaworski LLP were awarded the contracts for Bond Counsel and Disclosure Counsel respectively.</p> <p>Twenty-three RFP's were received for investment banking services. The RFP's were reviewed by a panel and nine firms were interviewed in August. Finalists were recommended and approved at the September General Policy Committee and October Board meeting. The firms are Bank of America Merrill Lynch, Barclays, Citigroup Global Markets Inc., Goldman Sachs, and RBC Capital Markets.</p> <p>Fund Administration is currently evaluating bonding strategies necessary to deliver the project planned over the next ten years. These will be presented as</p> | <p>Fund Admin. and Programming</p> | <p>Finance, Planning, Major Projects, Transit and Rail</p> |
|--|--|---|---|------------------------------------|--|

17

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|--|---|---|---|---|------------------|-----------------------------|--------|
| | | | | part of the update to the 10-yr Delivery Plan in February 2014. Measure 1 sales tax forecast update for fiscal years 2014-2040 was completed in January 2014. | | | |
| Notes | | | | | | | |
| <i>Finance team will be instrumental in developing bonding needs and in the sale of bonds (October 2013–March 2014).</i> | | | | | | | |
| 3D | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Complete analysis of Valley freeway interchange phasing program | Identify opportunities to meet current project goals with reduced project scoping | Devise phasing concepts by Q3 | Analysis has been completed of existing conditions at selected interchanges. Initial phasing opportunities were presented to the Transportation Technical Advisory Committee on Dec. 2. Discussion will continue with TTAC and City/County Manager TAC in Q3. | Planning | Major Projects | |
| | | | Revise financial plan for interchange program by Q4 | | Planning | Fund Admin. and Programming | |
| Notes | | | | | | | |

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Initiative #4: Transparent and accountable allocation strategies

| 4A | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|----|---|--|---|--|-----------------------------|---------------------------------|--------|
| | Manage geographic equity in fund distribution across the County | Define equity, create tracking database, run through committee and Board, and post on external (Board) website | Develop policies to define geographic areas to be tracked and "equity" by fund source – Q1 | <i>Board approved the framework for development of an equity policy in December 2013. Staff anticipates presenting a proposed policy for review by TTAC and CMTAC in March 2014. Staff does not expect final policy approval until Q4.</i> | Fund Admin. and Programming | Planning (database development) | |
| | | | Compile data that will allow for funds to be tracked per policy – Q2 | <i>Staff has developed a spreadsheet that calculates distribution of STP, CMAQ, STIP, TCIF, CMIA, and SLPP funds since 2009. Staff will verify that all data is consistent with the final policy as approved by the Board in Q4</i> | Fund Admin. and Programming | Planning (database development) | |
| | | | Present findings to Committees/Board and provide link to real-time "dashboard" on external Board website – Q3 | <i>Staff will work to develop an automated method of tracking funds that will provide the Board access to a real-time "dashboard" of fund distribution status after the Board approves the Policy direction.</i> | Fund Admin. and Programming | Planning (database development) | |

Notes

19

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| 4B | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|-------|------------------------------|--|-----------------------------|---|------------------|------------------|--------|
| | Monitor SANBAG cash accounts | Reconcile various bank accounts with general ledger on a monthly basis | Q4 with annual audit report | <p><i>Finance developed a monthly cash bank account to general ledger reconciliation report along with a monthly list of procedures and month-end closing entries report. Report on the status of financial statement findings was provided to the August General Policy Committee and September Board meetings. Fiscal year 2012-2013 audit was completed and submitted to the Audit Subcommittee in December 2013 and the Board in January 2014. Audit indicated prior year findings were corrected and there were no new finding in fiscal year 2012-2013.</i></p> | Finance | | C |
| Notes | | | | | | | |

20

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| 4C | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|-------|-----------------------------|---|-----------------------------|--|------------------|------------------|--------|
| | Monitor SANBAG fixed assets | Record fixed assets transactions and depreciation quarterly | Q4 with annual audit report | Fixed asset information is reviewed and updated on an assets quarterly basis including year-end reconciliation. The fiscal year 2012-2013 audit was completed and submitted to the Audit Subcommittee in December 2013 and the Board in January 2014. Audit indicated prior year findings were corrected and there were no new finding in fiscal year 2012-2013. | Finance | | C |
| | | Develop Right-of-Way (ROW) asset management program | | This is still a work-in-progress between finance and rail/transit. Assets need to be identified as SANBAG or other agency ownership. An initial property listing has been created with aggregate information. Staff is still working on obtaining more detail information. The goal is to complete the inventory of ROW assets at the end of the fiscal year. | Finance | Transit and Rail | |
| Notes | | | | | | | |

21

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| Initiative #5: Develop marketing strategies to highlight system use and Measure I successes | | | | | | | |
|---|---------------------------------------|---|------------|---|--------------------------------|------------------|--------|
| 5A | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Broadcast Measure I project successes | Identify key local and regional projects | Ongoing | Measure I informational piece currently being designed and strategy for distribution is currently being evaluated for cost and communication value. | Legislative and Public Affairs | COG | |
| | | Create media to display at the Depot, train and bus platforms, and in other media across the County | | Kiosk installed in Santa Fe Depot lobby with information included on current projects. Additionally considering feasible and cost-effective options to broadcast information at other rail stations and bus stops. | Legislative and Public Affairs | COG | |
| | | Highlight projects and benefits of each in local and regional publications | Ongoing | As projects begin and are completed, staff has worked with the media to enhance communication about Measure I's role in project funding and highlight SANBAG's accomplishments. Additionally, articles have appeared in regional and nationwide newsletters on SANBAG projects and programs. This is an ongoing effort. | Legislative and Public Affairs | COG | |
| | | Leverage other social media resources to broadcast the message | Ongoing | Increased use of social media, including twitter has been beneficial for project updates. Continuing to evaluate additional social media tools for SANBAG use. | Legislative and Public Affairs | COG | |

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| Notes | | | | | | | |
|-------|--|--|--|--|--------------------------------|------------------|--------|
| 5B | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Highlight transit options to key events across San Bernardino County | Identify events such as NASCAR at the Speedway, 66er's and Quakes games, Ontario Reign games, as well as events at the Orange Show and elsewhere across the County | As needed in advance of key events Consider participation in the MSRC's Major Event Transportation Program to large events throughout San Bernardino County | <i>Routes and events are being identified, to be implemented as seasonally applicable.</i> | Legislative and Public Affairs | COG | |
| | | Determine transit options to these events (work with Metrolink and local transit providers) | Ongoing | <i>Routes and events are being identified, to be implemented as seasonally applicable.</i> | Legislative and Public Affairs | COG | |
| | | Create media to educate the public on alternative transportation options to attend events as well as promoting events themselves (work directly with event sponsors) | Ongoing | <i>Routes and events are being identified, to be implemented as seasonally applicable.</i> | Legislative and Public Affairs | COG | |
| Notes | | | | | | | |

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| Initiative #6: Engender public trust | | | | | | | |
|--------------------------------------|---|--|--|---|------------------|--------------------------------|--------|
| 6A | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Continue working with Independent Taxpayer Oversight Committee (ITOC) to secure finding of compliance for Measure I | Provide ITOC with information and convene annual meetings with report out to the Board on findings | Annual | <i>ITOC meets every April. Their last report did not identify any concerns.</i> | Administration | | |
| Notes | | | | | | | |
| | Promote use of public transit by large employers and educational facilities | Identify large employers and educational facilities to participate in rail & transit pass programs | Work with Metrolink, Omnitrans and the other transit providers to explore options for developing an employer/educational rail & transit pass program | <i>Omnitrans and Metrolink currently coordinate connectivity issues. Upon completion of DSBPRP a kiosk at depot SBTC containing all providers connectivity information. This will need to be further looked out to determine the best approach.</i> | Transit and Rail | Legislative and Public Affairs | |
| Notes | | | | | | | |

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| 6C | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|-------|--|---|---|---|------------------|------------------|--------|
| | Provide safe public transit facilities | Evaluate security at Metrolink stations and for future DSBPRP/RPRP. Educate SANBAG staff regarding safety around Santa Fe Depot | Through the on-call RFP, study possible consolidation of security for the existing seven Metrolink stations as well as for the San Bernardino Transit Center Conduct training sessions at staff meetings and through other communications regarding safety around the Depot during construction of the DSBPRP and post construction. | <i>Will be assigned to on-call consultant. A Statement of Work will be issued by Q4 of FY13.</i> | Transit and Rail | | |
| | | | | <i>This is dependent on the contractor's proposed construction phasing. Safety/access requirements included in the contract documents. Contract award will occur before the end of the Q3.</i> | Transit and Rail | | |
| Notes | | | | | | | |
| 6D | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Secure an unqualified opinion of annual financial statements | | Due Q4 annually | <i>Initial meeting with Audit Subcommittee and independent auditor in June. Preliminary audit work completed in July. Audit field work finished in December. CAFR, Single Audit and other reports were submitted to</i> | Finance | | C |

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| | | | Provide assistance and direction quickly on critical issues Due end of Q2 annually | Ongoing. | | | |
|-------|-------------------------------|---|---|--|------------------|------------------|--------|
| Notes | | | | | | | |
| 6F | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Update SANBAG budget document | Evaluate current and future changes to budget document working in concert with ad hoc (need direction from ad hoc for changes by October Board meeting to implement in following FY budget) | Review current budget document with to-date changes | <i>The subcommittee met July 9. The current budget process and document with to-date changes were reviewed. Direction was given to staff to conduct a survey of the entire Board. The survey asked Board members what possible changes they would like to see in the process and document. Subcommittee met again on August 29 to review results of the survey and identified short and long-term. SANBAG will conduct pre-budget overviews at the February Valley Study Session and Mountain/Desert Committee meetings.</i> | Finance | | |
| | | | Identify short-term improvements and changes to current budget document | <i>1. Provide pictures of functions on budget cover. 2. Establish goals and priorities prior to budget. 3. Simplify budget format and eliminate redundancy. 4. Conduct pre-budget workshops in subareas.</i> | Finance | | C |

Green shading equates to good progress

Yellow shading means the effort is lagging the committed time schedule

Red shading signifies serious impediments to progress that could translate to failure in completing the task

| | | | | | | | |
|---|--|--|--|--|------------------|------------------|--------|
| | | | Identify long-term structural improvements and changes to budget document ³ | 1. Provide additional summaries and graphs by fund. 2. Provide project cycle information for capital projects. 3. Provide revenue detail and graphs. | Finance | | C |
| Notes | | | | | | | |
| Initiative #7: Develop information for 2015 re-evaluation of Measure I Expenditure Plan and to feed 2016 SCAG RTP/SCS | | | | | | | |
| 7A | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Develop Countywide Transportation Plan (CTP) | Work with SCAG and local jurisdictions on 2040 growth forecasts. | Tentative city-level growth forecast by Q2. | Produced initial city-level growth forecasts for population, households, and employment in collaboration with SCAG in November. Produced draft Tier 3 TAZ-level data for local review in December. | Planning | All | |
| | | Identify transportation and land use scenarios for evaluation. | Tentative TAZ-level and adjusted city-level forecast by Q3 | Initiated one-on-one meetings with jurisdictions in December. Initial local review will continue through March 2014. | Planning | All | |
| | | | Develop base network by Q2 | Draft base network completed. Waiting for further SCAG updates to 2012 and 2040 networks. | Planning | All | |
| | | | Develop scenarios for analysis by Q3 | | Planning | All | |

Green shading equates to good progress
Yellow shading means the effort is lagging the committed time schedule
Red shading signifies serious impediments to progress that could translate to failure in completing the task

| Notes | | | | | | | |
|---|--|--|--|--|------------------|------------------|--------|
| 7B | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| <p><i>Scope of work for CTP was developed and existing conditions are being documented in FY 2012-2013. The Measure I 2010-2040 Ordinance states: "Beginning in 2015 and at least every ten years thereafter, the Authority shall review and, where necessary, propose revision to the Expenditure Plan." The purpose of this strategy is to lay the foundation for the re-evaluation of the Expenditure Plan required in 2015.</i></p> | | | | | | | |
| | Identify issues and develop data for consideration in 2015 re-evaluation of the Measure I Expenditure Plan | Hold discussions with Board members and TACs regarding issues that should be addressed in re-evaluation. | Develop "Issues Paper" by Q2 and review with Board and TACs. | Developed Measure I working paper in December for City/County Manager Ad Hoc committee review. Paper is being discussed by Ad Hoc committee and will be reviewed by full City/County Manager TAC on January 30. Presentation to policy committees planned in February. | Planning | All | |
| | | Provide analysis of issues and options for further review by Board. | Develop "Options Paper" by Q4 | | Planning | All | |
| Notes | | | | | | | |

