AGENDA

TRANSPORTATION AGENCY FOR MONTEREY COUNTY
SERVICE AUTHORITY FOR FREEWAYS EMERGENCIES
AND
MONTEREY COUNTY REGIONAL DEVELOPMENT IMPACT FEE
JOINT POWERS AGENCY

EXECUTIVE COMMITTEE
Members are: Jane Parker (Chair),
Kimbley Craig (1st Vice Chair), Fernando Armenta (2nd Vice Chair),
Jerry Edelen (Past Chair),
Dave Potter (County representative), Alejandro Chavez (City representative)

Wednesday, November 5, 2014
TAMC Conference Room
55-B Plaza Circle, Salinas

***9:00 a.m.***

Complete agenda packets are on display at the Transportation Agency for Monterey County office and at these public libraries: Carmel, Monterey, Salinas Steinbeck Branch, Seaside, Prunedale, and King City. Any person who has a question concerning an item on this agenda may call the Agency Secretary to make inquiry concerning the nature of the item described on the agenda. Please recycle this agenda.

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 Transportation Agency and Executive Committee. Comments on items on today's agenda may be given when that agenda item is discussed.
BEGINNING OF CONSENT AGENDA: Approve the staff recommendations for items 3.1-3.4 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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Action</th>
<th>Description</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>APPROVE</td>
<td>minutes from the Executive Committee meeting of October 1, 2014. – Rodriguez</td>
<td>Pages 5 - 8</td>
</tr>
<tr>
<td>3.2</td>
<td>RECOMMEND</td>
<td>that the Transportation Agency for Monterey County Board approve calendar year 2015 schedule of meetings for Agency Board of Directors and Executive Committee. – Goel</td>
<td>Pages 9 - 12</td>
</tr>
<tr>
<td>3.3</td>
<td>RECOMMEND</td>
<td>the Board approve draft legislative contract evaluation protocol. – Watson</td>
<td>Pages 13 - 14</td>
</tr>
<tr>
<td>3.4</td>
<td>RECEIVE</td>
<td>report regarding the basewide environmental insurance coverage offered to TAMC by the Fort Ord Reuse Authority (FORA).</td>
<td>Pages 15 - 16</td>
</tr>
<tr>
<td></td>
<td>RECOMMEND</td>
<td>to TAMC Board that the Executive Director be given the authority to purchase $2 Million of environmental insurance coverage. Delfino</td>
<td></td>
</tr>
</tbody>
</table>

END OF CONSENT AGENDA

4. PROVIDE direction and guidance to staff on the assumptions for the three-year operating budget for fiscal years 15/16, 16/17, and 17/18. – Goel

No Enclosures

5. RECEIVE update on statewide Cap and Trade program guidelines and regional efforts to influence the project selection criteria and “disadvantaged communities” definitions. – Watson/Zeller

Pages 17 - 18
6. **APPOINT** a Nominating Committee to meet and return to Board of Directors on January 28, 2015 with recommendations for Board Chair, 1st Vice Chair, 2nd Vice Chair, and Executive Committee to serve one-year terms beginning upon their election through the next election of officers at the January 27, 2016 Board meeting. – Goel

7. **RECEIVE** report on draft agenda for TAMC Board meeting of December 3, 2014. – Hale (Handout)

8. **ADJOURN**

Next Executive Committee meeting is:
Wednesday, January 8, 2015
Please mark your calendars.

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 inspection at the office of the Transportation Agency for Monterey County, 55-B Plaza Circle, Salinas, CA. Documents distributed to the Committee at the meeting by staff will be available at the meeting; documents distributed to the Committee by members of the public shall be made available after the meeting.

Transportation Agency for Monterey County
55-B Plaza Circle, Salinas, CA 93901-2902
Monday thru Friday
8:00 a.m. – 5:00 p.m.
TEL: 831-775-0903
FAX: 831-775-0897
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 at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish Language interpreters and printed materials, 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.
DRAFT MINUTES

TRANSPORTATION AGENCY FOR MONTEREY COUNTY
SERVICE AUTHORITY FOR FREEWAYS EMERGENCIES AND MONTEREY
COUNTY REGIONAL DEVELOPMENT IMPACT FEE
JOINT POWERS AGENCY

EXECUTIVE COMMITTEE MEETING

Members are: Jane Parker (Chair),
Kimbley Craig (1st Vice Chair), Fernando Armenta (2nd Vice Chair),
Jerry Edelen (Past Chair),
Dave Potter (County representative), Alejandro Chavez (City representative)

Wednesday, October 1, 2014
*** 9:00 a.m. ***
Transportation Agency Conference Room
55-B Plaza Circle, Salinas

1. CALL TO ORDER: Chair Parker called the meeting to order at 9:00 a.m. Board
members present: Chavez, Craig, Edelen, and Potter. Staff present: Goel, Hale, Leonard,
Muck, Rodriguez, and Watson.
Others present: Agency Counsel Reimann and Sam Teel, MCHA. Committee member
Armenta arrived after approval of the consent agenda.

2. PUBLIC COMMENTS: None.

3. CONSENT AGENDA:
On a motion by Board member Potter and seconded by Board member Craig, the
committee voted 5 – 0, to approve the consent agenda.

3.1 APPROVED minutes from the Executive Committee meeting of September 3, 2014.

3.2 RECEIVED information on cap and trade funding program guideline comments.

3.3 RECEIVED the call for nominations for the thirteenth annual Transportation Agency
Excellence awards to honor individuals, businesses, groups or projects for their efforts to
improve the transportation system in Monterey County.

END OF CONSENT
4. **2015 Legislative Program**

The Committee reviewed and discussed the draft 2015 Legislative Program. On a motion by Committee Member Potter, seconded by Committee Member Chavez, the Committee voted 6 – 0 to approve the draft 2015 TAMC Legislative Program with modifications.

