



Regional Transportation Planning Agency - Local Transportation Commission
Monterey County Service Authority for Freeways and Expressways
Monterey County Regional Development Impact Fee Joint Powers Agency
Email: info@tamcmonterey.org

Measure X Citizens Oversight Committee

Tuesday, November 19, 2024

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

MEETING LOCATION

Voting members must attend a physical meeting location to count towards quorum

1441 Schilling Place, Salinas, California

Saffron Conference Room

Wi-Fi Network: MontereyCty-Guest (no password required)

Members of the public & non-voting members may join meeting online at:

<https://us02web.zoom.us/j/819167755?pwd=VE91U1FBK1lwOEQzMGhpdEMvY2tndz095>

OR

Via teleconference at +1 669 900 6833

Meeting ID: 819 167 755

Password: 614363

Please note: If all board members are present in person, public participation by Zoom is for convenience only and is not required by law. If the Zoom feed is lost for any reason, the meeting may be paused while a fix is attempted, but the meeting may continue at the discretion of the Chair.

Please see all the special meeting instructions at the end of this agenda

1. QUORUM CHECK - CALL TO ORDER

Call to order and self-introductions. If you are unable to attend, please contact Maria Montiel, 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 Board on any item not on the agenda but within the jurisdiction of the Board. All public comments are limited to three (3) minutes, unless specified otherwise by the committee chair. Comments in items on this agenda may be given when that agenda item is discussed. Persons who wish to address the Board for public comment or on an item on the agenda are encouraged to submit comments in writing to Maria at maria@tamcmonterey.org by 4:30 pm the Friday before the meeting, and such comments will be distributed to the Board 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.

3. **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 August 20, 2024, Meeting.

- Maria Montiel

The Draft August 20, 2024, Measure X Citizens Oversight Committee Minutes are attached.

3.2. **RECEIVE** the 2025 Measure X Citizens Oversight Committee Meeting Schedule

- Theresa Wright

The Measure X Citizens Oversight Committee meetings in 2025 follow the existing practice of four meetings per year. The meetings will be held on the third Tuesday of the month in February, April, August and October 2025 at 2:00 pm.

3.3. **RECEIVE** the call for nominations for the 23rd Annual Transportation Excellence awards to honor individuals, businesses, groups or projects for their efforts to improve the transportation system in Monterey County.

- Theresa Wright

The Transportation Agency for Monterey County would like to encourage and appreciate the efforts made by Monterey County residents, businesses and employees to improve transportation in the county by awarding Transportation Excellence Awards.

4. **RECEIVE** update and **PROVIDE FEEDBACK** on proposed revisions to the Measure X annual reporting process.

- Janneke Strause

The Measure X Citizens Oversight Committee ensures transparency in the use of Measure X funds through audits and annual reports. In response to committee feedback, staff will propose producing a standalone Measure X Annual Report that provides clear and concise financial and audit information to the public.

5. **RECEIVE** training on the Brown Act, which sets the rules for the noticing and conduct of public meetings.

- Theresa Wright, Shane Strong

The Ralph M. Brown Act (Government Code sections 54950-54963, referred to as the "Brown Act") is intended to provide public access to meetings of California local government agencies. Shane Strong, Counsel for the Transportation Agency, will present a training session on the Brown Act to the Measure X Citizens Oversight Committee.

6. **CALL** for nominations and **ELECT** a Chair and Vice of the Measure X Citizens Oversight Committee, for a two-year term beginning January 1, 2025.

- Theresa Wright

The Measure X Citizens Oversight Committee's Chair and Vice Chair terms of service expire on December 31, 2024. This report calls for nominations and election of a Chair and Vice Chair to serve effective January 2025 for a two-year term.

7. **CALL** for nominations and **ELECT** members to serve on the Measure X Audit Sub-committee.

- Theresa Wright

The Measure X Citizens Oversight Committee is responsible for conducting an independent audit to assure that Measure X funds were expended in accordance with the requirements of the Transportation Safety & Investment Plan and to prepare an annual audit report. This report seeks the nomination and election of 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 2023/2024 and to prepare the annual audit report.

8. **ANNOUNCEMENTS and/or COMMENTS**

9. **ADJOURN**

ANNOUNCEMENTS

Next Transportation Oversight Committee meeting:

Tuesday, February 18, 2025, at 2:00 P.M.

PHYSICAL LOCATION -

County Building at 1441 Schilling Place, Salinas CA, in the Cayenne Conference Room

A quorum of voting members is required to be present to hold this meeting.

There will be a zoom link for hybrid participation by members of the public.

