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Regional Transportation Planning Agency - Local Transportation Commission  
Monterey County Service Authority for Freeways & Expressways  
Monterey County Regional Development Impact Fee Joint Powers Agency  
Email: [info@tamcmonterey.org](mailto:info@tamcmonterey.org)

## **MEASURE X CITIZENS OVERSIGHT COMMITTEE**

**Tuesday, February 21, 2023**

**\*\*2:00 PM\*\***

### **REMOTE CONFERENCE ONLY**

*There will be NO physical location of the meeting.*

*Please see all the special meeting instructions at the end of the agenda.*

**Join meeting online at**

**<https://us02web.zoom.us/j/819167755?pwd=VE91U1FBK1lwOEQzMGRhpdEMvY2tndz095>**

**OR**

**Via teleconference at +1 669 900 6833**

**Meeting ID: 819 167 755**

**Password: 614363**

#### **1. ROLL CALL**

Call to order and self-introductions. If you are unable to attend, please contact Elouise Rodriguez, Senior Administrative Assistant. Your courtesy to the other members to assure a quorum is appreciated.

#### **2. PUBLIC COMMENTS**

Any member of the public may address the Committee on any item not on the agenda but within the jurisdiction of the Committee. Under this item, each member of the public is allowed three minutes to address concerns. Comments in items on this agenda may be given when that agenda item is discussed. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to Maria at [maria@tamcmonterey.org](mailto:maria@tamcmonterey.org) by 5:00 pm the Thursday before the meeting, and such comments will be distributed to the Committee before the meeting.

Alternative Agenda Format and Auxiliary Aids: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact Transportation Agency staff at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish language interpreters, and printed materials in large print, Braille or on disk. These requests may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting and should be made at least 72 hours before the meeting. All reasonable efforts will be made to accommodate the request.

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### **3. BEGINNING OF CONSENT AGENDA**

Approve the staff recommendations for items listed below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

#### **3.1 APPROVE** the draft minutes of the October 18, 2022 committee meeting.

- Wright

### **END OF CONSENT AGENDA**

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#### **4. RECEIVE** an update on the results of the Measure X annual audit and compliance reporting for 2021/22.

- Zeller

*The purpose of the Measure X annual audit is to confirm that the funding recipients -- TAMC, the County of Monterey and the twelve incorporated cities -- have complied with the voter-approved requirements specified in Ordinance 2016-01 for the Transportation Safety and Investment Plan. One of the responsibilities of the Measure X Transportation Oversight Committee is to review the independent audits of the jurisdictions, and prepare and present an annual report regarding the administration of the program. A subcommittee of the Oversight Committee reviewed the reports and staff will provide information on the receipt and review of annual audit compliance data.*

#### **5. RECEIVE** update on Measure X regional projects on the state highway system.

- Bilse

***Measure X funds are critical to the successful construction of several projects planned on the state highway system in Monterey County. TAMC staff will be presenting an update on the main projects planned including: State Route 156/Castroville Boulevard Interchange, Scenic State Route 68 Corridor, US 101 South of Salinas, and SURF! Bus Rapid Transit project.***

6. **DISCUSS** options for meetings in 2023.

- Muck

***Amendments to the Brown Act complicate how TAMC can hold meetings starting in March 2023. The Executive Committee discussed meeting options on February 1 and voted to recommend the Board adopt a policy to follow traditional Brown Act rules to ensure a quorum of voting members at Board, Executive Committee, and Rail Policy Committee meetings, that will be discussed at the February 22 Board meeting.***

7. **ANNOUNCEMENTS**

8. **ADJOURN**

**ANNOUNCEMENTS**

Next Transportation Oversight Committee meeting:  
**Tuesday, April 18, 2023 at 2:00 p.m.**

**PHYSICAL LOCATION -**

**County Building at 1441 Schilling Place, Salinas CA, in the Cinnamon Conference Room.**

A quorum of voting members is required to be present in the same room to hold this meeting.

There will be a zoom link for hybrid participation.