Green shading equates to good progress
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 Red shading signifies serious impediments to progress that could translate to failure in completing the task

| 7C | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|-------|---|--|---|---|---|--|-------------------|
| | Develop draft freight strategy for County | Collaborate with public agency partners and stakeholders from industry to identify freight mobility goals, strategies, and projects. | <p>Conduct interviews with local government and industry stakeholders in Q1</p> <p>Prepare "white paper" of current freight issues in Q2</p> <p>Prepare draft freight strategy in Q3</p> <p>Finalize freight strategy in Q4</p> | <p>All interviews complete.</p> <p>First Draft of "SANBAG Freight Strategy" white paper completed. Circulating for internal SANBAG staff review and will be discussed at TTAC, City/County Manager TAC, and policy committees in Q3.</p> <p>White paper includes initial discussion of a freight strategy. Will be refined in Q3.</p> | <p>Planning</p> <p>Planning</p> <p>Planning</p> <p>Planning</p> | <p>Major Projects, Fund Admin. and Programming, Legislative and Public Affairs</p> | <p>C</p> <p>C</p> |
| Notes | | | | | | | |

Green shading equates to good progress

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Red shading signifies serious impediments to progress that could translate to failure in completing the task

| 7D | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
|--|---|--|--|--|------------------|---|--------|
| | Define a realistic strategy for sustainability in land use and development for the County, in the context of the SCAG RTP/SCS | Develop sustainability alternatives for consideration by jurisdictions and the Board | Document existing sustainability initiatives in Q1 | <i>Provided list of sustainability initiatives to the CEOs July. Draft SANBAG/SCAG sustainability MOU (similar to Metro's) prepared in September.</i> | Planning | Transit and Rail | C |
| | | | Identify sustainability options by Q3 | <i>SANBAG/SCAG sustainability MOU (similar to SCAG agreement with Metro) was approved by SANBAG Board on December 4. Scheduled for adoption by SCAG Regional Council in February 2014. Implementation ongoing.</i> | Planning | Transit and Rail | |
| Notes | | | | | | | |
| <i>SCAG, County Transportation Commissions, and local governments are responsible for implementing the 2012 RTP/SCS. SCAG has a working group to facilitate implementation regionally. This activity reflects SANBAG's role to facilitate and coordinate implementation at the county level, as appropriate.</i> | | | | | | | |
| 7E | Division Strategy | Action Plan | Milestones | Milestone Status | Primary Division | Support Division | Status |
| | Define San Bernardino County strategy for Active Transportation (AT) | Develop alternatives and determine funding options | Define AT initiatives for FY 13-14 by Q1 | <i>Non-Motorized Plan "gap closure analysis" approved by the Board at its November 6 meeting. Initiated creation of matrix of potential funding opportunities.</i> | Planning | Transit and Rail, Major Projects, Fund Admin. and Programming | C |
| | | | Identify funding options by Q2 | <i>Matrix of Active Transportation funding</i> | Planning | Transit and Rail, | C |

Green shading equates to good progress

Yellow shading means the effort is lagging the committed time schedule

Red shading signifies serious impediments to progress that could translate to failure in completing the task

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|--|--|--|---|----------|---|--|
| | | | opportunities completed by staff and reviewed by ITAC on December 2. Will become the basis for identification of state/federal/regional AT grant/funding opportunities going forward. | | Major Projects, Fund Admin. and Programming | |
| | | Define implementation strategy and update NMTP accordingly in Q3 | | Planning | Transit and Rail, Major Projects, Fund Admin. and Programming | |
| Notes | | | | | | |
| SANBAG previously developed and approved the Countywide Non-Motorized Transportation Plan (NMTP). This activity seeks to coordinate implementation of the NMTP and related active transportation strategies with local governments and other stakeholders. | | | | | | |

Green shading equates to good progress

Yellow shading means the effort is lagging the committed time schedule

Red shading signifies serious impediments to progress that could translate to failure in completing the task



- 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: February 12, 2014

Subject: Public Reporting of Individual Votes or Abstentions (SB 751)

Recommendation:* That the Committee review and recommend the Board approve changes necessitated by SB 751 to SANBAG's Policy regarding General Practices for Conducting Meetings of the SANBAG Board of Directors and Policy Committees.

Background: Senate Bill 751, effective January 1, 2014, amends Government Code Section 54953 of the Brown Act and necessitates changes in SANBAG's voting process at Board and Policy Committee meetings. This Brown Act amendment requires "The legislative body of a local agency to publicly report any action taken and the vote or abstention on that action of each member present for the action." Previously, local agencies' legislative bodies were required to report the votes of individual officials in closed sessions and in meetings held by teleconference. But there was no such requirement to report individual officials' votes cast during open meetings. This amendment imposes a similar obligation on reporting open session votes.

The legislative history for Senate Bill 751 explains:

"When local agencies with many board members vote on an agenda item, keeping track of who voted how can be difficult. This bill puts in place reasonable provisions to improve public accountability by requiring those agencies to clearly report the vote or abstention of each member present."

*

Approved
General Policy Committee

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

SANBAG's present practice is to have the President or Committee Chair call for a motion and second on an item, and then have the Board vote collectively "aye" or "nay" on the motion without announcing how each member voted. This does not comply with SB 751.

Because SB 751 does not expressly identify how "to clearly report the vote or abstention of each member present", SANBAG has several options for complying with SB 751. The options identified include: 1) electronic voting; 2) roll call voting for each agenda item; and 3) modified roll call voting.

1) Electronic Voting.

At present, SANBAG does not have the necessary equipment for electronic voting. SANBAG has no dedicated public meeting rooms. SANBAG Board and Committee meetings are held in rooms that must be set up with the necessary microphones, audio/visual, tables, chairs and other portable equipment for each meeting. The Clerk of the Board is investigating the technology, feasibility, logistics and cost of implementing electronic voting at SANBAG Board and Committee meetings.

2) Roll Call Voting.

Roll call voting would entail the Clerk of the Board calling the name of each member present and the member stating "aye", "nay" or "abstain" for each item requiring a vote. The Consent Calendar would be voted on as one item. The Clerk of the Board would announce the number of "aye" votes, and the number of "nay" votes and abstentions. SANBAG Board meetings in calendar year 2013 had from 3 to 12 items on the agenda requiring separate votes, plus one to two votes on items pulled from the Consent Calendar. With 29 Board members, each roll call vote would be anticipated to take approximately two minutes thirty seconds. Roll call voting would likely extend the meeting length by 10 to 35 additional minutes.

Roll call voting at the General Policy Committee, Metro Valley Study Sessions, Commuter Rail Transit Committee and Mountain Desert Committee meetings would be conducted in the same manner. In calendar year 2013 these committee meetings had from 3 to 11 items on the agenda requiring separate votes. Each roll call vote at a committee meeting would be estimated to take approximately one minute. Roll call voting would likely extend committee meeting duration by 3 to 11 minutes.

3) Modified Roll Call Voting.

Modified roll call voting could be conducted as follows:

Consistent with the Board's present practice, each meeting would begin with a roll call by the Clerk of the Board. The public would be apprised of the names of the members and alternates present at the meeting.

On items requiring a vote of the Board or Committee, after a motion and a second, the President or Chair would ask for any "aye" votes on the motion. The "ayes" votes in favor of the motion would be made collectively. Any members wishing to oppose or abstain from voting on the motion would individually and orally state the member's name and his/her "nay" vote or abstention. If the member's abstention requires they leave the room, the member should announce their abstention before leaving the room. Any member present who does not individually and orally state his or her "nay" vote or abstention, shall be deemed, and reported to the public, to have voted "aye" on the motion.

The changes to SANBAG's current "*General Practices for Conducting Meetings*" indicated in the attachment to this report reflect adoption of a modified roll call voting process. The proposed modifications are intended to address the need to publicly report the actions and votes taken at meetings while being mindful of the size of the Board. However, the Committee may wish to recommend roll call voting at every SANBAG Board and Committee meeting or some other SB 751-compliant procedure. The "*General Practices for Conducting Meetings*" would be modified accordingly.

The "*General Practices for Conducting Meetings*" is attached with the proposed changes italicized.

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

Reviewed By: This item and the "*General Practices for Conducting Meetings*" Policy has been reviewed by SANBAG's General Counsel.

Responsible Staff: Vicki Watson, Clerk of the Board; and Eileen Monaghan Teichert, SANBAG General Counsel.

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

Attendance.

- *The Chair has the option of taking attendance by Roll Call or Self-Introductions. If attendance is taken by Roll Call, the Clerk of the Board will call out by jurisdiction or supervisorial district. The member or alternate will respond by stating his/her name. If attendance is by Self-Introduction, the member or alternate will state his/her name and jurisdiction or supervisorial district.*

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 "aye" votes in favor of the motion shall be made collectively. Any member who wishes to oppose or abstain from voting on the motion, shall individually and orally state the member's "nay" vote or abstention. Members present who do not individually and orally state their "nay" vote or abstention shall be deemed, and reported to the public, to have voted "aye" on the motion.*

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/she would like to amend the 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.

benefit programs to determine the value of our health, dental, life insurance, paid time off, and other employee benefit plans.

The last external study was completed in 2009. Since that time, there have been substantial changes in staffing, including a reorganization in 2012 that affected the Planning and Fund Administration and Programming Departments, and the creation of a Procurement/Risk Management/Contract Administrator work group.

By completing this study, SANBAG will be able to make informed decisions about job reclassifications and compensation packages. The study's information will also provide the necessary tools for SANBAG to remain competitive in the labor market and attract top quality employees.

SANBAG will seek consultant support to complete the study based on the approved scope of work. Staff recommends that Request for Proposal No. 14125 and the associated scope of work be approved for release. Per SANBAG Contracting and Procurement Policy 11000, revised May 1, 2013, the Executive Director will execute a contract with the consultant selected by the procurement evaluation panel.

Financial Impact: This item will increase the expenditure budget for the Fiscal Year 2013-2014 budget for Task No. 0140 - Indirect Human Resources by \$35,000.

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

ATTACHMENT A - SCOPE OF WORK

The consultant will be fully responsible for designing and implementing a comprehensive classification and compensation and benefits study that meets the objectives of San Bernardino Associated Governments (SANBAG). The following represents some of the tasks organized under the three sections that the consultant will be asked to complete as part of the scope of work for this engagement.

This is not intended to represent a complete task plan and only outlines some of the major areas that need to be addressed. The consultant will be expected to expand upon this outline and further articulate his/her approach.

A. Scope of the Study – Classification Portion

1. Develop a classification structure that reflects SANBAG's overall classification and compensation strategy and the development of career ladders/promotional opportunities for each classification.
2. Review background materials, including organizational charts, budgets, personnel policies and regulations, compensation schedules, current job descriptions, and related information (See Attachments D, E, and F).
3. Design an appropriate job-related questionnaire for completion by all employees that will be used for classification and compensation purposes. Current job descriptions to be attached.
4. Conduct interviews with all employees as needed to discuss the job-related questionnaire.
5. Allocate all employees to an appropriate job title, job class and with an appropriate exempt and non-exempt designation.
6. Recommend changes based on the job evaluation including changes to the job classifications for the purpose of classifying and group jobs appropriately.
7. Review reporting/organization structure and make suggestions.

B. Scope of the Study – Compensation Portion

1. Assess SANBAG's current compensation program.
2. Complete a job evaluation based on review and analysis of job descriptions, job classifications, job-related questionnaires, pay ranges, and benefits. Consultant will conduct employee interviews as needed.
3. Conduct a compensation market survey comparison and provide an analysis of SANBAG's compensation program in comparison with the study comparables.
4. Recommend changes to existing compensation program. This should include changes to pay ranges following the market survey and incorporate best practice strategies.
5. Complete internal salary relationship analyses, including development of appropriate internal relationship guidelines (internal equity).
6. Provide implementation strategies for recommended changes.
7. Prepare compensation administrative guidelines with recommendations covering special compensation issues such as salaries above the maximum, promotions, "acting in the capacity of" situations, market conditions, and ongoing maintenance of the compensation program to ensure competitiveness and alignment with the market.
8. Discuss how the compensation program impacts employee recruitment and retention efforts.

C. Scope of the Study – Benefits Portion

1. Conduct a market survey of the benefits program of the agencies identified in the study comparables. Survey should include SANBAG's medical, dental, and employer-paid vision insurance, SBCERA retirement program, employer-paid 401(a) deferred compensation plan, employer-paid life insurance, employer-paid long and short-term disability insurance, tuition reimbursement plan, an Employee Assistance Program (EAP), paid time off, as well as benefits SANBAG does not offer.
2. Provide an analysis of SANBAG's offerings in comparison with the market study comparables.
3. Recommend changes to existing benefits program following market survey.
4. Discuss how the benefits program impacts employee recruitment and retention efforts.

