



VENTURA COUNTY TRANSPORTATION COMMISSION

AIRPORT LAND USE COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
CONSOLIDATED TRANSPORTATION SERVICE AGENCY
CONGESTION MANAGEMENT AGENCY

www.goventura.org

AGENDA*

**Actions may be taken on any item listed on the agenda*

CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, APRIL 5, 2013
9:00 AM

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in a Commission meeting, please contact the Clerk of the Board at (805) 642-1591 ext 101. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

1. CALL TO ORDER VENTURA COUNTY TRANSPORTATION COMMISSION

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

- 4. PUBLIC COMMENTS** – *Each individual speaker is limited to speak three (3) continuous minutes or less. The Commission may, either at the direction of the Chair or by majority vote of the Commission, waive this three minute time limitation. Depending on the number of items on the Agenda and the number of speakers, the Chair may, at his/her discretion, reduce the time of each speaker to two (2) continuous minutes. In addition, the maximum time for public comment for any individual item or topic is thirty (30) minutes. Also, the Commission may terminate public comments if such comments become repetitious. Speakers may not yield their time to others without the consent of the Chair. Any written documents to be distributed or presented to the Commission shall be submitted to the Clerk of the Board. This policy applies to Public Comments and comments on Agenda Items.*

Under the Brown Act, the Board should not take action on or discuss matters raised during Public Comment portion of the agenda which are not listed on the agenda. Board members may refer such matters to staff for factual information or to be placed on the subsequent agenda for consideration.

5. APPROVE SUMMARY FROM MARCH 1, 2013 VCTC MEETING – PG. 5

6. **CALTRANS REPORT**

This item provides the opportunity for the Caltrans representative to give update and status reports on current projects.

7. **COMMISSIONERS / EXECUTIVE DIRECTOR REPORT**

This item provides the opportunity for the commissioners and the Executive Director to report on attended meetings/conferences and any other items related to Commission activities.

8. **ADDITIONS/REVISIONS** – *The Commission may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Commission subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Commission. If there are less than 2/3 of the Commission members present, adding an item to the agenda requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.*

9. **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no discussion of these items unless members of the Commission request specific items to be removed from the Consent Calendar for separate action.

9A. MONTHLY BUDGET REPORT – PG. 11

Recommended Action:

Receive and File

Responsible Staff: Sally DeGeorge

9B. PASSENGER RAIL UPDATE – PG.17

Recommended Action:

Receive and File

Responsible Staff: James Hinkamp

9C. REQUEST FOR PROPOSALS FOR TRANSPORTATION DEVELOPMENT ACT TRIENNIAL PERFORMANCE AUDITS FOR VCTC AND GOLD COAST TRANSIT (GCT)- PG.21

Recommended Action:

Approve the Request for Proposals (RFP) for completion of State required Transportation Development Act (TDA) triennial performance audits of VCTC and Gold Coast Transit (GCT) for distribution to appropriate consulting firms.

Responsible Staff: Mary Travis

9D. FISCAL YEAR 2012/13 PROPOSITION 1B SECURITYGRANT PROGRAM FUND AVAILABILITY-PG.33

Recommended Action:

Approve schedule for transit operators to submit Proposition 1B Transit Security fund proposals to VCTC by April 5, 2013.

Responsible Staff: Stephanie Young

9E. LIMITED ENGLISH PROFICIENCY PLAN-PG.35

Recommended Action:

Approve the attached Limited English Proficiency Plan.

Responsible Staff: Peter De Haan

9F. REVISION TO CAMARILLO TRANSPORTATION ENHANCEMENT PROJECTS – PG.53

Recommended Action:

Approve shifting \$498,000 of Transportation Enhancement funds from the Central Drive Landscaping project to the Lewis Road Landscaping project.

Responsible Staff: Stephanie Young

9G. SECTION 13(C) LABOR AGREEMENT – PG.55

Recommended Action:

Approve the attached agreement with the Service Employees International Union (SEIU), Local 721, as required for VCTC's Fiscal Year 2012/13 federal transit grant applications with the Federal Transit Administration.

Responsible Staff: Peter De Haan

9H. NAVAL BASE VENTURA COUNTY JOINT LAND USE STUDY UPDATE – PG.69

Recommended Action:

Receive and file

Responsible Staff: Steve DeGeorge

10. LEGISLATIVE UPDATE AND POSITION ON BILLS – PG.71

Recommended Action:

- Adopt SPONSOR position on SB 203 (Pavley), to allow expenditure of Transportation Development Act (TDA) Local Transportation Funds (LTF) on streets and roads in the rural unincorporated area and in cities under 100,000, providing all unmet and reasonable-to-meet transit needs are met as required by TDA law.
- Adopt SUPPORT position on AB 664 (Williams) establishing the Gold Coast Transit District.

Responsible Staff: Peter De Haan

11. VCTC OFFICE SPACE LEASE EXTENSION AND LONG TERM SPACE NEEDS– PG.81

Recommended Action:

- Authorize the Executive Director to execute one year lease extension for existing office space and amend lease to add approximately 1230 square feet for a total of 6750 square feet at the current lease rate of \$11,400 month.
- Discuss long term office needs and options.

Responsible Staff: Darren Kettle

12. FY 2013/14 DRAFT BUDGET – PG.83

Recommended Action:

- Receive the Fiscal Year 2013/2014 Draft Budget
- Conduct Public Hearing to receive testimony on the Fiscal Year 2013/2014 Draft Budget as presented.

Responsible Staff: Sally DeGeorge

13. HERITAGE VALLEY TRANSIT STUDY UPDATE –PG.85

Recommended Action:

Receive the status report and schedule formal action on the plan for the May 10th, 2013 meeting.

Responsible Staff: Vic Kamhi

14. VCTC GENERAL COUNSEL'S REPORT

This item provides the opportunity for General Counsel to give update and status reports on any legal matters related to Commission activities.

15. AGENCY REPORTS

16. VCTC CLOSED SESSION – 4 Matters

1. *Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)
Beserra, et al. v Griffin Industries Inc., et al.
Superior Court Case No. 56-2010-00373718-CU-OE-VTA*
2. *Pursuant to Government Code section 54957 (b) (1) public employee evaluation:
Executive Director*
3. *Pursuant to Government Code section 54957(b), Public Employee
Discipline/Dismissal/Release*
4. *Pursuant to Government Code section 54957.6, Conference with Designated Labor
Negotiator Regarding Salaries, Salary schedules, and Fringe Benefits.
Labor negotiator: Executive Director Darren Kettle
Unrepresented Employees: All Position Titles*

17. ADJOURN

The next VCTC Commission meeting is scheduled to be held at 9:00 a.m. Friday, **May 10, 2013**, Camarillo City Hall, City Council Chambers, 601 Carmen Drive, Camarillo.



Item #5

Meeting Summary

**VENTURA COUNTY TRANSPORTATION COMMISSION
AIRPORT LAND USE COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES
CONSOLIDATED TRANSPORTATION SERVICE AGENCY
CONGESTION MANAGEMENT AGENCY**

**CAMARILLO CITY HALL
601 CARMEN DRIVE
CAMARILLO, CA
FRIDAY, MARCH 1, 2013
9:00 AM**

Members Present: Steve Sojka, City of Simi Valley, Chair
Ralph Fernandez, City of Santa Paula, Vice Chair
Steve Bennett, County of Ventura
Claudia Bill-de la Peña, City of Thousand Oaks
Manuel Minjares, City of Fillmore
Betsy Clapp, City of Ojai
Peter Foy, County of Ventura
Brian Humphrey, Citizen Rep, Cities
Kathy Long, County of Ventura
Bryan MacDonald, City of Oxnard
Jan McDonald, city of Camarillo
Keith Millhouse, City of Moorpark
Carl Morehouse, City of San Buenaventura
Linda Parks, County of Ventura
Jon Sharkey, City of Port Hueneme
Jim White, Citizen Rep, County
John Zaragoza, County of Ventura
Mike Miles, Caltrans District 7

Call To Order

Pledge of Allegiance

Roll Call

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Public Comments for those items not listed in this agenda

Scott Spaulding, SBCAG

Thanked VCTC for partnering with SBCAG on a Caltrans grant application to survey 101 through Santa Barbara, San Luis Obispo and Ventura Counties to get a sense of who uses 101. The grant requires a \$250,000 match from Ventura and San Luis Obispo. The comprehensive survey will enable the agency to have a dialog with the market not being served and assess how to better serve them.

John Procter, SCAG

*SCAG General Assembly will be held May 2-3 at the Palm Dessert Marriott (**Note: VCTC meeting has been rescheduled to May 10th to avoid conflict**).*

APPROVE SUMMARY FROM FEBRUARY 1, 2013 VCTC MEETING

Commissioner Millhouse made a motion to approve the summary. The motion was seconded by Commissioner Zaragoza and passed unanimously.

CALTRANS REPORT

Mike Miles reported the Ventura/Santa Barbara 101 HOV project is on schedule and 28% complete. The Bates Road undercrossing widening is complete and median landscaping is scheduled to begin Spring 2013. The Pedestrian Undercrossing is expected to open Fall 2013.

EXECUTIVE DIRECTOR REPORT

What Happens if Sequestration Happened - The federal Budget Control Act (BCA) builds on legislative efforts to reduce the federal deficit dating back to 1985. One of the effects of the BCA and its predecessors is that certain classes of programs are specifically exempt or partially exempt from sequestration. The federal transportation programs are considered "hybrid programs" in this process with some exempt and some not largely impacted because of their trust fund/dedicated revenue structure. The White House Office of Management and Budget (OMB) recently released a document explaining how they plan to implement the sequestration process. Below is a summary of how OMB indicated the process will impact the federal transportation programs if the sequestration takes effect.

Program FY 2013 Investment Level	FY 2013 Sequestration
Airport Improvement Program \$3.515 billion	<i>Exempt</i>
Core Highway Program \$39.7 billion	<i>Exempt</i>
Highway Emergency Relief \$1.7 billion	\$136 million
Payments to Highway Trust Fund (HTF) \$6.2 billion	\$471 million
Transit Formula Programs \$8.5 billion	<i>Exempt</i>
Transit Capital Programs \$1.9 billion	\$156 million

It is worth noting that the reduction in the transfer to the HTF indicated above will not impact core highway investment in FY 2013. It will, however, reduce the HTF balance going forward. The most recent Congressional Budget Office data show the fund's Highway Account ending FY 2014 with a \$4 billion surplus and the Transit Account ending with a \$500 million balance.

Joint Land Use Study Kick-Off Meeting – The Naval Base Ventura County Joint Land Use Study (JLUS) kick-off meeting scheduled for March 13, 2013 1:00 PM to 4:00 PM, at the Camarillo Library 4101 E. Las Posas Road, Camarillo is primarily to develop the membership and areas of responsibility for the technical and policy oversight committees. As part of a larger effort to collect data and preliminary information about the area and the naval facilities, the JLUS consultant team from Matrix Design Group will be presenting a project overview and JLUS goals and objectives to the committee volunteers. It has been requested that stakeholders provide an appropriate designee to each of the committees to report

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back to their various boards or councils as the project moves forward. Throughout the life of the project, the Matrix team will be conducting multiple public meetings to ensure all policymakers, stakeholders and the general public has an opportunity to provide input into the planning process.

California Transportation Commission Executive Director Bimla Rhinehart Retirement – The California Transportation Commission (CTC) has announced that Executive Director Bimla Rhinehart will be retiring after 27 years of state service. Under Bimla's direction, the CTC has successfully supported the delivery of critical projects and programs throughout the state. She was particularly supportive of VCTC's creative funding package for the 101/23 freeway interchange improvements that will allow the project to go to construction three years ahead of the timeline had traditional funding streams had been our only option.

Federal and State Legislative Staff Briefing – On February 28th (yesterday) VCTC hosted a luncheon briefing for Ventura County's federal and state legislative delegation district staff. The agenda for this first briefing included a discussion of the County Comprehensive Transportation Plan, the Regional Transit Study, the impacts of the Federal and State fiscal situation on the Ventura County Transportation program, and the Joint Land Use Study. In attendance were district staff from the offices of US House member Brownley, State Senators Jackson and Pavley, Assembly members Gorrell and Williams, and several Board of Supervisors staff members. We received very positive feedback from those who attended and support for continuing to have the briefings twice a year.

Mobility 21 Board of Directors DC Trip - I will be participating in a Mobility 21 staff trip to Washington DC March 5-7. Mobility 21 is public/private southern California transportation advocacy group that consists of the southern California transportation commission and the business sector representative from each of the five southern California counties. Oxnard Chamber of Commerce President Nancy Lindholm, representing the Chambers Alliance of Santa Barbara and Ventura Counties will be representing Ventura County private sector interests.

Recruitment of Transit Specialist - As announced last month, Myra Montejano has resigned from the Transit Specialist position to accept a position with R & D Transportation. She has been with VCTC for over eight years. We have begun a Transit Specialist recruitment with the focus strongly on transit planning and community outreach and coordination. The recruitment closes March 29 and has been widely published in relevant journals, trade publications, universities, and websites. We will be conducting interviews in April and hope to have the successful candidate on board by May.

ADDITIONS/REVISIONS

CONSENT CALENDAR

Commissioner Sharkey made a motion to approve all items on the Consent Calendar as recommended. The motion was seconded by Commissioner Fernandez and passed unanimously.

MONTHLY BUDGET REPORT - *Receive and File*

PASSENGER RAIL UPDATE - *Receive and File*

REVISION TO THOUSAND OAKS STP FUNDS - *Approve shifting \$285,027 in Surface Transportation Program (STP) cost savings from the Thousand Oaks Wendy Drive Interchange project to the Thousand Oaks Erbes Road project.*

REVISION TO CALIFORNIA STREET PROJECT FUNDING - *Approve funding the City of Ventura California Street Project with \$1,210,000 Transportation Enhancement (TE) funds instead of Congestion Mitigation and Air Quality (CMAQ) funds*

AGREEMENTS FOR 101/23 IMPROVEMENT PROJECT -

- *Authorize the Executive Director to execute the Assembly Bill (AB 3090 Agreement with Caltrans and the City of Thousand Oaks pending review by Caltrans Legal and VCTC legal counsel.*
- *Approve Memorandum of Understanding with Thousand Oaks regarding project cost overruns.*

COMMUTER SERVICES QUARTERLY REPORT - *Receive and File*

TRAPEZE CONTRACT EXTENSION -

- *Approve an extension with TRAPEZE for VISTA Dial-A-Ride dispatching system license in the amount of \$63,454 through June 30, 2014.*
- *Amend the Fiscal Year 2012/2013 Ventura Intercity/Intercounty Service Transit Authority (VISTA) Transit Dial-A-Ride (DAR) budget, increasing revenues and expenditures by of \$63,454 for the extension of the TRAPEZE dispatching system license through the end of Fiscal Year 2013/2014. The funding source is STA reserve funds.*

SANTA PAULA BRANCH LINE UPDATE - *Receive and File*

VENTURA INTERCITY/INTERCOUNTY TRANSIT SERVICE AUTHORITY (VISTA) BUS FARE POLICY FOR SERVICE ATTENDANTS - *Approve a policy to allow Americans with Disabilities Act (ADA) service attendants to ride VISTA buses for free with certified ADA cardholders who require an attendant.*

RFP FOR LEGAL COUNSEL

Commissioner Long made a motion to:

- Authorize release of Request for Proposals for general legal counsel services.
- Consider establishing an ad hoc committee to review proposals and conduct preliminary interviews of applicants.

The motion was seconded by Commissioner Fernandez and passed unanimously. The ad hoc committee will be Chair Sojka, Vice Chair Fernandez, Immediate Past Chair Zaragoza, Commissioner Parks, Commissioner Millhouse and Commissioner Morehouse.

MANAGEMENT SERVICES AGREEMENT WITH VENTURA COUNCIL OF GOVERNMENTS (VCOG) NOTICE TO NOT EXTEND

Commissioner Morehouse made a motion to provide notice to the Ventura Council of Governments that Management Services Agreement will not be extended beyond current term of June 30, 2013. The motion was seconded by Commissioner Sharkey and passed by a unanimous roll call vote.

ROADRUNNER CONTRACT

Commissioner Fernandez made a motion to:

- Approve finding of need for a sole source VISTA transit contract. (Attachment "A")
- Approve a one year extension of the VISTA Intercity services and capital contracts with Roadrunner Management Services, Inc., terminating on June 30, 2014 in the amount of \$6.5 million.
-

The motion was seconded by Commissioner Zaragoza and passed unanimously.

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CONCEPTUAL REFINEMENT OF THE VCTC TRANSIT PLAN AND INTERCITY SERVICE DELIVERY

Commissioner Foy made a motion to approve the refinements to the VCTC Countywide Transit Plan including:

- VCTC continues its role as the VISTA Intercity/Intercounty regional transit service provider using Federal Transit Administration (FTA) funds, State Transit Assistance (STA) funds, and funds from SBCAG, and the colleges and university based on agreements.
- Support the provision of community/subregional transit services in three area; Gold Coast Transit area, East County area, and Heritage Valley area.
- Continue efforts to obtain equitable treatment for the use of TDA funds with other parts of the state under SB 716.
- Comprehensive review and re-evaluation of the TDA Unmet Transit Needs process and the development of a Short-Range Transit Plan to identify and guide possible future transit improvements.

The motion was seconded by Commissioner Zaragoza and passed by the following roll call vote:

Yes: Commissioners McDonald, Millhouse, MacDonald, Fernandez, Zaragoza, Long, Morehouse, Humphrey, Foy,
White, Minjares and Sojka

No: Commissioners Clapp, Bennett, Bill-de la Peña, and Parks

Abstain: None

Absent: Commissioner Sharkey

VCTC GENERAL COUNSEL'S REPORT *no report*

AGENCY REPORTS *none*

VCTC CLOSED SESSION *no closed session*

ADJOURN to April 5, 2013

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Item # 9A

April 5, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: SALLY DEGEORGE, FINANCE DIRECTOR

SUBJECT: MONTHLY BUDGET REPORT

RECOMMENDATION:

- Receive and file the monthly budget report for February 2013

BACKGROUND:

The monthly budget report is presented in a comprehensive agency-wide format with the investment report presented at the end. The Annual Budget numbers are updated as the Commission approves budget amendments or administrative budget amendments are approved by the Executive Director.

The February 28, 2013 budget reports indicate that revenues were approximately 57.42% of the adopted budget while expenditures were approximately 49.71% of the adopted budget. The revenues and expenditures are as expected. Although the percentage of the budget year completed is shown, be advised that neither the revenues nor the expenditures occur on a percentage or monthly basis. For instance, some revenues are received at the beginning of the year while other revenues are received after grants are approved by federal agencies. In many instances, VCTC incurs expenses in advance of the revenues.