Christina Watson, Principal Transportation Planner, presented the draft 2015 Legislative Program, noting that the purpose of the legislative program is to set general principles to guide staff and Board responses to proposed legislative or budgetary issues. The program also notifies state representatives of the Transportation Agency’s position on issues of key importance to the agency.

Committee Member Potter requested that an item be added to the draft program seeking funding for transit-oriented development projects. Chair Parker asked that it also include active transportation projects. Executive Director Hale noted that staff would also add an item seeking a waiver to the 2% state cap on local transportation sales taxes.

5. **State Legislative Analyst/Advocate Contract**

On a motion by Committee Member Armenta, seconded by Committee Member Potter, the Committee voted 4 – 2 to recommend that the Board:

1. Authorize the Executive Director to execute a contract with JEA & Associates, in an amount not to exceed $30,000, to provide state legislative analyst/advocate services, for one year;
2. Approve the use of local funds budgeted to this purpose;
3. Authorize the Executive Director to make administrative changes to the contract if such changes do not increase the Agency’s net cost, subject to approval by Agency counsel; and
4. Direct staff to develop a performance evaluation protocol for this contract and provide feedback to the Board in six months and one year.

Christina Watson, Principal Transportation Planner, reported that TAMC released a Request for Qualifications for state legislative analyst/advocate services in July 2014. Four statements of qualifications were submitted. Interviews were held with three firms on August 25, 2014. Staff recommended selection of Nossaman due to their impressive legislative expertise in transportation issues and their ability to do grant-writing for the Agency and provide limited federal support as well. The Agency budget set aside local funds in fiscal year 2014/15 totaling $30,000 for state legislative assistance services and $5,000 for federal legislative assistance services. Staff proposed setting up a contract with Nossaman for state and federal legislative assistance, for one year and the option for two one-year renewals, for a total cost of $35,000 per year.

Committee Member Potter noted that the current state legislative consultant, JEA & Associates, has served the Agency well, and that the Agency should assess their work...
prior to terminating their contract. He also noted that the County legislative platform includes TAMC priorities in order to assist the Agency with federal legislative efforts.

Mr. Armenta expressed his disagreement with the staff recommendation and the RFQ process. He requested that Board Members be involved in the process of reviewing submittals and interviews. He also requested a performance review of the contract and a full Board discussion on the evaluation process. He expressed his belief that an extension of the contract with JEA & Associates would be best for the Agency.

Counsel Reimann clarified that the current contract with JEA & Associates has expired and that it is a new contract that is under consideration, rather than a termination or an extension of an existing contract. Mr. Edelen said that an evaluation process assumes that the consultant is expected to retain the job, similar to an employee, rather than giving all consultants the chance to compete for the work. He noted that the staff recommendation of a one-year contract would allow the Agency to go back to JEA & Associates if Nossaman is not performing well.

Chair Parker stated her concerns related to not selecting the top-ranked firm. She also noted that the state is implementing new and complex funding programs for transportation and that Nossaman has more expertise in these programs and could help the Agency to understand these new programs and secure funding for Agency projects.

Mr. Armenta made a motion for a one-year contract with JEA & Associates with performance measures. Mr. Potter seconded the motion.

Ms. Craig requested that the motion be clarified. Mr. Potter modified the motion to include a six-month and one-year review of the contract, and an option to extend the contract with the approval of the Executive Committee. Chair Parker summarized the motion on the table:

1) New one-year contract with JEA & Associates;
2) New process of evaluation;
3) Six-month review; and
4) One-year review.

The vote was called, and Members Potter, Armenta, Craig and Chavez voted in favor. Chair Parker and Member Edelen dissented.
6. **RECEIVED** verbal update on the Caltrans audit. Executive Director Hale reported that the Caltrans Audit focused the need to update or develop policies for request for qualifications, administering contracts, contract management, construction management, change order and financial and accounting policies. She noted that a key issue is how much money could be requested for repayment, noting the amount has not been finalized. Staff has disputed the rationale Caltrans used to determine the proposed payback amount, and is working with Caltrans to reduce the amount required to be paid back.

7. **RECEIVED** a report on the draft agenda for TAMC Board meeting of October 22, 2014. Executive Director Hale highlighted the draft TAMC Board agenda for October 22, 2014. She reported that staff added to the TAMC agenda item 1.1, “Additions or Corrections to the agenda” per Board member request. She noted that at the request of the Executive Committee the State Legislative Analyst/Advocate Services would be moved to the regular agenda with the recommendation as modified.

8. **ADJOURNMENT**
Chair Parker adjourned the meeting at 10:40 a.m.

[Signature]
Elouise Rodriguez, Senior Administrative Assistant
Memorandum

To: Executive Committee

From: Rita Goel, Director of Finance & Administration

Meeting Date: November 5, 2014

Subject: 2015 SCHEDULE OF MEETINGS

RECOMMENDED ACTION:

RECOMMEND that the Transportation Agency for Monterey County Board
APPROVE calendar year 2015 schedule of meetings for Agency Board of Directors and
Executive Committee.

SUMMARY:

In December of every year, the Agency Board approves a schedule of meetings for the
following year.

FINANCIAL IMPACT:

None.

DISCUSSION:

Transportation Agency for Monterey County bylaws require that the Board meeting be held
on the 4th Wednesday of the month. The July meeting is cancelled due to summer vacation
conflicts. The November meeting is generally cancelled due to conflict with the
Thanksgiving Holiday. The December meeting is held on the 1st instead of the 4th
Wednesday of the month to avoid conflict with the December holidays. Normally, the Board
meets at the Agricultural Center Conference Room, 1428 Abbott Street, Salinas, at 9:00 a.m.
Staff is reserving the room for 2015.

During 2014, the Executive Committee meetings convened on the first Wednesday of the
month, from 9:00 a.m. to 10:30 a.m. at the Transportation Agency for Monterey County
Conference Room, 55-B Plaza Circle, Salinas. The 2015 schedule of meetings for the
Executive Committee proposes to continue this schedule.