If you have any items for the next agenda, please submit them to:
Theresa Wright, Measure X Citizens Oversight Committee Coordinator
theresa@tamcmonterey.org

Important Meeting Information

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 five (5) working days before the regular meeting. Any member of the Board may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any support papers must be furnished by that time or be readily available.

Memorandum

To: Citizens Oversight Committee
From: Maria Montiel, Administrative Assistant
Meeting Date: November 19, 2024
Subject: Draft XTOC Minutes

RECOMMENDED ACTION:

APPROVE the Draft Minutes of the August 20, 2024, Meeting.

SUMMARY:

The Draft August 20, 2024, Measure X Citizens Oversight Committee Minutes are attached.

FINANCIAL IMPACT:

DISCUSSION:

ATTACHMENTS:

1. Draft X-TOC Minutes - August 2024

WEB ATTACHMENTS:

TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)

Measure X Citizens Oversight Committee (X-TOC)

Meeting held at the Monterey County Government Center at Schilling Place

Cinnamon Conference Room, 1441 Schilling Place, Salinas

Draft minutes of August 20, 2024

| Voting Members | AUG 22 | OCT 22 | FEB 23 | APR 23 | AUG 23 | OCT 23 | FEB 24 | APR 24 | AUG 24 |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-----------------------|-------------------|-------------------|
| Kevin Dayton Salinas Valley Taxpayers Association <i>(Rick Giffin)</i> | P - | P - | P - | P - | P - | P - | P - | P - | P - |
| Maria Vera Transit Users <i>(Andrea Manzo)</i> | E - | E - | E - | E - | A - | A - | A - | A - | A - |
| Janet Brennan League of Women Voters <i>(Howard Fosler)</i> | P E | P P(A) | E P(A) | P P(A) (VC) | P P(A) (VC) | P P(A) (VC) | A P(A) | A P(A) | A P(A) |
| Tom Rowley Monterey Peninsula Taxpayers Association <i>(Rick Heuer)</i> | P P(A) | P P(A) | P - | P - | P P(A) (VC) | P - | P(VC) P(A) (VC) | P - | P - |
| Kalah Bumba Senior or disabled services agency <i>(John McPherson)</i> | E P(A) | E P(A) | E P(A) | E - | A - | A - | A P(A) | A P(A) | A P(A) |
| Victoria Beach Bicycling Advocate <i>(vacant)</i> | P - | P - | E - | P - | P - | A - | P - | P - | P(VC) |
| Rod Smalley Labor Organization <i>(Tony Garcia)</i> | P - | P - | E - | P - | A - | A - | A - | P - | P P |
| Christie Cromeenes Central Coast Builders Association <i>(vacant)</i> | A - | A - | E - | E - | A - | P - | P - | P - | A |
| Greg Hamer Salinas Valley Chamber of Commerce <i>(vacant)</i> | A - | E - | E - | E - | P - | P - | P - | A | P |
| Monica Lal Monterey Peninsula Chamber of Commerce <i>(vacant)</i> | P P(A) | A P(A) | E P(A) | E P(A) (VC) | A - | A P(A) (VC) | A - | A | A |

| | | | | | | | | | |
|---|---------------|---------------|---------------|-------------------|-------------------|-------------------|-------------------|---------------|-------------------|
| Dale Agron Habitat Preservation <i>(Rachel Saunders, Big Sur Land Trust)</i> | E P(A) | P - | P - | E P(A) | P - | P - | P - | P - | P - |
| Martine Watkins Hospitality <i>(Gary Cursio)</i> | P - | P - | P - | P - | V - | V - | A - | P - | P - |
| Norm Groot, Chair Agriculture <i>(Paul Arnaudo)</i> | P P(A) | P P(A) | P - | P P(A) (VC) | A - | P P(A) (VC) | A P(A) (VC) | P P(A) | P P(A) |
| Darren Fort Education <i>(Ralph Porras)</i> | A - | E - | P P(A) | P P(A) | P P(A) | P - | A P(A) | A P(A) | P - |
| Paula Getzelman South County <i>(Carol Kenyon)</i> | P E | P P(A) | P P(A) | E P(A) (VC) | P P(A) (VC) | P P(A) (VC) | P - | A P(A) | E P(A) (VC) |
| Chris Barrera Latino Organization <i>(Diana Jimenez)</i> | P V | A - | P V | P - | P P(A) | P - | A - | P - | P P(A) |
| Rosemarie Barnard North County <i>(Ed Mitchell)</i> | E V | P V | P V | P P(A) (VC) | A P(A) | P P(A) | P P(A) | P(VC) P(A) | P P(A) |
| Robin Lee Pedestrian <i>(Laurie Eavey)</i> | P - | P - | E - | E - | P - | P - | P - | A P(A) | A - |
| Andromeda Davila Youth/College <i>(vacant)</i> | P - | P - | E - | E - | V - | V - | P - | P - | E - |
| Sean Hebard, Vice Chair Construction <i>(Keith Severson)</i> | P P(A) | P P(A) | P P(A) | P P(A) | P P(A) | P P(A) | P P(A) | A P(A) | A P(A) (VC) |
| TRANSPORTATION AGENCY STAFF | AUG 22 | OCT 22 | FEB 23 | APR 23 | AUG 23 | OCT 23 | FEB 24 | APR 24 | AUG 24 |
| 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(VC) | P | P | P | P | P(VC) |
| Jeff Kise, Director of Finance & Admin | E | E | P | P(VC) | P(VC) | P(VC) | P(VC) | P(VC) | P(VC) |
| Laurie Williamson, Senior Engineer | E | P | E | P | P(VC) | P | A | | - |