**VENTURA COUNTY TRANSPORTATION COMMISSION
BALANCE SHEET
AS OF FEBRUARY 28, 2013**

ASSETS

Assets:

Cash and Investments - Wells Fargo Bank	\$ 3,377,378
Cash and Investments - County Treasury	22,768,215
Petty Cash	50
Receivables/Due from other funds	629,235
Prepaid Expenditures	803,219
Deposits	<u>12,754</u>

Total Assets: **\$27,590,851**

LIABILITIES AND FUND BALANCE

Liabilities:

Accrued Expenses/Due to other funds	\$ 970,891
Deferred Revenue	1,238,878
Deposits	<u>400</u>

Total Liabilities: **\$ 2,210,169**

Net Assets:

Fund Balance	<u>\$25,380,682</u>
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Total Liabilities and Fund Balance: **\$27,590,851**

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE EIGHT MONTHS ENDING FEBRUARY 28, 2013**

	General Fund Actual	LTF Actual	STA Actual	SAFE Actual	Fund Totals Actual	Annual Budget	Variance Over (Under)	% Year to Date
Revenues								
Federal Revenues	\$ 3,701,756	\$ 0	\$ 0	\$ 0	\$ 3,701,756	\$ 14,456,644	(10,754,888)	25.61
State Revenues	121,986	20,005,798	2,458,936	361,479	22,948,199	34,496,169	(11,547,970)	66.52
Local Revenues	4,140,494	0	0	11,765	4,152,259	4,653,002	(500,743)	89.24
Other Revenues	14	0	0	0	14	1,600	(1,586)	0.88
Interest	283	20,519	29,784	7,621	58,207	140,000	(81,793)	41.58
Total Revenues	7,964,533	20,026,317	2,488,720	380,865	30,860,435	53,747,415	(22,886,980)	57.42
Expenditures								
Administration								
Personnel Expenditures	1,491,287	0	0	0	1,491,287	2,466,919	(975,632)	60.45
Legal Services	8,950	0	0	0	8,950	35,000	(26,050)	25.57
Professional Services	62,458	0	0	0	62,458	98,200	(35,742)	63.60
Office Leases	79,170	0	0	0	79,170	137,865	(58,695)	57.43
Office Expenditures	241,758	0	0	0	241,758	242,960	(1,202)	99.51
Total Administration	1,883,623	0	0	0	1,883,623	2,980,944	(1,097,321)	63.19
Programs and Projects								
Transit & Transportation Program								
Senior-Disabled Transportation	58,373	0	0	0	58,373	260,855	(202,482)	22.38
Go Ventura Smartcard	135,696	0	0	0	135,696	265,700	(130,004)	51.07
VISTA Fixed Route Bus Service	4,135,889	0	0	0	4,135,889	5,737,930	(1,602,041)	72.08
VISTA DAR Bus Services	1,688,785	0	0	0	1,688,785	2,507,300	(818,515)	67.35
Nextbus	34,060	0	0	0	34,060	172,400	(138,340)	19.76
Trapeze	13,269	0	0	0	13,269	30,900	(17,631)	42.94
Transit Grant Administration	366,445	0	0	0	366,445	7,112,255	(6,745,810)	5.15
Total Transit & Transportation	6,432,517	0	0	0	6,432,517	16,087,340	(9,654,823)	39.98

General Fund	LTF	STA	SAFE	Fund Totals	Annual	Variance	% Year
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	Actual	Actual	Actual	Actual	Actual	Budget	Over (Under)	to Date
Highway Program								
Congestion Management Program	900	0	0	0	900	30,000	(29,100)	3.00
Motorist Aid Call Box System	0	0	0	166,639	166,639	434,000	(267,361)	38.40
SpeedInfo Highway Speed Sensor	0	0	0	70,600	70,600	144,000	(73,400)	49.03
Total Highway	900	0	0	237,239	238,139	608,000	(369,861)	39.17
Rail Program								
Metrolink & Commuter Rail	1,322,353	0	0	0	1,322,353	2,776,372	(1,454,019)	47.63
LOSSAN & Coastal Rail	826	0	0	0	826	16,500	(15,674)	5.01
Santa Paula Branch Line	390,931	0	0	0	390,931	581,900	(190,969)	67.18
Total Rail	1,714,110	0	0	0	1,714,110	3,374,772	(1,660,662)	50.79
Commuter Assistance Program								
Transit Information Center	15,318	0	0	0	15,318	38,600	(23,282)	39.68
Rideshare Programs	6,042	0	0	0	6,042	53,500	(47,458)	11.29
Total Commuter Assistance	21,360	0	0	0	21,360	92,100	(70,740)	23.19
Planning & Programming								
Transportation Development Act	98,005	16,213,148	0	0	16,311,153	27,822,897	(11,511,744)	58.62
Transportation Improvement Program	14,132	0	0	0	14,132	1,323,975	(1,309,843)	1.07
Regional Transportation Planning	10,540	0	0	0	10,540	320,000	(309,460)	3.29
Airport Land Use Commission	919	0	0	0	919	228,600	(227,681)	0.40
Regional Transit Planning	15,524	0	0	0	15,524	119,150	(103,626)	13.03
Freight Movement	0	0	0	0	0	12,500	(12,500)	0.00
Total Planning & Programming	139,120	16,213,148	0	0	16,352,268	29,827,122	(13,474,854)	54.82
General Government								
Community Outreach & Marketing	167,026	0	0	0	167,026	554,500	(387,474)	30.12
State & Federal Relations	46,960	0	0	0	46,960	71,770	(24,810)	65.43
Management & Administration	20,600	0	0	0	20,600	470,117	(449,517)	4.38
Total General Government	234,586	0	0	0	234,586	1,096,387	(861,801)	21.40
Total Expenditures	10,426,216	16,213,148	0	237,239	26,876,603	54,066,665	(27,190,062)	49.71
	General Fund	LTF	STA	SAFE	Fund Totals	Annual	Variance	% Year

	Actual	Actual	Actual	Actual	Actual	Budget	Over (Under)	to Date
Revenues over (under) expenditures	(2,461,683)	3,813,169	2,488,720	143,626	3,983,832	(319,250)	4,303,082	(1,247.87)
Other Financing Sources								
Transfers Into GF from LTF	1,651,131	0	0	0	1,651,131	1,657,631	(6,500)	99.61
Transfers Into GF from STA	1,246,417	0	0	0	1,246,417	3,031,566	(1,785,149)	41.11
Transfers Into GF from SAFE	9,024	0	0	0	9,024	61,800	(52,776)	14.60
Transfers Out of LTF into GF	0	(1,651,131)	0	0	(1,651,131)	(1,651,131)	0	100.00
Transfers Out of STA into GF	0	0	(1,246,417)	0	(1,246,417)	(3,037,791)	1,791,374	41.03
Transfers Out of SAFE into GF	0	0	0	(9,024)	(9,024)	(62,075)	53,051	14.54
Total Other Financing Sources	2,906,572	(1,651,131)	(1,246,417)	(9,024)	0	0	0	0.00
Net Change in Fund Balances	444,889	2,162,038	1,242,303	134,602	3,983,832	(319,250)	4,303,082	
Beginning Fund Balance	1,587,577	5,442,517	11,137,704	3,229,052	21,396,850	14,617,258	6,779,592	
Ending Fund Balance	\$2,032,466	\$7,604,555	\$12,380,007	\$3,363,654	\$25,380,682	\$14,298,008	\$11,082,674	

For Management Reporting Purposes Only

**VENTURA COUNTY TRANSPORTATION COMMISSION
INVESTMENT REPORT
AS OF FEBRUARY 28, 2013**

As stated in the Commission's investment policy, the Commission's investment objectives are safety, liquidity, diversification, return on investment, prudence and public trust with the foremost objective being safety. Below is a summary of the Commission's investments that are in compliance with the Commission's investment policy and applicable bond documents.

Institution	Investment Type	Maturity Date	Interest to Date	Rate	Balance
Wells Fargo – Checking	Government Checking	N/A	\$457.42	0.02%	\$3,377,378.22
County of Ventura	Treasury Pool	N/A	\$57,860.85	0.52%	\$22,738,510.12
Total			\$58,318.27		\$26,115,888.34

Because VCTC receives a large portion of their state and federal funding on a reimbursement basis, the Commission must keep sufficient funds liquid to meet changing cash flow requirements. For this reason, VCTC maintains checking accounts at Wells Fargo Bank.

The Commission's checking accounts for the General Fund are swept daily into a money market account. The interest earnings are deposited the following day. The first \$250,000 of the combined deposit balance is federally insured and the remaining balance is collateralized by Wells Fargo Bank.

The Commission's Local Transportation Funds (LTF), State Transit Assistance (STA) funds and SAFE funds are invested in the Ventura County investment pool. Interest is apportioned quarterly, in arrears, based on the average daily balance. The investment earnings are generally deposited into the accounts in two payments within the next quarter. Amounts shown are not adjusted for fair market valuations.

For Management Reporting Purposes Only



Item #9B

April 5, 2012

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: JAMES HINKAMP, PROGRAM ANALYST

SUBJECT: PASSENGER RAIL UPDATE

RECOMMENDATION:

- Receive and file.

BACKGROUND:

This report provides a monthly update of regional passenger rail activities. The information in this update focuses on regional commuter rail (Metrolink), intercity rail (Amtrak), and other rail-related issues pertinent to Ventura County.

DISCUSSION:

Metrolink

Ridership & On-Time Performance

During month of February, the Ventura County Line averaged 3,816 total passenger trips per weekday. This is a 2% decrease from the previous month of January 2013 and a 8% decrease year-over-year, from February 2012. Detailed statistics are also available in Attachment A.

On-time performance (which denotes trains arriving within five minutes of scheduled time) for the Ventura County Line averaged 98% for inbound trips and 99% for outbound trips in February.

Finance

Metrolink staff have begun implementing measures to rectify prior financial reporting deficiencies identified by the agency's Ad Hoc Finance Committee. The Metrolink Board authorized formation of a Member Agency Advisory Committee (MAAC) and retaining an external audit firm, McGladrey LLP, to assist in stabilizing Metrolink finances. The MAAC is comprised of member agency financial officers, including VCTC Finance Director Sally DeGeorge. The MAAC and McGladrey LLP participate in weekly meetings with Metrolink staff to review progress in developing long-term solutions, and VCTC staff will continue to provide future updates to the Commission on this matter.

TAP Program

Metro will be latching turnstiles at various Metro Rail stations (in LA County) over the next several months as part of a testing phase towards permanently latching the turnstiles. When approaching the latched turnstiles, Metrolink riders can simply present valid Metrolink tickets/passes to the ticket inspector and will be granted access through the turnstiles. Metrolink is developing technology to have tickets and passes unlatch gates when tapped on the TAP reader. Metrolink will be communicating with passengers as this program develops. Metrolink is currently working on this technology and anticipates to have it developed prior to the expected mid-June 2013 permanent gate latching. At that time, all Metrolink customers will need to tap a Metrolink ticket to unlatch TAP turnstiles.

LOSSAN JPA

Governance

The LOSSAN Board of Directors and member agency CEOs continue to assess member agency positions with respect to the amendment of the LOSSAN JPA. Previously, the LOSSAN Board and CEOs requested the North County Transit District (San Diego County) decide its intent to participate in the amended JPA by March 31st, 2013. The NCTD has proposed amending voting shares among LOSSAN member agencies, to add a full vote to the San Diego County member agency bloc (NCTD, MTS, SANDAG). The LOSSAN Board and member agency CEOs will discuss the NCTD's proposal with intent for a resolution on the matter in the near future. Per SB 1225, the amended JPA would transfer state control of intercity rail services along the Pacific Surfliner route to the JPA. The LOSSAN Board will meet again on April 17th, 2013.

February 2013 Metrolink Ridership

April 2013 VCTC Agenda

AVERAGE WEEKDAY PASSENGER TRIPS (INBOUND and OUTBOUND)
FEBRUARY 2013 v. JANUARY 2013 (MONTH OVER MONTH)

MO/YR	Ventura County Line	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA
13-Jan	3,895	42,148	188
13-Feb	3,816	42,842	226
<i>Variance</i>	<i>-2%</i>	<i>2%</i>	<i>20%</i>

AVERAGE WEEKDAY PASSENGER TRIPS (INBOUND and OUTBOUND)
FEBRUARY 2013 V. FEBRUARY 2012 (YEAR OVER YEAR)

MO/YR	Ventura County Line	System Grand Total	Metrolink Rail 2 Rail on Amtrak North of LA
12-Feb	4,165	43,198	209
13-Feb	3,816	42,842	226
<i>Variance</i>	<i>-8%</i>	<i>-1%</i>	<i>8%</i>

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Item # 9C

April 5, 2014

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: MARY TRAVIS, ANALYST II

SUBJECT: REQUEST FOR PROPOSALS FOR STATE REQUIRED TRANSPORTATION DEVELOPMENT ACT (TDA) TRIENNIAL PERFORMANCE AUDITS FOR VCTC AND GOLD COAST TRANSIT (GCT)

RECOMMENDATION:

- Approve the Request for Proposals (RFP) for completion of State required Transportation Development Act (TDA) triennial performance audits of VCTC and Gold Coast Transit (GCT) for distribution to appropriate consulting firms.

DISCUSSION:

Every three years, the State requires that VCTC, in its role as the County Transportation Commission and Transportation Planning Agency for Ventura County, and any transit operator using TDA Article 4 funds, undergo a performance audit to certify that these agencies are fully complying with the TDA legislative intent and regulations. GCT is currently the only Article 4 operator in Ventura County and is thereby the only transit operator subject to this requirement.

The last performance audits were completed in June 2011 and covered Fiscal Years (FY) 2007/2008, 2008/2009 and 2009/2010. The upcoming audit will look at FY 2010/2011, 2011/2012 and 2012/2013. A schedule for the audits is included in the RFP; it is expected the performance audits will be completed for Commission review at its' June 6, 2014 meeting.

TDA regulations specify what areas must be reviewed; the selected Contractor should refer to the Caltrans "Performance Audit Guidebook for Transit Operators and Transportation Planning Agencies" for details. In summary, the VCTC audit will focus on the major functions of a "County Transportation Commission" including oversight of local and regional transportation planning efforts, transportation planning coordination activities within and outside the County, TDA program administration, and, grant management. The GCT audit will concentrate on that transit agency's operational efficiency and effectiveness, and also, on operational performance measures as detailed in TDA regulations.

The RFP will be posted on VCTC's website, distributed to applicable consultants, and listed in government publications. The performance audit is estimated to cost about \$95,000 and funding will be included in the FY 2013/2014 VCTC budget to complete the project.

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VENTURA COUNTY TRANSPORTATION COMMISSION

REQUEST FOR PROPOSALS (RFP)

**FOR TRANSPORTATION DEVELOPMENT ACT (TDA)
TRIENNIAL PERFORMANCE AUDITS FY2010/2011 – FY 2012/2013
OF VCTC AND GOLD COAST TRANSIT (GCT)**

April 8, 2013

Ventura County Transportation Commission
950 County Square Drive # 207
Ventura, CA 93003

REQUEST FOR PROPOSAL

FOR TDA TRIENNIAL PERFORMANCE AUDITS
OF THE VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC)
AND GOLD COAST TRANSIT (GCT)

DUE DATE: FRIDAY, MAY 13, 2013 AT VCTC OFFICE NO LATER THAN 4PM

The Ventura County Transportation Commission (VCTC), which serves as the regional transportation planning agency for Ventura County, is required by Section 99246 of the California Public Utilities Code to triennially designate an entity other than itself to conduct a performance audit of its activities. A performance audit is also required for any transit operator to which VCTC allocates State Transportation Development Act (TDA) Article 4 funds. There is one such Article 4 transit operator in Ventura County, that is, Gold Coast Transit (GCT), a joint powers authority transit operator serving western Ventura County.

VCTC is therefore seeking proposals to conduct performance audits of itself, and also, of GCT. The final products of this RFP will be completion of performance audits for VCTC and for GCT covering Fiscal Years 2010/2011, 2011/2012 and 2012/2013. The audits must be conducted in compliance with relevant sections of the Transportation Development Act and shall evaluate the efficiency, effectiveness, and economy of the operation of the entity being audited, and shall be conducted in accordance with the efficiency, economy, and program results portions of the Comptroller General's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

Proposal Submission:

The proposer shall submit ten complete copies of the technical and cost proposal. **All proposals are due no later than 4:00 P.M. on Monday May 13, 2013** and should be directed to:

Mary Travis, Program Analyst II
Ventura County Transportation Commission (VCTC)
950 County Square Drive, Suite 207
Ventura, CA 93003

A pre-proposal conference will not be held.

Inquiries related to this RFP should be directed to Mary Travis, Program Analyst II, at (805) 642-1591 ext. 102 or by writing to the above listed address or by emailing: mtravis@goventura.org.

Project Schedule:

April 8, 2013	-	VCTC issues RFP
May 13, 2013	-	4 PM, PDT, Proposals Due at VCTC Office
Week of May 20 – 24, 2013	-	Review of proposals by VCTC and GCT staff
May 27, 2013	-	Notification of Finalists
June 10 - 14, 2013	-	Interview of Finalists (If necessary)
June 14, 2013	-	Ranking of Proposals Announced
July 12, 2013	-	VCTC Approval of Consultant and Notice to Proceed Issued
Week of July 15 – 19, 2013	-	Consultant Kick-off Meetings with VCTC/GCT; schedule for audits approved by VCTC staff
February 10, 2014	-	Preliminary Draft Audits delivered to VCTC and GCT for review and comment
March 17, 2014	-	Final Draft Audits for delivered to VCTC and GCT for review and comment
April 14, 2014	-	Final performance audits delivered to VCTC and GCT for presentation to governing boards
May 1, 2014	-	Presentation of GCT Audit to GCT Board
June 6, 2014	-	Presentation of GCT and VCTC Audits to VCTC
	-	GCT and VCTC Performance Audits Filed with State by Commission; Project Completed

PART A

PROGRAM DESCRIPTION AND WORK SCOPE SUMMARY

A.1 BACKGROUND

In accordance with Section 99246 of the Public Utilities Code, the Ventura County Transportation Commission (VCTC) will be contracting for performance audits of its activities, and also, the activities of the major western Ventura County transit operator, Gold Coast Transit (GCT), to which the VCTC allocates Transportation Development Act (TDA) Article 4 funds. The performance audits will cover activities during Fiscal Years 2007/2008, 2008/2009 and 2009/2010.

A.1.1. The Ventura County Transportation Commission

The VCTC is the transportation planning agency serving the Ventura County area. Member agencies include the ten incorporated cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley and Thousand Oaks, and, the County of Ventura.