Please see attached schedules for specific dates for the Board of Directors and for the
Executive Committee throughout the 2015 calendar year.
2015 Schedule of Meetings

As always, please contact Agency’s Senior Administrative Assistant Elouise Rodriguez at (831) 775-0903, if you cannot attend the Board of Directors meeting or the Executive Committee to make sure there is a quorum for the meetings.

Approved by: Debra L. Hale, Executive Director

Date: 9/23/18

Consent Agenda

Counsel Approval: N/A
Finance Approval: N/A

Attachment: 2015 Calendar of Meetings for the Board of Directors and for the Executive Committee
2015 CALENDAR OF MEETINGS

Board of Directors

Unless otherwise noticed, all meetings held at the
Agricultural Center Conference Room
1428 Abbott Street, Salinas
9:00 a.m.

(The exact location of the meeting will be noted on each agenda)

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
<th>Day</th>
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<tbody>
<tr>
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<td>February</td>
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<td>April</td>
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<tr>
<td>May</td>
<td>27</td>
<td>Wednesday</td>
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<tr>
<td>June</td>
<td>24</td>
<td>Wednesday</td>
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*No July TAMC Board meeting*

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<thead>
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<td>September</td>
<td>23</td>
<td>Wednesday</td>
</tr>
<tr>
<td>October</td>
<td>28</td>
<td>Wednesday</td>
</tr>
</tbody>
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*No November TAMC Board meeting due to Thanksgiving Holiday*

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
<th>Day</th>
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<tbody>
<tr>
<td>December</td>
<td>2</td>
<td>Wednesday</td>
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2015 CALENDAR OF MEETINGS
EXECUTIVE COMMITTEE

All meetings held at the TAMC Conference Room,
55-B Plaza Circle, Salinas
9:00 a.m.

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<td>Wednesday</td>
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<td>May</td>
<td>6</td>
<td>Wednesday</td>
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<tr>
<td>June</td>
<td>3</td>
<td>Wednesday</td>
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*No July Executive Committee meeting*

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<th>Date</th>
<th>Day</th>
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</thead>
<tbody>
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<td>Wednesday</td>
</tr>
<tr>
<td>September</td>
<td>2</td>
<td>Wednesday</td>
</tr>
<tr>
<td>October</td>
<td>7</td>
<td>Wednesday</td>
</tr>
<tr>
<td>November</td>
<td>4</td>
<td>Wednesday</td>
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*No December Executive Committee meeting*
Memorandum

To: Executive Committee

From: Christina Watson, Principal Transportation Planner

Meeting Date: November 5, 2014

Subject: State Legislative Analyst/Advocate Services – Evaluation Protocol

RECOMMENDED ACTION

RECOMMEND the Board approve the draft legislative contract evaluation protocol.

SUMMARY

At the October 1, 2014 meeting of the Executive Committee, the Committee voted to recommend the Board establish an evaluation protocol for the state legislative analyst/advocate contract.

FINANCIAL IMPACT

This action has as yet undetermined implications for the Agency budget in terms of staff time.

DISCUSSION

The Executive Committee recommended the Board direct staff to establish a contract evaluation protocol for the state legislative services contract. The Board will discuss this recommendation at its October 22, 2014 meeting, which is after the due date for this report. In anticipation of approval of such action, staff drafted the attached proposed evaluation protocol for the contract, for discussion at the November 5 Executive Committee meeting, to be presented to the Board for approval at the December 3 Board meeting, if appropriate.

If approved, staff would evaluate the consultant using this protocol at the six month anniversary of the contract and one year, prior to contract completion, to provide feedback to the consultant and determine next steps on the contract.

Approved by: Debra L. Hale, Executive Director

Date signed: 10/20/14

Consent Agenda

Reviewed by Counsel: YES
Admin/Finance Approval: N/A

Attachment: Draft contract evaluation protocol
### Performance Evaluation Protocol Scoring Criteria

<table>
<thead>
<tr>
<th>Scoring Criteria</th>
<th>Total Points Possible</th>
<th>Points</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Responsiveness</strong> : Does the firm respond in a timely manner to requests for information? (By the deadline provided in the request, generally one day to return a call and 3 days to provide information.)</td>
<td>20</td>
<td></td>
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<tr>
<td><strong>Proactiveness</strong> : Does the firm suggest bills to watch, hearings to attend, and/or grants to pursue? Does the firm notify the Agency in a timely manner about newsworthy items or actions?</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Positive Relationships</strong> : Is the firm successful in setting meetings in a timely manner? Does the firm get positive feedback from elected representatives?</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Quality of Work</strong> : Is the written work produced of a high quality and with sufficient detail, or does it require Agency staff to rewrite or redo the products?</td>
<td>20</td>
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<td></td>
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<tr>
<td><strong>Project Understanding</strong> : Does the firm exhibit an understanding of the Agency's priority projects? Does the firm promote those priority projects?</td>
<td>20</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>100</td>
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</tbody>
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Memorandum

To: Executive Committee

From: David Delfino, Finance Officer

Meeting Date: November 5, 2014

Subject: Fort Ord Property – Basewide Environmental Insurance Coverage

RECOMMENDED ACTION:

1. RECEIVE report regarding the basewide environmental insurance coverage offered to TAMC by the Fort Ord Reuse Authority (FORA).

2. RECOMMEND to TAMC Board that the Executive Director be given the authority to purchase $2 Million of environmental insurance coverage.

SUMMARY:

FORA is purchasing up to $50 million in basewide environmental insurance coverage to replace the current insurance policy set to expire December 31, 2014. TAMC staff recommends continuing a $2 million share to cover TAMC property on the former Fort Ord.