D. Study Comparables

SANBAG proposes that the study include comparable salary and benefit information from no more than fifteen comparables and include the following agencies:

1. CalTrans District 8
2. County of San Bernardino
3. County of Riverside
4. Riverside County Transportation Commission
5. Orange County Transportation Authority
6. Los Angeles County Metropolitan Transportation Authority
7. Southern California Association of Governments
8. Southern California Regional Rail Authority
9. San Diego Associated Governments
10. Western Riverside Council of Governments

The list of agencies is subject to change, pending review and recommendations by the consulting firm. The final list will be agreed upon between SANBAG and the consulting firm.

E. Study Conclusion

1. Attend meetings as requested, throughout the process with employees, managers, and the SANBAG Board of Directors as necessary in performing work scope tasks and to explain the methodology, study results, and recommendations:
2. Prepare a written draft report of the recommendations, including discussion of methods, techniques, and convey survey data used to develop classification and compensation and benefit plan; and
3. Prepare a final classification and compensation and benefit report of recommendations and make presentation to SANBAG.

F. Work Schedule

The Classification and Compensation and Benefits study will be a significant source of the development of the FY2014/15 budget. As a result, managing schedules and meeting key deadlines will be a critical priority of the study. Provide a timeline indicating tasks required and the start/completion dates for each. It is expected the work will commence as soon as possible after April 2, 2014, and be completed on or before May 21, 2014. On June 4, 2014 the

Classification and Compensation and Benefits study will be presented to the Commission for discussion and approval in order to meet the FY 2014/15 budget deadline.

Assembly Rules Committee – Cheryl Brown, Tim Donnelly, Curt Hagman (R-Chino Hills)

Assembly Transportation Committee – Chris Holden, Mike Morrell

Assembly Water, Parks and Wildlife Committee – Freddie Rodriguez

Senate Budget and Fiscal Review Committee – Norma Torres (D-Pomona)

Senate Environmental Quality Committee – Jean Fuller (R-Bakersfield)

Senate Governance and Finance Committee – Steve Knight (R-Antelope Valley), Carol Liu (D-La Canada Flintridge)

Senate Natural Resources and Water Committee – Jean Fuller

Senate Rules Committee – Jean Fuller, Steve Knight

Senate Transportation and Housing Committee – Carol Liu

Leadership Posts

Assembly Democratic Majority Whip – Chris Holden

Assembly Assistant Republican Floor Leader – Curt Hagman

Senate Republican Leader – Bob Huff (R-Diamond Bar)

Legislative Calendar

Below is a quick overview of the major legislative deadlines for the second half of the 2013-14 legislative session. New bills of interest will come forward for recommended positions following the February 21st bill introduction deadline.

January 31 – Two-Year bills must pass out of their house of origin

February 21 – Bill Introduction Deadline for new bills

May 9 – All new bills must pass out of policy committees in their first house

May 23 – All new bills must pass out of fiscal committees in their first house

May 30 – New bills must pass their house of origin

June 15 – State Budget Deadline

June 27 – Bills must pass out of policy committees in the second house

August 15 – Bills must pass out of fiscal committees in the second house

August 31 – Last day to pass bills

September 30 – Last day for the Governor to sign or veto bills

State Budget Update

In January, the Governor released his Fiscal Year (FY) 2014-15 State Budget proposal. He proposes to use the mainly one-time increases in revenues provided by an unusual increase in capital gains revenue, as well as Proposition 30 revenues from the quarter-cent sales tax and income tax on high earners, on one-time expenditures such as repaying deferred payments to schools, early repayment of internal loans, and the early repayment of specified bond debt. The

Governor proposed General Fund Expenditures of \$106.8 million, with \$108.7 million in revenues including a prior year balance of \$4.2 million.

One-Time Investments

The Governor proposes to utilize the increase in funding projected for FY 2014-15 for mainly one-time expenditures. This includes the elimination of \$6 billion in deferred payments to K-12 schools, fully repaying the Economic Recovery Bonds from 2004, providing for an early repayment of Transportation loans totaling almost \$340 million and a portion of Cap and Trade loans totaling \$100 million, as well as providing \$815 million in one-time investments for infrastructure.

State Transportation Agency (CalSTA) Budget

The newly consolidated CalSTA budget totals \$15.3 billion, \$10.9 billion of which funds the California Department of Transportation (Caltrans). For Proposition 1B, the Governor's proposal allocates the remaining Public Transportation, Modernization, Improvement and Service Enhancement Account (PTMISEA) funds for transit and intercity rail projects totaling \$953 million and \$113 million in administrative savings for additional projects.

Cap and Trade

The draft update of the AB 32 (Chapter 488, Statutes of 2006) Scoping Plan states that the Cap and Trade program will achieve approximately 30% of the required greenhouse gas emission reductions under AB 32. The budget includes a proposal to allocate \$850 million of the revenues towards a variety of projects in FY 2014-15. This includes the repayment of \$100 million of the \$500 million loan from last fiscal year and also includes consideration of the SB 535 (Chapter 830, Statutes of 2012) requirements to prioritize disadvantaged communities in the distribution of Cap and Trade funds.

The \$850 million is proposed to be distributed as follows:

- \$300 for Rail Modernization
 - \$250 for High Speed Rail (HSR)
 - \$50 million in competitive grants to urban, commuter, and intercity rail operators, administered by Caltrans for connectivity and integration of systems with HSR.
- \$100 million to the Strategic Growth Council for transit, active transportation, affordable housing, land preservation, infill development, and other projects that encourage a reduction in vehicle miles traveled.
- \$200 million to the Air Resources Board for low carbon freight and passenger transportation, including incentives for zero emission and hybrid cars, trucks, or buses, as well as advanced freight technology.

- \$140 million for Energy Efficiency and Clean Energy projects, including weatherization, green state buildings, agricultural efficiency, and the Water Action Plan.
- \$110 million to Natural Resources and Waste Diversion for wetlands preservation, fire prevention, and solid waste diversion.

California Five-Year Infrastructure Plan

The Governor also released the 2014 California Five-Year Infrastructure Plan (Plan) in conjunction with the release of the January budget proposal. While an annual five-year infrastructure plan is statutorily required, the 2014 Plan is the first since 2008 due to persistent budget shortfalls and program cuts.

The 5-year plan emphasizes the need to spend almost \$65 billion in the coming years simply to maintain everything from the state's deteriorating local roads and highways to state parks and court buildings. It further establishes how the Governor intends to make new investments in infrastructure by spending on roads, rail, and water infrastructure with the same priority as investments in education and health care.

The Plan outlays the state's infrastructure needs as they relate to available revenues, affordability, and sustainable growth goals, particularly in the context of AB 32. It notes that recent trends in financing infrastructure, such as the reliance of general obligation and revenue bonds, mean that roughly half of the investment ends up paying interest costs rather than for purchasing materials and constructing projects. Annual expenditures on debt service have grown from \$2.9 billion in FY 2000-01 to \$7.1 billion in FY 2013-14. The Governor calls for targeted investments aimed at the state's core priorities and responsibilities, as well as a return to a pay-as-you-go approach to financing. The Plan also incorporates the cost of maintaining new capital investments and the deferred maintenance on previous capital projects.

Specific to transportation, approximately 94% of the overall plan is focused on the transportation system and it prioritizes maintenance and preservation of the existing highway system over new highway capacity. The Plan also assumes \$25.6 billion in funding will be available for the HSR Project from various sources, including federal funds, Cap and Trade funds, and state bond funds.

Federal Update

The final Transportation, Housing and Urban Development appropriations legislation for federal fiscal year (FFY) 2014 contains the current year spending plan for these programs and also includes full funding for programs contained in

the transportation authorization bill, Moving Ahead for Progress in the 21st Century (MAP-21).

Department of Transportation

The bill includes \$17.8 billion in discretionary appropriations and allows \$53.5 billion in non-discretionary funding for the Department of Transportation.

- Nearly \$41 billion for highway programs
- \$9.7 billion for transit programs
 - \$8.6 billion in transit formula grants
 - \$2.1 billion for the New Starts program
 - Full funding for state and local Small Starts, and funding for all current Full Funding Grant Agreement projects
- \$600 million for the Transportation Investments Generating Economic Recovery (TIGER) program
- \$12.4 billion for the Federal Aviation Administration

With the approval of the Omnibus Bill, federal actions are not yet complete as the debt ceiling will need to be addressed again in February since the budget deal does not include another extension. In addition, as a result of the delayed actions on the current year budget, the President's proposed budget for FFY 2015 will probably not be released until March, one month later than usually anticipated. This then sets the next budget process in motion.

One of the key issues that will need to be addressed in the FFY 2015 bill for transportation will be anticipated funding levels either in advance of a reauthorization of MAP-21 or in event of an extension of MAP-21. The Highway Trust Fund is projected to be depleted during next fiscal year absent other funding solutions so either a temporary or permanent funding solution will need to be found.

Financial Impact: This item has no fiscal impact on the Fiscal Year 2013/2014 SANBAG Budget.

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

Responsible Staff: Wendy Strack, Director of Legislative and Public Affairs



- 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: February 12, 2014

Subject: Agreement with the California Department of Transportation (Caltrans) for Construction Freeway Service Patrol (CFSP) services

Recommendation:* That the Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Commission:

1. Approve Agreement No. R14019, between SANBAG and the California Department of Transportation (Caltrans) for Freeway Service Patrol services in various construction areas in San Bernardino County for a not-to-exceed amount of \$2,000,000 over a five-year period.
2. Adopt Resolution No. 14-012 authorizing the Chairman to execute ordinances and resolutions, and the Chairman and Executive Director to execute various agreements with the California Department of Transportation that have been approved by the Commission.
3. Delegate authority to the Executive Director to approve budget amendments to Task No. 0704 and possibly other freeway construction department projects, as various construction projects surface with funding source information, in an amount not-to-exceed \$2,000,000.

*

Approved
General Policy Committee

Date: _____

Moved: _____ *Second:* _____

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

Witnessed: _____

| | | | | | | | | | |
|-----|--|-----|---|-----|--|------|---|-----|---|
| COG | | CTC | X | CTA | | SAFE | X | CMA | X |
|-----|--|-----|---|-----|--|------|---|-----|---|

Check all that apply.

GPC1402a-jh

<http://portal.sanbag.ca.gov/mgmt/APOR-Mgmt/ContractsWorkInProgress%20Files%20%202014/R14019.pdf>
<http://portal.sanbag.ca.gov/mgmt/APOR-Mgmt/ContractsWorkInProgress%20Files%20%202014/Resolution%2014012.docx>

Background: Freeway Service Patrol (FSP) consists of a fleet of tow trucks roaming the freeways for the purpose of assisting motorists with their disabled vehicles during peak periods of congestion. Since the program's inception in January 2006, the FSP Program has demonstrated many benefits by reducing the amount of time a motorist is in unsafe conditions, as well as reducing traffic delays, vehicular emissions, and secondary accidents. Through an excellent partnership with the CHP, who are the supervisors in the field; more than 3,500 motorists are assisted each month through the San Bernardino FSP program.

In addition to normal FSP services, FSP is used to provide support in construction zones as a congestion mitigation strategy. CFSP is utilized to relieve traffic congestion as a result of construction and assist in the reduction of accidents and secondary accidents. Hours of support vary with traffic flows and project needs such as: freeway closures, elimination of freeway shoulders, and periodic night and weekend work.

Historically, San Bernardino FSP has been used on several projects through the use of task and purchase orders. Caltrans now desires to execute an agreement that will include FSP services for various construction projects throughout San Bernardino County. The proposed agreement provides up to a maximum of \$2 million dollars to cover 100 percent of the costs associated with the service provided by our contracted FSP tow operators and our administrative overhead costs over a five-year period.

The contracts for each of the contracted FSP tow operators shall be amended to include language requirements within the Caltrans and SANBAG agreement that should be flowed down to the tow operators.

Service for each of the construction projects will be initiated by a Caltrans task order; which identifies the project, locations, as well as hours and duration of the service. This supplemental FSP service will bring traffic congestion relief, improve air quality, and reduce accidents in construction zones.

Caltrans requires that SANBAG adopt a resolution delegating authority to the Chairperson and the Executive Director to execute various agreements with Caltrans.