In addition to administering the TDA Program, VCTC is responsible for conducting a continuing, comprehensive, and cooperative transportation planning process and is the designated recipient for federal transportation funds. The Commission has been designated the Airport Land Use Commission (ALUC); the Consolidated Transportation Service Authority (CTSA); the Service Authority for Freeway Emergencies (SAFE); and, the Congestion Management Agency. VCTC currently has seventeen employees. The annual budget, including federal and state pass-through funds, is about \$60 million.

The Commission is governed by a Board consisting of all five county supervisors, an elected official from each of the ten cities, a citizen commissioner appointed by the cities, a citizen commissioner appointed by the County Supervisors, and, the ex officio member appointed by the Governor; this is the Director of Caltrans District 7.

A.1.2. Description of Gold Coast Transit (GCT)

Gold Coast Transit (GCT) is a joint powers authority transit operator and is the major public transit provider for Western Ventura County, with a service area that includes the cities of Ojai, Oxnard, Port Hueneme, and San Buenaventura, and the unincorporated county areas between these cities.

GCT was originally named South Coast Area Transit (SCAT), and was formed in 1973 through a Joint Powers Authority agreement among the cities of San Buenaventura, Oxnard, Ojai, and Port Hueneme; the agreement was later amended to include the City of Santa Paula and the County of Ventura. In FY 1994/1995, the City of Santa Paula withdrew from the JPA to participate instead in a contract transit operation arranged by VCTC, that is, the Ventura Intercity Service Transit Authority or VISTA.

GCT directly provides fixed route services and contracts with a private operator to provide Americans with Disabilities Act (ADA) and senior curb-to-curb service. In Fiscal Year 2012/2013, GCT is operating sixteen routes with a bus fleet inventory of 54 transit vehicles and 24 ADA vehicles. All are CNG vehicles. The system currently has a farebox return of 22%; 23% for fixed route and 11% for paratransit. GCT's FY 2012/2013 operating budget is \$19.5 million and the total annual boardings are about 3.6 million riders. GCT has twenty administrative/support staff, 127 transit operations employees and twenty-two maintenance department workers.

A.1.3. Available Documents and Material

VCTC was formed in 1989, and has seven previous triennial performance audits on file. GCT was formed in 1973 and has ten triennial performance audits from past years. The last triennial performance audits for both VCTC and GCT were conducted by Nelson Nygaard & Associates and covered FY 2007/2008 through 2009/2010.

Also available for examination are VCTC's annual midyear and beginning year budget program documents; TDA annual fiscal and compliance audits for all claimants; annual financial audits of VCTC and GCT; and, GCT's annual budgets adopted by the GCT Board.

A.2. SCOPE OF WORK

Public Utilities Code Section 99246(b) states that the performance audit shall evaluate the efficiency, effectiveness and economy of the operation of the entity being audited. The audits must be conducted in compliance with relevant sections of the Transportation Development Act and shall evaluate the efficiency, effectiveness, and economy of the operation of the entity being audited and shall be conducted in accordance with the efficiency, economy, and program results portions of the Comptroller General's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

A.2.1. Performance Audit of VCTC

The consultant will be required to perform the following tasks as part of the audit of VCTC, the regional transportation planning entity:

(a) Determine Compliance with Legal and Regulatory Requirements

The consultant will be required to review and determine the VCTC's compliance with the Transportation Development Act and related sections of the California Code of Regulations. The specific Code Sections for which compliance is to be verified are those specified within the Transportation Development Act. Should the consultant identify instances of non-compliance, a finding regarding the non-compliance should be made in the audit report.

(b) Review VCTC Functions

The consultant will review each VCTC TDA-related function consistent with the efficiency, economy, and program results portions of the Comptroller General's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions." The functional review is expected to include interviews with VCTC management and staff.

A.2.2. Performance Audit of GCT

The consultant will be required to perform the following tasks as part of the transit performance audit of GCT:

(a) Determine Compliance with Statutory and Regulatory Requirements

The consultant will be required to review and determine the operator's compliance with the Transportation Development Act and related sections of the California Code of Regulations. At a minimum, the Codes for which compliance is to be verified are those specified within the Transportation Development Act. Should the consultant identify instances of non-compliance, a finding regarding the non-compliance should be made in the audit report.

(b) Follow-up Prior Performance Audit Recommendations

The consultant will review the most recent prior performance audits for the operator and assess the operators' implementation of audit recommendations. The auditor will need to make determinations as to whether recommendations which have not been implemented are (a) no longer applicable, (b) infeasible, or (c) should still be implemented. If a prior audit recommendation has not been implemented but still has merit, the consultant should include the prior audit recommendation in the current audit report. The consultant will evaluate recommendations which have been implemented or are being implemented. For these recommendations, the consultant should assess the benefits provided (or likely to be provided) by the recommendation. Significant accomplishments in implementing prior recommendations should be recognized.

(c) Verify Performance Indicators

As part of the performance audit, Section 99246 of the Public Utilities Code requires verification of five performance indicators: operating cost per passenger, operating cost per vehicle service hour, passengers per vehicle service hour, passengers per vehicle service mile, and vehicle service hours per employee. The consultant will review and validate the operator's collection of basic data needed to calculate these indicators for each fiscal year in the triennium. The consultant will be expected to analyze performance indicators with the intent of identifying potential issues or concerns that may need further examination during the functional review.

The performance audit may include performance evaluations both for the entire system and for the system excluding special, new or expanded services instituted to test public transportation service growth potential. As part of the functional review described below, the consultant will be expected to select, calculate and analyze additional performance indicators which are appropriate to identify, quantify and/or resolve performance problems and potential areas for improvement.

(d) Review Operator Functions

The consultant will review each operator function, consistent with the Transportation Development Act. The functional review is expected to include interviews with the operator's management and staff.

A.3. PROJECT SCHEDULE

July 12, 2013	VCTC Approval of Consultant and Notice to Proceed Issued
July 15, 2013	Consultant Kick-off Meeting with VCTC and GCT staff
February 10, 2014	Preliminary Draft Audits for VCTC and GCT delivered to VCTC
March 17, 2014	Final Draft Audits for VCTC and GCT delivered to VCTC
April 14, 2014	Final performance audits delivered to VCTC and GCT
May 1, 2014	Presentation of GCT Audit to GCT Board
June 6, 2014	Presentation of GCT/VCTC Audits to VCTC ; Commission submittal of completed reports to State

PART B

PROPOSAL INSTRUCTIONS AND REQUIREMENTS

B.1. PROPOSAL CONTENT AND ORGANIZATION

Proposals should be limited to specific discussions of the elements outlined in this RFP. The intent of this RFP is to encourage responses which meet the stated requirements, and which propose the best methods to accomplish the work.

The organization of proposals should follow the general outline listed below. Those not following these instructions will be considered as non-responsive.

- (a) **Transmittal Letter** - Should include the name, title, address and telephone number of the person(s) authorized to negotiate on behalf of the firm, and who may be contacted during the period of proposal evaluation, and if necessary, to confirm an interview appointment.
- (b) **Table of Contents** - A listing of the major sections in the proposal and the associated page numbers.
- (c) **Introduction To Project** - To be determined by the consultant, but should demonstrate an adequate understanding of the roles and relationships of the VCTC and GCT.
- (d) **Audit Plan and Technical Approach** - The audit plan should include:
 - A description of the overall audit program being submitted, including an explanation of the basic purpose and general focus of this audit.
 - An explanation of the consultant's intended role as auditor as related to the roles of VCTC and GCT.
 - A thorough explanation of the consultant's proposed course of action. References should be made to RFP requirements and the consultant's plans for meeting the requirements. If the consultant proposes major changes in the RFP approach, those changes should be specified clearly.
 - The consultant should specify techniques, especially data elements to be sampled, staff to be interviewed, documents to be reviewed, etc.
 - An itemized description of the proposed project schedule, calendar time requirements, and the end products to be produced.
- (e) **Consultant Capability and Project Management** - The proposer must prepare:
 - A summary of the firm's relevant background experience outlining the applicability of such experience to this Request for Proposal.
 - An explanation of the project management system and practices to be used to assure that the project is completed within the scheduled time frame and that the quality of the required products will meet VCTC's requirements.
- (f) **Consultant and Subcontractor Staff** - The proposal must describe the qualifications and experience of each professional who will participate in the project, including a resume for each

member of the project team. A Project Manager must be designated, and an organizational chart showing the manager and all project staff must be included. If a subcontractor will be used, the proposer must include a description of the group(s) including a list of staff, their qualifications, tasks, and relationship to project management.

- (g) **Cost Proposal and Project Schedule** - The prospective contractor shall prepare a detailed cost proposal for the work to be performed. The cost proposal shall itemize all items to be charged including travel charges that will be involved in the project and included in the proposed amount. Costs shall be segregated to show staff hours, rates and classifications, and administrative overhead. In addition, a matrix must be presented indicating the effort in person-hours which will be contributed by each professional (including any subcontractor) during each phase or task making up the project.

B.2. PROPOSAL CONDITIONS, SELECTION/EVALUATION, AND DELIVERABLES

B.2.1. Conditions

The consultant shall be required to complete all work within the schedule designated after the official notice to proceed and contract are issued. Any further analysis recommended by the consultant will be covered under either a contract amendment or a separate contract, and would not be subject to this time frame.

All proposals must be submitted according to the specifications set forth in this Request for Proposals. Failure to adhere to these specifications will be cause to deem the proposal as non-responsive and thereby rejected. Any correction or resubmission done by the consultant or the authorized representative will not extend the submittal period and can only be sent with prior consent of VCTC. VCTC reserves the right to reject any or all proposals.

All responses become the property of VCTC. VCTC intends to keep all responses confidential, with the exception of the successful proposal, which becomes public information upon acceptance by the VCTC.

All proposals shall constitute firm offers and may not be withdrawn for a period of ninety days following the final day to accept proposals.

B.2.2. Proposal Evaluation and Consultant Selection

An evaluation and selection committee consisting of representatives of VCTC and GCT will evaluate all proposals submitted.

Proposals will be evaluated on the following basis with 100 points possible:

- Understanding of the purpose and requirements of the audit (20 points);
- Experience in public transit, performance auditing, and the issues and functional areas to be analyzed (30 points);
- Number, level, and experience of personnel assigned to the project (10 points);
- Completeness, accuracy and level of detail of proposed work program (15 points);
- Projected cost and time schedules (25 points).

Based upon its review of the proposals, the committee may request interviews in the Ventura County area with selected firms prior to making a final recommendation. The selection committee will recommend the selection of a firm to VCTC for final approval and subsequent negotiation of the contract, and final statement of work.

B.2.3. Required Deliverables

The consultant must provide one electronic copy and four (4) copies of the VCTC and GCT preliminary draft audits to VCTC no later than February 10, 2014. The consultant must also provide one electronic and four (4) copies of the final draft audit reports to VCTC no later than March 17, 2014.

After the VCTC and GCT review and comment upon the preliminary and final draft reports, the consultant must deliver thirty-five (35) copies of each of the VCTC and GCT final audit reports to the VCTC Executive Director. The final audit reports must address each of the performance audit project requirements, and must be delivered to VCTC no later than April 14, 2014.

In addition, the consultant should be prepared to make an oral presentation of the final GCT audit report to the GCT Board on May 1, 2014, and, an oral presentation on the VCTC and GCT final audit reports to the VCTC on June 6, 2014.

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Item #9D

April 5, 2013

TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEPHANIE YOUNG, PROGRAM ANALYST

**SUBJECT: FISCAL YEAR (FY) 2012/13 PROPOSITION 1B TRANSIT SECURITY GRANT
PROGRAM FUND AVAILABILITY**

RECOMMENDATION:

- Approve schedule for transit operators to submit Proposition 1B Transit Security fund proposals to VCTC by April 5, 2013.

BACKGROUND:

The State has appropriated \$60 million in Proposition 1B Transit Safety, Security & Disaster Response bond funds for FY 2012/13, distributed by formula to regional transportation agencies and transit operators. Based on the formula the Ventura County Transportation Commission (VCTC) can receive \$709,972, which is available for eligible transit capital projects within Ventura County, subject to available bond financing. VCTC will accept proposals from agencies stating which project(s) they would like to nominate for use of Proposition 1B Security funds. A description of the project, project benefits, and funding amount requested will be sufficient for this stage of the approval process. These proposals will be due April 5, 2013, to Stephanie Young at VCTC, 950 County Square Drive, Suite 207, Ventura, CA 93003 or emailed to syoung@goventura.org.

The following projects are eligible for this program:

1. Capital projects that provide increased protection against a security or safety threat, including, but not limited to the following:
 - a) Construction or renovation projects that are designed to enhance security;
 - b) Explosive device mitigation and remediation equipment;
 - c) Chemical, biological, radiological and nuclear explosives search, rescue or response equipment;
 - d) Interoperable communications equipment;
 - e) Physical security enhancement equipment;
 - f) Installation of fencing, barriers, gates or related security enhancements; and
 - g) Other security and safety related projects approved by the California Emergency Management Agency (Cal EMA).

2. Capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems that can move people, goods, and emergency personnel and equipment in the aftermath of a disaster impairing the mobility of goods, people, and equipment.

The Proposition 1B Transit Safety, Security & Disaster Response Fund program is administered by Cal EMA. Bus transit operators selected by VCTC for funding will receive funds directly from Cal EMA, while funds for Metrolink must be passed through VCTC. The Cal EMA guidelines for these grants can be found at <http://www.calema.ca.gov/EMS-HS-HazMat/Pages/Proposition-1B-Grant.aspx>.

The schedule for the FY 2012/13 funding cycle was brought before TRANSCOM at the February 14 meeting, but no quorum was present. Shown below is the schedule that was approved by TRANSCOM at the March 14, 2013 meeting:

1. **February 14:** VCTC issues fund availability notice to TRANSCOM.
2. **April 5:** Commission approves schedule for fund proposal submittal.
3. **April 5:** Project proposals due in VCTC's office.
4. **April 11:** Draft recommendation considered by TRANSCOM
5. **May:** Project selection by Commission.

Projects selected by the board will be submitted to Cal EMA. VCTC will then assist sponsors with submittal of Investment Justifications and will work with sponsors to prepare final applications. Once funds are received, sponsors will be required to submit Performance Reports to VCTC semi-annually. Please direct any questions to Stephanie Young at (805) 642-1591, extension 108, or syoung@goventura.org.



Item #9E

April 5, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: LIMITED ENGLISH PROFICIENCY PLAN

RECOMMENDATION:

- Approve the attached Limited English Proficiency Plan.

BACKGROUND:

In the past few years FTA has issued detailed guidance for implementation of federal Limited English Proficiency (LEP) planning requirements, based on US DOT LEP guidance (70 FR 74087). Accordingly, VCTC staff in 2011 prepared the attached LEP plan. However, this plan has never been formally adopted by VCTC, and such adoption is a federal requirement.

DISCUSSION:

The VCTC LEP plan evaluates the need for provision of service to non-English speakers, using the required four-factor analysis as described. The analysis looks at countywide data to determine that Spanish is the only language necessary to address in VCTC's LEP.

To address the Spanish-speaking population, the plan commits VCTC to providing Spanish language-brochures, translation of various documents, provisions of translators at public meetings, Spanish-language Title VI notifications, Spanish language ADA interviews if requested, and Spanish-language telephone staff in the dial-a-ride trip reservation center and the transit information center. Staff has been implementing the provisions of this plan since it was written in 2011.

November 2, 2011

Subject: Plan for Special Language Services to Limited English Proficient Populations

Background

Presidential Executive Order 13166 states that people who speak limited English should have meaningful access to federally conducted and federally funded programs and activities. It requires that all federal agencies identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so all persons can have meaningful access to services. Chapter IV part 4 of this the Federal Transit Administration's (FTA) Title VI regulations reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and suggests that FTA recipients and subrecipients develop a language implementation plan consistent with the provisions of Section VII of the DOT LEP guidance.

Guidance prepared by the FTA, recommends a four factor analysis to develop a Limited English Proficiency (LEP) and language assistance plan. The Factors are:

1. Determine the numbers and proportion of LEP persons served or encounter in the eligible service population.
2. Assess, as accurately as possible, the frequency with which the agency has or should have contact with LEP individuals from different language groups seeking assistance.
3. Identify the importance to LEP persons of the agency's programs, activities, and services.
4. Identify the costs to the agency to weigh the demand for language assistance against the agency's current and projected financial and personnel resources. This analysis should help the agency determine if the language services it currently provides are cost effective and should also help agencies plan future investments that will provide the most needed assistance to the greatest number of LEP persons within the limits of agency resources.

VCTC, both as a planning and programming agency, and as a transit provider receiving federal funds is subject to this requirement. VCTC has long recognized that there is a significant percentage of the population it serves through its transit programs who are limited English speakers, primarily Spanish speakers, and has provided both staff in its transit information center who are proficient in both Spanish and English.

The VCTC LEP plan identifies the various services and proposes some new procedures in a Draft Plan for Special Language Services to Limited English Proficient (LEP) Populations.

VCTC Plan for Special Language Services to Limited English Proficient (LEP) Populations

October 21, 2011

Final LEP also available in Spanish language

Ventura County Transportation Commission
Attn: Victor Kamhi
950 County Square Dr.
Suite 270
Ventura, CA 93003

VCTC Plan for Special Language Services to Limited English Proficient (LEP) Populations

Introduction

Individuals who have a limited ability to read, write, speak or understand English are limited English proficient, or "LEP." In compliance with regulations from the U.S. Department of Transportation, and to avoid discrimination against LEP persons on the grounds of national origin, VCTC will take reasonable steps to ensure that all persons have meaningful access to its programs, services, and information, free of charge.

An LEP Plan starts with an assessment to identify LEP individuals who need assistance. Implementation includes the development of language assistance measures, staff training, notification measures to LEP individuals, and monitoring of the plan.

As the regional transportation planning agency, the Service Authority for Freeway Emergencies (SAFE), the Congestion Management Agency (CMA), the Airport Land Use Commission (APLUC), and the operator of the VISTA bus services for Ventura County, VCTC's service area includes a population of some over 800,000 persons residing in over 1,845 square miles of land. The county's make up ranges from urban and suburban cities to rural towns and farming communities, and varies significantly between the East and West portions of the county. The population is quite diverse, with 40.3 percent of the county of Hispanic or Latino origin (U.S. Census Bureau Quick Facts). The majority of the county's population, 68.7 percent are reported by the census bureau as being "white", while 6.7 percent are reported as being Asian.

Determination of Need

In order to prepare this plan, VCTC undertook the U.S. Department of Transportation's four-factor LEP analysis, which considers the following:

1. The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population
2. The frequency with which LEP persons come in contact with VCTC programs, activities or services
3. The Importance to LEP Persons of VCTC's Program, Activities and Services
4. The resources available to VCTC and overall cost to provide LEP assistance.