FINANCIAL IMPACT:

FORA has offered to TAMC $2 million of insurance as additionally insured, covering remediation costs, defense costs, personal injuries, property damages, munitions and explosives risk. This insurance coverage is for 10 years. TAMC’s share of premium cost for $2 million in coverage is approximately $40,000.00. This cost is to be paid up front. TAMC will fund this expenditure with its railroad lease reserve funds. The prior cost for the same amount coverage was $144,607.00.

In addition to the insurance premium cost, should a claim arise on TAMC property at Fort Ord, TAMC is responsible for the self-insured retention (SIR) amount of:

- $500,000 for a pollution claim, and
- $500,000 for a munitions and explosives of concern claim.
Should TAMC develop the Fort Ord Property with a partner within the next ten years, TAMC hopes to share this environmental insurance cost to the project and partner.

**DISCUSSION:**

The Transportation Agency was transferred two properties on the former Fort Ord. The properties include the rail balloon spur, a 20 acre parcel linked to the Monterey Branch Line rail right-of-way; and a 12.1 acre warehouse property adjacent to Highway 1 by the 8th Street overcrossing. The warehouse property is slated to be developed as a mixed-use transit oriented development.

The present $2 million insurance coverage for Pollution and Munitions and Explosives of Concern (MEC) is expiring December 31, 2014. FORA has solicited bids for this unique coverage for itself and all transferees of Fort Ord Property. FORA is purchasing up to $50 million in basewide environmental insurance coverage for remediation costs, defense costs, personal injuries, property damages, munitions and explosives. The cost of this coverage is being divided up and offered to the City of Monterey, the City of Seaside, the City of Marina, the City of Del Rey Oaks, the County of Monterey, MST, Marina Coast Water District, TAMC, and MPC.

In the future a developer may require this environmental insurance coverage before they commence development. TAMC’s insurance carrier Alliant recommended purchasing this coverage if available.

In order to meet the FORA deadline a decision by the TAMC Board whether or not TAMC will participate in the coverage and cost of this basewide environmental insurance is necessary by TAMC’s December 3, 2014 Board meeting.

Approved by: Debra L. Hale, Executive Director

Date: 10/28/14

Consent Agenda

Counsel Approval: N/A
Finance Approval: Yes

Web Attachment: FORA Presentation on Pollution Legal Liability Insurance
Memorandum

To: Executive Committee
From: Christina Watson, Principal Transportation Planner
       Mike Zeller, Senior Transportation Planner
Meeting Date: November 5, 2014
Subject: Cap & Trade Program Guidelines

RECOMMENDED ACTION
RECEIVE update on statewide Cap and Trade program guidelines and regional efforts to influence the project selection criteria and “disadvantaged communities” definitions.

SUMMARY
In June, the state approved a cap and trade funding plan and state budget. State agencies are now developing guidelines to implement the new funding programs. This report summarizes the actions taken to date and comments submitted on the various programs.

FINANCIAL IMPACT
The recommended action has no direct financial impact.

DISCUSSION
The cap and trade program is the “only game in town” when it comes to new funding for transportation projects. Staff comments on draft guidance have focused on ensuring good projects in Monterey County would be eligible. Such projects could include the Rail Extension to Salinas project, Multimodal Corridor project, bicycle and pedestrian projects, and bus transit projects as well as transit-oriented development projects.

On June 15, 2014, the State Legislature approved the state budget for fiscal year 2014-15 and an ongoing spending plan for cap and trade revenues. The following programs will have funding available for transportation projects:

<table>
<thead>
<tr>
<th>Program</th>
<th>Department/ Agency</th>
<th>Budget Year 2014-15</th>
<th>Long-Term Plan</th>
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</thead>
<tbody>
<tr>
<td>Low Carbon Transit Operations Program</td>
<td>State Controller’s Office/ Caltrans</td>
<td>$25 million</td>
<td>5%</td>
</tr>
<tr>
<td>Transit and Intercity Rail Capital Program</td>
<td>California State Transportation Agency/ Caltrans</td>
<td>$25 million</td>
<td>10%</td>
</tr>
<tr>
<td>Sustainable Communities and Affordable Housing</td>
<td>Strategic Growth Council</td>
<td>$130 million</td>
<td>20%</td>
</tr>
</tbody>
</table>
Cap & Trade Program Guidelines

<table>
<thead>
<tr>
<th>High-Speed Rail</th>
<th>High-Speed Rail Authority</th>
<th>$250 million</th>
<th>25%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low-Carbon Transportation</td>
<td>Air Resources Board</td>
<td>$200 million</td>
<td>N/A</td>
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</table>

In addition to the guidance under development for each specific funding program, the Air Resources Board (ARB) and California Environmental Protection Agency (CalEPA) are tasked with developing over-arching guidance on the definition of “disadvantaged communities”.

Agency staff have attended the following workshops on these funding programs:

- Transit and Intercity Rail Capital Program (TIRCP) and Low Carbon Transit Operations Program (LCTOP), California State Transportation Agency (CalSTA) and Caltrans, San Jose, August 21, 2014; more information online here: [http://www.calsta.ca.gov](http://www.calsta.ca.gov).

- Disadvantaged Communities, ARB and CalEPA, Oakland, September 3, 2014; more information online here: [http://www.arb.ca.gov/auctionproceeds](http://www.arb.ca.gov/auctionproceeds).


Web attachments 1 and 2 are comment letters on these grant programs. Key concerns relate to the weaknesses of the CalEnviroScreen tool proposed for identifying disadvantaged communities, the definition of a “benefit” to disadvantaged communities, the projects eligible for transit and rail funding (e.g., ensuring that extensions of service and equipment purchases are eligible), and programming strategies for a funding source that is hard to predict. Web attachment 3 is a letter from the elected state representatives on this topic. Web attachment 4 is a map showing which counties have no “disadvantaged communities” according to the CalEnviroScreen tool.

Staff will provide a verbal update to the Committee regarding the workshop and efforts to coordinate responses with partner agencies.