**Voting members: please note that the circumstances in which you may remotely teleconference have been severely curtailed and require prior notice and only certain justifications. Click [here](#) for more detail.**

If you have any items for the next agenda, please submit them to:  
Theresa Wright  
eXcellent Transportation Oversight Committee Coordinator  
[theresa@tamcmonterey.org](mailto:theresa@tamcmonterey.org)

Important Meeting Information

Remote Meetings: On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhanced State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allowed local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. That order expired on September 30, 2021. Governor Newsom has now signed AB 361, and the TAMC Board of Directors approved a resolution to enact AB 361 on September 22, 2021. This legislation permits teleconferencing for Brown Act meetings during a state of emergency. Thus, TAMC meetings will convene remotely, until further notice. For remote meetings, the public is strongly encouraged to use the Zoom app for best reception. Prior to the meeting, participants should download the Zoom app at: <https://zoom.us/download>. A link to simplified instruction for the use of the Zoom app is: <https://blog.zoom.us/wordpress/2018/07/03/video-communications-best-practice-guide/>.

Remote Meeting Public Comment: Due to current circumstances, there may be limited opportunity to provide verbal comments during remote meetings. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to [maria@tamcmonterey.org](mailto:maria@tamcmonterey.org) by 5:00pm the Monday before the meeting. Such comments will be distributed to the Committee before the meeting. Members of the public participating by Zoom are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Chair.

Agenda Packet and Documents: Any person who has a question concerning an item on this agenda may call or email the Agency office to make inquiry concerning the nature of the item described on the agenda. Complete agenda packets are on display online at the Transportation Agency for Monterey County website. Documents relating to an item on the open session that are distributed to the Committee less than 72 hours prior to the meeting shall be available for public review at the Agency website. Agency contact information is as follows:

Transportation Agency for Monterey County  
www.tamcmonterey.org  
55B Plaza Circle, Salinas, CA 93901  
TEL: 831-775-0903  
EMAIL: info@tamcmonterey.org

Agenda Items: The agenda will be prepared by Agency staff and will close at noon nine (9) working days before the regular meeting. Any member of the Committee may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.



## ***Memorandum***

**To:** Measure X Citizens Oversight Committee  
**From:** Theresa Wright, Community Outreach Coordinator  
**Meeting Date:** February 21, 2023  
**Subject:** **Measure X Citizens Oversight Committee Minutes**

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### **RECOMMENDED ACTION:**

**APPROVE** the draft minutes of the October 18, 2022 committee meeting.

### **ATTACHMENTS:**

- ▣ Draft October 2022 XTOC Minutes

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)**  
**Measure X Citizens Oversight Committee (X-TOC)**  
**DRAFT minutes of October 18, 2022, Meeting**  
Held via a Zoom Meeting due to COVID-19 pandemic

<b>Voting Members</b>	<b>NOV 20</b>	<b>FEB 21</b>	<b>APR 21</b>	<b>AUG 21</b>	<b>OCT 21</b>	<b>FEB 22</b>	<b>APR 22</b>	<b>AUG 22</b>	<b>OCT 22</b>
Kevin Dayton <b>Salinas Valley Taxpayers Association</b> <i>(Rick Giffin)</i>	P	P	P	P	P	P	P	P	P
Jesus Valenzuela <b>Transit Users</b> <i>(Andrea Manzo)</i>	P	P	E	A	E	E	E	E	E
Janet Brennan <b>League of Women Voters</b> <i>(Howard Fosler)</i>	E	P	P	P	P	P	P	P	P
Tom Rowley <b>Monterey Peninsula Taxpayers Association</b> <i>(Rick Heuer)</i>	P	P	P	P	P	P	P	P	P
Kalah Bumba <b>Senior or disabled services agency</b> <i>(Teresa Sullivan)</i>	P	P	A	A	A	P	E	E	E
Victoria Beach, Chair <b>Bicycling Advocate</b> <i>(vacant)</i>	P	P	A	P	P	P	P	P	P
Rod Smalley <b>Labor Organization</b> <i>(Glen Schaller)</i>	P	A	A	P	P	P	P	P	P
Cliff Fasnacht <b>Central Coast Builders Association</b> <i>(Kristine O'Dell)</i>	A	A	A	A	-	E	E	-	-
John Haupt <b>Salinas Valley Chamber of Commerce</b> <i>(John Bailey)</i>	A	A	P	A	-	E	E	-	E
Jonathan Geisler <b>Monterey Peninsula Chamber of Commerce</b> <i>(Monica Lal)</i>	A	A	P	A	P	P	P	P	-
Scott Waltz <b>Habitat Preservation</b> <i>(Rachel Saunders, Big Sur Land Trust)</i>	P	P	P	E	P	E	E	P	P