Factor 1: Number and proportion of LEP persons served or encountered

For planning purposes, VCTC looked at both the American Community Survey data and the state schools data. The state schools data is a 100% survey done annually, and for that reason, is very useful for planning. It's shortcomings are that it misses households and individuals without school age children, double counts households with two or more children in the schools, and in some cases misses households where the school children are fluent in English, but other members of the household are not. Even with that shortcoming, it is more reliable than survey data, especially for information about minority/immigrant populations.

The American Community Survey provides an additional source of data for people who speak English "less than very well" as Limited English Proficient persons. Table 1 shows the languages spoken at home, by ability to speak English, for persons five years of age and older, with number. Looking at the county totals based on data from the California State Superintendent of Schools annual census of students

(Appendix 1), the most frequently spoken languages other than English is Spanish. Using the data from the State Schools, none of the other Asian and Pacific islander language speaking groups (Filipino (Pilipino or Tagalog), Vietnamese, Mandarin (Putonghua), Korean, Cantonese, Russian, Hindi, Japanese, Punjabi) individually represent more than a half a percent of the county population, and the remainder (Thai, Khmer (Cambodian), Lao, Indonesian, Samoan, Tongan, Hmong, Taiwanese, Chaozhou (Chiuchow), Burmese, Toishanese, Marshallese, Mien (Yao)) individually represent less than 0.05 percent. The data shows that providing language assistance in Spanish would give that population access to information and services in their language spoken at home, and that there is a significant potential for information in Spanish. There are no other specific languages spoken by more than a half a percent of the county population.

TABLE 1
Ventura County, California Selected Social Characteristics in the United States: 2005-2009
American Community Survey 5-Year Estimates

Selected Social Characteristics	Estimate	Margin of Error	Percent	Margin of Error
LANGUAGE SPOKEN AT HOME				
Population 5 years and over	733,031	+/-79	733,031	(X)
English only	469,662	+/-3,463	64.1%	+/-0.5
Language other than English	263,369	+/-3,437	35.9%	+/-0.5
Speak English less than "very well"	118,178	+/-2,978	16.1%	+/-0.4
Spanish	206,541	+/-2,814	28.2%	+/-0.4
Speak English less than "very well"	100,187	+/-2,784	13.7%	+/-0.4
Other Indo-European languages	21,816	+/-1,402	3.0%	+/-0.2
Speak English less than "very well"	3,720	+/-494	0.5%	+/-0.1
Asian and Pacific Islander languages	31,129	+/-1,020	4.2%	+/-0.1
Speak English less than "very well"	12,998	+/-826	1.8%	+/-0.1
Other languages	3,883	+/-711	0.5%	+/-0.1
Speak English less than "very well"	1,273	+/-476	0.2%	+/-0.1

Factor 2: Frequency of LEP populations' contact with programs, activities, services.

VCTC's prior experience with limited English proficient persons has been virtually entirely with Spanish speakers. During the past decade, VCTC has only printed a limited amount of materials regarding the Commission or its programs, other than transit schedules, smartcard brochures, rideshare program information (including farmworker Vanpool and Guaranteed Ride Home), and unmet Transit Needs announcements – almost of which has been provided in both English and Spanish. In 2000 and 2005 the VCTC printed an ADA/Senior Guide, available in both English and Spanish; however, the demand for that material in Spanish was minimal – and a new edition is not planned. Calls into the VCTC transit information center are predominately in English, with calls in Spanish making up less than 20 percent of the total number.

Although the annual and bi-annual VISTA riders' surveys have been printed in both English and Spanish, VCTC has not tracked the language of the response, nor the ethnic background of the riders. In 2009, as part of a Title VI analysis regarding a potential intercounty fare increase, VCTC did collect information regarding demographic characteristics of the riders, which the survey in English on one side, and Spanish on the other. The data is included in Appendix 2 for the Coastal Express, and Appendix 3 for the Conejo Connection. While 58% of the Coastal weekday riders and 68% of the weekend riders identified themselves as "minorities", only 15% of the weekday riders and 18% of the weekend riders filled out the surveys in Spanish. On the Conejo Connection, while 52% of the riders identified themselves as "minorities", none filled out the survey in Spanish.

VCTC has had a translator available at all Commission meetings, however, one has not been requested in the past decade. The Spanish translator has been used for a number of the VCTC Unmet Transit Hearing Board meetings. VCTC will continue its practice of having a Spanish translator available if requested 3 days (72 hours) before the meeting, at all Board and Unmet Transit Hearing Board meetings. VCTC has also distributed all transit surveys in both Spanish and English.

Use of transit services by LEP populations

Countywide, data about mode of travel for LEP populations is available through the U.S. Census Bureau's 2010 American Community Survey 1-Year Estimates. The following table shows the total number of workers 16 years and over, and the mode of travel by ability to speak English and specifically to speak English "less than very well". As the table shows, the total number of workers 16 years and over was 380,895 (a little more than 46% of the total county population). Countywide, public transit was the worktrip mode of travel for 5,426 persons. Countywide, the total daily transit ridership is between 8,000 and 9,000 persons per day; however, that number includes persons not in the workforce, students and those under 16, and retirees. The data indicates that countywide for all transit systems, including VISTA, about 1,000 individuals use transit, speaks Spanish and speak English "Less than very well". Only 87 individuals use transit, speaks a language other than Spanish and speaks English "less than very well".

Significantly greater numbers of Ventura County workers 16 years and over who carpool speak English "less than very well". Countywide, carpools were the mode of travel for 51,856 persons. Those numbers do not include persons not in the workforce, students and those under 16, and retirees. The data indicates that countywide for all workers, about 21,533 individuals carpool, speaks Spanish and speak English "less than very well". 1,403 individuals use who use carpools to go to work speaks a language other than Spanish and speaks English "less than very well".

TABLE 2
2010 American Community Survey 1-Year Estimates
TABLE B08113: MEANS OF TRANSPORTATION TO WORK BY LANGUAGE SPOKEN AT HOME
AND ABILITY TO SPEAK ENGLISH - Universe: Workers 16 years and over

Ventura County, California

Total:	380,895
Speak only English	236,664
Speak Spanish:	112,897
Speak English "very well"	51,543
Speak English less than "very well"	61,354
Speak other languages:	31,334
Speak English "very well"	22,941
Speak English less than "very well"	8,393
Public transportation (excluding taxicab):	5,426
Speak only English	3,085
Speak Spanish:	1,985
Speak English "very well"	970
Speak English less than "very well"	1,015
Speak other languages:	356
Speak English "very well"	269
Speak English less than "very well"	87
Car, truck, or van - carpooled:	51,856
Speak only English	17,356
Speak Spanish:	29,004
Speak English "very well"	7,471
Speak English less than "very well"	21,533

Speak other languages:	5,496
Speak English "very well"	4,093
Speak English less than "very well"	1,403

Factor 3: Importance to LEP population of programs, services, activities.

Regarding the importance to LEP persons of VCTC's programs, activities and services, in general, the programs that have the most effect and importance to the LEP population are the delivery of transportation services. VCTC programs, which are provided in both English and Spanish, include transit information and regional (GOVENTURA smartcard) pass sales, regional ridesharing, motorist-aid call boxes, and certification of persons with disabilities (ADA Certification). VCTC provides all of the services in both English and Spanish.

VCTC also serves as the county's transportation planning and programming agency, and while translation services have been available at most public meetings, there has not been any use or requests for translation services other than at the unmet transit needs hearing process. In its first "community" level transit plan, for the Heritage Valley, materials and survey activities are using both English and Spanish equally.

Factor 4: Resources available to VCTC and overall cost to provide LEP assistance.

Providing translation services to allow LEP populations to participate by obtaining information about VCTC services has been a core activity at VCTC since its creation. It is worth noting, however, that there has not been a significant demand from LEP residents to participate in the policy-oriented discussions at VCTC until recently. VCTC has reached out to the LEP population through attendance at planning workshops sponsored by CAUSE (Central Coast Alliance United for A Sustainable Economy), which has helped to access LEP persons and bring them into the VCTC planning process.

For VCTC's programs that more directly serve Ventura County residents, measures have been incorporated to provide access for LEP populations (see Table 2). In some cases, however, the cost to implement multiple-language programs is significant and not currently funded. For example, the cost for VCTC to create and maintain a Spanish language version of its website is beyond existing resources, but VCTC does post transit information, such as riders' alerts, on the website in both English and Spanish.

Language Assistance Measures

VCTC will continue to use a number of techniques or practices to provide meaningful, early and continuous opportunities for all interested County residents to participate in the dialogue that informs key decisions, regardless of language barriers. This is done in a number of ways, including:

General Measures or Practices (ongoing and continuing)

- Review prior experiences with LEP populations to determine the types of language services that are needed.
- Robust use of "visualization" techniques, including maps, charts and photographs to illustrate trends, choices being debated, etc.
- Translate to Spanish as a matter of routine selected printed materials for specific traveler services provided by VCTC (VISTA transit services, GOVENTURA Smartcard, Call Boxes, ADA certification and services, transit meeting notices).
- Work to involve in VCTC's activities non-profit groups that advocate on behalf of persons with limited English proficiency.

- Include, as appropriate, limited-English speaking populations in random-digit telephone surveys or transit rider surveys by having bilingual staff available to conduct the survey.
- Translation of vital documents - including certain news releases, brochures, fact sheets and portions of the Heritage Valley transit plan.
- Ensure competency of translators; have translators available, if requested 3 days (72 hours) before the meeting at meetings as requested. Contract with a language translation firm for on-call assistance translating documents as needed.

Local Community Media

- Work with Spanish language media outlets to place articles about VCTC's work or announce participation opportunities.
- Purchase display ads in Spanish language community newspapers to announce public meetings for Unmet Transit Needs meetings.

Staff Training

Routine Accommodations:

VCTC works to instill its staff with an awareness of and sensitivity to the needs of LEP residents.

Notification to LEP or Low Literacy Persons

The public must be informed of their rights under Title VI. This is or will be done in a number of ways:

- Notification in English and Spanish on VCTC's website (currently being done).
- Documents or flyers that describe VISTA's services, translated into Spanish, will be available the VCTC office and at meetings when appropriate (service changes, fare changes, etc.).
- Routine use of Spanish language on printed or electronic announcements for any changes to the VCTC operated transit system, and public workshops on key planning efforts that alert interested individuals on how to request translation services.

Monitoring and Updating of the LEP Plan

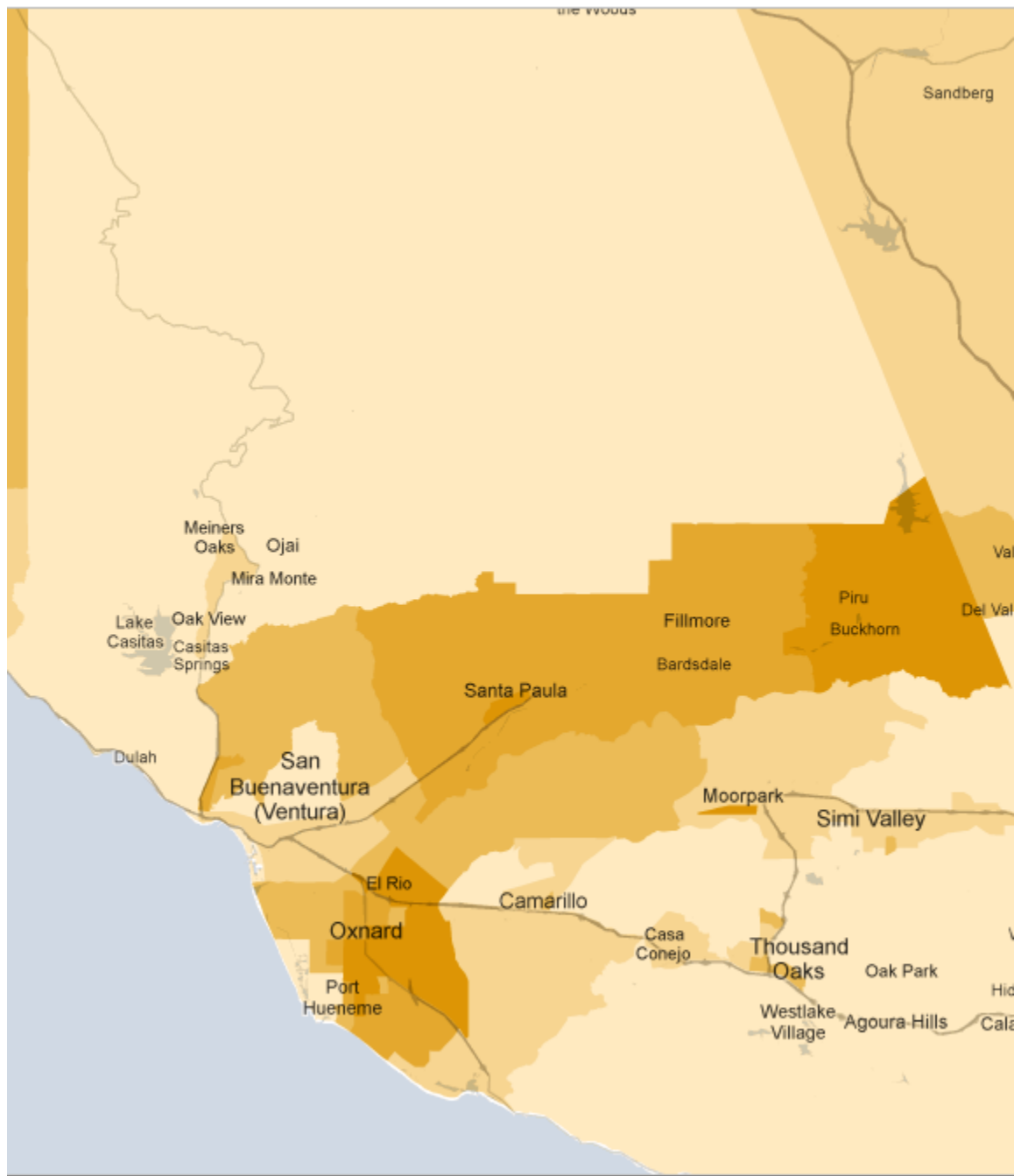
VCTC will monitor requests for translations and adjust practices to meet demand while maintaining a basic level of access by LEP populations to key programs and documents. Some of VCTC's customer-service oriented programs - including the 511 traveler information program are exploring the costs and feasibility of providing increased access to their programs in Spanish. VCTC's LEP Plan will be updated periodically as needed to reflect significant changes.

Table 2: VCTC Programs, Activities, Services and LEP Persons

Program, Activity, Service	LEP Component
VCTC planning and funding activities	• VCTC is conducting its outreach and survey activities for the Heritage Valley Transit Study in both English and Spanish. • Flyers for major community workshops and similar meetings include instructions on how to request translation services. • VCTC's has staff available to translate to/from Spanish at all commission meetings.
Motorist-aid call boxes	• Instructions on call boxes in English and Spanish; English- and Spanish-speaking dispatchers are available at all times through the toll-free dispatch center; for other languages, dispatchers connect speakers to a translations service for assistance (available at all times).

VISTA Transit Service	- Both the VISTA intercity transit and the VISTA Dial-a-Ride transit dispatch centers (intercity and DAR) are staff by persons fluent in both English and Spanish - While not require (because dispatch assistance is available by radio). Over 70% of the Dial-a-ride (DAR) drivers are fluent in both English and Spanish and all DAR are fluent enough in Spanish to communicate for pickups/directions. Those drivers who are not fluent in both languages know if there is still an issue dispatchers can converse of the radios with patrons. Approximately 80 % of the VISTA intercity bus service drivers are fluent in both Spanish and English. When possible, drivers fluent in both languages are recruited. - All riders alerts posted at bus stops, placed on buses as seat drops, and posted on the VCTC website regarding VISTA operations are provided in both English and Spanish.
County local transit and VISTA Information	- The VCTC call center, which provides transit information and takes complaints, M-F from 7 a.m. to 6 p.m. is staffed by persons fluent in both English and Spanish. - VISTA bi-annual rider surveys are distributed in both English and Spanish.
GOVENTURA Smartcard support and literature	- The current smartcard brochure is only available in English, when revised in 2012 VCTC will also print a Spanish version. - Website is in English with short program overviews in both Spanish. - Customer service center's live support can connect with a translation service. - Card readers themselves are English-only due to limited capacity and a small display screen.
VISTA Webpage	The VISTA webpage is currently only available in English. VCTC posts notices regarding VISTA transit services and related activities, such as the annual Unmet Transit Needs hearings and process, in Spanish and English on the website.
Unmet Transit Needs Hearings	- VCTC provides a Spanish translator at all Unmet Transit Needs hearings. - Public Notices, and newspaper ads are printed in both English and Spanish. Newspaper ads in Spanish are printed in the county's most widely circulated Spanish language paper.
ADA Certification	- All materials are available in both Spanish and English - All interviews are conducted in either Spanish or English, at the applicants choice.
Rideshare Program	- Rideshare week materials- Pledge cards and poster available in Spanish and English - Guaranteed ride home brochure and vouchers available in Spanish and English - Rideguides are currently available in English, VCTC is part of a Southern California regional effort , to develop Rideguides in Spanish.