Financial Impact: There is no financial impact in Fiscal Year 2013/2014. However, because each construction project varies in funding sources, staff is asking for the Board to give the Executive Director the authority to approve budget amendments as CFSP service needs arise with various FSP or construction project funding sources, provided by Caltrans, in an amount not to exceed \$2,000,000 over a five-year period.

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 draft of the agreement.

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

ATTACHMENT A

R14019

COOPERATIVE AGREEMENT

THIS AGREEMENT (Agreement), ENTERED INTO ON **January 8, 2014**, is between the State of California, acting by and through its Department of Transportation, referred to herein as **CALTRANS** and the **San Bernardino Associated Governments (SANBAG)**, acting in its capacity as the San Bernardino County Transportation Commission, referred to as **LOCAL AGENCY**.

RECITALS

1. **CALTRANS** and **LOCAL AGENCY**, pursuant to Streets and Highways Code section 114 (a), are authorized to enter in this Agreement affecting State highways within the jurisdiction of **LOCAL AGENCY**.
2. **LOCAL AGENCY** has agreed to implement **Freeway Service Patrol (FSP)**, hereinafter the Project, subject to the terms and conditions of this Agreement. The Project Description (Scope of Work) is attached hereto as **Attachment III**.
3. The **LOCAL AGENCY's** governing body, under the authority of state law is authorized to provide services or funding as described and specified herein pursuant to the **LOCAL AGENCY** resolution attached hereto as **Attachment I**.
4. All services performed by **LOCAL AGENCY** pursuant to this Agreement are intended to be performed in accordance with all applicable Federal, State, and **LOCAL AGENCY** laws, ordinances, regulations, and **CALTRANS** encroachment permits, published manuals, policies, and procedures.
5. Project funding is as follows:

| <u>FUND TITLE</u> | <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|-------------------|---------------------------|----------------------|
| Project Specific | Various Funds Per Project | \$2,000,000.00 |

6. This Agreement is exempt from legal review and approval by the Department of General Services, pursuant to PCC section 10295.

SECTION I

LOCAL AGENCY AGREES:

To satisfactorily complete all FSP Task Orders described in **Attachment II**.

SECTION II

CALTRANS AGREES:

That when conducting an audit of the costs claimed by **LOCAL AGENCY** under the provisions of this Agreement, **CALTRANS** will rely to the maximum extent possible on any prior audit of **LOCAL AGENCY** pursuant to the provisions of State and applicable Federal laws. In the absence of such an audit, work of other auditors will be relied upon to the extent that such work is acceptable to **CALTRANS** when planning and conducting additional audits.

SECTION III

IT IS MUTUALLY AGREED:

In consideration of the foregoing and the mutual promises of the parties hereto, **LOCAL AGENCY** and **CALTRANS** agree as follows:

1. Notification of Parties

- a. **LOCAL AGENCY's** Project Manager is Jenny Herrera (909) 884-8276.
- b. **CALTRANS** Contract Manager is Al Afaneh (909) 383-6262.
- c. All notices herein provided to be given, or which may be given, by either party to the other, shall be deemed to have been fully given when made in writing and received by the parties at their respective addresses:

San Bernardino Associated Governments
Attention: Jenny Herrera
FSP Program Manager
1170 W. 3rd street, 2nd Floor
San Bernardino, CA 92410

California Department of Transportation
District 08/Traffic Operations
Attention: Al Afaneh, Contract Manager/DTM
464 Fourth Street, 6th Floor
San Bernardino, CA 92401-1400

2. Period of Performance

Work under this Agreement shall begin on **January 8, 2014**, contingent upon approval of this Agreement by **CALTRANS**, and will terminate on **December 31, 2019**, unless extended by amendment.

3. Changes in Terms/Amendment

This Agreement may only be amended or modified by mutual written agreement of the parties.

4. Termination

This Agreement may be terminated by either party for any reason by giving written notice to the other party at least thirty (30) days in advance of the effective date of such termination. In the event of termination by said notice, funds reimbursed to **LOCAL AGENCY** will include all authorized non-cancelable obligations and prior costs incurred

5. Cancellation

- a. In the event of a disaster or an unforeseen emergency or other good cause, **CALTRANS** and **LOCAL AGENCY** may cancel a scheduled FSP service shift under this Agreement upon prior written notice.

b. Construction FSP Cancellation Policy:

1. If a tow operator is scheduled for Construction FSP, and they are notified of a cancellation with **LESS than a 24 Hour notice** - then the tow operator will be

reimbursed for three (3) hours of the agreed upon contract truck rate (*the hourly rate for which one tow truck will be compensated*).

Note: The minimum of the three (3) truck hours should cover eight hours of the driver's hourly wage.

2. If a tow operator begins the Construction FSP beat (*the segment of highway (construction zone) that is being patrolled by the San Bernardino County Freeway Service Patrol through a Caltrans task order which falls under this MOU*), and is then notified that Construction FSP has been cancelled, the FSP operator will be paid for the entire shift period up to a maximum of eight (8) hours.

A shift period for this policy will be defined as follows: for the time period of the actual CFSP shift assigned or for a maximum of eight (8) contract truck hours, whichever is less.

For example: If the Construction FSP tow operator was originally scheduled for six (6) hours, then the tow operator can be asked to continue to work the beat and be reimbursed for only those six originally assigned CFSP hours. On the other hand, if the tow operator was originally scheduled for a twelve (12) hour CFSP shift then the tow operator will only work and be reimbursed for a maximum of eight (8) truck hours. They will not be required to work nor reimbursed for any time past the maximum of eight hours.

Please note that the supervising FSP CHP Officer for the CFSP beat will make the final determination as to whether or not the tow operator will continue to work the CFSP beat area, or is asked to return back to their offices. Regardless, the tow operator will be reimbursed for the original shift period or a maximum of eight (8) hours, whichever is less.

6. Cost Limitation

- a. The total amount payable to **LOCAL AGENCY** pursuant to this Agreement by **CALTRANS** shall not exceed **\$2,000,000.00**.
- b. Rates for these services shall be:
 1. FSP Contracted Service Rate (Hourly) \$35.00 - \$80.00
 2. Local Agency's Administrative Costs Actual cost not to exceed 8% of cost of provided tow services.
- c. It is agreed and understood that this Agreement fund limit is an estimate and that **CALTRANS** will only reimburse the cost of services actually rendered as authorized by the **CALTRANS** Contract Manager at or below that fund limitation established hereinabove.

7. Allowable Costs

- a. The method of payment for this Agreement will be based on actual allowable costs. **CALTRANS** will reimburse **LOCAL AGENCY** for expended actual allowable direct and indirect costs, including, but not limited to labor costs, employee benefits, and travel

(overhead is reimbursable only if the **LOCAL AGENCY** has an approved indirect cost allocation plan) and costs incurred by **LOCAL AGENCY** in performance of the Project work, not to exceed the cost reimbursement limitation set forth in 6.a, above. Actual costs shall not exceed the estimated wage rates, labor costs, travel and other estimated costs and fees set forth in 6.a, above without prior written agreement between **CALTRANS** and **LOCAL AGENCY**.

- b. Reimbursement of **LOCAL AGENCY** expenditures will be authorized only for those allowable costs actually incurred by **LOCAL AGENCY** in the performance of the Project work. **LOCAL AGENCY** must not only have incurred the expenditures on or after the Effective Date of this Agreement and before the Termination Date, but must have also paid for those costs to claim any reimbursement.
- c. Travel expenses and per diem rates are not to exceed the rate specified by the State of California Department of Personnel Administration for similar employees (i.e. non-represented employees) unless written verification is supplied that government hotel rates are not commercially available to **LOCAL AGENCY**, or its contractors, its subcontractors, and/or its sub recipients, at the time and location required as specified in the California Department of Transportation's Travel Guide Exception Process.
- d. **CALTRANS** will reimburse **LOCAL AGENCY** for all allowable Project costs no more frequently than monthly in arrears as promptly as **CALTRANS** fiscal procedures permit upon receipt of itemized signed invoices in triplicate. Invoices shall reference this Agreement Number and shall be signed and submitted to the Contract Manager at the following address:

California Department of Transportation
District 08/Traffic Operations/DTM
Attention: Al Afaneh, Contract Manager
464 Fourth Street, 6th Floor
San Bernardino, CA 92401

- e. Invoices shall include the following information:
 - 1. Names of the **LOCAL AGENCY** Personnel performing work
 - 2. Dates of Service
 - 3. Locations of Service (**LOCAL AGENCY** - address)

8. Reports

- a. **LOCAL AGENCY** shall submit written progress reports with each set of invoices to allow the **CALTRANS** Contract Manager to determine if **LOCAL AGENCY** is performing to expectations, is on schedule, is within funding cost limitations, to communicate interim findings, and to afford occasions for airing difficulties respecting special problems encountered so that remedies can be developed.
- b. Any document or written report prepared as a requirement of this Agreement shall contain, in a separate section preceding the main body of the document, the number and dollar amounts of all contracts and subcontracts relating to the preparation of those documents or reports.
- c. **LOCAL AGENCY** will provide five (5) copies and one (1) electronic version of the final written report to the **CALTRANS** Contract Manager.

9. **Cost Principles**

- a. **LOCAL AGENCY** agrees to comply with Title 2 Code of Federal Regulations (CFR) Part 225, Cost Principles for State, Local, and Indian Tribal Governments (2 CFR 225), and Title 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 CFR 18).
- b. **LOCAL AGENCY** agrees, and will assure that its contractors and subcontractors will be obligated to agree, that (a) Title 48 CFR Part 31, Contract Cost Principles and Procedures (48 CFR 31), shall be used to determine the allowability of individual Project cost items and (b) all parties shall comply with Federal administrative procedures in accordance with 49 CFR 18. Every sub-recipient receiving Project funds as a contractor or sub-contractor under this Agreement shall comply with Federal administrative procedures in accordance with 49 CFR 18.
- c. Any Project costs for which **LOCAL AGENCY** has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR 31, or 49 CFR 18, are subject to repayment by **LOCAL AGENCY** to **CALTRANS**. Should **LOCAL AGENCY** fail to reimburse moneys due **CALTRANS** within thirty (30) days of discovery or demand, or within such other period as may be agreed in writing between the Parties hereto, **CALTRANS** is authorized to intercept and withhold future payments due **LOCAL AGENCY** from **CALTRANS** or any third-party source, including, but not limited to, the State Treasurer, the State Controller or any other fund source.
- d. **LOCAL AGENCY** agrees to include Project in the schedule of projects to be examined in **LOCAL AGENCY**'s annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with Office of Management and Budget Circular (OMB) A-133.
- e. Prior to **LOCAL AGENCY** seeking reimbursement of indirect costs, **LOCAL AGENCY** must prepare and submit annually to **CALTRANS** an indirect cost rate proposal and a central services cost allocation plan (if any) in accordance with 2 CFR 225 and Local Program Procedures Manual (LLP 04-10).

10. **Americans with Disabilities Act**

By signing this Agreement **LOCAL AGENCY** assures **CALTRANS** that it complies with the applicable provisions of the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. sec.12101 et seq.)

11. **Indemnification**

- a. Nothing in the provisions of the Agreement is intended to create duties or obligations to or rights in third parties to this Agreement or affect the legal liability of either party to the Agreement by imposing any standard of care with respect to the operation, maintenance and repair of State highways different from the standard of care imposed by law.
- b. Neither **CALTRANS** nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by **LOCAL AGENCY** under or in connection with any work, authority or conduct conferred upon **LOCAL AGENCY** under this Agreement. It is understood and agreed that, **LOCAL AGENCY** shall fully defend, indemnify and save harmless **CALTRANS** and all of its officers and employees from all claims, suits or actions of every name, kind and description arising out of this Agreement, including but not limited to, any tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by

reason of anything done or omitted to be done by **LOCAL AGENCY** under or in connection with any work, authority or conduct delegated to **LOCAL AGENCY** under this Agreement.

- c. Neither **LOCAL AGENCY** nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by **CALTRANS** under or in connection with any work, authority or conduct conferred upon **CALTRANS** under this Agreement. It is understood and agreed that **CALTRANS** shall fully defend, indemnify, and save harmless **LOCAL AGENCY** and all of its officers and employees from all claims, suits or actions of every name, kind of description arising out of this Agreement, including but not limited to, any tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by **CALTRANS** under or in connection with any work, authority or conduct delegated to **CALTRANS** under this agreement.