Barbara Meister <b>Hospitality</b> (vacant)	P -	P -	P -	E -	P -	P -	P -	P -	P -
Norm Groot <b>Agriculture</b> (Paul Arnaudo)	P P(A)	A P(A)	P P(A)	P P(A)	E P(A)	P P(A)	P P(A)	P P(A)	P P(A)
Brent McFadden <b>Education</b> (Darren Fort)	A -	A -	A -	A -	E -	E -	E -	- -	E -
Paula Getzelman <b>South County</b> (Carol Kenyon)	P P(A)	P P(A)	P -	P P(A)	P P(A)	P P(A)	P -	P E	P P(A)
Chris Barrera <b>Latino Organization</b> (vacant)	P V	P V	P V	E V	P V	P V	P V	P -	- -
Steve Snodgrass <b>North County</b> (vacant)	E -	A -	A -	A -	E -	E -	E -	- -	P -
Robin Lee <b>Pedestrian</b> (Laurie Eavey)	A P(A)	P -	P -	A P	P -	P -	P -	P -	P -
Natalie Olivas <b>Youth/College</b> (Gabriella Ulloa)	P P(A)	A -	P -	P P(A)	P P	E -	E -	P -	P -
Sean Hebard <b>Construction</b> (Keith Severson)	P P(A)	P P(A)	P P(A)	P P(A)	- P(A)	P P(A)	P P(A)	P P	P P
<b>TRANSPORTATION AGENCY STAFF</b>									
Todd Muck, Executive Director	P	P	P	P	P	P	P	P	P
Theresa Wright, Community Outreach Coordinator	P	P	P	P	P	P	P	P	P
Mike Zeller, Director of Programming & Project Delivery	P	P	P	P	P	P	P	P	P
Robert Brayer, Legal Counsel	-	-	-	-	-	E	E	E	E
Rita Goel, Deputy for Admin & Finance	-	-	-	-	-	E	E	E	E
Laurie Williams, Transportation Engineer	-	-	-	-	-	P	E	P	P
Maria Montiel, Administrative Assistant	P	P	P	P	P	P	P	P	P
Ariana Green, Principal Transportation Planner	E	-	-	-	-	-	-	-	-

Doug Bipse, Principal Engineer	-	-	-	-	-	-	-	P	-
Alissa Guther, Assistant Transp. Planner									P
Janneke Strause, Transportation Planner	-	-	-	-	-	-	P	P	-
<b>P = present</b> <b>P(A)= present (alternate)</b> <b>E = excused absence</b> <b>A = unnoticed absence</b> <b>- = alternate absent</b> <b>V = vacant position</b>									
<b>OTHERS PRESENT</b>									

**1. WELCOME**

Barbara Meister, Committee Chair, called the meeting to order at 2:01 p.m. A quorum was established, and Maria Montiel took roll call.

**2. PUBLIC COMMENT**

Committee member Victoria Beach announced that she was alerted from the local waste water district that they are thinking about opening up the bridge that goes over the Carmel River, and relevant to Safe Routes to School because the pedestrian bridge will connect with other mobility projects.

**3. CONSENT AGENDA**

**M/S/C** Brennan/Rowley/unanimous  
 Abstained: Steve Snodgrass

- 3.1** Approved draft minutes of the August 16, 2022, committee meeting with a date correction on the draft April 2022 minutes approved during the August meeting.
- 3.2** Received the 2023 Measure X Citizens Oversight Committee Meeting Schedule.



**4**            **ELECTION OF COMMITTEE CHAIR AND VICE CHAIR**

The Committee received a call for nominations and elected a Chair and Vice Chair of the Measure X Citizens Oversight Committee, for a two-year term beginning January 1, 2023.