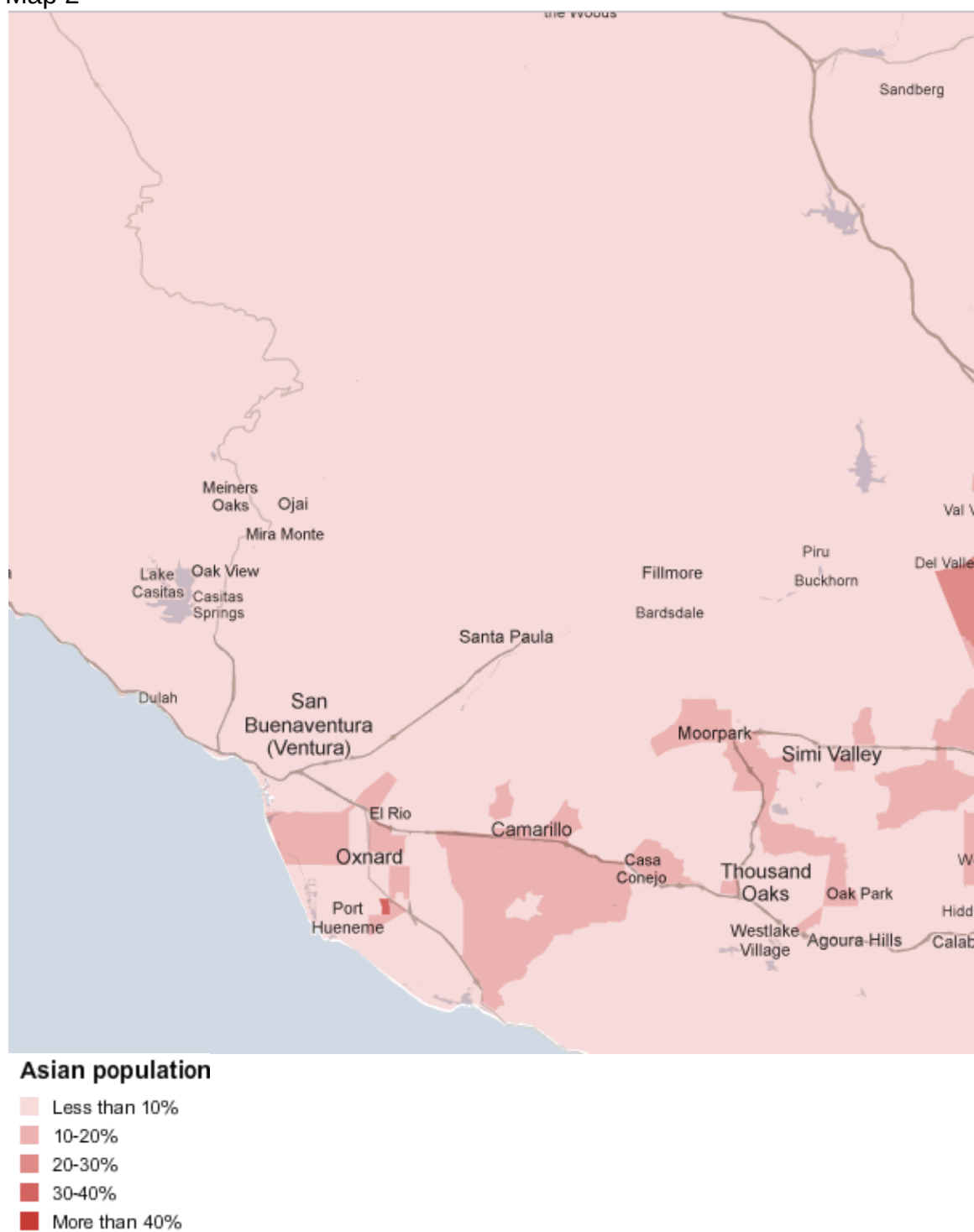
Map 1
New York Times 2010 US Census mapping page



Hispanic population

- Less than 20%
- 20-40%
- 40-60%
- 60-80%
- 80-100%

Map 2



Map 3



Largest racial and ethnic groups in 2010

- White
- Black
- Hispanic
- Asian
- Native American
- Multiracial
- Other

Appendix 1

English Learner (EL) students (*formerly known as Limited-English-Proficient or LEP*)

This report lists the number and percent of total enrollment for EL students. EL students are those students for whom there is a report of a primary language other than English on the state-approved *Home Language Survey* **and** who, on the basis of the state approved oral language (grades K-12) assessment procedures and including literacy (grades 3-12 only), have been determined to lack the clearly defined English language skills of listening comprehension, speaking, reading, and writing necessary to succeed in the school's regular instructional programs.

Ventura County
Language Group Data - Countywide
for 2009 - 10
County Enrollment: 141,325

Languages	Enrollment	Number of English Learner	Number of Fluent English Proficient	Total Number of English Learner and Fluent English Proficient	Overall Percent
Spanish		30,772	15,244	46,016	32.56%
Other non-English languages		277	450	727	0.51%
Filipino (Pilipino or Tagalog)		256	341	597	0.42%
Vietnamese		199	361	560	0.40%
Mandarin (Putonghua)		109	295	404	0.29%
Korean		116	231	347	0.25%
Farsi (Persian)		82	209	291	0.21%
Arabic		135	153	288	0.20%
Mixteco		267	5	272	0.19%
Cantonese		22	164	186	0.13%
Hebrew		28	121	149	0.11%
Russian		42	96	138	0.10%
Hindi		30	107	137	0.10%
Japanese		50	87	137	0.10%
Punjabi		34	86	120	0.08%
German		31	69	100	0.07%
Gujarati		26	73	99	0.07%

Armenian		21	53	74	0.05%
Urdu		21	53	74	0.05%
French		20	51	71	0.05%
Thai		19	31	50	0.04%
Portuguese		11	28	39	0.03%
Khmer (Cambodian)		13	25	38	0.03%
Italian		10	18	28	0.02%
Pashto		11	16	27	0.02%
Dutch		5	21	26	0.02%
Hungarian		3	21	24	0.02%
Lao		7	16	23	0.02%
Albanian		10	11	21	0.01%
Rumanian		4	16	20	0.01%
Indonesian		3	15	18	0.01%
Samoan		9	9	18	0.01%
Polish		5	12	17	0.01%
Turkish		5	8	13	0.01%
Serbo-Croatian (Bosnian, Croatian, Serbian)		8	4	12	0.01%
Bengali		3	9	12	0.01%
Greek		1	10	11	0.01%
Cebuano (Visayan)		5	5	10	0.01%
Ilocano		6	3	9	0.01%
Ukrainian		3	4	7	0.00%
Unknown		2	4	6	0.00%
Tongan		5	1	6	0.00%
Hmong		3	3	6	0.00%
Taiwanese		3	2	5	0.00%
Chaozhou (Chiuchow)		1	3	4	0.00%
Burmese			3	3	0.00%
Toishanese		1	2	3	0.00%
Marshallese		1	1	2	0.00%
Mien (Yao)		1		1	0.00%
Ventura County Total	141,325	32,696	18,550	51,246	36.26%
California State Total	6,190,425	1,468,235	1,155,026	2,623,261	42.38%

Note: The collection of the 2009-10 English Learner (EL) related data were scheduled for transition to the California Longitudinal Pupil Achievement Data System (CALPADS). However, due to implementation delays, the following adjustments were made in the collection of these data: (1) EL and Fluent-English proficient (FEP) student counts by language, by grade were

collected through CALPADS as of October 6, 2009 (instead of March 1, 2010); and (2) School-level EL totals and EL counts by instructional settings and services, counts of reclassified ELs, waivers, and counts of teachers providing services were collected through the Language Census as of March 1, 2010. Therefore, the total EL counts derived from the October 2009 collection will not match total EL counts from the March 2010 collection.

Rank/Language Name	Total	% of Total
1 Spanish	30,772	94.1
2 Other non-English languages	277	0.8
3 Mixteco	267	0.8
4 Filipino (Pilipino or Tagalog)	256	0.8
5 Vietnamese	199	0.6
6 Arabic	135	0.4
7 Korean	116	0.4
8 Mandarin (Putonghua)	109	0.3
9 Farsi (Persian)	82	0.3
10 Japanese	50	0.2
11 Russian	42	0.1
12 Punjabi	34	0.1
13 German	31	0.1
14 Hindi	30	0.1
15 Hebrew	28	0.1
16 Gujarati	26	0.1
17 Cantonese	22	0.1
18 Urdu	21	0.1
19 Armenian	21	0.1
20 French	20	0.1
21 Thai	19	0.1
22 Khmer (Cambodian)	13	0.0
23 Portuguese	11	0.0
24 Pashto	11	0.0
25 Italian	10	0.0
26 Albanian	10	0.0
27 Samoan	9	0.0
28 Serbo-Croatian (Bosnian, Croatian, Serbian)	8	0.0
29 Lao	7	0.0
30 Ilocano	6	0.0
31 Cebuano (Visayan)	5	0.0
32 Tongan	5	0.0
33 Polish	5	0.0

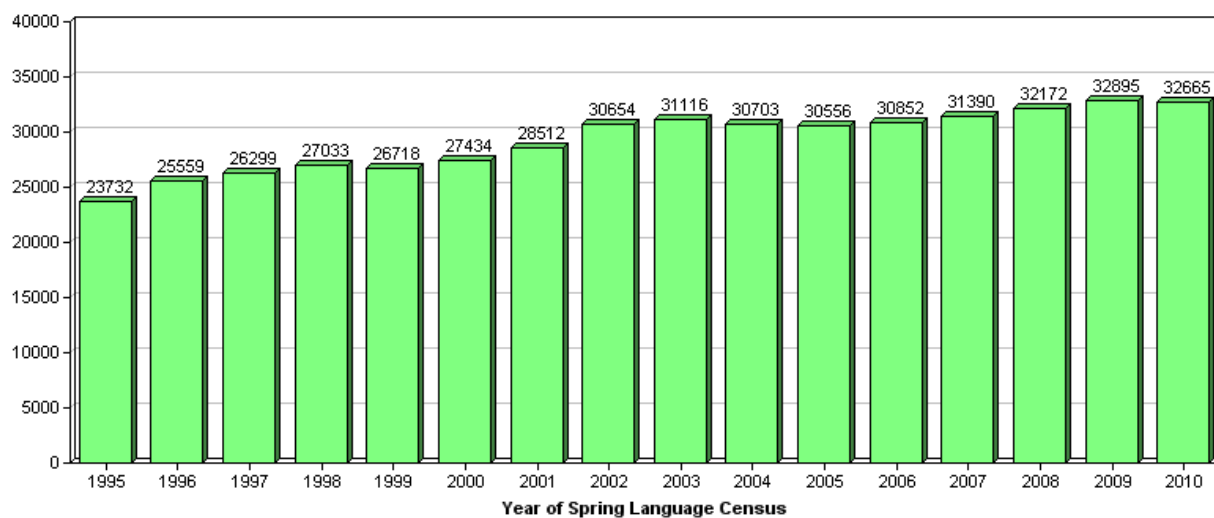
34 Dutch	5	0.0
35 Turkish	5	0.0
36 Rumanian	4	0.0
37 Ukrainian	3	0.0
38 Hungarian	3	0.0
39 Taiwanese	3	0.0
40 Bengali	3	0.0
41 Hmong	3	0.0
42 Indonesian	3	0.0
43 Unknown	2	0.0
44 Chaozhou (Chiuchow)	1	0.0
45 Greek	1	0.0
46 Toishanese	1	0.0
47 Marshallese	1	0.0
48 Mien (Yao)	1	0.0
EL Totals	32,696	100.0
% of Total	100.0	
State EL Totals	1,468,235	100.0
% of State Total	100.0	

Note: The collection of the 2009-10 English Learner (EL) related data were scheduled for transition to the California Longitudinal Pupil Achievement Data System (CALPADS). However, due to implementation delays, the following adjustments were made in the collection of these data: (1) EL and Fluent-English proficient (FEP) student counts by language, by grade were collected through CALPADS as of October 6, 2009 (instead of March 1, 2010); and (2) School-level EL totals and EL counts by instructional settings and services, counts of reclassified ELs, waivers, and counts of teachers providing services were collected through the Language Census as of March 1, 2010. Therefore, the total EL counts derived from the October 2009 collection will not match total EL counts from the March 2010 collection.



California Department of Education
Educational Demographics Unit

Number of English Learners for Ventura County



<http://data1.cde.ca.gov/dataquest/SearchName.asp?rbTimeFrame=oneyear&rYear=2009-10&cCounty=56+VENTURA&Topic=LC&Level=County&submit1=>



Item # 9F

April 5, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: STEPHANIE YOUNG, PROGRAM ANALYST

SUBJECT: REVISION TO CAMARILLO TRANSPORTATION ENHANCEMENT PROJECTS

RECOMMENDATION:

- Approve shifting \$498,000 of Transportation Enhancement funds from the Central Drive Landscaping project to the Lewis Road Landscaping project.

BACKGROUND:

Moving Ahead for Progress in the 21st Century (MAP-21), the federal transportation authorizing bill that was passed last year, eliminated the Transportation Enhancement (TE) program and replaced it with the Transportation Alternatives Program (TAP). Though the TE program and TAP have many of the same eligibilities, landscaping projects, which were previously eligible for TE, are not eligible for TAP. Although the new MAP-21 rules became effective October 1, 2012, Caltrans expects to have, through June 30th, carryover TE funds to obligate under the old eligibility requirements.

The Lewis Road Landscaping project in Camarillo has \$780,000 of TE funds programmed from the Mini Call for Projects. The Route 101 / Central Avenue Landscaping project in Camarillo was approved for \$498,000 of TE funds in a previous Call for Projects. The City of Camarillo might be able to obligate the Lewis Road project while the carryover TE funds are still available, but not the Central Drive project. In order to not lose TE eligibility for the these funds, staff recommends that the \$498,000 originally programmed for Central Drive be shifted to the Lewis Road project. This in addition to the \$780,000 originally programmed for Lewis Road will allow the project to be fully funded.

Due to a lack of other business, the March Transportation Technical Advisory Committee (TTAC) meeting was cancelled. However, when staff informed the Committee of the cancellation, it was also stated that this proposed staff recommendation would go directly to the Commission without TTAC action.

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Item #9G

April 5, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: SECTION 13(c) LABOR AGREEMENT

RECOMMENDATION

- Approve the attached agreement with the Service Employees International Union (SEIU), Local 721, as required for VCTC's Fiscal Year 2012/13 federal transit grant applications with the Federal Transit Administration.

BACKGROUND

VCTC staff will be filing grant applications with the Federal Transit Administration (FTA) to fund VCTC's FY 2012/13 federal transit projects and other local agency projects. As with all federal transit grant applications, we are required to enter into a U.S. Department of Labor certified agreement, commonly referred to as 13(c), with the SEIU which represents both Gold Coast Transit and Simi Valley Transit employees. Federal law requires that VCTC protect the jobs of union represented public transit workers and ensure that transit employees be compensated if jobs are lost as a direct result of proposed projects. Specifically, the federal government requires that the protective arrangements include:

- Preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements;
- Continuation of collective bargaining rights;
- Protection of individual employees against worsening of their positions with respect to their employment;
- Assurances of employment and priority of reemployment;
- Paid training or retraining programs.

These protective arrangements are included in the proposed Agreement (attached). The Agreement is identical to the Agreement approved by the Commission for all previous grant applications over the past years.

VCTC staff's analysis indicates that none of the projects to be included in the grant application pose a risk to either Gold Coast Transit or Simi Valley Transit employees. All projects to be included in the grant applications are in VCTC's approved FY 2012/13 Program of Projects (POP) for FTA Section 5307 funds, or for Section 5316 funds.

**AGREEMENT PURSUANT TO SECTION 13 (C) OF THE URBAN MASS TRANSPORTATION ACT OF 1964,
AS AMENDED**

WHEREAS, the Ventura County Transportation Commission ("Public Body"), has filed applications under the Urban Mass Transportation Act of 1964, as amended ("Act"), to contract for new public transportation services on a demonstration basis, as more fully described in the project applications ("Project"); and

WHEREAS, the Public Body's Project services will operate in the vicinity and service area of the regular mass transit route carriers named in Appendix "A" attached hereto, whose potentially affected employees are employed by Gold Coast Transit and the City of Simi Valley, and represented by the Service Employees International Union, AFL-CIO, CLC, Local 721 ("Union"); and

WHEREAS, Sections 3(a), (4), 9(e)(1) and 13 (c) of the Act require, as a condition of any such assistance, that suitable fair and equitable arrangements be made to protect urban mass transportation industry employees affected by such assistance and

WHEREAS, the parties have agreed upon the following arrangements as fair and equitable;

NOW, THEREFORE, it is agreed that the following terms and conditions shall apply and shall be specified in any contract governing such federal assistance to the Public Body;

(1) The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect the employees represented by the Union. It shall be an obligation of the Public Body and any other legally responsible party designated by the Public Body to ensure that any and all transportation services assisted by the Project are contracted for and operated in such a manner that they do not impair the rights and interests of the employees represented by the Union. The term "Project", as used in this Agreement, shall not be limited to the particular facility, service, or operation assisted by federal funds, but shall include any changes, whether organizational, operational, technological, or otherwise, which are a result of the assistance provided. The phrase "as a result of the Project" shall, when used in this Agreement, include events occurring in anticipation of, during, and subsequent to the Project including any project which follows this project and any program of efficiencies or economies related thereto or traceable to the assistance provided and shall also include requirements relative to the federal program of assistance under the Act generally which are or may be imposed by or on behalf of the United States Government or any department or agency thereof; provided, however, that the volume rises and falls of business, or changes in volume or character of employment brought about solely by causes other than the Project (including any economies or efficiencies unrelated to the Project) are not within the purview of this Agreement.

The parties agree that the first two sentences of the preceding paragraph shall be interpreted in accordance with the U.S. Department of Labor's Rural Transportation Employees Protection Guidebook, pp. 5-6 (1979), which reads as follows:

The first two sentences of this section express the general requirement that employee rights and interest be protected from affects of a Project. Initially, this means that Recipients and any other legally responsible party in designing and implementing a Project must consider the effects a project may have on employees and attempt to minimize any adverse effects. If objectives can be met without adversely affecting employees it is expected that adverse effects will be avoided. In the context of particular Project events, this paragraph is to be read in conjunction with other provisions or the Warranty. It thereby serves to emphasize the specific statutory requirements that employees be protected against a worsening of their employment conditions, and receive offsetting benefits to make them "whole" when unavoidable impacts occur.

(2)(a) The Public Body or legally responsible party shall provide to the unions representing the employees affected thereby sixty (60) days' notice of intended actions which may result in displacements or dismissals or rearrangement of the working forces. Such notice shall be provided by certified mail to the Union representatives of such employees. The notice shall contain a full and adequate statement of the proposed changes, and the number and classifications of any jobs in the Public Body's employment or the employment of Gold Coast Transit or the City of Simi Valley, or otherwise within its member jurisdictions and/or control, available to be filled by such affected employees.

(2)(b) At the request of either the Public Body or the representatives of such employees, negotiations for the purposes of reaching agreement with respect to the application of the terms and conditions of this Agreement shall commence immediately. If no agreement is reached within twenty (20) days from the commencement of negotiations, any party to the dispute may submit the matter to dispute settlement procedures in accordance with paragraph (4) of this Agreement. The foregoing procedures shall be complied with and carried out prior to the institution of the intended action.

(3) For the purpose of providing the statutory required protection, including those specifically mandated by Section 13(c) of the Act¹, the Public Body agrees to be bound by this Agreement, including those terms and conditions of Appendix C-1 which are attached hereto as Appendix "B."

¹/ Such protective arrangement shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training and retraining programs. Such arrangement shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to Section 5(2) (f) of the Act of February 4, 1987 (24 Stat. 379), as amended, currently codified at 49 U.S.C. §11347.