12. Non-Discrimination

- a. During the performance of this Agreement, **LOCAL AGENCY** and all of its subcontractors, if any, shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, denial of family and medical care leave, and denial of pregnancy disability leave. **LOCAL AGENCY** and its subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. **LOCAL AGENCY** and its sub-contractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by this reference and are made a part hereof as if set forth in full. **LOCAL AGENCY** and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- b. **LOCAL AGENCY** shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this Agreement.
- c. **LOCAL AGENCY** shall comply with Title VI of the Civil Rights Act of 1964, as amended. Accordingly, 49 CFR 21 through Appendix C and 26 CFR 710.405 (b) is applicable to this Agreement by this reference.

13. Funding Requirements

- a. It is mutually understood between the parties that this Agreement may have been written for the mutual benefit of both parties in order to avoid program and fiscal delays that would occur if the Agreement was executed only after ascertaining the availability of a congressional or legislative appropriation of funds.
- b. This Agreement is valid and enforceable only if sufficient funds are made available to **CALTRANS** by the United States Government and/or the California State Legislature for the purpose of this Project. In addition, this Agreement is subject to any additional

restrictions, limitations, conditions, or any statute enacted by the Congress or the State Legislature that may affect the provisions, terms or funding of this Agreement in any manner.

- c. It is mutually agreed that if the Congress or the State Legislature does not appropriate sufficient funds for the program and Project, this Agreement shall be amended to reflect any reduction in funds.
- d. **CALTRANS** has the option to void this Agreement under the thirty (30) day termination clause or to amend this Agreement to reflect any reduction of funds. In the event of an unscheduled termination, the **CALTRANS** Contract Manager shall reimburse **LOCAL AGENCY LOCAL AGENCY** in accordance with the provisions of Article 4 of this Section III.

14. Records Retention

- a. **LOCAL AGENCY**, its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred Project costs and matching funds by line item for the Project. The accounting system of **LOCAL AGENCY**, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of **LOCAL AGENCY**, its contractors and subcontractors connected with Project performance under this Agreement shall be maintained for a minimum of three (3) years from the date of final payment to **LOCAL AGENCY** and shall be held open to inspection, copying, and audit by representatives of **CALTRANS**, the California State Auditor, and auditors representing the federal government. Copies thereof will be furnished by **LOCAL AGENCY**, its contractors, and its subcontractors upon receipt of any request made by **CALTRANS** or its agents. In conducting an audit of the costs and match credits claimed under this Agreement, **CALTRANS** will rely to the maximum extent possible on any prior audit of **LOCAL AGENCY** pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by **LOCAL AGENCY**'s external and internal auditors may be relied upon and used by **CALTRANS** when planning and conducting additional audits.
- b. For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of **LOCAL AGENCY**'s contracts with third parties pursuant to Government Code section 8546.7, **LOCAL AGENCY**, **LOCAL AGENCY**'s contractors and subcontractors and **CALTRANS** shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire Project period and for three (3) years from the date of final payment to **LOCAL AGENCY** under this Agreement. **CALTRANS**, the California State Auditor, or any duly authorized representative of **CALTRANS** or the United States Department of Transportation, shall each have access to any books, records, and documents that are pertinent to a Project for audits, examinations, excerpts, and transactions, and **LOCAL AGENCY** shall furnish copies thereof if requested.

- c. **LOCAL AGENCY**, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by **CALTRANS**, for the purpose of any investigation to ascertain compliance with this Agreement.

15. Disputes

- a. Any dispute concerning a question of fact arising under this Agreement that is not disposed of by agreement shall be decided by the **CALTRANS** Contract Officer, who may consider any written or verbal evidence submitted by **LOCAL AGENCY**.
- b. Neither the pendency of a dispute nor its consideration by the Contract Officer will excuse **LOCAL AGENCY** from full and timely performance in accordance with the terms of the Agreement.

16. Subcontractors

LOCAL AGENCY shall perform the work contemplated with resources available within its own organization and no portion of the work shall be subcontracted without written authorization by **CALTRANS** Contract Manager, unless expressly included (subcontractors identified) in **Attachment III**. Any subcontract in excess of \$25,000 entered into as a result of this Agreement shall contain all the provisions stipulated in this Agreement to be applicable to **LOCAL AGENCY's** subcontractors.

17. Third Party Contracting

- a. **LOCAL AGENCY** shall not award a construction contract over \$10,000 or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this Agreement without the prior written approval of **CALTRANS**. Contracts awarded by **LOCAL AGENCY**, if intended as local match credit, must meet the requirements set forth in this Agreement regarding local match funds.
- b. Any subcontract entered into by **LOCAL AGENCY** as a result of this Agreement shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as Project costs only after those costs are incurred and paid for by the subcontractors.
- c. If local match is a requirement of these funds, **LOCAL AGENCY** must ensure that local match funds used for the Project meet the requirements outlined in this Agreement in the same manner as is required of all other Project expenditures.
- d. In addition to the above, the pre-award requirements of third party contractor/consultants with local agencies must be consistent with Local Program Policy (LPP 00-05).

18. Disadvantaged Business Enterprise

Should Title 49 CFR, Part 26, of the Code of Federal Regulations, entitled "Participation by Disadvantaged Business Enterprises (DBEs) in Department of Transportation Financial Assistance Programs," be applicable to **LOCAL AGENCY**, **LOCAL AGENCY** agrees to carry out applicable requirements in the award and administration of federally assisted Contracts for work performed under this Agreement. **LOCAL AGENCY**, in the

administration of its contracts, shall adopt practices that are consistent with the CALTRANS DBE Program Plan.

19. Disabled Veterans Business Enterprise

- a. Should Military and Veterans Code sections 999 et seq. be applicable to **LOCAL AGENCY**, **LOCAL AGENCY** shall meet the 3% Disabled Veterans Business Enterprises goals (or **LOCAL AGENCY**'s applicable higher goals) in the award of every contract for Project work to be performed under this Agreement.
- b. **LOCAL AGENCY** shall have the sole duty and authority under this Agreement and each amendment to determine whether these referenced code sections are applicable to **LOCAL AGENCY** and, if so, whether participation asserted by those contractors of **LOCAL AGENCY** were sufficient as outlined in Military and Veterans Code sections 999 et seq.

20. Federal Lobbying Activities Certification

- a. **LOCAL AGENCY** certifies, to the best of its knowledge and belief, that:
- b. No State or Federal appropriated funds have been paid or will be paid, by or on behalf of the **LOCAL AGENCY**, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress, in connection with the awarding of any State or Federal contract, the making of any State or Federal grant, the making of any State or Federal loan, the entering into of any contract or agreement, and the extension, continuation, renewal, amendment, or modification of any State or Federal contract, grant, loan, or cooperative agreement.
- c. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, **LOCAL AGENCY** shall complete and submit Standard Form-LL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- d. This certification is a material representation of fact upon which reliance was placed when this Agreement was entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- e. **LOCAL AGENCY** also agrees, by signing this Agreement that the language of this certification shall be included in all lower tier subcontracts which exceed \$100,000, and that all such subcontractors shall certify and disclose accordingly within each subcontract.

21. Drug-Free Workplace Certification

By signing this Agreement, **LOCAL AGENCY** hereby certifies under penalty of perjury under the laws of the State of California that **LOCAL AGENCY** will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code section 8350 et seq.) and will provide a Drug-Free workplace by doing all of the following:

- a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying

actions to be taken against employees for violations, as required by Government Code section 8355(a).

- b. Establish a Drug-Free Awareness Program as required by Government Code section 8355(b) to inform employees about all of the following:
 1. the dangers of drug abuse in the workplace,
 2. the person's or organization's policy of maintaining a Drug-Free workplace,
 3. any available counseling, rehabilitation, and employee assistance programs, and
 4. penalties that may be imposed upon employees for drug abuse violations.
- c. Provide as required by Government Code section 8355(c), that every employee who works on the proposed contract or grant:
 1. will receive a copy of the company's Drug-Free policy statement, and
 2. will agree to abide by the terms of the company's statement as a condition of employment in the contract or grant.

Failure to comply with these requirements may result in suspension of payments under this Agreement or termination of this Agreement or both, and **LOCAL AGENCY** may be ineligible for the award of any future state contracts if **CALTRANS** determines that any of the following has occurred: (1) **LOCAL AGENCY** has made a false certification; or (2) **AGENCY** violates the certification by failing to carry out the requirements as noted above.

22. Relationship of Parties

It is expressly understood that this agreement is executed by and between two independent governmental entities and that this is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of an independent party.

23. Equipment Purchase (By LOCAL AGENCY)

- a. Prior authorization in writing by the **CALTRANS** Contract Manager shall be required before **LOCAL AGENCY** enters into any non-budgeted purchase order or sub-agreement exceeding \$500 for supplies, equipment, or consultant services. **LOCAL AGENCY** shall provide an evaluation of the necessity or desirability of incurring such costs.
- b. For the purchase of any item, service or consulting work not covered in the attached Project Description (**Attachment III**) and exceeding \$500, three competitive quotations must be submitted with the request or the absence of bidding must be adequately justified, and prior authorization must be obtained from the **CALTRANS** Contract Manager.
- c. Any equipment purchased as a result of this Agreement is subject to the following: **LOCAL AGENCY** shall maintain an inventory record for each piece of non-expendable equipment purchased or built with funds provided under the terms of this Agreement. The inventory record of each piece of such equipment shall include the date acquired, total cost, serial number, model identification (on sale, in accordance with established **CALTRANS** procedures, purchased equipment), and any other information or description necessary to identify said equipment. Non-expendable equipment so inventoried are those items of equipment that have a normal life expectancy of one year or more and an approximate unit price of \$5,000 or more. In addition, theft-sensitive

items of equipment costing less than \$5,000 shall be inventoried. A copy of the inventory record must be submitted to CALTRANS upon request by CALTRANS.

- d. At the conclusion of the Agreement, or if the Agreement is terminated, LOCAL AGENCY may either keep the equipment and credit CALTRANS in an amount equal to its fair market value or sell such equipment at the best price obtainable at a public or private sale in accordance with established CALTRANS procedures and credit CALTRANS in an amount equal to the sales price. If LOCAL AGENCY elects to keep the equipment, fair market value shall be determined, at LOCAL AGENCY expense, on the basis of a competent, independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to CALTRANS and LOCAL AGENCY. If it LOCAL AGENCY is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by CALTRANS.
- e. CFR 49, Part 18.32 requires a credit to Federal funds when participating equipment with a fair market value greater than \$5,000 is credited to the Project.
- f. Any sub-agreement entered into as a result of this Agreement shall contain all of the provisions of this Article.

24. Disabled Access Review

Disabled access review by the Department of General Services (Office of State Architect) is required for the construction of all publicly funded buildings, structures, sidewalks, curbs and related facilities. No construction contract will be awarded by LOCAL AGENCY unless LOCAL AGENCY plans and specifications for such facilities conform to the provisions of sections 4450 and 4454 of the California Government Code, if applicable. Further requirements and guidance are provided in Title 24 of the California Administrative Code and the Americans with Disabilities Act (42 USC 12101, et. seq.).

25. Fire Marshal Review

The State Fire Marshal adopts building standards for fire safety and panic prevention. Such regulations pertain to fire protection design and construction, means of egress and adequacy of exits, installation of fire alarms, and fire extinguishment systems for any CALTRANS owned or CALTRANS occupied buildings per Section 13108 of the Health and Safety Code. When applicable, LOCAL AGENCY must assure that any relevant Project plans meet the standards of the State Fire Marshal to ensure consistency with CALTRANS fire protection standards.

26. Environmental Clearance

Environmental clearance of Project by LOCAL AGENCY and/or CALTRANS is required prior to requesting funds for right of way purchase or construction. No department or agency shall request funds nor shall any department/agency board or commission authorize expenditures of funds for any project, except feasibility or planning studies, which may have a significant effect on the environment unless such a request is accompanied by an environmental impact report per California Public Resources Code section 21102. The California Environmental Quality Act (CEQA), in California Public Resources Code section 21080(b)(10), does provide an exemption for rail projects which institute or increase passenger or commuter services on rail or highway rights-of-way already in use.

27. Labor Code Compliance: Prevailing Wages

If the work performed on this Project is done under contract and falls within the Labor Code section 1720(a)(1) definition of a "public work" in that it is construction, alteration, demolition, installation, repair or maintenance, LOCAL AGENCY must conform to the provisions of

Labor Code sections 1720 through 1815 and all applicable regulations and coverage determinations issued by the Director of Industrial Relations. **LOCAL AGENCY** agrees to include prevailing wage requirements in its contracts for public works. Work performed by **LOCAL AGENCY's** own forces is exempt from the Labor Code's prevailing wage requirements.

28. Prevailing Wage Requirements in Subcontracts

LOCAL AGENCY shall require its contractors to include prevailing wage requirements in all subcontracts funded by this Agreement when the work to be performed by the subcontractor is a "public work" as defined in Labor Code section 1720(a)(1). Subcontracts shall include all prevailing wage requirements set forth in **LOCAL AGENCY's** contracts.