Chair Barbara Meister reported that the Oversight Committee's purpose is to be an additional layer of accountability so that the public is assured that the Transportation Agency, the County of Monterey and the participating cities are operating consistent with the terms of the Ordinance.

The Committee's duties as defined in the Policies & Project Descriptions for the Transportation Safety & Investment Plan are as follows:

- Conduct independent audits to assure that funds are being expended in accordance with requirements of the Transportation Safety & Investment Plan;
- Review and make recommendations on any proposed changes to the plan, prior to the Transportation Agency Board consideration;
- Prepare annual reports regarding the administration of the program, to be presented to the Transportation Agency Board of Directors and available for public review.

**M/S/C**

Brennan/Meister/unanimously

Committee member Janet Brennan nominated Norm Groot for the 2023 and 2024 Chair and the motion was seconded by Committee member Barbara Meister.

Committee member Rod Smalley nominated Barbara Meister for Chair. Committee member Barbara Meister declined but stated she was honored to be nominated.

**M/S/C**

Getzelman/Groot/unanimously

Committee member Paula Getzelman nominated Sean Hebard for the 2023 and 2024 Vice Chair and the motion was seconded by Committee member Norm Groot.

**5. ELECTION OF AUDIT SUB-COMMITTEE**

The Committee received a call for nominations and elected members to serve on the Measure X Audit Sub-Committee.

Chair Barbara Meister requested nominations to elect Oversight Committee members to serve on the audit sub-committee with the Committee's Chair and Vice Chair to conduct the independent audit for fiscal year 2021/2022 and to prepare the annual audit report.

**M/S/C** Severson/Getzelman/unanimously

Committee member Keith Severson nominated Steve Snodgrass and Natalie Olivas and the motion was second by Paula Getzelman. They will meet with 2023 Chair Norm Groot and 2023 Vice Chair Sean Hebard and Past Chair Barbara Meister to conduct the audit and prepare the annual report.

Chair Meister noted that the Measure X Audit Sub-Committee members will meet in mid-January 2023 to conduct the audit and draft the annual audit report.

**6. SENIOR & DISABLED TRANSPORTATION PROGRAM GRANT REVIEW COMMITTEE APPOINTMENT**

The Committee received a request to appoint a committee member to serve on the Senior & Disabled Transportation Program Grant Review Committee.

Aaron Hernandez, Assistant Transportation Planner reported that as part of a requirement from the Senior & Disabled Transportation Program Guidelines, a grant review committee must be formed to review and score the applications for Cycle 3. The review committee must be comprised of Transportation Agency staff, a member from the Monterey-Salinas Transit Mobility Advisory Committee, and a member from the Measure X Citizens Oversight Committee. He noted that the committee will meet to score Cycle 3 applications and conduct site visits. In conclusion, Mr. Hernandez reported that the review period is currently scheduled for December 2022. However, should the committee need more time to review, the review period can be extended into January 2023. Transportation agency staff asked for the Citizens Oversight Committee to appoint one of its members to serve on the grant review committee.

Committee member Paula Getzelman volunteered to serve on the grant review committee.

Committee member Kevin Dayton volunteered to serve on the grant review committee.

Theresa Wright, Community Outreach Coordinator, will reach out to Senior & Disabled Services Representative Kalah Bumba to serve on the grant review committee. She noted that alternate representative Teresa Sullivan won't be able to serve due to a conflict of interest.

**7. MEASURE X QUARTERLY REVENUE FORECAST**

Committee members received an update on the quarterly Measure X revenue forecast and the status of the regional projects.

Mike Zeller, Director of Programming & Project Delivery, reported an update on the Measure X revenue. He noted that the revenues from June through August were 20% above the first sales period in 2021. The Measure X program’s existing fund balance along with new revenues will allow the Measure X program of projects to stay on track to meet programmed local match requirements for the next five years. Mr. Zeller noted that since 60% of the Measure X funds are allocated to the cities and County, these increased revenues will primarily accrue for local road and street projects.