(4)(a) Any dispute or controversy arising regarding the Application, interpretation, or enforcement of any of the provisions of this Agreement which cannot be settled by and between the parties at interest within thirty (30) days after the dispute or controversy first arises, may be submitted at the written request of the Public Body, or other party at interest, or the Union to a board of arbitration to be selected as hereinafter provided. One arbitrator is to be chosen by each interested party, and the arbitrators thus selected shall endeavor to select a neutral arbitrator who shall serve as chairman. Each party shall appoint its arbitrator within five

(5) days after notice of submission to arbitration has been given. Should the arbitrators selected by the parties be unable to agree upon the selection of the neutral arbitrator within ten (10) days after notice of submission to arbitration has been given, then the arbitrator selected by any party may request the American Arbitration Association to furnish, from among members of the National Academy of Arbitrators who are then available to serve, five (5) arbitrators from which the neutral arbitrator shall be selected. The arbitrators appointed by the parties shall, within five (5) days after the receipt of such list, determine by lot the order of elimination and thereafter each shall, in that order, alternately eliminate one name until only one name remains. The remaining person on the list shall be the neutral arbitrator. If any party fails to select its arbitrator within the prescribed time limit, the highest officer of the Union or of the Public Body, or other party at interest, or their nominees, as the case may be, shall be deemed to be the selected arbitrator, and the board of arbitration shall then function and its decision shall have the same force and effect as though all parties had selected their arbitrators. The board of arbitration shall meet within fifteen (15) days after the selection or appointment of the neutral arbitrator and shall render its decision within forty-five (45) days after the hearing of the dispute has been concluded and the record closed. Awards made pursuant to said arbitration may include full back pay and allowances to employee-claimants and such other remedies as may be deemed appropriate and equitable. In a two-party arbitration, the decision by majority vote of the arbitration board shall be final and binding as the decision of the arbitration board, otherwise, in arbitrations of more than two parties at interest, the decision shall be that of the impartial arbitrator. The salaries and expenses for the impartial arbitrator shall be borne equally by the parties to the proceedings, and other expenses shall be paid by the party incurring them. All conditions of the Agreement shall continue to be effective during the arbitration proceedings.

(4)(b) In the event of any dispute as to whether or not a particular employee was affected by the Project, it shall be the employee's obligation to identify the Project and specify the pertinent facts of the Project relied upon. It shall then be the burden of the Public Body, or other party legally responsible for the application of these conditions, to prove that factors other than the Project affected the employee. The claiming employee shall prevail if it is established that the Project had an effect upon the employee even if other factors may also have affected the employee (Hodson's Affidavit in Civil Action No. 825-71).
amended, currently codified at 49 U.S.C. §11347.

(5) The Public Body, or other legally responsible party designated by the public Body, will be financially responsible for the application of these conditions and will make the necessary arrangements so that any employee covered by these arrangements, or the union representative of such employees, may file a claim alleging a violation of these arrangements with the Public Body within sixty (60) days of the date the employee is terminated or laid off as a result of the Project, or within eighteen (18) months of the date the employee's position with respect to his or her employment is otherwise worsened as a result of the Project. In the latter case, if the events giving rise to the claim have occurred over an extended period, the 18-month limitations shall be measured from the last such event. No benefits shall be payable for any period prior to six (6) months from the date of the filing of any claim.

(6) Nothing in this Agreement shall be construed as depriving any employee of any rights or benefits which such employee may have under existing employment or collective bargaining agreements, nor shall this Agreement be deemed a waiver of any rights of any union or of any represented employee derived from any other agreement or provision of federal, state or local law.

(7) In the event any employee covered by these arrangements is terminated or laid off as a result of the Project, the employee shall be granted priority of employment or reemployment to

fill any vacant position within the jurisdictions and/or control of the Public Body for which the employee is, or by training or retraining within a reasonable period can become, qualified. In the event training or retraining is required by such employment or reemployment, the Public Body, or other legally responsible party designated by the Public Body, shall provide for such training or retraining at no cost to the employee.

(8) This Agreement shall be binding upon the successors and assigns of the parties hereto, and no provisions, terms, or obligations herein contained shall be affected, modified, altered or changed in any respect whatsoever by reason of the arrangements made by or for the Public Body to manage and operate the system or administer the contract for that purpose.

Any person, enterprise, body, or agency, whether publicly or privately owned, which shall undertake the management, provision and/or operation of the system, or any part or portion thereof, or any mass transportation in the urbanized area of the Project under contractual arrangements of any form with the Public Body, its successors or assigns, shall agree, and as a condition precedent to such contractual arrangements, the Public Body, its successors or assigns, shall require such person, enterprise, body, or agency to agree to abide by the terms of this Agreement.

(9) Any other union which is the collective bargaining representative of urban mass transportation employees in the service area of the Public Body who may be affected by the assistance to the Public Body within the meaning of 49 U.S.C. § 1609(c) other than those employed by a service contractor of the Public Body and working on the system, may become a party to this Agreement, by serving written notice of its desire to do so upon the other union representatives of the employees affected by the Project, the Public Body, and the Secretary of Labor. In the event of any disagreement that such labor organizations should become a party of this Agreement, then the dispute as to whether such labor organization shall participate shall be determined by the Secretary of Labor.

(10) In the event the Project is approved for assistance under the Act, the foregoing terms and conditions shall be made part of the contract of assistance between the federal government and the Public Body or Recipient of federal funds; provided, however, that the arrangement shall not merge into the contract of assistance, but shall be independently binding and enforceable by and upon the parties thereto, and by any covered employee or the employee's representative, in accordance with its terms, nor shall any other employee protective agreement or collective bargaining agreement merge into this arrangement, but each shall be independently binding and enforceable by and upon the parties thereto, in accordance with its terms.

(11) This protective agreement/arrangement shall be effective and in full force according to its terms from year to year during the period of the Federal Contract of Assistance and/or thereafter, for as long as necessary to satisfy its intended purpose to protect potentially affected employees from the impact of Federal assistance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized representatives this _____ day of _____, 2013.

VENTURA COUNTY TRANSPORTATION COMMISSION

By _____
Steven Sojka, Chair

Date: _____

APPROVED AS TO FORM:

By _____
Mitchel B. Kahn, General Counsel

Date: _____

SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO, CLC LOCAL 721

By _____
Rachel Flores

Date: _____

APPENDIX "A"

Carrier

**Gold Coast Transit
City of Simi Valley**

Union

**SEIU Local 721
SEIU Local 721**

Appendix "B"

EMPLOYEE PROTECTIONS DIGEST

APPENDIX C-1

The scope and purpose of this Appendix are to provide, pursuant to section 405 of the Act, for fair and equitable arrangements to protect the interests of employees of Railroads affected by discontinuances of Intercity Rail Passenger Service subject to section 405 of the Act; therefore, fluctuations and changes in volume or character of employment brought about by other causes are not within the purview of this Appendix.

ARTICLE I

1. DEFINITIONS – The definitions in Article I of the Agreement and in the Act apply in this Appendix and in the event of conflict in definitions, those in the Act shall be controlling. In addition, whenever used in this Appendix, unless its context requires otherwise:
 - (a) "Transaction" means a discontinuance of Intercity Rail Passenger Service pursuant to the provisions of the Act.
 - (b) "Displaced employee" means an employee of Railroad who, as a result of a transaction is placed in a worse position with respect to his compensation and rules governing his working conditions, unless changed by future collective bargaining agreements or applicable statutes.
 - (c) "Dismissed employee" means an employee of Railroad who, as a result of a transaction is deprived of employment with Railroad because of the abolition of his position or the loss thereof as the result of the exercise of seniority rights by an employee whose position is abolished as a result of a transaction.
 - (d) "Protective period" means that period of time during which a displaced or dismissed employee is to be provided protection hereunder and extends from the date on which an employee is displaced or dismissed to the expiration of 6 years therefrom, provided, however, that the protective period for any particular employee shall not continue for a longer period following the date he was displaced or dismissed than the period during which such employee was in the employ of Railroad prior to the date of his displacement or his dismissal. For purposes of this Appendix, an employee's length of service shall be determined in accordance with the provisions of section 7 (b) of the Washington Job Protection Agreement of May, 1936.
2. The rates of pay, rules, working conditions and all collective bargaining and other rights, privileges and benefits (including continuation of pension rights and benefits) of Railroad's employees under applicable laws and/or existing collective bargaining agreements or otherwise shall be preserved unless changed by future collective bargaining agreements or applicable statutes.

3. Nothing in this Appendix shall be construed as depriving any employee of any rights or benefits or eliminating any obligations which such employee may have under any existing job security or other protective conditions or arrangements; provided, that there shall be no duplication or pyramiding of benefits to any employees, and, provided further, that the benefits under this Appendix, or any other arrangement, shall be construed to include the conditions, responsibilities and obligations accompanying such benefits.
4. When Railroad contemplates a transaction after May 1, 1971, it shall give at least twenty (20) days written notice of such intended transaction by posting a notice on bulletin boards convenient to the interested employees of Railroad (including terminal companies and other enterprises covered by Article III of this Appendix) and by sending registered mail notice to the representatives of such interested employees; if Railroad contemplates a transaction on May 1, 1971 it shall give the notice as soon as possible after the signing of this Agreement, prior to May 1, 1971. Such notice shall contain a full and adequate statement of the proposed changes to be effected by such transaction, including an estimate of the number of employees of each class affected by the intended changes.

At the request of either Railroad or representatives of such interested employees, negotiations for the purpose of reaching agreement with respect to application of the terms and conditions of this Appendix shall commence immediately and continue for not more than twenty (20) days from the date of notice. Each transaction which will result in a dismissal or displacement of employees or rearrangement of forces, shall provide for the selection of forces from all employees involved on basis accepted as appropriate for application in the particular case and any assignment of employees made necessary by the transaction shall be made on the basis of an agreement or decision under this section 4. If at the end of the twenty (20) day period there is a failure to agree, the negotiations shall terminate and either party to the dispute may submit it for adjustment in accordance with the following procedures:

- (a) Within five (5) days from the termination of negotiations, the parties shall select a neutral referee and in the event they are unable to agree within said five (5) days upon the selection of said referee, then the National Mediation Board shall immediately appoint a referee.
- (b) No later than twenty (20) days after a referee has been designated a hearing on the dispute shall commence.
- (c) The decision of the referee shall be final, binding, and conclusive and shall be rendered within thirty (30) days from the commencement of the hearing of the dispute.
- (d) The salary and expenses of the referee shall be borne equally by the parties to the proceeding; all other expenses shall be paid by the party incurring them.

Notwithstanding any of the foregoing provisions of this section, at the completion of the twenty (20) day notice period or on May 1, 1971, as the case may be, Railroad may proceed with the transaction, provided that all employees affected (displaced, dismissed, rearranged, etc.) shall be provided with all the rights and benefits of this Appendix from the time they are affected through to expiration of the seventy-fifth (75th) day following the date of notice of the intended transaction. This protection shall be in addition to the protection period defined in Article I, Paragraph (d). If the above proceeding results in displacement, dismissal, rearrangement, etc. other than as provided by Railroad at the time of the transaction pending the outcome of such proceedings, all employees affected by the transaction during the pendency of such proceedings shall be made whole.

5. DISPLACEMENT ALLOWANCES – (a) So long after a displaced employee's displacement as he is unable, in the normal exercise of his seniority rights under existing agreements, rules and practices, to obtain a position producing compensation equal to or exceeding the

compensation he received in the position from which he was displaced, he shall, during his protective period, be paid a monthly displacement allowance equal to the difference between the monthly compensation received by him in the position in which he is retained and the average monthly compensation received by him in the position from which he was displaced.

Each displaced employee's displacement allowance shall be determined by dividing separately by 12 the total compensation received by the employee and the total time for which he was paid during the last 12 months in which he performed services immediately preceding the date of this displacement as a result of the transaction (thereby producing average monthly compensation and average monthly time paid for in the test period). Both the above "total compensation" and the "total time for which he was paid" shall be adjusted to reflect the reduction on an annual basis, if any, which would have occurred during the specified twelve month period had Public Law 91-169, amending the Hours of Service Act of 1907, been in effect throughout such period (i.e., 14 hours limit for any allowance paid during the period between December 26, 1970 and December 25, 1972 and 12 hours limit for any allowances paid thereafter); provided further, that such allowance shall also be adjusted to reflect subsequent general wage increases.

If a displaced employee's compensation in his retained position in any month is less in any month in which he performs work than the aforesaid average compensation (adjusted to reflect subsequent general wage increases) to which he would have been entitled, he shall be paid the difference, less compensation for time lost on account of his voluntary absences to the extent that he is not available for service equivalent to his average monthly time during the test period but if in his retained position he works in any month in excess of the aforesaid average monthly time paid for during the test period he shall be additionally compensated for such excess time at the rate of pay of the retained position.

(b) If a displaced employee fails to exercise his seniority rights to secure another position available to him which does not require a change in his place of residence, to which he is entitled under the working agreement and which carries a rate of pay and compensation exceeding those of the position which he elects to retain, he shall thereafter be treated for the purposes of this section as occupying the position he elects to decline.

(c) The displacement allowance shall cease prior to the expiration of the protective period in the event of the displaced employee's resignation, death, retirement or dismissal for justifiable cause.

6. DISMISSAL ALLOWANCES – (a) A dismissed employee shall be paid a monthly dismissal allowance, from the date he is deprived of employment and continuing during his protective period, equivalent to one-twelfth of the compensation received by him in the last 12 months of his employment in which he earned compensation prior to the date he is first deprived of employment as a result of the transaction. Such allowance shall be adjusted to reflect on an annual basis the reduction, if any, which would have occurred during the specified twelve month period had Public Law 91-169, amending Hours of Service Act of 1907 been in effect throughout such period (i.e., 14 hours limit for any allowance paid during the period between December 1970 and December 25, 1972 and 12 hours limit for any allowances paid thereafter); provided further that such allowance shall also be adjusted to reflect subsequent general wage increases.

(b) The dismissal allowance of any dismissed employee who returns to service with Railroad shall cease while he is so reemployed. During the time of such reemployment, he shall be entitled to protection in accordance with the provisions of Section 5.

(c) The dismissal allowance of any dismissed employee who is otherwise employed shall be reduced to the extent that his combined monthly earnings in such other employment, any benefits received under any unemployment insurance law, and his dismissal allowance

exceed the amount upon which his dismissal allowance is based. Such employee, or his representative, and Railroad shall agree upon a procedure by which Railroad shall be currently informed of the earnings of such employee in employment other than with Railroad, and the benefit received.

(d) The dismissal allowance shall cease prior to the expiration of the protective period in the event of the employee's resignation, death, retirement, dismissal for justifiable cause under existing agreements, failure to return to service after being notified in accordance with the working agreement, or failure without good cause to accept a comparable position which does not require a change in his place of residence for which he is qualified and eligible with the Railroad from which he was dismissed after being notified, or with the National Railroad Passenger Corporation after appropriate notification, if his return does not infringe upon employment rights of other employees under a working agreement.

7. SEPARATION ALLOWANCE – A dismissed employee entitled to protection under this Appendix, may, at his option within 7 days of his dismissal, resign and (in lieu of all other benefits and protections provided in this Appendix) accept a lump sum payment computed in accordance with Section 9 of the Washington Job Protection Agreement of May, 1936.
8. FRINGE BENEFITS – No employee of Railroad who is affected by a transaction shall be deprived during his protective period of benefits attached to his previous employment, such as free transportation, hospitalization, pensions, relief, et cetera, under the same conditions and so long as such benefits continue to be accorded to other employees of Railroad, in active service or on furlough as the case may be, to the extent that such benefits can be so maintained under present authority of law or corporate action or through future authorization which may be obtained.
9. MOVING EXPENSES – Any employee retained in the service of Railroad or who is later restored to service after being entitled to receive a dismissal allowance, and who is required to change the point of his employment as a result of the transaction, and who within his protective period is required to move his place of residence, shall be reimbursed for all expenses of moving his household and other personal effects, for the traveling expenses of himself and members of his family, including living expenses for himself and his family and for his own actual wage loss, not to exceed three working days, the exact extent of the responsibility of Railroad during the time necessary for such transfer and for a reasonable time thereafter and the ways and means of transportation to be agreed upon in advance by Railroad and the affected employee or his representatives; provided, however, that changes in place of residence which are not a result of the transaction, which are made subsequent to the initial change or which grow out of the normal exercise of seniority rights, shall not be considered to be within the purview of this Section; provided further, that the Railroad shall, to the same extent provided above, assume the expenses, etc. for any employee furloughed within three (3) years after changing his point of employment as a result of a transaction, who elects to move his place of residence back to his original point of employment. No claim for reimbursement shall be paid under the provisions of this Section unless such claim is presented to Railroad within 90 days after the date on which the expenses were incurred.
10. Should Railroad rearrange or adjust its forces in anticipation of a transaction with the purpose or effect of depriving an employee of benefits to which he otherwise would have become entitled under this Appendix, this Appendix will apply to such employee.
11. ARBITRATION OF DISPUTES – (a) In the event Railroad and its employees or their authorized representatives cannot settle any dispute or controversy with respect to the interpretation, application or enforcement of any provision of this Appendix, except Section 4 and 12 of this Article I, within 20 days after the dispute arises, it may be referred by either party to an arbitration committee. Upon notice in writing served by one party to refer a dispute or controversy to an arbitration committee, each party shall, within 10 days, select one

member of the committee and the members thus chosen shall select a neutral member who shall serve as chairman. If any party fails to select its member of the arbitration committee within the prescribed time limit, the general chairman of the involved labor organization or the highest officer designated by Railroad, as the case may be, shall be deemed the selected member, and the committee shall then function and its decision shall have the same force and effect as though all parties had selected their members. Should the members be unable to agree upon the appointment of the neutral member within 10 days, the parties shall then within an additional 10 days endeavor to agree to a method by which a neutral member shall be appointed, and, failing such agreement, either party may request the National Mediation Board to designate within 10 days the neutral member whose designation will be binding upon the parties.

(b) In the event a dispute involves more than one labor organization, each will be entitled to a representative on the arbitration committee, in which event Railroad will be entitled to appoint additional representatives so as to equal the number of labor organization representatives.

(c) The decision, by majority vote, of the arbitration committee shall be final, binding, and conclusive and shall be rendered within 45 days after the hearing of the dispute or controversy has been concluded and the record closed.

(d) The salaries and expenses of the neutral member shall be borne equally by the parties to the proceeding and all other expenses shall be paid by the party incurring them.

(e) In the event of any dispute as to whether or not a particular employee was affected by a transaction, it shall be his obligation to identify the transaction and specify the pertinent facts of that transaction relied upon. It shall then be the Railroad's burden to prove that factors other than a transaction affected the employee.