Approved by: [Signature]
Debra L. Hale, Executive Director
Date signed: 10/30/14

Regular Agenda
Reviewed by Counsel: N/A
Admin/Finance Approval: N/A

Web Attachments:
1. September 10, 2014 letter to CalSTA Secretary Brian Kelly, re: Input to Guidelines for Cap & Trade Funding Programs: Transit and Intercity Rail Capital Program and Low-Carbon Transit Operations Program
2. September 15, 2014 letter to ARB Climate Investments Branch Chief Shelby Livingston and CalEPA Community Assessment & Research Section Chief John Faust, re: Comments on SB 535 Draft Guidance: Disadvantaged Communities
3. October 1, 2014 letter from State Representatives to California Environmental Protection Agency Secretary Matt Rodriguez and California Air Resources Board Chair Mary Nichols, re: “Disadvantaged Communities” and Cap & Trade Programs
4. Map: California Counties with all Census Tracts Below 80 Percentile EnviroScreen Scores
Memorandum

To: Executive Committee

From: Rita Goel, Director of Finance & Administration

Meeting Date: November 5, 2014

Subject: APPOINT NOMINATING COMMITTEE

RECOMMENDED ACTION:

APPOINT a Nominating Committee to meet and return to Board of Directors on January 28, 2015 with recommendations for Board Chair, 1st Vice Chair, 2nd Vice Chair, and Executive Committee to serve one-year terms beginning upon their election through the next election of officers at the beginning of the January 27, 2016 Board meeting.

SUMMARY:

Agency Bylaws require the election of officers at the beginning of the January meeting. The Executive Committee includes the Chair, 1st Vice Chair, 2nd Vice Chair, the immediate past Chair, a City and a County voting Board member.

FINANCIAL IMPACT:
None.

DISCUSSION:

Current Executive Committee members are Jane Parker (Chair), Kimbley Craig (1st Vice Chair), Fernando Armenta (2nd Vice Chair), Jerry Edelen (Past Chair), Dave Potter (County Representative), and Alejandro Chavez (City Representative). At the January 28, 2015 Board meeting, in addition to the recommendations of the Nominating Committee, there will be opportunity for nominations from the floor.

Approved by: Debra L. Hale, Executive Director

Date: 9/23/14

Regular Agenda

Counsel Approval: N/A
Finance Approval: N/A
Former Fort Ord
Pollution Legal Liability Insurance
Presentation/Request for Authorization

October 10, 2014

Michael A. Houlemard, Jr.
Barry Steinberg, Kutak Rock
History of PLL at Fort Ord

- Current 10-Year policy expires 31 DEC 2014
  - $100M in coverage / $6M premium
- It covers clean up costs, personal injury, property damage and defense costs
- Includes explosive risk from "Munitions and Explosives of Concern (MEC)"
- PLL purchased pre-ESCA
- ESCA liability coverage limited to ESCA-related work
ESCA Grant included $916K for ESCA-related PLL
ESCA-related PLL not purchased due to expense and restrictive market
ESCA PLL funds held by FORA as PLL self-insurance
ESCA PLL funds may be used to reduce participant costs, reduce self-insured retention (or both)
Current Status

- FORA Board direction: replace existing policy upon expiration
- PLL insurance carriers contacted and provided RFP
- Five (5) attended bidders’ conference at FORA
- Three (3) carriers responded with proposals
- Responding carriers rank-ordered based on premium, terms and conditions, financial stability (all responders financially sound)
- Negotiations on-going with one carrier/proposal is clearly superior
- Significant progress made in negotiations 08 OCT 2014
- Premium significantly lower than anticipated
- Coverage is base-wide, not just ESCA property
- Includes pollution condition coverage excluded from other coverage (CGL/pool)
Terms and Conditions

- New policy extends beyond ESCA performance
- Proposed limits are $50M
- Self-insured retention (SIR) is either $500K or $1M
- Land holding jurisdictions have option to obtain portion of coverage
- Developers can obtain portion of coverage as additional insured
- Coverage survives FORA expiration
- FORA, as first-named insured, will manage coverage while extant
- Identify FORA’s successor as first-named insured before policy is bound
- Expected cost of new policy significantly lower than original policy
## Analysis

<table>
<thead>
<tr>
<th>POLICY</th>
<th>NEW PLL Policy 1/1/15 - 12/31/24</th>
<th>EXPIRING PLL Policy 1/1/05 - 12/31/14</th>
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<tbody>
<tr>
<td>Coverage</td>
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<tr>
<td>Term</td>
<td>10 years</td>
<td>10 years</td>
</tr>
<tr>
<td>SIR - MEC</td>
<td>500,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>SIR - Non-MEC</td>
<td>500,000</td>
<td>500,000</td>
</tr>
</tbody>
</table>

| COST                          |                                  |                                       |
| Premium                       | 1,442,640                         | 5,574,150                             |
| Broker Fee, Surplus Line Tax  | 262,560                           | 425,850                               |
| Financing                     | TBD                               | 1,162,462                             |
|                               | **1,705,200**                     | **7,162,462**                         |

| PAYMENTS                      |                                  |                                       |
| FORA (ESCA PLL funds)         | 705,200                           | -                                     |
| FORA/Jurisdictions            | 1,000,000                         | 7,162,462                             |

Cost/per 1 M coverage/10 years 20,000 71,625
Authorize Executive Officer upon advice and counsel of insurance broker (Marsh) and Special Authority Counsel to negotiate, consistent with this presentation:

- Policy terms and conditions
- Bind coverage effective 31 DEC 2014 if premium is < $2M
- Identify first-named insured to replace FORA after 30 JUN 2020
### PLL Insurance Financing

<table>
<thead>
<tr>
<th>Policy Holder</th>
<th>Share of Total Coverage</th>
<th>Premium Cost To Finance</th>
<th>Annual Costs</th>
<th>Total Costs over Term</th>
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<tbody>
<tr>
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<tr>
<td>FORA</td>
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<td>Total</td>
<td>100%</td>
<td>$6,000,000</td>
<td>$1,018,209</td>
<td>$1,023,209</td>
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</tbody>
</table>

1. Based on loan of $5 million, annual rate of 4.5 percent, 7 year term with 7 annual payments beginning in July 2005.
2. FORA costs for accounting, jurisdiction bonding, loan payments, and other finance plan administration costs.