The Committee had the following comments and input on the quarterly Measure X revenue forecast:

- Consider resources to schools on leveraging for Safe Routes to School
- Keep in mind those activist groups that don’t like some projects
- Exciting to see revenue almost double what we were expecting in this last year
- Can we expect significant decline in revenue due to inflation
- Consider coordinating with Transportation Agency revenue firms and bring back information at future meeting
- Coordinate with Coastal Commission staff on support
- Consider set aside funding for the shortfall on the highway 156 project
- Asked on the details of the SURF Project lawsuit

**8. ANNOUNCEMENTS AND/OR COMMENTS**

Committee member Norm Groot thanked Chair Meister for her service and chairing through the pandemic.

Theresa Wright thanked Chair Meister and Vice-Chair Getzelman for serving and reminded the committee on the next meeting date February 21, 2023.

**9. ADJOURNMENT**

Chair Meister adjourned the meeting at 3:06 p.m.



## **Memorandum**

**To:** Measure X Citizens Oversight Committee  
**From:** Michael Zeller, Director of Programming & Project Delivery  
**Meeting Date:** February 21, 2023  
**Subject:** Measure X FY 2021/22 Annual Audits

### **RECOMMENDED ACTION:**

**RECEIVE** an update on the results of the Measure X annual audit and compliance reporting for 2021/22.

### **SUMMARY:**

The purpose of the Measure X annual audit is to confirm that the funding recipients -- TAMC, the County of Monterey and the twelve incorporated cities -- have complied with the voter-approved requirements specified in Ordinance 2016-01 for the Transportation Safety and Investment Plan. One of the responsibilities of the Measure X Transportation Oversight Committee is to review the independent audits of the jurisdictions, and prepare and present an annual report regarding the administration of the program. A subcommittee of the Oversight Committee reviewed the reports and staff will provide information on the receipt and review of annual audit compliance data.

### **FINANCIAL IMPACT:**

Approved by 67.71% of the voters in 2016, Measure X was projected to generate an estimated \$20 million annually, for a total of \$600 million over thirty years. The funding source is a retail transactions and use tax of 3/8% per dollar spent. Actual revenues have been significantly higher, with 2018/19 receipts (the second full year of Measure X receipts) totaling \$30.5 million. Measure X revenues dropped to \$28.198 million in 2019/20, rose to \$32.01 million in 20/21, and increased again to \$38.133 million in 2021/22.

### **DISCUSSION:**

The Transportation Agency has fiduciary responsibility for the administration of the voter-approved Transportation Safety and Investment Plan (Measure X) funds. Each jurisdiction entered into a tax sharing agreement with the Transportation Agency in order to receive their share of Measure X Local Streets & Roads revenues. In exchange, these agreements require the jurisdictions to submit audit reports annually to the Transportation Agency detailing the steps taken to comply with the implementing ordinance.

In accordance with the Policies & Project Descriptions for the Transportation Safety & Investment Plan, an Oversight Committee representing a diverse range of community interests was formed. The Measure X Transportation Oversight Committee established a subcommittee to conduct the review of the independent audits of the revenues and expenditure of Measure X funds. The subcommittee was asked to report the results of the audit to the full committee at their next meeting and to prepare the Measure X Annual Report.

The fifth year of Measure X reporting, for fiscal year 2021/22, was due on December 31, 2022. For this year's independent audits, there has again been a marked improvement in compliance by the jurisdictions from the previous

reporting period. All of the jurisdictions submitted their complete reports by the deadline with the exception of Greenfield and Salinas. After an initial review of the reports, Agency staff has reached out to request more information from Sand City regarding not meeting their maintenance of effort requirement.

The reports received from the jurisdictions can be found in the **web attachment** link at the bottom of this staff report and a summary of the compliance review is included in the table below:

City or County	Funds Received	Reports Submitted on Time?	Annual Program Compliance Report	Maintenance of Effort	5-Year Program of Projects	Independent Financial Audit	Pavement Management Report
Monterey County	\$9,713,922	Yes	Yes	Yes	Yes	Yes	Yes
Carmel	\$256,099	Yes	Yes	Yes	Yes	Yes	Yes
Del Rey Oaks	\$97,396	Yes	Yes	Yes	Yes	Yes	Yes
Gonzales	\$332,972	Yes	Yes	Yes	Yes	Yes	Yes
Greenfield	\$673,109	<b>NO</b>	Yes	Yes	Yes	Yes	Yes
King City	\$562,041	Yes	Yes	Yes	Yes	Yes	Yes
Marina	\$992,654	Yes	Yes	Yes	Yes	Yes	Yes
Monterey	\$1,312,192	Yes	Yes	Yes	Yes	Yes	Yes
Pacific Grove	\$779,615	Yes	Yes	Yes	Yes	Yes	Yes
Salinas	\$5,801,761	<b>NO</b>	Yes	Yes	Yes	Yes	Yes
Sand City	\$38,580	Yes	Yes	<b>NO</b>	Yes	Yes	Yes
Seaside	\$1,262,347	Yes	Yes	Yes	Yes	Yes	Yes
Soledad	\$836,280	Yes	Yes	Yes	Yes	Yes	Yes
<b>Total</b>	<b>\$22,658,968</b>						

The Transportation Agency is responsible for the implementation of the regional component of Measure X and is in the process of completing the Agency's annual audit. Agency staff will present the staff's review of the 2021/22 audit reports from the cities and county.

**WEB ATTACHMENTS:**

[City and County Annual Reports on Measure X Spending](#)



**Memorandum**

**To:** Measure X Citizens Oversight Committee  
**From:** Doug Bipse, Principal Engineer  
**Meeting Date:** February 21, 2023  
**Subject:** Measure X State Highway Projects Update

**RECOMMENDED ACTION:**

**RECEIVE** update on Measure X regional projects on the state highway system.

**SUMMARY:**

Measure X funds are critical to the successful construction of several projects planned on the state highway system in Monterey County. TAMC staff will be presenting an update on the main projects planned including: State Route 156/Castroville Boulevard Interchange, Scenic State Route 68 Corridor, US 101 South of Salinas, and SURF! Bus Rapid Transit project.

**FINANCIAL IMPACT:**

Measure X allocates 60% of its monies to the cities and County, and 40% of its funding towards regional projects and "mobility for all" projects and programs. The TAMC Integrated Funding Strategy specifies when regional projects and programs will receive funding and what share of matching funds will need to be leveraged. The Measure X amount available to each of these regional road safety projects over its 30-year lifetime is as follows:

- Scenic State Route 68 Corridor Improvements (\$50 million)
- State Route 156 / Castroville Blvd Interchange (\$30 million)
- US 101 South of Salinas Improvements (\$30 million)
- SURF! Highway 1 Busway (\$15 million)

**DISCUSSION:**

Measure X provides \$160 million to regional transportation projects from the total \$600 million expected to be generated from the sales tax measure. This presentation is intended to update Measure X Citizens Oversight Committee members on four regional transportation projects that have been allocated \$125 million and are leveraging Measure X Sales Tax funds.

- State Route 156/Castroville Boulevard Interchange
- US 101 South of Salinas
- Scenic State Route 68 Corridor
- SURF! Bus Rapid Transit

Each of these projects has experienced significant progress over the past 3 months. Following is a brief overview of this progress highlighting specific milestones achieved:

State Route 156/Castroville Boulevard Interchange

The State Route 156 / Castroville Boulevard interchange is the first stage of the State Route 156 West Corridor Project between Highway 1 and US 101. The overall project has completed the environmental phase. The State Route 156 / Castroville Boulevard Interchange is currently in the design and right-of-way phase. Caltrans is leading the design with the Transportation Agency providing project management and roundabout design support. The final design plans have been completed.

Current work is focused on obtaining permits from the California Coastal Commission/County of Monterey and the Department of Fish and Wildlife which are expected to be approved in April of this year. This project impacts the Santa Cruz Long-toed Salamander habitat near the Moro Cojo Slough. Senate Bill 1231 allows the Department of Fish and Wildlife to issue a permit for enhanced mitigation of the endangered species. This legislature allows TAMC to implement safety improvements to eliminate collisions and fatalities at an environmentally sensitive location. Staff is working with Pacific Gas and Electric (PG&E) to identify work that needs to be done related to utility relocation, and this has been a challenging task. Once these outstanding issues are resolved Caltrans anticipates circulating a Request for Bids to select a contractor to construct the project.