12. LOSSES FROM HOME REMOVAL – (a) the following conditions shall apply to the extent they are applicable in each instance to any employee who is retained in the service of Railroad (or who is later restored to service after being entitled to receive a dismissal allowance) who is required to change the point of his employment within his protective period as a result of the transaction and is therefore required to move his place of residence:

- (i) If the employee owns his own home in the locality from which he is required to move, he shall at his option be reimbursed by Railroad for any loss suffered in the sale of his home for less than its fair value. In each case the fair value of the move in question shall be determined as of a date sufficiently prior to the date of the transaction so as to be unaffected thereby. Railroad shall in each instance be afforded an opportunity to purchase the home at such fair value before it is sold by the employee to any other person.
- (ii) If the employee is under a contract to purchase his home, Railroad shall protect him against loss to the extent of the fair value of any equity he may have in the home and in addition shall relieve him from any further obligation under his contract.
- (iii) If the employee holds an unexpired lease of a dwelling occupied by him at his home, Railroad shall protect him from all loss and cost in securing the cancellation of said lease.

(b) Changes in place of residence which are made subsequent to the initial changes caused by the transaction and which grow out of the normal exercise of seniority rights, shall not be considered to be within the purview of this Section.

(c) No claim for loss shall be paid under the provisions of this Section unless such claim is presented to Railroad within 1 year after the date the employee is required to move.

(d) Should a controversy arise in respect to the value of the home, the loss sustained in its sale, the loss under a contract for purchase, loss and cost in securing termination of a lease, or any other question in connection with these matters, it shall be decided through joint conference between the employees, or their representatives and Railroad. In the event they are unable to agree, the dispute or controversy may be referred by either party to a board of competent real estate appraisers, selected in the following manner: One to be selected by the representatives of the employees and one by Railroad, and these two, if unable to agree within 30 days upon a valuation, shall endeavor by agreement within 10 days thereafter to select a third appraiser shall be selected, and, failing such agreement, either party may request the National Mediation Board to designate within 10 days a third appraiser whose designation will be binding upon the parties. A decision of a majority of the appraisers shall be required and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the compensation of the appraiser selected by such party.

ARTICLE II

1. Any employee who is terminated or furloughed as a result of a transaction shall, if he so requests, be granted priority of employment or reemployment to fill a position comparable to that which he held when terminated or furloughed, even though in a different craft or class, on Railroad which he is, or by training or retraining physically and mentally can become, qualified, not however, in contravention of collective bargaining agreements relating thereto.
2. In the event such training or retraining is requested by such employee, Railroad shall provide for such training or retraining at no cost to the employee.
3. If such a terminated or furloughed employee who has made a request under sections 1 or 2 of this Article II fails without good cause within 10 calendar days to accept an offer of a position comparable to that which he held when terminated or furloughed for which he is qualified, or for which he has satisfactorily completed such training, he shall, effective at the expiration of such 10 day training, forfeit all rights and benefits under this Appendix.

ARTICLE III

Subject to this Appendix, as if employees of Railroad, shall be employees, if affected by a transaction, of separately incorporated terminal companies which are owned (in whole or in part) or used by Railroad and employees of any other enterprise within the definition of common carrier by railroad in Section 1(3) of Part I of the Interstate Commerce Act, as amended, in which Railroad has an interest, to which Railroad provided facilities, or with which Railroad contracts for use of facilities, or the facilities of which Railroad otherwise uses; except that the provisions of this Appendix shall be suspended with respect to each such employee until and unless he applies for employment with each owning carrier and each using carrier and to the National Railroad Passenger Corporation; provided that said carriers and the National Railroad Passenger Corporation shall establish one convenient central location for each terminal or other enterprise for receipt of one such application which will be effective as to all said carriers and the Corporation and Railroad shall notify such employees of this requirement and of the location for receipt of the application. Such employees shall not be entitled to any of the benefits of this Appendix in the case of failure, without good cause, to accept comparable employment, which does not require a change in place of residence, under the same conditions as apply to other employees under this Appendix, with the National Railroad Passenger Corporation or any carrier for which application for employment has been made in accordance with this section.

ARTICLE IV

Employees of Railroad who are not represented by a labor organization shall be afforded substantially the same levels of protection as are afforded to members of labor organizations under these terms and conditions.

In the event any dispute or controversy arises between Railroad and an employee not represented by a labor organization with respect to the interpretation, application or enforcement of any provision hereof which cannot be settled by the parties within 30 days after the dispute arises, either party may refer the dispute to the Secretary of Labor for determination. The determination of the Secretary of Labor, or his designated representative, shall be final and binding on the parties.

ARTICLE V

1. It is the intent of this Appendix to provide employee protections which meet the requirements of Section 405 of the Act and are not less than the benefits established pursuant to Section 5(2)(f) of the Interstate Commerce Act. In so doing, changes in wording and organization from arrangements earlier developed under section 5(2)(f) have been necessary to make such benefits applicable to contemplated discontinuances of intercity rail passenger service affecting a great number of railroads throughout the nation. In making such changes it is not the intent of this Appendix to diminish such benefits. Thus, the terms of this Appendix are to be resolved in favor of this intent to provide employee protections and benefits no less than those established pursuant to Section 5(2)(f) of the Interstate Commerce Act.
2. In the event any provision of this Appendix is held to be invalid or otherwise unenforceable under applicable law, the remaining provisions of this Appendix shall not be affected, and such provision shall be renegotiated and resubmitted to the Secretary of Labor for certification pursuant to Section 405 of the Act.



Item # 9H

April 5, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: STEVE DEGEORGE, PLANNING & TECHNOLOGY DIRECTOR
SUBJECT: NAVAL BASE VENTURA COUNTY JOINT LAND USE STUDY (NBVC JLUS) UPDATE

RECOMMENDATION:

- Receive and File

DISCUSSION:

The Naval Base Ventura County Joint Land Use Study (NBVC JLUS) authorized by the Commission last fall, enjoyed a successful local kick-off during the week of March 11th. Matrix Design Group, Inc., the consultant selected to conduct the JLUS, visited Ventura County with a large team to gather data, tour the naval facilities, conduct one-on-one interviews with elected officials and agency staff, and convene an overview and committee formation meeting.

The naval facility tour included both Naval Air Station Point Mugu and Port Hueneme with briefings by several of the tenant commands as well as by NBVC Commanding Officer, Captain Larry Vasquez. The nearly nine hour tour provided a solid foundation to understanding the diversity and complexity of the mission of NBVC.

During the week long visit, the Matrix team conducted twenty-five interviews with elected officials and agency staff gathering valuable insights into the relationship between the naval installations and the surrounding communities. Overall NBVC was viewed favorably by neighboring jurisdictions and received praise as stewards of sensitive habitat. Additional interviews are planned to be conducted by phone for those participants who were unavailable during the visit.

Lastly, sixty participants attended a JLUS kick-off and committee formation meeting held at Camarillo Library on March 13th. Matrix Design Group gave a project overview, defined the committee structures and outlined the upcoming steps in the JLUS process. After collating and analyzing the data collected on this trip, Matrix will return to Ventura County in approximately two months to hold a public input session and begin working with the technical and policy committees formed. Interested parties should watch the www.nbvcljus.org website for additional information.

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Item #10

April 5, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: PETER DE HAAN, PROGRAMMING DIRECTOR
SUBJECT: LEGISLATIVE UPDATE & POSITIONS ON BILLS

RECOMMENDATION:

- Adopt SPONSOR position on SB 203 (Pavley), to allow expenditure of Transportation Development Act (TDA) Local Transportation Funds (LTF) on streets and roads in the rural unincorporated area and in cities under 100,000, providing all unmet and reasonable-to-meet transit needs are met as required by TDA law.
- Adopt SUPPORT position on AB 664 (Williams) establishing the Gold Coast Transit District.

BACKGROUND:

Federal Issues

The Administration has moved forward with the mandatory across-the-board cuts, called sequestration, which became effective March 1st as specified in the prior "fiscal cliff" legislation. Much of the transportation legislation is not affected by these cuts, as funds provided from special transportation revenues are exempted. However, since the government has been using General Fund money to keep the transportation program whole in the face of dwindling fuel tax revenues, the cuts will apply to this subsidy from the General Fund.

One specific Ventura County impact of which staff has become aware is the elimination of overtime hours for staff of the Customs and Border Protection (CBP) Agency, which has informed the Port of Hueneme that it will no longer provide service during the night and on weekends, effectively shutting down the port during these hours. Attachment A is a letter sent by the VCTC Executive Director to Homeland Security Secretary Janet Napolitano, at the request of the Harbor District Executive Director, expressing opposition to the implementation of the cuts as decided by CBP. Similar letters were sent to the Ventura County Congressional delegation and to Governor Jerry Brown.

On March 21st Congress passed a Continuing Resolution extending government funding through the September 30th end of the fiscal year. This action occurred six days before the expiration of the previous Continuing Resolution. Typically, a Continuing Resolution continues all funding at the prior year's level, but in the case of transportation Congress adopted a provision, which originated in the Senate, to increase transportation funding to the full level authorized in the Moving Ahead for Progress in the 21st Century (MAP-21) legislation (and assumed in VCTC's programming). As a result, the approved transportation funding levels for the year are \$39.7 billion for highways and \$8.48 billion for transit. The Continuing Resolution does not undo the sequester, however, so these numbers will be reduced to whatever extent the sequester affects transportation.

State Issues

Attachment B provides the monthly report of Delaney Hunter, the Commission's state lobbyist. Attachments C & D provide Ms. Hunter's analysis of two bills. The first bill, SB 203 (Pavley) would implement VCTC's recommendation to allow Ventura County cities of less than 100,000 to spend Transportation Development Act (TDA) funds on streets and roads, subject to the Unmet Needs process, as in other counties. AB 664 (Williams) would establish the Gold Coast Transit District. These two bills are related to implementation of VCTC's Regional Transit Study, and the bills' language stipulates that both bills must pass for either to become effective. Staff recommends the Commission adopt a SPONSOR position on SB 203, since it has been introduced by Senator Pavley in response to VCTC's proposal for implementation of the Regional Transit Study recommendations. As for AB 664, staff recommends that VCTC adopt a SUPPORT position, as the bill is sponsored by Gold Coast Transit.

Attachment E summarizes the status of bills being tracked by VCTC, including the two bills recommended for positions in this item, as well as SCA 4 on which the Commission previously adopted a SUPPORT position.



Ventura County Transportation Commission

March 14, 2013

The Honorable Janet Napolitano, Secretary
US Department of Homeland Security
301 7th Street SW
Washington, DC 20229-0007

RE: SEQUESTRATION-INDUCED CUTS – PORT OF HUENEME

Dear Secretary Napolitano:

I am writing to call your attention to a very serious issue that has arisen at the Port of Hueneme due to sequestration-induced cuts. As the agency responsible for coordinating surface transportation, the Ventura County Transportation Commission (VCTC) has a significant stake in the economic well being of this county. In recent years VCTC has worked jointly with the Port to improve the critical movement of goods to and through Ventura County. It is therefore with much concern that we have learned of a decision by Customs and Border Protection (CBP) Agency to eliminate "Enhanced Services."

For the Port this change translates to a zero budget for overtime and implementation of an "On Shift Budget" which will cause delays to commerce including the idling of vessels and workers awaiting CBP boarding clearance. Boarding of ships arriving from foreign ports on weekends has been traditionally handled with overtime hours of Customs officers and union workers handling cargo. This served as a cost saving measure by adding flexibility to schedules thereby alleviating the need to have CBP at the Port 24-7. The approach CBP is now taking removes this flexibility and will cost the Port and its customers hundreds of thousands of dollars overtime.

The Port of Hueneme is the only gateway "Port of Entry" serving the California Central Coast Region and generates more than \$1 billion in positive economic impact and approximately 5,000 direct and indirect jobs in Ventura County annually. The new "On Shift Schedule" will place the Port of Hueneme at a significant competitive disadvantage due to the very restrictive schedule which closes the port to foreign vessels on weekends starting Friday at 5:00 p.m. to Sunday at 4:00 p.m., and daily from 3:00 a.m. to 8:00 a.m., while other West Coast ports will not face such closures and will continue to operate 24-7. As a result, labor will be left standing by vessels waiting to work until a Custom shift begins should vessels arrive outside a shift. Costs of business will soar in contrast to what it would cost to compensate for CBP overtime.

We request your support for immediately reinstating overtime at the Port of Hueneme or for a compromise that allows customers and Port partners to pay for overtime.

Thank you for your attention to this very important matter.

Sincerely,

A handwritten signature in black ink that reads "Darren M. Kettle".

Darren M. Kettle
Executive Director

cc. Kristin Decas, Port of Hueneme



GONZALEZ, QUINTANA & HUNTER, LLC

VENTURA COUNTY TRANSPORTATION COMMISSION MONTHLY STATE ADVOCACY REPORT MARCH 2013

LEGISLATIVE UPDATES

Senator Rubio Resigns

Surprising many Capitol denizens, Senator Michael Rubio (D – Shafter) abruptly resigned his Senate seat on Friday, February 22nd citing a desire to spend more time with his family and announcing that he had accepted a position in state government affairs with Chevron. The resignation temporarily upset the Democrats' 2/3rds majority in the Senate.

The race to replace Rubio now begins in full swing. Declared candidates to date include: Fran Florez (D - Shafter Councilmember and mother of former Senator Dean Florez); Leticia Perez (D - Kern Supervisor); Richard Valley (D - Kings Supervisor); Andy Vidak (R - Farmer); and Gary Yep (R - Mayor, Kerman). Assembly Member Henry Perea and former Assembly Member Nicole Parra have already announced that they would not seek the seat.

The Governor has called for the primary special election to take place on May 21st. If none of the candidates win an outright majority, the two top vote getters will face off July 23rd.

Special Elections

Two special elections were held on Tuesday, March 12 to fill vacancies in the Senate. Ben Hueso won his race to replace Juan Vargas in SD 40 outright, gaining 52.3% of the vote. With this victory, the supermajority in the Senate has been restored. He was sworn in on March 21st.

Meanwhile, Assembly Norma Torres emerged as the top vote getter in her race to replace Gloria Negrete McLeod in SD 32. She now faces Republican Paul Leon in a runoff election to be held on May 14th. Torres is heavily favored to win.

Assembly Member Bob Blumenfield also won a race for Los Angeles City Council outright and is expected to vacate his Assembly seat in July. In addition, Senator Curren Price will head into a runoff in May for another LA Council seat. This entire 'Musical Chairs' means that the Democrats' legislative supermajority will continue to ebb and flow throughout the legislative session.

COMMITTEE HEARINGS

Senate Budget Subcommittee on Resources, Environmental Protection, Energy and Transportation

On March 14th the Senate Budget Subcommittee on Resources, Environmental Protection, Energy and Transportation met to discuss several budget items within the Department of Transportation and the High Speed Rail Authority. The hearing kicked off with the Legislative Analyst's Office (LAO)

providing an overview of how transportation projects are funded through a combination of federal, state and local sources. Then Brian Kelly, acting Secretary of Business, Transportation and Housing, gave the committee a rundown of the Governor's Reorganization Plan (GRP), specifically as it relates to the creation of the transportation agency. The GRP went through the legislative process last year and will take effect July 1, 2013. The new transportation agency will be condensed into 7 departments; including the HSR Authority.

Kelly also discussed the Transportation Needs Assessment document, stating his intent to convene a working group to prioritize the state's transportation needs. He did identify several areas where he believes we should focus our efforts. Those areas include: 1) SB 375 implementation; 2) rail modernization and electrification and 3) preservation and rehabilitation of existing roads/infrastructure.

Following the informational portion of the hearing, the committee moved to discuss the Governor's specific budget proposals. One contentious item calls for the creation of the Active Transportation Program (ATP) through the consolidation of five existing programs. The consolidated program does not include funding for the Safe Routes to School Program, which angered many organizations. As a result, the committee opted to hold the item open.

High Speed Rail Project: How Should the State Safeguard the Public's Interest?

The Senate Transportation & Housing Committee and the Senate Budget and Fiscal Review, Subcommittee No. 2 met to discuss the High Speed Rail Project: How Should the State Safeguard the Public's Interest? The first half of the hearing was spent going over last year's audit of the High Speed Rail Authority (HSRA) and the authority's subsequent progress in addressing the identified 23 points of concern. The State Auditor praised the HSRA for their swift implementation of corrective actions. Jeff Morales and Dan Richard represented the Authority and provided an overview of the changes they have made in the past year with respect to oversight, staffing and funding.

The second half of the hearing focused on project procurement and oversight, specifically as it relates to the design-build model. The LAO noted a few concerns with the design-build approach. For example, the approach means the state must cede some amount of control over how the project is delivered and it is unclear how design-build affects the cost of the finished project. However, the remaining hearing participants vouched for the design-build model.

APPOINTMENTS

Malcolm Dougherty, the Director of the California Department of Transportation (Caltrans), was confirmed on March 20th by the Senate Rules Committee.

On March 5th, Governor Brown announced two appointments to the California Transportation Commission:

- Yvonne Burke, 80, of Los Angeles, has been appointed to the California Transportation Commission, where she has served since 2010. Burke served as supervisor for Los Angeles County from 1992 to 2008. She was a partner at Jones, Day, Reavis and Pogue from 1987 to 1992 and partner at Burke, Robinson and Pearman from 1982 to 1987. Burke was supervisor of the Los Angeles County 4th district from 1979 to 1982, a representative in the United States House of Representatives from 1972 to 1978, a member in the California State Assembly from 1967 to 1972 and a member of the Regents of the University of California from 1986 to 1992. Burke is a member of the Amtrak Board of Directors. Burke earned a

Juris Doctorate degree from the University of Southern California Gould School of Law. This position requires Senate confirmation and the compensation is \$100 per diem. Burke is a Democrat.

- Joseph Tavaglione, 89, of Riverside, has been appointed to the California Transportation Commission, where he has served since 2002. Tavaglione has been president of Tavaglione Construction and Development Inc. since 1962. He is a member of the University of California, Riverside Foundation Board of Trustees. This position requires Senate confirmation and the compensation is \$100 per diem. Tavaglione is a Republican.

Senate Bill 203 (Pavley)

Summary: Senate Bill 203 repeals Public Utilities Code Section 99232.3 – which currently provides an alternative path for Ventura County from specified requirements for the use of local transportation fund (LTF) revenues for a specified time period. By repealing such an alternative, SB 203 places Ventura County on par with other counties whose ability to spend funds on streets and roads was restricted by SB 716 (Wolk).

Purpose: Senate Bill 203 removes a section of statute that provided Ventura County different treatment under SB 716 relative to the use of local transportation funds. Specifically, the statute provides Ventura County Transportation Commission (VCTC) an opportunity to submit to the Legislature a report setting forth options for transit services within the County and also allowed VCTC to seek legislation by the end of the 2011-12 legislative session to implement a transit plan based on the above mentioned report. If VCTC failed to secure such legislation – as has so far been the case – then LTF funds within the County would only be available for transit purposes beginning July 1, 2014.