29. Project Close Out

The Agreement Expiration Date refers to the last date for **LOCAL AGENCY** to incur valid Project costs or credits and is the date the Agreement expires. **LOCAL AGENCY** has sixty (60) days after the Expiration Date to make final allowable payments to Project contractors or vendors, prepare the Project Closeout Report, and submit the final invoice to **CALTRANS** for reimbursement for allowable Project costs. Any unexpended Project funds not invoiced by that sixtieth (60th) day will be reverted and will no longer be accessible to reimburse late Project invoices.

30. State-Owned Data

- a. **LOCAL AGENCY** agrees to comply with the following requirements to ensure the preservation, security, and integrity of State-owned data on portable computing devices and portable electronic storage media:
 1. Encrypt all State-owned data stored on portable computing devices and portable electronic storage media using government-certified Advanced Encryption Standard (AES) cipher algorithm with a 256-bit or 128-bit encryption key to protect **CALTRANS** data stored on every sector of a hard drive, including temp files, cached data, hibernation files, and even unused disk space.
 2. Data encryption shall use cryptographic technology that has been tested and approved against exacting standards, such as FIPS 140-2 Security Requirements for Cryptographic Modules.
 3. Encrypt, as described above, all State-owned data transmitted from one computing device or storage medium to another.
 4. Maintain confidentiality of all State-owned data by limiting data sharing to those individuals contracted to provide services on behalf of the State, and limit use of State information assets for State purposes only.
 5. Install and maintain current anti-virus software, security patches, and upgrades on all computing devices used during the course of the Agreement.
 6. Notify the Contract Manager immediately of any actual or attempted violations of security of State-owned data, including lost or stolen computing devices, files, or portable electronic storage media containing State-owned data.
 7. Advise the owner of the State-owned data, the agency Information Security Officer, and the agency Chief Information Officer of vulnerabilities that may present a threat to the security of State-owned data and of specific means of protecting that State-owned data.
- b. To use the State-owned data only for State purposes under this Agreement.

- c. To not transfer State-owned data to any computing system, mobile device, or desktop computer without first establishing the specifications for information integrity and security as established for the original data file(s). Reference State Administrative Manual (SAM) section 5335.1.

ATTACHMENTS:

The following attachments are incorporated into and are made a part of this Agreement by this reference and attachment.

- I. **LOCAL AGENCY** Resolution
- II. FSP Task Order
- III. Subcontracting Provision/List and Tow Operator Scope of Work
- IV. Sample Invoice
- V. Invoice Dispute Form

-----SIGNATURES ON THE FOLLOWING PAGE-----

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first herein above written:

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

By: _____

Title: Contract Officer

Date: _____

**SAN BERNARDINO ASSOCIATED
GOVERNMENTS, ACTING AS THE SAN
BERNARDINO COUNTY
TRANSPORTATION COMMISSION**

By: _____

Title: _____

Date: _____

APPROVED AS TO FORM

By: _____

Title: SANBAG General Counsel

Date: _____

APPROVED AS TO FORM AND
PROCEDURE

By: _____

Title: SANBAG Contract Administrator

Date: _____

RESOLUTION No. 14-012

RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION
COMMISSION, AUTHORIZING DESIGNATED OFFICIALS TO EXECUTE CALIFORNIA
DEPARTMENT OF TRANSPORTATION AGREEMENTS, ORDINANCES AND
RESOLUTIONS

Whereas, the San Bernardino County Transportation Commission (Commission) is authorized under state law, including Sections 130000 et seq, of the California Public Utilities Code, to enter into binding agreements with public and private parties for a variety of purposes, and also to enact resolutions and ordinances; and

Whereas, the Commission is eligible to receive Federal and/or State funding for certain Transportation Projects, through the California Department of Transportation; and

Whereas, various agreements, including but not limited to Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Contribution/Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed; and

Whereas, the Commission wishes to authorize designated officials to execute agreements, and any amendments thereto with the California Department of Transportation on the behalf of the Commission.

Now, therefore, be it resolved by the San Bernardino County Transportation Commission, as follows:

Section 1. The Chairperson of the Commission shall be authorized to execute agreements, resolutions and ordinance on behalf of the Commission, including but not limited to Master Agreements, Program Supplemental Agreements , Fund Exchange Agreements and/or Fund Contribution/Transfer Agreements with the California Department of Transportation, which have been approved by the Commission. When the Chairperson is not available, the Vice-Chairperson shall be so empowered.

Section 2. The Executive Director shall be authorized to execute agreements on behalf of the Commission, including but not limited to Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Contribution /Transfer Agreements with the California Department of Transportation, which have been approved by the Commission.

Section 3. Where it is necessary for the signature of the Chairperson, Vice-Chairperson, and Executive Director to be attested, the Clerk of the Commission or her designee shall be authorized to attest as to the authenticity of such signature.

Section 4. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Commission held on March __, 2014.

W.E Jahn, Commission Chairperson

ATTEST:

Clerk of the Commission

FSP TASK ORDER
Contract No.: 08A2104
Date of Request _____
Project Number _____

This Task Order is entered into pursuant to the provisions of the Cooperative Agreement No. _____ between **DEPARTMENT** and the **LOCAL AGENCY**. This Task Order implements and is hereby made part of Cooperative Agreement No.08A2104.

Project Description and Location (include the county route and post mile):
Type of Services Required:
Date(s) and Time(s) Services are to be provided:

Weekday Service
Beginning Date: _____
Ending Date: _____
Daily Reporting Time (a.m.): _____
*Daily Completion Time (a.m.): _____
Daily Reporting Time (p.m.): _____
*Daily Completion Time (p.m.): _____
Excluded Dates: _____

Weekend Service
Beginning Date: _____
Ending Date: _____
Daily Reporting Time (a.m.): _____
*Daily Completion Time (a.m.): _____
Daily Reporting Time (p.m.): _____
*Daily Completion Time (p.m.): _____
Excluded Dates: _____

Estimated Hourly Rate for Tow Services: \$ _____

Project Officials
CALTRANS Project Supervisor
Name: _____
Title: _____
Telephone No.: _____
Facsimile No.: _____

SANBAG FSP Program Manager
Name: _____
Title: _____
Telephone No.: _____
Facsimile No.: _____

1. Tow Contractor (completed by SANBAG)
Name: _____
Title: _____
Beat#: _____
Telephone No.: _____
Facsimile No.: _____

2. Tow Contractor (completed by SANBAG)
Name: _____
Title: _____
Beat#: _____
Telephone No.: _____
Facsimile No.: _____

Reporting
DEPARTMENT and **LOCAL AGENCY** agree that all reporting for this job shall be accomplished through the standard FSP Daily Report Form. Revisions, other versions, or additional forms shall not be used.

Funds Certified by: _____, Construction
(Name and Title)

Approvals
DEPARTMENT
By: _____
(Name and Title)

LOCAL AGENCY
By: _____
(Name and Title)

For use with all contracts that allow for subcontracting.
 STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
SUBCONTRACTING PROVISIONS/LIST
 Form ADM 1511 (REV. 9/06)

ATTACHMENT III

List all subcontractors that will be used in this Agreement. All subcontractors listed below must be used in accordance with the Agreement. This includes, if applicable, compliance with the subcontracting provisions and any Disabled Veteran Business Enterprise (DVBE), Small Business, Micro-Business, and Disadvantaged Business Enterprises (DBE) subcontractors. If none, bidder to write "NONE" in this space.

| NAME | BUSINESS ADDRESS | DESCRIPTION OF PORTION OF WORK WHICH WILL BE DONE BY EACH CONTRACTOR* |
|---|--|--|
| Pepe's Towing Service Roy and Dot's Towing Steve's Towing | 2000 W. Key Street, Colton, CA 92324 661 W. Rialto Avenue, Rialto, CA 92376 9529 8th Street Rancho Cucamonga, CA 91730 | Please see next page for scope of work applicable to ALL subcontractors. |

**SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG)
CONSTRUCTION FREEWAY SERVICE PATROL
TOW OPERATOR - SCOPE OF WORK**

The Freeway Service Patrol is a joint project between San Bernardino Associated Governments (SANBAG), the California Highway Patrol (CHP), and the California Department of Transportation (Caltrans). The service is provided by private tow truck companies, who are selected through a competitive bid process, and go under contract to SANBAG. The purpose of the freeway service patrol is to provide rapid removal of disabled vehicles and assist those involved in minor accidents on the freeway. Where conditions permit, safe removal of small debris will be required. Contractor vehicles shall be exclusively dedicated to the service during the hours of operation. All vehicle maintenance activities shall be conducted during non-service hours. When and where conditions warrant, service may be executed on the freeway shoulders. Where conditions do not warrant, vehicle operators will remove the vehicles from the freeway to provide service. The vehicle operators shall continuously patrol their assigned Beat, respond to CHP dispatched calls for service, and use the designated turnaround locations and use the CHP designated drop locations. FSP operators designated to perform construction FSP services shall either be the vendor with the closest proximity of their normal FSP Beat to the construction site; or, per SANBAG's and CHP's discretion.

FSP vehicle operators may be required to change flat tires, provide "jump" starts, provide one gallon of gasoline or diesel fuel, temporarily tape cooling system hoses and refill radiators. Vehicle operators may spend a maximum of ten (10) minutes per disablement in attempting to mobilize a vehicle. If a disabled vehicle cannot be mobilized within the ten-minute (10) time limit, it shall be towed to a designated drop location identified by the CHP. The motorist can request the FSP vehicle operator to call the CHP Communications Center to request a CHP rotational tow or other services. FSP vehicle operators shall not be allowed to tow as an independent contractor from an incident that occurred during the FSP shift unless called as a rotation tow by CHP. If called as a rotation tow after a FSP shift, the vehicle operator must remove all FSP markings such as vests, uniforms and magnetic vehicle signage.

All FSP services shall be provided at no cost to the motorist. FSP vehicle operators shall not accept gratuities, perform secondary towing services, recommend secondary tows, or recommend repair/body shop businesses. To promote a safe work environment and to maintain a level of professionalism, the Standard Operating Procedures (SOP) manual must be followed by the tow company and their vehicle operators as this document and all updates will be incorporated into the Contractor's agreement. Please note that the SOP is updated as needed, and that the Contractor is responsible to operate and adhere to the most recent version of the SOP at all times.

SAMPLE INVOICE

CONSTRUCTION FSP INVOICE FOR SANBAG

| Month/Yr. | Task Order | Tow Contractor Name | Hourly Rate | Hours Worked | Tow Service Amount |
|-----------|------------|---------------------|-------------|--------------|--------------------|
| | | | | | \$ |
| | | | | | \$ |
| | | | | | \$ |
| | | | | | \$ |
| | | | | | \$ |
| | | | | | \$ |
| | | | | | \$ |
| | | | | | \$ |
| | | | | | \$ |

Total Tow Subcontractor's Costs \$ _____

SANBAG Administrative Cost (8% of Total Amount) \$ _____

TOTAL INVOICE (Tow Contractor(s) + Administrative Cost) \$ _____

(Mail in a window envelope.)

**VENDOR
ADDRESS**

| |
|---------------------|
| DATE OF DISPUTE |
| INVOICE NUMBER |
| AMOUNT |
| INVOICE DATE |
| REFERENCE NUMBER(S) |

(fold)

The invoice referenced above is disputed for the following reasons:

- | | |
|---|--|
| <input type="checkbox"/> Goods/Services not received | <input type="checkbox"/> Duplicate billing |
| <input type="checkbox"/> Noncompliance with contract | <input type="checkbox"/> Invoice belongs to another department |
| <input type="checkbox"/> Incorrect billing/amount due | <input type="checkbox"/> Damaged goods |
| <input type="checkbox"/> Partial shipment received | <input type="checkbox"/> Invoice not properly executed |
| <input type="checkbox"/> Other | |

THIS NOTIFICATION IS A FOLLOWUP TO A PHONE CONVERSATION WITH THE PERSON FROM YOUR COMPANY WHOSE NAME APPEARS BELOW

| | |
|------|----------------------|
| NAME | DATE OF CONVERSATION |
|------|----------------------|

IF YOU HAVE ANY QUESTIONS REGARDING THIS DISPUTE, CONTACT:

| | |
|--------|------------------|
| NAME | TELEPHONE NUMBER |
| E-MAIL | |

(fold)

FOR STATE AGENCY USE ONLY

| | |
|-----------------------|---------|
| DATE DISPUTE RESOLVED | INITIAL |
| RESOLUTION | |

**RETURN A COPY OF THIS NOTIFICATION WITH THE
CORRECTED INVOICE (IF APPLICABLE)**

(For your convenience, the return address has been
positioned for use in a window envelope.)