| | | | | | | | | | |
|---|-----------------|---|---|------------|-------|---|-----------------|---|---|
| Maria Montiel, Administrative Assistant | P | P | P | E | P | P | P | P | P |
| Doug Bilse, Principal Engineer | A | P | A | P | P(VC) | A | P(VC) | A | P |
| Alissa Guther, Transp. Planner | P | A | A | A | A | A | A | A | - |
| Aaron Hernandez, Transp. Planner | A | P | P | P | P | P | P | P | P |
| Janneke Strause, Transp. Planner | A | P | A | P | A | A | E | E | P |
| P = present P(A)= present (alternate) (VC)= Zoom Video Conference E = excused absence A = unnoticed absence - = alternate absent V = vacant position | | | | | | | | | |
| OTHERS PRESENT | | | | | | | | | |
| Don Wilcox | City of Soledad | | | Alex Ramos | | | City of Soledad | | |

1. QUORUM CHECK – CALL TO ORDER

Norm Groot, Committee Chair, called the meeting to order at 2:08 p.m. A quorum was established, and Maria Montiel took roll call. Following the roll call, members introduced themselves and the organization/interest that they represent.

2. PUBLIC COMMENTS

None.

3. CONSENT AGENDA

M/S/C Smalley / Rowley /unanimous

3.1 Approved the draft minutes of the April 16, 2024, meeting.

END OF CONSENT AGENDA

4 CITY OF SOLEDAD MEASURE X PRESENTATION

The Committee received a presentation on local Measure X projects from the City of Soledad.

Don Wilcox, Public Works Director & Engineer from the City of Soledad provided historical information about the city and their Measure X processes. He then introduced Alex Ramos, the City's Assistant Engineer to discuss their Measure X funded projects.

Mr. Ramos reported that the City performed a variety of maintenance projects in the form of repairs to distressed and cracked road segments, including the Front Street Maintenance Project this fiscal year. He noted that the project involves maintenance activities to rehabilitate Front Street, an existing 2-lane arterial which is a principal corridor within the City of Soledad and serves as a Highway 101 bypass.

Additionally, the City has completed a much-needed Pavement Management Program Update using StreetSaver Software as well as continued to operate their successful Sidewalk Cost-Share Program.

In conclusion Mr. Ramos noted that the Cost-Share program assists Soledad property owners in repairing or replacing old and damaged sidewalks. He stated that the program's goal is to promote a safer and pedestrian-friendly city and walking as a means of transportation.

The Committee had the following input and questions on the local Measure X projects from the City of Soledad:

- Consider replacing the trees with Chinese Pistache tree or Arbutus tree or street friendly trees
- Consider installing streetlights.
- Considering ADA accessibility.
- Consider pedestrian and bicycle safety.
- Consider green bike boxes for safer sidewalk accessibility.
- Consider sharing with other cities the lessons learned on the project.

5. TORO PARK CUT-THROUGH TRAFFIC PILOT PROJECT

The Committee received a status report on the Toro Park Cut-Through Traffic Pilot Project.

Doug Bilse, Principal Engineer, TAMC, reported that the Transportation Agency implemented a pilot project to reduce cut-through traffic using Toro Park roads to avoid congestion on SR 68. He noted that this work was done in conjunction with the County of Monterey Public Works Department and Caltrans.

In conclusion, Mr. Bilse noted that committee members met three times to identify a viable option that could eliminate cut-through traffic. He reported that the committee unanimously agreed to propose a partial road closure of Torero Drive. Mr. Bilse stated that the group

understood that the partial road closure would re-route neighborhood traffic to the Portola Interchange and increase the travel time of westbound destinations, especially when Highway 68 was congested. The committee agreed that another community workshop would be held in October 2024 to gather information about the pilot project and make a recommendation on a permanent solution.