Sources: FORA; Muni Financial; Annette Yee and Company

### PLL Insurance Financing

<table>
<thead>
<tr>
<th>Amount of Coverage</th>
<th>Share of Total Coverage</th>
<th>Premium Cost To Finance</th>
<th>Annual Costs</th>
<th>Total Costs over Term</th>
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<tbody>
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<td>$1,000,000</td>
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<td>$4,000,000</td>
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<td>$51,204</td>
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</table>

1. Based on loan of $5 million, annual rate of 4.5 percent, 7 year term with 7 annual payments beginning in July 2005.
2. FORA costs for accounting, jurisdiction bonding, loan payments, and other finance plan administration costs.

Sources: FORA; Muni Financial; Annette Yee and Company
September 10, 2014

Brian P. Kelly  
Secretary  
California State Transportation Agency (Cal STA)  
915 Capitol Mall, Suite 350B  
Sacramento, CA 95814  

SUBJECT: Input to Guidelines for Cap & Trade Funding Programs: Transit and Intercity Rail Capital Program and Low-Carbon Transit Operations Program  

Dear Secretary Kelly:

I am writing on behalf of the Transportation Agency for Monterey County (TAMC) to comment and provide input on the draft guidelines for the Cap and Trade funding programs for intercity rail and low-carbon transit operations. TAMC is the Regional Transportation Planning Agency and Local Transportation Commission for Monterey County. The mission of TAMC is to develop and maintain a multimodal transportation system that enhances mobility, safety, access, environment quality and economic activities in Monterey County.

Regarding the Transit and Intercity Rail Capital Program (TIRCP), TAMC supports the comments provided by the California Intercity Passenger Rail (CIPR) corridors (August 18, 2014) and the Coast Rail Coordinating Council (CRCC) (August 28, 2014).

- **Intercity rail services** have proven abilities to reduce vehicle miles traveled and the associated greenhouse gas emissions. The state does not currently have a secure or stable funding source for capital improvements for these intercity rail services - which are three of the five busiest intercity rail services in the nation. The TIRCP is vital to the improvement and expansion of the state rail program, since the State Transportation Improvement Program (STIP) only provides very limited funding for intercity rail capital improvements.

- **Rail network integration** will help create a seamless rail system in California and encourage rail use at all levels, making tangible progress towards the state’s goal of reducing greenhouse gas emissions.

- **Procuring a fully state-owned fleet of rail cars** will increase ridership and revenue on all three intercity rail services and significantly reduce emissions compared to the current equipment.

- **CalSTA should also ensure that emerging corridors and extension projects** are eligible for this funding.
Letter to Brian P. Kelly  
September 10, 2014  
Page 2 of 2

- Guidelines that place a high priority on **rail network integration** and **train equipment acquisition** will help the state reach its goal of creating sustainable communities.

Regarding the **Low-Carbon Transit Operations Program (LCTOP)**:

- TAMC urges CalSTA to strive to keep LCTOP **applications and reporting simple**, considering the limited amount of funding available, especially for smaller regions.

- There are lessons to be learned from the Proposition 1B transit funding (Public Transportation Modernization, Improvement, and Service Enhancement Account, or PTMISEA), such as the benefits of allowing **banking of funds** for future years, **advances of future year allocations**, and **pooling** of allocations between or among agencies.

- TAMC supports allowing LCTOP funding to be used for transit **maintenance, operations, and state of good repair projects**.

For both programs:

- TAMC feels that it is important to first measure the **benefits of a transportation project** to a region, before applying the criterion of benefits to "**disadvantaged communities**" as a program-wide 25% set-aside. Each project need not benefit a disadvantaged community as long as at least 25% of the overall grant-funded projects benefit such communities statewide. TAMC is also sending a separate comment letter to the Air Resources Board (ARB) on the question of how to measure "disadvantaged communities" and will copy you on that letter.

- As far as **programming** is concerned, TAMC feels that CalSTA should prepare a one-year funding program for the fiscal year 14/15 budget cycle and learn from that experience to develop a multi-year program for future allocations.

Thank you very much for your time and consideration. We look forward to continuing our collaborative relationship with CalSTA and Caltrans on developing these guidelines and implementing good transportation projects in Monterey County.

Sincerely,

Debra L. Hale  
Executive Director

cc:  Bruce Roberts, Acting Chief, Caltrans Division of Rail and Mass Transportation  
Transit and Intercity Rail Capital Program (TIRCP) - tirpccomments@dot.ca.gov  
Low-Carbon Transit Operations Program (LCTOP) - lctopcomments@dot.ca.gov  
Maura Twomey, Association of Monterey Bay Area Governments (AMBAG)  
George Dondero, Santa Cruz County Regional Transportation Commission (SCCRTC)
September 15, 2014

Ms. Shelby Livingston
Branch Chief
Climate Investments Branch
California Air Resources Board (ARB)
1001 I Street
Sacramento, California 95814

Via email to: GGRFProgram@arb.ca.gov

Dr. John Faust
Chief, Community Assessment & Research Section
Office of Environmental Health Hazard Assessment (OEHHA)
California Environmental Protection Agency (CalEPA)
1515 Clay Street, Suite 1600
Oakland, CA 94612

Via email to: john.faust@oeohha.ca.gov

SUBJECT: Comments on SB 535 Draft Guidance: Disadvantaged Communities

Dear Ms. Livingston and Dr. Faust:

I am writing on behalf of the Transportation Agency for Monterey County (TAMC) to comment on the draft guidelines for the investment of Cap-and-Trade auction proceeds in disadvantaged communities, the identification of disadvantaged communities, and the evaluation of benefits to disadvantaged communities in accordance with Senate Bill (SB) 535 (De León, Chapter 830, Statute of 2012).