**RETURN
TO:**

DISTRIBUTION:
Vendor — original and one copy
Purchasing — one copy
Accounting — one copy
File — one copy



- 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: February 12, 2014

Subject: Budget Amendment to Task No. 0702 – Call Box System

Recommendation:* That the Committee recommend the Board approve a Fiscal Year 2013/2014 budget amendment to increase Task No. 0702, for the Call Box System in the amount of \$140,000, funded by SAFE – Vehicle Registration Fees for a total Task budget of \$1,282,713.

Background: On June 5, 2013, the SANBAG Board of Directors approved a contract with CASE Systems, Inc. for call box maintenance services. The initial contract covers a three-year period and allows for two additional one-year options. Also included in the contract and the subsequent approval was the installation of 20 satellite call boxes. The approved not-to-exceed budget amount for the contract (\$1,895,620) includes the installation of satellite call boxes, however, the Fiscal Year 2013/2014 budget had been completed prior to the final negotiation of the contract and therefore the cost of the satellite call box installations was not included in the budget request. As Staff was not sure of the fiscal year timing of the satellite call box installations, a budget amendment was not requested at that time. To date, 3 of the 20 satellite call boxes have been installed and preparations are underway for the remaining 17, therefore, Staff is requesting a budget amendment at this time.

Financial Impact: This item is not consistent with the approved SANBAG Fiscal Year 2013/2014 budget. A budget amendment is required to increase Task No. 0702, Call Box

*

Approved
General Policy Committee

Date: _____

Moved: _____ *Second:* _____

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

Witnessed: _____

| | | | | | | | | | |
|-----|--------------------------|-----|--------------------------|-----|--------------------------|------|-------------------------------------|-----|--------------------------|
| COG | <input type="checkbox"/> | CTC | <input type="checkbox"/> | CTA | <input type="checkbox"/> | SAFE | <input checked="" type="checkbox"/> | CMA | <input type="checkbox"/> |
|-----|--------------------------|-----|--------------------------|-----|--------------------------|------|-------------------------------------|-----|--------------------------|

Check all that apply.

System by \$140,000, funded by the Department of Motor Vehicles (DMV), Service Authority for Freeway Emergencies (SAFE) Vehicle Registration Fees, Fund 2810.

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



- 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: 12

Date: February 12, 2014

Subject: Local Transportation Fund Apportionment

Recommendation:* That the Committee recommend the Board, acting as the San Bernardino County Transportation Commission:

1. Maintain Fiscal Year 2013/2014 Local Transportation Fund apportionment of \$81,265,071 as approved by the Board on March 6, 2013.
2. Maintain a Fund Reserve of \$7,250,000 for unexpected financial need.
3. Approve a Local Transportation Fund Estimated Apportionment of \$80,484,541 for Fiscal Year 2014/2015 as detailed in Attachment A and based on \$74,920,020 in estimated receipts, \$5,564,521 from the prior year audited unrestricted fund balance, and maintaining a \$7,250,000 Fiscal Year Fund Reserve.

Background: Pursuant to Section 6620 of the California Code of Regulations (CCR), the San Bernardino County Auditor/Controller (Auditor) is to provide SANBAG, acting as the County Transportation Commission, with an estimate of Local Transportation Fund (LTF) revenue available for apportionment and

*

Approved
General Policy Committee

Date: _____

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

| | | | | | | | | |
|-----|--|-----|---|-----|--|------|--|-----|
| COG | | CTC | X | CTA | | SAFE | | CMA |
|-----|--|-----|---|-----|--|------|--|-----|

Check all that apply.

allocation during the ensuing year (Fiscal Year (FY) 2014/2015) and if requested, a revised or updated estimate of revenues for the current fiscal year (FY 2013/2014) prior to February 1st. Section 6644 of the CCR requires that SANBAG determine and advise all prospective claimants of the amount of all area apportionments for the next fiscal year by March 1st.

The total annual LTF apportionment is a function of three components.

1. Projected annual revenue
2. Prior audited, unallocated fund balance
3. Fund Reserve

Annually, SANBAG staff presents the County Auditor/Controller with an estimate of current year and subsequent year LTF receipts. The revenue component of the current FY 2013/2014 Apportionment is \$70,675,240. Based upon actual FY 2013/2014 LTF revenue receipts received to date, the actual FY 2013/2014 LTF revenue is on target to be approximately \$74,920,020, or 6% over the estimated revenue. Actual FY 2012/2013 LTF revenue was \$74,483,319 which translates to an estimated annual increase of 0.59% between FY 2012/2013 actuals and the expected FY 2013/2014 revenue based on mid-year receipts.

Staff has some skepticism about further increases in sales tax receipts, as revenue growth trends for LTF have fluctuated in the recent past and is on target to be relatively flat between FY 2012/2013 and FY 2013/2014. As such staff is recommending that \$74,920,020 be used for the FY 2014/2015 revenue estimate. Once the current FY 2013/2014 financial numbers are audited, any amount of unrestricted fund balance as a result of increased revenue would be included as part of the FY 2015/2016 Apportionment, as is the case in the proposed FY 2014/2015 Apportionment.

The second component of the annual apportionment is the prior year audited unrestricted fund balance. The audit for FY 2012/2013 was completed in January 2014 and shows that SANBAG has an unrestricted fund balance of \$5,564,521. This amount represents the amount of revenue plus interest and refunds in excess of the \$70,675,240 apportioned in FY 2013/2014.

Finally, the third component of the apportionment is the fund reserve. In the proposed FY 2014/2015 LTF Apportionment staff is recommending that a fund reserve of \$7,250,000 be maintained for FY 2014/2015.

The total proposed FY 2014/2015 LTF Apportionment is included in Attachment A to this item. The three components of revenue are included at the top of the table. The total apportionment is \$80,484,541. If that total level of apportionment is approved, the individual amounts of apportionment that would be provided to eligible claimants are included in the three sections below. The first section pertains to administration and planning; the second section pertains to non-motorized transportation; and the third section pertains to the Valley and Mountain/Desert jurisdictions for transit use.

Pursuant to Sections 99233.1, of the California Public Utilities Code, (CPUC), the Commission and the Auditor shall allocate such sums as are necessary for the administrative responsibilities under the Transportation Development Act (TDA). The Auditor's staff is requesting an allocation of \$32,000, an increase of \$4,000 from the amount allocated in FY 2013/2014.

The estimated amount to be allocated to SANBAG for its expenses associated with TDA administration and fiscal and compliance audits of all claimants and the two funds (LTF and State Transit Assistance Funds (STAF)) is \$950,000. This includes the cost of directly administering the full financial audits for all the transit operators. The \$950,000 also will provide resources for SANBAG to obtain assistance in improving processes and procedures currently in effect in the TDA Program. SANBAG would like to increase efficiencies within the Program, which will entail automating the disbursement process, creating databases for fund tracking purposes and updating program manuals. In addition to the \$950,000 set-aside in FY 2014/2015, SANBAG anticipates a FY 2013/2014 fund balance of \$357,965 to be carried forward into FY 2014/2015 for eligible expenditures as described above.

Pursuant to Section 99233.2(b)(1) of the CPUC, up to 3% of the annual LTF revenues may be allocated to the Commission for its transportation planning and programming functions. The amount of LTF planning funds available to the Commission for FY 2014/2015 would be \$2,247,601.

Further, pursuant to Section 99233.2(b)(2) of the CPUC and amended by AB1403 signed into law by the Governor in October 2009, SCAG is to be allocated up to three fourths of one percent (3/4%) of the annual LTF revenues allocated to the County Transportation Commissions. For FY 2014/2015, SCAG's allocation is \$561,900.

Lastly, in accordance with Section 99233.3 of the CPUC (Article 3), 2% of the remaining balance following allocations for administration and planning is made available to counties and cities, through a competitive grant process, for facilities provided for the exclusive use of pedestrians and bicycles. The allocation for pedestrian and bicycle related projects for FY 2014/2015 is \$1,533,861. SANBAG conducts an Article 3 call for projects every two years. The next call for projects is scheduled for Fall 2015.

Financial Impact: The Commission is the designated agency responsible for the administration of the LTF for San Bernardino County. Adoption of the LTF apportionment will provide SANBAG, SCAG, transit agencies, and local jurisdictions with revenue estimates to use for FY 2014/2015 budgeting purposes. This item has no immediate financial impact on the FY 2013/2014 Budget. All staff activities associated with this item are consistent with Task No. 502.

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

Responsible Staff: Carrie Schindler, Chief of Fund Administration and Programming

Attachment A

Proposed FY 2014/2015 LTF Apportionment

| | | | APPORTIONMENT |
|--|------------------|----------------|----------------------|
| Prior Year Audited Unrestricted Fund Balance | | | \$ 5,564,521 |
| Estimated Annual LTF Receipts | | | \$ 74,920,020 |
| Returned FY 2013/2014 Fund Reserve | | | \$ 7,250,000 |
| Proposed FY 2014/2015 Fund Reserve | | | \$ (7,250,000) |
| Total Estimated Funds Available | | | \$ 80,484,541 |
| Auditor's Administrative Cost | | | \$ 32,000 |
| SANBAG's Administrative Cost | | | \$ 950,000 |
| County Transportation Commission Planning | | | \$ 2,247,601 |
| SCAG Planning | | | \$ 561,900 |
| Resulting Balance | | | \$ 76,693,040 |
| Article 3 (SB821) Program | | | \$ 1,533,861 |
| Balance Available for Apportionment | | | \$ 75,159,179 |
| Apportionment Area | Population | Percentage | APPORTIONMENT |
| Valley | 1,507,317 | 72.60% | \$ 54,563,467 |
| Adelanto | 31,289 | 1.51% | \$ 1,132,633 |
| Apple Valley | 70,436 | 3.39% | \$ 2,549,717 |
| Barstow | 23,168 | 1.12% | \$ 838,660 |
| Big Bear Lake | 5,111 | 0.25% | \$ 185,013 |
| Hesperia | 91,400 | 4.40% | \$ 3,308,595 |
| Needles | 4,912 | 0.24% | \$ 177,810 |
| Twentynine Palms | 26,084 | 1.26% | \$ 944,216 |
| Victorville | 120,368 | 5.80% | \$ 4,357,209 |
| Yucca Valley | 21,030 | 1.01% | \$ 761,266 |
| County - Unincorporated | 175,159 | 8.44% | \$ 6,340,592 |
| Total | 2,076,274 | 100.00% | \$ 75,159,179 |

Population Source: DOF 1/1/13

SANBAG's Administrative Cost includes TDA Administration & Claimant Compliance Audits

SCAG Planning apportioned to Commission counties based on LTF Revenue Estimates

Estimated Annual LTF Receipts per SANBAG/County Auditor 1/2014



- 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: 13

Date: February 12, 2014

Subject: Fiscal Year 2014/2015 State Transit Assistance Fund – Population Share Apportionment

Recommendation:* That the Committee recommend the Board, acting as the San Bernardino County Transportation Commission:

1. Approve a State Transit Assistance Fund - Population Apportionment for Fiscal Year 2014/2015 of \$7,406,093 to be apportioned to the Valley and \$2,795,529 to be apportioned to the Mountain/Desert Areas, for a total of \$10,201,622, based on 2013 California Department of Finance Population Data.

Background: Pursuant to the California Public Utilities Code (CPUC) Section 99312, SANBAG receives State Transit Assistance (STA) funds, which are derived from the statewide sales tax on diesel fuel, from the State Controller’s Office annually. This funding is allocated as follows: 1) 50% for PUC 99313 STA-Population based on the ratio of the population of the area under its jurisdiction to the total population of the state and 2) 50% for PUC 99314 STA-Operator, which is specific moneys for operators and allocated based on the ratio of the total region’s prior year transit operator passenger fare and local support revenues, as well as member agencies, to the total revenue of all operators in the state and member agencies. The amount of STA-Operator funds available to each transit operator on

*

Approved
General Policy Committee

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

| | | | | | | | | |
|-----|--|-----|---|-----|--|------|--|-----|
| COG | | CTC | X | CTA | | SAFE | | CMA |
|-----|--|-----|---|-----|--|------|--|-----|

Check all that apply.

an annual basis is determined by the State and SANBAG functions as a pass-through agency for this portion of STA.