The Committee had the following input and questions on the Toro Park Cut-Through Traffic Pilot Project:

- Consider working with Caltrans to extend the time that traffic signal light on Highway 68 is green.
- Consider working with the schools on signage.
- Consider further community outreach.

6. **MEASURE X ANNUAL REPORT**

The Committee received an update and provided feedback on proposed revisions to the Measure X annual audit reporting tables.

Mike Zeller, Director of Programing & Project Delivery, reported that the Measure X Citizens Oversight Committee ensures transparency in the use of Measure X funds through audits and annual reports. This responsibility includes conducting independent audits, reviewing project delivery schedules, making recommendations on the Transportation Safety & Investment Plan, and preparing comprehensive annual reports for the public and the Transportation Agency Board of Directors. The Measure X annual audit report is a summary compilation of the information provided by the jurisdictions to verify their compliance.

In conclusion Mr. Zeller noted that in response to concerns about how the findings are presented in the annual report, Agency staff will propose improvements to the report template, including clearer financial data and compliance details. He noted that these updates aim to enhance transparency and public understanding of Measure X fund usage.

The Committee had the following input and questions on the Measure X annual audit reporting:

- Consider adding how much funding the cities have spent and how much they received.
- Consider adding a link with additional information to visit the TAMC website.
- Consider encouraging the cities to adopt standard complete street policies that include pedestrian and bicycle enhancements.

7. ANNOUNCEMENTS AND/OR COMMENTS

New committee member Tony Garcia, Labor Organization alternate representative introduced himself to the committee.

Committee member Greg Hammer Consider asked if TAMC was working with cities to educate/encourage them to improve bicycle safety improvements when doing re-striping work on roadways.

Committee member John McPherson announced that Alliance on Aging was one of 20 statewide agencies to receive a grant to develop an “Age & Disability Action Plan” for seniors and those with disabilities in Monterey County. The plan’s emphasis is on making the communities in South County, North County and Salinas friendlier for those two specific demographics.

Theresa Wright announced the next meeting will be on October 8, 2024, at 2pm in the Saffron conference room.

8. ADJOURNMENT

Chair Groot adjourned the meeting at 4:09 p.m.

Memorandum

To: Citizens Oversight Committee
From: Theresa Wright, Community Outreach Coordinator
Meeting Date: November 19, 2024
Subject: **2025 Measure X Citizens Oversight Committee Meeting Schedule**

RECOMMENDED ACTION:

RECEIVE the 2025 Measure X Citizens Oversight Committee Meeting Schedule

SUMMARY:

The Measure X Citizens Oversight Committee meetings in 2025 follow the existing practice of four meetings per year. The meetings will be held on the third Tuesday of the month in February, April, August and October 2025 at 2:00 pm.

FINANCIAL IMPACT:

None.

DISCUSSION:

The Measure X Citizens Oversight Committee meets quarterly on the third Tuesday of the month in February, April, August and October 2025 at 2:00 pm. In accordance with that schedule, the 2025 Measure X Citizens Oversight Committee meetings will be held at the Government Center located at 1441 Schilling Place in Salinas on the following dates:

- February 18
- April 15
- August 19
- October 21

ATTACHMENTS:

1. Measure X Citizen Oversight Committee 2025 Calendar

WEB ATTACHMENTS:

Measure X Citizen Oversight Committee



2025 Committee Calendar

The Measure X Citizen Oversight Committee 2025 schedule follows the existing standard of four meetings per year, held on the third Tuesday of the month in February, April, August and October at 2:00 p.m. Therefore, the meeting dates are as follows:

Meetings:

- February 18
- April 15
- August 19
- October 21

“The Transportation Agency for Monterey County (TAMC) is responsible for investing in regional transportation projects for Monterey County residents, businesses and visitors. 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.”

Memorandum

To: Citizens Oversight Committee
From: Theresa Wright, Community Outreach Coordinator
Meeting Date: November 19, 2024
Subject: **Transportation Excellence Awards**

RECOMMENDED ACTION:

RECEIVE the call for nominations for the 23rd Annual Transportation Excellence awards to honor individuals, businesses, groups or projects for their efforts to improve the transportation system in Monterey County.

SUMMARY:

The Transportation Agency for Monterey County would like to encourage and appreciate the efforts made by Monterey County residents, businesses and employees to improve transportation in the county by awarding Transportation Excellence Awards.

FINANCIAL IMPACT:

None.