TAMC is the Regional Transportation Planning Agency and Local Transportation Commission for Monterey County. The mission of TAMC is to develop and maintain a multimodal transportation system that enhances mobility, safety, access, environment quality and economic activities in Monterey County.

Recommended Improvements to CalEnviroScreen

TAMC acknowledges the extensive public process that went into the most recent update to CalEnviroScreen. We understand and appreciate that CalEPA and OEHHA are committed to continuing to revise and improve the tool through an open and public process. However, the current results from CalEnviroScreen in identifying disadvantaged communities leaves out many areas of the State that by all measures should be considered “disadvantaged”, and raises Environmental Justice concerns.
As a means of improving the tool, the Transportation Agency strongly recommends the following enhancements be implemented in advance of this cycle of Cap-and-Trade funding to ensure that disadvantaged communities throughout California are properly identified:

- **Incorporate Cost of Living as a Factor**: The CalEnviroScreen draft methodology for defining “disadvantaged communities” should take into account the cost of living as one of the socioeconomic indicators. California’s coastal communities are some of the most expensive places to live, yet rely on relatively cheap labor for the agricultural and tourism industries, making them one of the least affordable places to live for our workforces. The Public Policy Institute of California (PPIC) developed the California Poverty Measure (CPM, see enclosed excerpt and refer to: http://www.ppic.org/main/mapdetail.asp?i=1396), which shows that high-cost coastal communities are more disadvantaged than the areas of the state considered “disadvantaged” by the CalEnviroScreen methodology.

To bring this metric into CalEnviroScreen, the U.S. Department of Housing and Urban Development (HUD) has data on affordable housing by census tract that should be incorporated. Low-income households in high cost communities are statistically more disadvantaged than those with the same incomes in low-cost areas. This important fact needs to be included in the final CalEnviroScreen methodology.

- **Expand the Definition of the Poverty Metric**: CalEnviroScreen currently defines poverty as an area two times below the national poverty level. To be consistent with how other State-level agencies are defining poverty and disadvantaged communities in grant programs, the Department of Transportation’s Active Transportation Program should be used as a guide. The Active Transportation Program uses two additional metrics that should be incorporated into CalEnviroScreen:
  - **Adjusted Median Income**: The median household income is less than 80% of the statewide median based on the most current census tract level data from the American Community Survey.
  - **Free or Reduced Price School Lunches**: At least 75% of public school students in the project area are eligible to receive free or reduced price meals under the National School Lunch Program.

**Methods for Identifying Benefits to Disadvantaged Communities**

In the SB 535 presentation, ARB asked: “Are there other criteria ARB should consider for projects that are located outside disadvantaged community census tracts, but provide benefits that are direct, meaningful, and assured to residents of those tracts?”

- **Use Corridor Improvements to Define Benefits**: TMC believes that the method of defining a “benefit” to disadvantaged communities is important. The Transportation Agency supports identifying benefits to disadvantaged communities through a corridor systems approach. Particularly in areas that suffer a jobs-housing imbalance, improvements to transportation corridors can provide critical benefits to affected communities without the project being located within the census tract boundaries. Transportation improvement
projects that decrease travel times, reduce vehicle miles traveled, and lessen congestion along corridors that serve disadvantaged communities will improve the air quality while ensuring fair treatment without disproportionate impact to minority populations.

Approaches to Identifying Disadvantaged Communities

OEHHA proposed five methods to apply CalEnviroScreen to determine “disadvantaged communities” under the law and requested input on which method to use. As all of these methods rely entirely on CalEnviroScreen, TARC would like to refer to the concerns above for using this tool as currently configured. However, the Transportation Agency offers the following comments and recommendations:

- **Support for Method 4:** The Transportation Agency supports using Method 4 (“Equal Cutpoints”) as the means to identify disadvantaged communities. This method focuses CalEnviroScreen more on the highest risk areas and excludes areas below the average for pollution and population characteristic scores. This method is a fair balance between pollution impacts and disadvantaged population characteristics, whereas with Method 1, an area could score high in either pollution impacts or population characteristics and have a low score in the other but still qualify.

- **Support for Top 25% Cut-points:** The Transportation Agency also supports using cutpoints at the top 25% to capture more disadvantaged community locations.

TARC also supports Monterey-Salinas Transit in urging you to consider ways in which the military and veteran communities could be considered eligible for Cap and Trade funding. TARC looks forward to continuing to collaborate and coordinate with you in the development of these guidelines. Please feel free to contact me at debbie@tamcmontrey.org or (831) 775-0903 with any questions. Thank you very much for your time and consideration.

Sincerely,

[signature]

Debra L. Hale
Executive Director

Enclosure

cc: Anna Caballero, Secretary of the Business, Consumer Services and Housing Agency, Strategic Growth Council
Matthew Botill, Manager, Policy Section, California Air Resources Board
Arsenio Mataala, Assistant Secretary, California Environmental Protection Agency (CalEPA)
Bruce Roberts, Acting Chief, Caltrans Division of Rail and Mass Transportation
Jila Priebe, Office Chief, State Transit Programs, Caltrans Division of Rail and Mass Transportation
Maura Twomey, Association of Monterey Bay Area Governments (AMBAG)
George Dondoro, Santa Cruz County Regional Transportation Commission (SCCRTC)
Carl Sedoryk, Monterey-Salinas Transit (MST)
Public Policy Institute of California (PPIC)
California Poverty Measure (CPM)
http://www.ppic.org/main/mapdetail.asp?ri=1396
Monterey/ San Benito Counties: CPM rate 24.6%, official rate 15.8%, threshold $29,518

This interactive map shows poverty rates according to both the California Poverty Measure (CPM) and the official poverty measure. It also shows poverty thresholds—the dollar amount that signals poverty for a family of four. In contrast to the official poverty measure, the CPM incorporates the state’s high—and variable—cost of living and the effect of social safety net programs.