#### US 101 South of Salinas

Back in 2003 a project study report was completed for the US 101 South of Salinas corridor aimed at improving safety and adding road capacity from Abbott Street in Salinas to Main Street in Chualar. The improvements identified in the 2003 document proposed a US 101 bypass that does not align with the preservation of agricultural land and the State's focus on reducing vehicle miles traveled. The Transportation Agency conducted extensive public outreach to identify a new project focused on addressing safety issues using the current alignment of US 101. The new project proposes to upgrade the interchanges at Abbott Street and Main Street in Chualar, and construct a frontage road on both sides of US 101 to eliminate fatal and injury crashes occurring along at-grade highway intersections.

A technical memo updated the 2003 Project Study Report and Caltrans is now developing preliminary designs according to the project's new direction. TAMC staff is organizing an extensive community outreach plan that will allow an opportunity for Chualar residents and adjacent community members to provide insight during the project design process. This is expected to assist designers develop plans that attempt to address specific issues raised by the local community with a goal of building public support during the construction of this important project.

The Federal Highway Administration has earmarked \$1 million for the "US 101 Auxiliary Lane - South of Salinas" project. The earmark, sponsored by Congressman Jimmy Panetta and Senator Alex Padilla is included in the Consolidated Appropriations Act for Fiscal Year 2023. This auxiliary lane increases the length of the deceleration lane a driver uses to exit US 101 at Spense Road. The auxiliary lane also allows vehicles more space to accelerate as they attempt to enter US 101. This project will address safety issues by allowing vehicles to access US 101 at safe speeds.

#### Scenic State Route 68 Corridor

Caltrans has completed conceptual designs to replace the nine existing traffic signals between Joselyn Canyon Road to the Salinas River Bridge. One alternative plan will construct roundabouts at each signalized intersection. The second alternative will enhance the existing signalized intersections. Caltrans will be the lead agency and responsible for the preparation of the technical studies and environmental impact report. The Transportation Agency is providing project management and design oversight. The critical path for the project is the certification of the environmental impact report by the California Transportation Commission. The project environmental review has commenced and is expected to be ready for public review by the end of 2023. An extensive public outreach effort is being coordinated with the public review of the draft environmental document. The Transportation Agency is collaborating with Caltrans to identify opportunities to use State Highway Operations and Protection Program (SHOPP) funds to leverage Measure X funding for this project.

#### SURF! Bus Rapid Transit

The SURF! Busway and Bus Rapid Transit Project is part of a larger effort to build a modern mobility network for the

Monterey Peninsula and beyond. The proposed SURF! line is a 6-mile bus-only corridor parallel to Highway 1 along the Monterey Branch line rail right-of-way that links Marina, Sand City, and Seaside. The project includes a new transit hub in former Fort Ord that provides access to California State University Monterey Bay. Several bicycle facility improvements will be constructed as part of the project. The Monterey-Salinas Transit District is leading the project and the Transportation Agency is providing project management support and design oversight.

The design consultants for this project recently submitted the 60% plans and are preparing the 95% plans. Public outreach will be coordinated with the final stages of plan development. MST was awarded a \$25 million grant from the State's Transit and Intercity Rail Capital Program (TIRCP) that will fund a significant amount of the project construction costs. MST recently selected a Construction Manager/General Contractor (CM/GC) that has started a thorough review of the current plans. CM/GC is a project delivery method that brings a contractor onto the project team earlier than normal in the hopes of identifying cost reduction strategies and ways to expedite construction.





## **Memorandum**

**To:** Measure X Citizens Oversight Committee  
**From:** Todd Muck, Executive Director  
**Meeting Date:** February 21, 2023  
**Subject:** **Ralph M. Brown Act update**

### **RECOMMENDED ACTION:**

**DISCUSS** options for meetings in 2023.

### **SUMMARY:**

Amendments to the Brown Act complicate how TAMC can hold meetings starting in March 2023. The Executive Committee discussed meeting options on February 1 and voted to recommend the Board adopt a policy to follow traditional Brown Act rules to ensure a quorum of voting members at Board, Executive Committee, and Rail Policy Committee meetings, that will be discussed at the February 22 Board meeting.