There is a three step process for obtaining STA funds: (1) apportionment, (2) allocation, and (3) disbursement or payment of the funds. This item pertains to step one in the process. The apportionment step is the process to determine the amount of STA-Population funds available to an area. The second step of the process, allocation, is done after approval of the fiscal year budget. The specific amounts being allocated is coordinated with each operator and presented to the Board for final approval. The third step in the process, disbursement, is handled throughout the fiscal year and does not require any Board action. In the past, the amount of STA-Population funds available to SANBAG has been apportioned 75% Valley and 25% Mountain/Desert with the amount available to each transit operator determined on an as-needed basis. Though it has not been SANBAG's practice to request Board approval of STA-Population fund apportionments, the actual STA allocations to the operators have been approved by the Board since Fiscal Year 2012/2013.

In the Triennial Performance Audit of SANBAG for Fiscal Year 2009-2011 a recommendation was made that the apportionment procedures for STA-Population funds be formalized. In an effort to formalize the procedures for apportionment of STA-Population funds, staff is proposing that STA-Population funds be apportioned to the Valley and Mountain/Desert areas based on population of these larger subareas to the population of the county as a whole. For Fiscal Year 2014/2015 this would result in the Valley receiving 72.6% and the Mountain/Desert receiving 27.4% of the total STA-Population apportionment available to SANBAG. Following a preliminary analysis, staff discovered that any further use of the population-based formula within the Mountain/Desert subarea would result in adverse impacts to Needles. Staff is recommending that further distribution of these funds be studied as part of SANBAG's larger effort to improve processes and procedures currently in effect in the STA Program.

The State Controller provided SANBAG the Fiscal Year 2014/2015 preliminary STA estimate on January 31, 2014. Staff's recommended apportionment value for the Fiscal Year 2014/2015 is \$10,201,622, which is consistent with the January 31st estimate. Based on staff's recommended population distribution formula and Fiscal Year 2014/2015 apportionment value, the apportionments to the Valley and Mountain/Desert areas are \$7,406,093 and \$2,795,529 respectively.

| | | | APPORTIONMENT |
|--|-------------------|-------------------|----------------------|
| Total Estimated Funds Available for Apportionment | | | \$ 10,201,622 |
| Apportionment Area | Population | Percentage | APPORTIONMENT |
| Valley | 1,507,317 | 72.60% | \$ 7,406,093 |
| Mountain/Desert | 568,957 | 27.40% | \$ 2,795,529 |
| Total | 2,076,274 | 100.00% | \$ 10,201,622 |
| Population Source: DOF 1/1/13 | | | |

Financial Impact: The Commission is the designated agency responsible for the administration of the STA-Population for San Bernardino County. Adoption of the STA-Population apportionment will provide SANBAG and the transit operators with revenue estimates to use for Fiscal Year 2014/2015 budgeting purposes. This item has no immediate financial impact on the Fiscal Year 2013/2014 Budget.

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

Responsible Staff: Carrie Schindler, Chief of Fund Administration and Programming



- 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: 14

Date: February 12, 2014

Subject: Ten-Year Delivery Plan – 2014 Update

Recommendation:* That the Committee recommend the Board, acting as the San Bernardino County Transportation Authority, approve the 2014 Update to the Measure I 2010-2040 Ten-Year Delivery Plan.

Background: In December 2013 and February 2014, the SANBAG Board received updates regarding the planned 2014 Update to the Measure I 2010-2040 Ten-Year Delivery Plan (Delivery Plan). The Delivery Plan is developed within the policy framework established by the voter-approved Measure I Expenditure Plan and the Measure I 2010-2040 Strategic Plan. The first Delivery Plan was adopted by the SANBAG Board in January 2012, and provides a transparent list of projects that will be developed during the ten-year period and defines the current assumptions related to scope, schedule, and budget. Additionally, it enables SANBAG to meet the requirements of bond rating agencies for the future sale of bonds and provides the basis for the preparation of SANBAG’s annual budget for capital projects.

The Delivery Plan is intended to be a living document that is updated at least every two years to capture revisions to projects and assumptions, actual revenue received, and actions taken by the SANBAG Board. Staff has incorporated project changes since the adoption of the Delivery Plan in 2012 into the 2014 Update to the Delivery Plan. Additionally, staff has worked extensively with

Approved
General Policy Committee

Date: _____

Moved: _____ *Second:* _____

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

Witnessed: _____

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

GPC1402a-az

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2014/gpc1402/AgendaItems/GPC1402a1-az.pdf>

Montague DeRose and Associates, LLC to develop a bonding strategy that will accelerate project delivery in accordance with Board-defined priorities.

While the 2012 Delivery Plan had an extensive project identification process, this update is chiefly focused on the projects that were identified in the 2012 Delivery Plan or those that have been defined as priorities since adoption of that plan. The 2014 Delivery Plan analysis determined that many of the critical projects that will bring congestion relief and improved mobility and safety can be delivered over the next ten years of the Measure under current delivery assumptions and without changes to current SANBAG policy. Major policy decisions made by the Board since adoption of the 2012 Delivery Plan that are included in the 2014 Delivery Plan are as follows:

- The 2012 Delivery Plan included two delivery scenarios for the Valley Freeway Program: 1) HOV lanes on I-10 or 2) express lanes on both I-10 and I-15. Per Board approval in December 2013 to continue studying express lane alternatives on I-10 and I-15, the Delivery Plan will continue to include both scenarios until a preferred alternative is selected or an alternative is removed.
- The Strategic Plan and 2012 Delivery Plan assumed that the Valley Freeway Interchange Program would be delivered on a pay as you go basis. At the request of the Major Projects Committee in April 2012, staff began analyzing opportunities for expediting delivery of this program. In October 2012 the Board authorized staff to develop agreements for the highest ranked interchanges, a loan program to allow jurisdictions to borrow against their Local Street and Major Street Program funds for the developer share of project costs, and a scope of work for analyzing phasing options for the Interchange Program. The Delivery Plan now includes the top ten highest priority interchanges and assumes bonding to in 2014 and in future years to complete the public share for these projects.

Although the revenue growth rate is being scaled back from the 2012 Delivery Plan assumptions of 4.8% per year to 4.5% per year with even slower growth in the near term, the revenue forecast with bonding through 2022 appears adequate to complete the projects currently under development. Revenue, project, and bonding details are contained within the final draft 2014 Delivery Plan that is attached under separate cover. Approval of the 2014 Update to the Ten-Year Delivery Plan will provide necessary background for the anticipated March 2014 bond issuance.

Financial Impact: This item does not impact the adopted SANBAG budget; however, once adopted the Ten-Year Delivery Plan will serve as the guide for funding of SANBAG programs and capital projects and issuance of bonds.

Reviewed By: This item is not scheduled for review by any other policy committee. The proposed 2014 Update to the Ten-Year Delivery Plan was presented to the Transportation Technical Advisory Committee on February 3, 2014. This item is scheduled for review by the Transportation Technical Advisory Committee on March 3, 2014.

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming



- 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: 15

Date: February 12, 2014

Subject: Congestion Mitigation and Air Quality Program Proposed Legislation

Recommendation:* Receive report on proposed surface transportation reauthorization legislative language concerning use of Congestion Mitigation and Air Quality Program funds.

Background: The Congestion Mitigation and Air Quality (CMAQ) program was created to support surface transportation projects and other related efforts that provide air quality and congestion relief benefits. Jointly administered by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), the CMAQ program was reauthorized under the Transportation Equity Act for the 21st Century (TEA-21) in 1998, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005, and most recently, the Moving Ahead for Progress in the 21st Century Act (MAP-21) in 2012. MAP-21 provides funding to areas in nonattainment or maintenance for ozone, carbon monoxide, and/or particulate matter.

For SANBAG, the CMAQ program provides funding for projects that help improve air quality in regions that are designated as non-attainment or maintenance areas as defined by air quality standards. Projects classified as Transportation Control Measures (TCMs) are eligible. TCMs are projects such as carpool lanes, mass transit investments, transportation demand management programs, signal coordination, and bicycling facilities. All project phases (from planning to construction) are eligible for funding. Funds cannot be used for projects that increase capacity of single occupancy vehicle facilities. Each year

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Approved
 General Policy Committee

Date: _____
 Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

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

GPC1402b-az

SANBAG prepares an annual CMAQ report that documents how the funding is being spent appropriately.

California's apportionment is estimated at \$437 million per year for the term of MAP-21, of which SANBAG's share is approximately \$28 million each year. These funds are divided between the two air basins within the County, although the funds can be used interchangeably between air basins. The South Coast Air Basin (generally the valley and mountain regions), is currently designated as a "severe" non-attainment area.

SANBAG Board policy states that within the Valley subarea of the County, the use of CMAQ funds is prioritized as follows:

- 1) Regional programs, such as rideshare and signal coordination
- 2) Transit capital projects
- 3) Freeway high occupancy vehicle (HOV) projects

There is no established policy for the Mountain/Desert subareas, although these funds have been managed through calls for projects in the past.

The proposed 2014 Ten-Year Delivery Plan relies heavily on and assumes full access to SANBAG's historical share of CMAQ funds. After set-asides for regional programs and allocations to transit operators, the Delivery Plan anticipates the availability of CMAQ for the following projects in the Valley subarea:

- I-10 HOV Alternative (\$46 million)
- I-10 Express Lane Alternative (\$55 million)
- I-15 Express Lane Alternative (\$82 million)
- Redlands Passenger Rail (\$40 million)

Accountability

The Federal Clean Air Act requires transportation conformity to ensure that federal funding and approval are given to highway and transit projects that are consistent with the air quality goals established by a state air quality implementation plan (SIP). Conformity, for the purpose of the SIP, means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards (NAAQS). As the transportation commission for the County, SANBAG is responsible for working on the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the Federal Transportation Improvement Program (FTIP).

The Global Warming Solutions Act of 2006 (AB 32) set the 2020 statewide limit of greenhouse gas (GHG) emissions for California. AB 32 directed the California Air Resources Board (ARB) to prepare and adopt a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions from sources or categories of sources of GHG by 2020.

To reinforce California's ability to reach the AB 32 goals, the Sustainable Communities and Climate Protection Act of 2008 (SB 375) was enacted to reduce GHG emissions from automobiles and light trucks through integrated transportation, land use, housing and environmental planning. Under the law, SANBAG is tasked with working with our Metropolitan Planning Organization (MPO), the Southern California Association of Governments (SCAG), in developing the RTP/SCS.

Legislative Proposal

The South Coast Air Quality Management District (SCAQMD), as part of their 2014 federal legislative platform, is proposing language for the next federal transportation reauthorization or extension of existing authority to modify the existing CMAQ project selection process. This amendment would specifically require States and MPOs to consult with air quality agencies during the project selection process and would further require the air quality agencies to provide comments on the estimated emission reductions for the project. The State or MPO would then be required to modify their estimated reductions or explain why the modification isn't needed. The proposed language is below:

“(h) Interagency Consultation. – ~~The Secretary shall encourage~~ States and metropolitan planning organizations ~~to shall~~ consult with the state and local air quality agencies in nonattainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects; ~~the State or metropolitan planning organization shall respond in writing to any written comments regarding the estimated emission reductions received from a state or local air quality agency by modifying the estimate of emission reductions or explaining in writing why such modification is not needed to ensure an accurate estimate.~~”

Consultation with the appropriate air quality district to obtain advice on the mix of projects that best meet the combined air quality and mobility goals is an important component of the existing CMAQ program through the development of the RTP, as described above. SCAQMD already certifies that the mix of projects contained within the RTP (including CMAQ projects) meet the applicable state and federal air quality requirements. It is unclear why this process needs to be

further complicated by the introduction of another entity into the project selection process within each county. If the RTP as a whole meets the required air quality goals, the mix of projects as determined by the respective counties should continue to be able to reflect the mobility needs of each subregion. SANBAG is not aware that SCAQMD is able to identify any specific projects that were unduly awarded CMAQ funds and therefore this proposal seems unnecessary.

Further, the process delays that would result from proposed legislation, as outlined above, will limit SANBAG's ability to quickly respond to changing funding and timing conditions for individual projects. This could result in projects being delayed or even work in progress halted in order to accommodate additional entities such as SCAQMD in project selection, funding shifts, and program amendments.

As SANBAG remains the responsible entity for ensuring that each of the required standards for the CMAQ program are met, while still ensuring that the mobility needs of the region are appropriately addressed - decision making with respect to the allocation of CMAQ funds should remain with SANBAG and SCAQMD should continue in their existing role. Staff recommends that this policy position be communicated to SCAQMD and members of the federal delegation and appropriate regulatory agencies as needed.

Financial Impact: This item does not impact the adopted SANBAG budget.

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

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming

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.

| | |
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| 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 |
| IEEP | 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 |

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| 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 |
| SRTP | 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