SOURCE: Data Set - California Poverty by County.
NOTES: Poverty thresholds are for a family of four that rents its place of residence. Data for some counties is not shown because of wide margins of error (calculated for a 99% confidence interval). Poverty rates for certain counties are calculated at the multi-county level because of sample size constraints. Official poverty rate calculated with CPM universe of households.
October 1, 2014

Matt Rodriguez, Secretary
California Environmental Protection Agency
1515 Clay Street, Suite 1600
Oakland, CA 94612

Mary D. Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Secretary Rodriguez and Chair Nichols:

On behalf of our constituents, we are writing to express concern about the approaches recently proposed by the California Environmental Protection Agency (CalEPA) and Air Resources Board (ARB) to identify “disadvantaged communities” and the benefits allocated to these communities from Cap and Trade program revenues.

The proposed approaches leave out deserving disadvantaged populations around the state and result in geographic inequity for distribution of Cap and Trade revenues by excluding disadvantaged populations that do not reside in narrowly limited areas identified by CalEPA’s EnviroScreen 2.0 tool and limit new investment to a narrow, ½-mile band around these areas. If a broader application is not adopted, the proposed approaches could have the exact opposite of the intended effect by incentivizing construction of new affordable housing far away from jobs centers and increasing both the economic burden on these communities and greenhouse gas (GHG) emissions.

We appreciate your commitment to continue to revise and improve the CalEPA EnviroScreen 2.0 tool through an open and public process, and suggest that CalEPA and ARB adopt a more flexible approach to identifying “disadvantaged communities,” such as the approach taken by the recent Active Transportation Program Guidelines.

Although it is hard to tell from the scale of the maps included in CalEPA’s draft “Approaches to Identifying Disadvantaged Communities,” none of CalEPA’s five proposed approaches appear to recognize virtually any “disadvantaged communities” in some 33 of California’s 58 counties, including those in the Central Coast of California, such as Santa Barbara and San Luis Obispo Counties. Only small pockets are shown in Monterey, San Benito, and Santa Cruz Counties.
Furthermore, for the proposed Affordable Housing and Sustainable Communities (AHSC) program, which dedicates a minimum of 50% of funding to “disadvantaged communities,” the net effect is that jurisdictions in excluded counties would be ineligible for 50% or more of available grant funds.

Residents of disadvantaged communities often do not have access to well-paying jobs nearby and cannot afford to live close to job opportunities. As a result, they are forced to commute longer distances, from low rent areas, to find work. Long commutes impose additional costs in time and money on these communities and generally result in higher GHG emissions.

Ignoring job-housing relationships and long commute patterns, the agencies’ draft guidance encourages investment of funds from the AHSC program in affordable housing where members of disadvantaged communities reside now, instead of where such housing is really needed, which is close to where they work. The CalEPA guidance document identifies “disadvantaged communities” only based on current residence and the draft ARB guidance places a narrow, ½-mile geographic limit on projects that count as “benefitting” disadvantaged communities.

Rather than a narrow geographic approach based on place of residence that ignores jobs-housing relationships and the fact that in many cities and unincorporated areas disadvantaged populations are spread throughout a community, the agencies should develop a broader, socioeconomic understanding of “disadvantaged communities” as mobile populations, with long, daily commutes from home to work and back. The key to helping these communities and reducing GHG emissions is to enhance transit, bicycle, and pedestrian options, and to promote affordable housing closer to work.

We encourage CalEPA and ARB to instead adopt a more flexible approach to identifying “disadvantaged communities” to ensure that geographic areas, like the Central Coast, are not unnecessarily excluded from receiving Cap and Trade revenues. Given the diversity of our state, it is important to provide flexibility to help disadvantaged communities statewide.

We applaud your commitment to work with stakeholders in an open and public process about how to revise and improve the process of identifying and providing financial assistance to disadvantaged communities.

Thank you for your time and consideration.
Sincerely,

WILLIAM W. MONNING
Senator, 17th District

MARK STONE
Assemblymember, 29th District

KATCHO ACHADJIAN
Assemblymember, 35th District

HANNAH-BETH JACKSON
Senator, 19th District

LUIS A. ALEJO
Assemblymember, 30th District

DAS WILLIAMS
Assemblymember, 37th District
California Counties with all Census Tracts Below 80 Percentile EnviroScreen Scores
(Census Tract Scores are for Combined Pollution Burden and Population Characteristics)

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>POP</th>
</tr>
</thead>
<tbody>
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<td>Alpine</td>
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<td>Amador</td>
<td>36,151</td>
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<tr>
<td>Butte</td>
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<td>Calaveras</td>
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<td>Trinity</td>
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<tr>
<td>Tuolumne</td>
<td>53,604</td>
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<tr>
<td>Total</td>
<td>3,803,207</td>
</tr>
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</table>
California Assembly Districts with all Census Tracts Below 80 Percentile CalEnviroScreen Scores

(Census Tract Scores are for Combined Pollution Burden and Population Characteristics)

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<tr>
<th>DISTRICT</th>
<th>NAME</th>
<th>POPULATION</th>
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<tbody>
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<tr>
<td>77</td>
<td>RCHMM</td>
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Total 8,389,653

No Disadvantaged Communities
California Senate Districts with all Census Tracts Below 80 Percentile CalEnviroScreen Scores
(Census Tract Scores are for Combined Pollution Burden and Population Characteristics)

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<thead>
<tr>
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<th>POP</th>
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<tr>
<td>36</td>
<td>SANOC</td>
<td>938,083</td>
</tr>
</tbody>
</table>

Total: 2,801,496

No Disadvantaged Communities