### **FINANCIAL IMPACT:**

Financial impacts of returning to in-person meetings are included in the Agency budget for meeting administration. Some meeting locations may incur a cost for reservations. There are also administrative costs associated with the tracking of a quorum and ensuring remote locations follow Brown Act rules of being available to the public, connected to the videoconference, and are posted appropriately.

### **DISCUSSION:**

Until March 2023, Agency Board and Committee meetings can continue to be held via remote conferencing under the Governor's declared state of emergency, which he has announced will terminate on February 28, 2023. Starting in March, TAMC will resume in-person meetings, following the rules for hybrid remote/in-person participation pursuant to the Brown Act. Staff has worked to identify meeting rooms that can be used for Board and Committee meetings to enable hybrid options for all meetings.

The remote option under the traditional Brown Act is allowed so long as the agenda is posted at all in-person locations, and all those locations are accessible to the public, and the meeting location is posted on the agenda at least 72 hours in advance of the meeting.

Assembly Bill (AB) 2449 revised the Brown Act rules for remote participation that restricts the way that Board or Committee members may participate remotely from a non-publicly accessible location. First, any such member must notify the Board or Committee in advance of the justification for needing to participate remotely, strictly limited to two categories: "just cause" and "emergency circumstances". This type of Board or Committee member remote participation is limited to 20% of the meetings, meaning no more than one Committee meeting, per year, per member, as the Measure X Citizens Oversight Committee meets four times per year.

AB 2449 also requires that, to teleconference remotely at a non-publicly accessible location, there be a physical

quorum in a single location in the agency's jurisdiction (Monterey County). Consequently, any Board/Committee member participating remotely, either through the traditional Brown Act or AB 2449, would not count toward that quorum requirement. Note that this does not affect the more general need for a quorum for purposes of holding the meeting.

On February 1, the Executive Committee discussed the pros and cons of using the provisions under AB 2449 and how that could complicate and possibly prevent meetings from securing a quorum. The Committee discussed the option of using both the traditional Brown Act and AB 2449 remote participation rules, the option of using only AB 2449 (and not allowing remote participation except under those emergency/ just cause circumstances), or using only the traditional Brown Act (allowing remote participation for Board/Committee members from publicly available, noticed locations).

The Committee voted to recommend the Board adopt a policy that the Board, Executive Committee, and Rail Policy Committee would only use the traditional Brown Act rules for remote participation for voting members. Non-voting members, members of the public, and staff will still be able to participate from any location.

The other Committees - the Bicycle and Pedestrian Facilities Advisory Committee, the Technical Advisory Committee, and the Measure X Citizens Oversight Committee - all have their own bylaws, but may follow the Board's lead in this matter.

Below are the options the Executive Committee discussed in developing the recommendation for this policy for member teleconferencing:

1. **Option #1:** Members may use either AB 2449 or traditional Brown Act teleconferencing.
  - Pros: The most flexible option. Members can choose which method suits them in a particular instance.
  - Cons: Difficult to administer and track. Complications, potentially involving the meeting quorum and/or the AB 2449 quorum, may arise if members take advantage of both methods in a single meeting. For example, a member that teleconferences under the traditional Brown Act counts toward a quorum for the meeting and voting purposes, but would not count toward the in-person quorum requirement that would allow other members to teleconference under AB 2449.
2. **Option #2:** Members may only use AB 2449 teleconferencing.
  - Pros: More simple than Option #1; avoids complications from the interaction of AB 2449 and traditional Brown Act teleconferencing methods.
  - Cons: Less flexibility. At least one Board member has expressed an interest in using traditional Brown Act teleconferencing for the Rail Policy and Executive Committee meetings.
3. **Option #3:** Members may only use traditional Brown Act teleconferencing.
  - Pros: More simple than Option #1 and more flexible than Option #2. Avoids any complications from using both methods. Reduces staff time/expense on tracking.
  - Cons: Does not address emergency situations where a member needs to teleconference at the last minute and is unable to timely agendaize the remote location and/or has issues with opening that location to the public.

Option #3 is the easiest to administer method that would 1) be the simplest; 2) avoid tricky quorum issues and complex tracking requirements; and 3) still allow members to teleconference without numerical or justification limits. Finally, although Option #3 does not address emergency situations, alternates could be used in many cases to mitigate this issue.