By removing this section SB 203 allows Ventura County to use LTF funds in the same manner as the other counties addressed in SB 716 – and allows for the use of LTF funds for non-transit purposes such as local street and road maintenance in rural parts of the County and in communities with fewer than 100,000 residents as long as all transit needs are met.

Existing Law: Current law earmarks 0.25% of the state sales tax for transit and directs the revenue to the LTF in each county. Regional transportation planning agencies (RTPAs) are responsible for allocating LTF funds.

Rural counties (those with a population under 500,000) are authorized to use their LTF funds for purposes other than transit, such as local streets and roads as long as the RTPA holds a public hearing and makes a finding that all reasonable transit needs have been met.

Counties with a population of less than 500,000 as of the 1970 federal census but more than 500,000 as of the 2000 (or subsequent) federal census are required to use its LTF funds for transit. In counties that are impacted by this change from rural to urban due to population growth since 1970, the requirement to use LTF funds for transit services will not become operative until July 1, 2014.

Further, in these counties – except Ventura County – the requirement to use LTF funds for transit applies to urbanized areas of a county, not the necessarily the entire county. LTF funds can be used in non-urbanized areas in for local streets and roads, provided that there are no unmet transit needs in the area. And a city with a population of 100,000 or fewer within an urbanized area in such a county – except Ventura County – is not required to expend all of its apportionment for transit purposes.

Lastly, as described above, current law provides that the Ventura County Transportation Commission (VCTC) may submit to the legislative policy committees a report analyzing options for organizing public mass transportation services in Ventura County and expending LTF revenues. VCTC may also submit a legislative proposal to implement a plan based on recommendations of the report.

However, if VCTC does not secure legislation to implement its proposed plan by the end of the 2011-12 legislative session, its LTF revenues would be available solely for public transportation or community transit services, even in the county's rural areas, beginning July 1, 2014.

Previous Legislation:

AB 1778 (Williams) [2012] – would have moved up the date to July 1, 2013 instead of July 1, 2014 as the date by which Ventura County would be required to expend all local transportation funds for transit purposes

Support/Opposition (as of 3/20/2013):

Support: None on file

Oppose: None on file

Statutory Citations:**Public Utilities Code Section § 99232.1**

(a) Notwithstanding Section 99232, for each county with a population of less than 500,000 as of the 1970 federal decennial census, but with a population of 500,000 or more as of the 2000 federal decennial census, or a county whose population is 500,000 or more at a subsequent decennial census, the apportionment to the areas within the urbanized areas of the county, as defined for purposes of the 2000 federal decennial census and each census thereafter, shall be available solely for claims for Article 4 (commencing with Section 99260) and Article 4.5 (commencing with Section 99275) purposes. In a county subject to this section, the apportionment for areas outside of the urbanized area of the county may be used for claims for Article 4 (commencing with Section 99260), Article 4.5 (commencing with Section 99275), and Article 8 (commencing with Section 99400) purposes, providing that allocations under Article 8 (commencing with Section 99400) shall be subject to the unmet needs process as prescribed by Section 99401.5.

(b) The apportionment attributable to the unincorporated area within an urbanized area shall be determined by the proportion that the urbanized area's unincorporated area population bears to the total unincorporated population times the total apportionment attributable to the unincorporated area.

(c) For a county that is subject to this section, this section shall not apply to that county until July 1, 2014.

(Added by Stats. 2009, Ch. 609, Sec. 1. Effective January 1, 2010.)

Public Utilities Code § 99232.2

(a) Notwithstanding Section 99232.1, a city with a population of 100,000 or fewer within an urbanized area in a county subject to Section 99232.1 is not required to expend all of its apportionment for Article 4 (commencing with Section 99260) and Article 4.5 (commencing with Section 99275) purposes.

(b) The population of cities within an urbanized area shall be based on the city and county population estimates published annually by the Department of Finance.

(c) Nothing in this section shall preclude a city with a population of 100,000 or fewer within an urbanized area in a county subject to Section 99232.1 from expending all of its apportionment for Article 4 (commencing with Section 99260) and Article 4.5 (commencing with Section 99275) purposes.

(d) This section shall become operative on July 1, 2014.

(Added by Stats. 2009, Ch. 609, Sec. 2. Effective January 1, 2010. Section operative July 1, 2014, by its own provisions.)

Public Utilities Code § 99232.3

Sections 99232.1 and 99232.2 shall not apply to Ventura County. The Ventura County Transportation Commission may submit to the Senate Committee on Transportation and Housing and the Assembly Committee on Transportation a report analyzing options for organizing public mass transportation services in the county, for the expenditure of revenues deposited in the local transportation fund, and a recommended legislative proposal for implementing the plan by December 31, 2011. If the legislative proposal is not enacted by the end of the 2011–12 Regular Session of the Legislature, revenues deposited in the local transportation fund in that county shall be available for the fiscal year beginning on July 1, 2014, and each fiscal year thereafter, solely for claims for Article 4 (commencing with Section 99260) and Article 4.5 (commencing with Section 99275) purposes.

(Added by Stats. 2009, Ch. 609, Sec. 3. Effective January 1, 2010.)

Assembly Bill 664 (Williams)

Summary: AB 664 creates the Gold Coast Transit District in the County of Ventura and would initially include the Cities of Oxnard, Ventura, Port Hueneme, and Ojai and the unincorporated areas of the County of Ventura. The bill would authorize other cities in the County of Ventura to subsequently join the district at their discretion. The existing Gold Coast Transit joint powers agency would be dissolved and the new district would be created on July 1, 2014. The bill would provide for the transfer of assets from Gold Coast Transit to the district, and would provide for the member agencies of the district to claim transit funds under the Transportation Development Act (TDA) on behalf of the district. The bill creates a governing board and specifies voting measures, including weighted voting in certain instances. The powers and duties of the district to operate transit services are delineated in the bill and the new District is authorized to seek voter approval of tax measures and to issue revenue bonds.

Purpose: The creation of a transit district allows for a different funding allocation paradigm within a given area – in this case Ventura County. The new District will receive transit funding directly from the Ventura County Transportation Commission (VCTC) – rather than the individual cities currently part of the Gold Coast Transit joint powers authority receiving funds and reverting those to Gold Coast Transit. It is thought that this shift will allow for better opportunity to pool resources and manage the transit needs of the area more effectively.

Existing Law:

The Public Utilities Code contains multiple sections that create similar transit districts throughout the state – see PU Code Section 24501, et. seq.

Previous Legislation:

Not applicable

Support/Opposition (as of 3/19/2013):***Support:***

Gold Coast Transit (sponsor)
Central Coast Alliance United for a Sustainable Economy (CAUSE)
Alliance for Sustainable Equitable Regional Transportation (ASERT)
Coalition for Sustainable Transportation (COAST)

Oppose:

None on file with author's office

Statutory Citations:

Not applicable

ATTACHMENT E

VENTURA COUNTY TRANSPORTATION COMMISSION STATE LEGISLATIVE MATRIX BILL SUMMARY March 19, 2013			
BILL/AUTHOR	SUBJECT	POSITION	STATUS
AB 664 Williams	Establishes a Gold Coast Transit District.	Support	In Assembly Transportation Committee.
SB 203 Pavley	Allows Ventura County cities with a population of under 100,000, and the rural portion of the unincorporated area, to use TDA funds for streets and roads, as in other counties.	Sponsor	In Senate Transportation & Housing Committee.
SCA 4 Liu	Places before the voters a Constitutional Amendment to reduce to 55% the approval threshold for local transportation funding measures.	Support	In Senate Government and Finance Committee.



Item #11

April 5, 2013

MEMO TO: ADMINISTRATIVE COMMITTEE

FROM: DARREN KETTLE, EXECUTIVE DIRECTOR

SUBJECT: VCTC OFFICE SPACE LEASE EXTENSION AND LONG TERM SPACE NEEDS

RECOMMENDATION:

- Authorize the Executive Director to execute one year lease extension for existing office space and amend lease to add approximately 1230 square feet for a total of 6750 square feet at the current lease rate of \$11,400 month.
- Discuss long term office needs and options.

DISCUSSION:

The Commission occupies 5520 square feet of office space at 950 County Square Drive, a professional office building known as Lincoln's Inn. VCTC has been at this location since it "opened for business" in 1989. VCTC's current lease was approved by the Commission in February 2008 with a term through June 30, 2012 and the current monthly rate is \$10,336 (\$1.87/square foot). The lease was amended last year to extend the term of the lease for one additional year through June 30, 2013 at a reduced rate of \$9,300 per month. As the Commission looks toward the future and the anticipated growth in staff, specifically to support an improved VISTA Intercity fixed route service, over the next couple of years the space currently leased by VCTC will not be sufficient.

Given the timing of the current lease, it is likely that VCTC will, at a minimum need to proceed with a one-year extension of our current lease. As VCTC strengthens the VISTA Intercity fixed route bus program with additional expertise in the field of contract management and transit planning additional office space at the current location will be necessary for a period of time in advance of any long term office locations. There is space available in the 950 County Square Drive building that can be added to our current space to meet our short-term needs at the current per square foot rate. Staff is recommending extending the current lease one year to June 30, 2014 and adding 1230 square feet to accommodate the additional staff.

While the current location has adequately served the Commission during these years, it may be time to consider identifying a location that better meets the needs of the Commission long term. In 2007, the Commission was in final negotiations to purchase a building in proximity to the current location. Due to a variety of factors, it seemed that such a transaction might be premature and the Commission agreed to a staff recommendation to discontinue negotiations. This decision proved to be wise as the recession hit soon afterward and land/building values dropped significantly and remains at those lower levels.

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The office space market is now very much in the favor of the buyer. CLU economist Dr. Bill Watkins who is familiar with local real estate market and commercial real estate professionals have advised that the office space market will remain in slow recovery mode for awhile but if there is a desire to purchase a building there will not be a better time than in the next year or two. Staff would like to discuss options of long-term space needs to get feedback from the Commission of the potential to purchase a building and what factors would be important in such a consideration.



Item #12

April 5, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION

**FROM: DAREN KETTLE, EXECUTIVE DIRECTOR
SALLY DEGEORGE, FINANCE DIRECTOR**

SUBJECT: FISCAL YEAR 2013/2014 DRAFT BUDGET – PUBLIC HEARING

RECOMMENDATION:

- Receive the Fiscal Year 2013/2014 Draft Budget
- Conduct Public Hearing to receive testimony on the Fiscal Year 2013/2014 Draft Budget as presented.

DISCUSSION

The Fiscal Year 2013/2014 Draft Budget is divided into two main sections: the Main Budget and the Program Task Budgets. The Main Budget contains the program overviews and projections and is intended to provide a general understanding of VCTC's budgeted activities and programs for the coming fiscal year. The Program Task Budgets contain task level detail of the projects including objectives and accomplishments. This task driven budget is designed to provide fiscal transparency and clarity of VCTC's programs and services to the region.

As proposed, the Draft Budget can be characterized in many ways as a "continuation" budget for most VCTC programs, projects or on-going activities. At \$54,957,449, the Fiscal Year 2013/2014 Draft Budget is \$967,553 or 1.8% higher than Fiscal Year 2012/2013.

During the development of the 2013/2014 Draft Budget two major factors arose in one of VCTC's higher profile programs, the VISTA Intercity Fixed Route, that impacted the development of this task budget. In late January, the VCTC staff member responsible for day to day administration of the VISTA contract announced her departure. While much of the budget work had been completed prior to her last day at the end of February there are still some outstanding questions that we are working to answer. Additionally, the development of the Fiscal Year 2013/2014 budget began in January 2013 in advance of the decision by the Commission to continue in its role as the operator of the VISTA intercity/regional fixed route service and to resource that effort accordingly. The final budget will reflect that decision and will include the addition of three staff to support the continuation and improvement of the VCTC's very successful intercity public transit operations. This task is a "work in progress" as we work toward the final budget to be considered by the Commission in June.

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Other significant changes from the prior year budget include: the Transit Grant Administration budget decreased approximately \$1.7 million for pass-through projects that were completed, but new pass-through projects will be added with the final budget; the Lewis Road project is expected to be completed in Fiscal Year 2012/2013 and has been removed from the Transportation Programming and Monitoring budget reducing it by approximately \$1 million; and the Management and Administrative budget decreased approximately \$0.4 million due to removal of the financial software project until the Commission has implemented the changes suggested in the Transit Study as well as not extending the VCOG management contract. More details about these budgets and all the budgets can be found within the second part of the budget, the Program Task Budget section.

Also significant to the overall budget discussion is the Local Transportation Fund receipts passed through to local agencies in the Transportation Development Act budget have increased approximately \$3 million based on the County-Auditor Controller's Office projections. The Commission received this news at the February Commission meeting. The draft budget includes this increase. Recently, the Auditor-Controller's office has informed VCTC staff that March 2013 receipts were lower than expected causing them to consider whether they should develop a revised projection for 2013/14. They are awaiting April receipts before they make such a determination.

Personnel costs are budgeted at approximately \$2.6 million or 4.8% of the Draft Budget. The Fiscal Year 2013/2014 Draft Budget contains a placeholder of \$175,000 for salary and/or benefit adjustments. Included on the agenda is a closed session to discuss employee salaries and benefits. The final budget will reflect any changes to salaries and benefits as approved by the Commission. Further information about these changes can be found within the Personnel section of the budget.

The Draft Budget will continue to be fine tuned as the Commission provides input and new information becomes available from our transportation partners such as Metrolink and funding from the State and Federal governments.

As required by the VCTC Administrative Code, the Proposed Draft Budget was reviewed by the VCTC Finance Committee which consists of Chairman Sojka, Vice-Chair Fernandez, and Past Chair Zaragoza. All were present at the meeting on Monday, March 25, 2013 and they recommended the Fiscal Year 2013/2014 Draft Budget be approved as submitted.

Per the Administrative Code, a public hearing will be held at the April meeting. The final budget is scheduled for adoption at the Commission's June 2013 meeting at which time the Commission will conduct a second public hearing.

The Fiscal Year 2013/2014 proposed Draft Budget is a balanced budget and is a separate attachment to the agenda.



Item #13

April 5, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: VICTOR KAMHI, BUS SERVICES DIRECTOR
SUBJECT: HERITAGE VALLEY TRANSIT STUDY UPDATE

RECOMMENDATION

- Receive the status report and schedule formal action on the plan for the May 10th, 2013 meeting.

BACKGROUND

In July 2010, the VCTC awarded a contract to Moore and Associates to develop a sustainable Heritage Valley Transit Plan, using a Caltrans Community-Based Transportation Planning grant. The planning efforts were based on assumptions not reflective of the developments which were adopted as part of the VCTC Regional Transit Study. In September, 2012, the Commission authorized additional funding to address the concerns raised by the VCTC Countywide Transit Plan and the continuing evolution of the transit planning in the County. The consultant has completed the refinement of the recommendations for the continued and sustainable local transit services in the Heritage Valley. The recommendations include a service plan, a financial plan, and alternative governance/management options, including a recommendation. The service plan and financial plan are relatively straightforward. The final governance/management will need to be finalized in the near future through discussions by the three jurisdictions (the Cities of Santa Paula and Fillmore, and the County of Ventura). VCTC staff will assist in the transition and implementation, while continuing to work to implement the Countywide Transit Plan to allow local transit services to be provided and managed by the local jurisdictions.

A brief summary of the plan and recommendations is attached.



VENTURA COUNTY TRANSPORTATION COMMISSION HERITAGE VALLEY TRANSIT STUDY RECOMMENDATIONS SUMMARY

The Heritage Valley Study recommends implementation of a modified traditional fixed-route service comprised of local circulators, eligibility-based ADA paratransit service, and general public Dial-A-Ride service. These services would be coordinated with and supplemented by VISTA Highway 126 limited-stop service to Ventura (operated and funded by VCTC). This service model is intended to address issues raised during the community outreach portion of the study, including overcrowding, inability to secure reservations during peak periods, home-to-school travel, and service cost. Using vehicles with a larger seating capacity, providing fixed-route service in areas with higher ridership, and maintaining the current number of service hours would increase overall capacity without losing any access to transit service within the service area. Within the preferred alternative, the operating hours would mirror the current service; that is, from approximately 6 a.m. to 8 p.m.

A Joint Powers Agreement (JPA) is the preferred organizational model. It would facilitate community control over transit while allowing members to pool resources, including funding and capital assets. A JPA is more efficient than each community working alone and supports service coordination within the Heritage Valley. Most importantly, the greatest advantage of a JPA is that it focuses on a level of service that is right for the Heritage Valley as a whole. Management, administrative functions, and operations could each be contracted out if desired.

Revenue sources contained within the Financial Plan include Proposition 1B funds, FTA funds, TDA funds, and fare revenue. Expenses include operating and capital costs, program administration costs, and marketing costs. If implemented as outlined herein, this scenario will not only be able to operate well within existing funding parameters, but is also expected to exceed mandated TDA farebox recovery standards (20+ percent farebox recovery forecast in FY 2014).

Exhibit 1 Anticipated Budget

	FY 2014		FY 2015		FY 2016	
	Revenue	Expense	Revenue	Expense	Revenue	Expense
Proposition 1B funds	\$1,400,000	-	-	-	-	-
FTA funds	\$413,886	-	\$413,886	-	\$413,886	-
TDA funds	\$1,704,670	-	\$1,704,670	-	\$1,704,670	-
Fare revenue	\$250,232	-	\$258,755	-	\$267,575	-
Operating costs	-	\$1,242,800	-	\$1,274,884	-	\$1,307,827
Capital costs	-	\$1,402,546	-	\$4,243	-	\$1,060
Administration	-	\$60,000	-	\$60,000	-	\$60,000
Marketing	-	\$37,284	-	\$38,247	-	\$39,235
Total	\$3,768,788	\$2,742,630	\$2,377,311	\$1,377,374	\$2,386,131	\$1,408,122
Capital Reserve	\$1,026,158		\$999,937		\$978,009	

Note: some figures may differ slightly from the Study Report due to rounding.

All cost assumptions are based upon recent actual operating costs. The Heritage Valley would receive its allocation of Ventura County's Proposition 1B funds, which would be used to purchase vehicles. The forecast vehicle life of vans (8 years) and medium-duty cutaways (12 years) is greater than FTA guidelines based on actual recent experience. The County of Ventura currently contributes TDA funds equal to the separate contributions of the cities of Fillmore and Santa Paula (\$398,200). If Fillmore and Santa Paula agree to use all of their TDA funds for transit, their contributions would increase to \$431,261 and \$875,209, respectively. The County would maintain its current contribution (\$398,200) under this scenario, as it includes surplus funds.