DISCUSSION:

With the Transportation Excellence Awards, the Transportation Agency shows its appreciation to the local community for its outstanding efforts to improve transportation in Monterey County. The program has award categories for individuals, businesses/groups, and programs or projects. Examples of potential awards include but are not limited to:

- Projects that exemplify TAMC's mission to develop and maintain a multimodal transportation system that enhances mobility, safety, access, environmental quality, and economic activities in Monterey County.
- Innovative activities that promote safer or more efficient use of the local transportation network.
- Citizens or organizations that have made significant efforts to inform and educate the public about transportation issues.
- Successful efforts to improve transit services and encourage the use of commute options as alternatives to driving alone.
- Transportation employees who excel at their jobs and go the extra mile to improve our transportation system.

The nomination form is attached to this staff report and is also available on the Transportation Agency website. Board members are encouraged to distribute nomination forms and submit nominations. The form can be submitted online, mailed to Transportation Agency offices or emailed to Theresa Wright (at theresa@tamcmonterey.org). The deadline for nominations is December 6, 2024. The Transportation Agency Executive Committee will select the awards recipients at its January 2025

meeting, and the awards ceremony will take place during the regular January 22, 2025, Transportation Agency Board meeting.

ATTACHMENTS:

1. Transportation Excellence Awards Nomination Form 2024

WEB ATTACHMENTS:



Transportation Excellence Awards

Awards Program Nomination form (Please fill out form completely)

1. Name of Nominee

Give name and address of individual (provide title), firm, group, or organization.

Nominee: _____

Category: (circle one) **Individual** **Business/Group** **Program** **Project**

Address: _____ Email: _____

City: _____ Zip _____ Phone: _____

If Nominee is a firm, group or organization, provide contact name: _____

Title: _____ Phone: _____

_____ Email: _____

2. Description:

Describe the individual, business, group, program or project that is being nominated. Include any specific information that may apply, such as the number of people who worked on the project, number of hours spent on the project, number of people served or affected, cost to those served, and annual cost of operation. Indicate whether the nominee is a volunteer or paid. Enclose any photographs or other materials that will contribute additional information to the nomination. Use extra pages as needed.

3. Date or duration of program:

When did this program take place? When was it completed? If ongoing, when did it start?

4. Significance/Result:

State how this person, group or project has contributed to improving transportation in Monterey County in current calendar year. Describe the impact on those served and value created by this activity, as well as any savings provided to users, taxpayers or providers by the nominee. Use extra pages as needed.

5. Person Submitting Nomination:

Name: _____ Phone: _____

Title: _____ Email: _____

Organization: _____

Address: _____

City: _____ Zip: _____

Please return by **noon, December 6, 2024** via online, fax: 831-775-0897; email: Theresa@tamcmonterey.org; or mail to: Transportation Agency for Monterey County, Attn: Theresa Wright, 55-B Plaza Circle, Salinas CA, 93901. For additional information, please call 831-775-4403.

Memorandum

To: Citizens Oversight Committee
From: Janneke Strause, Associate Transportation Planner
Meeting Date: November 19, 2024
Subject: **Measure X Annual Report**

RECOMMENDED ACTION:

RECEIVE update and **PROVIDE FEEDBACK** on proposed revisions to the Measure X annual reporting process.

SUMMARY:

The Measure X Citizens Oversight Committee ensures transparency in the use of Measure X funds through audits and annual reports. In response to committee feedback, staff will propose producing a standalone Measure X Annual Report that provides clear and concise financial and audit information to the public.

FINANCIAL IMPACT:

In the past fiscal year, 2022/2023, Measure X generated \$39.6 million in revenues. Of that amount, after payment of administrative expenses, 60% was distributed to the cities and the County for local street and road projects, while the remaining 40% was programmed to regional safety and mobility projects.

DISCUSSION:

The Measure X Citizens Oversight Committee is charged with ensuring transparency and accountability in the expenditure of Measure X sales tax funds. This responsibility includes conducting independent audits, reviewing project delivery schedules, making recommendations on the Transportation Safety & Investment Plan, and preparing comprehensive annual reports for the public and the Transportation Agency Board of Directors.

The Measure X annual audit report appears as a section within the Transportation Agency for Monterey County Annual Report (linked below) and is a summary compilation of the information provided by the jurisdictions to verify their compliance. After the release of the most recent annual report for fiscal year 2022/23, committee and Transportation Agency Board members provided feedback regarding the presentation and content of the Measure X annual audit report. This feedback included requests to:

- Provide more comprehensive financial information, including detailed figures for revenues, expenses, or allocations.
- Clarify language used in the report, such as "Late compliance," to be more clear about the compliance status of jurisdictions.
- Include information on the 40% of funds allocated for regional projects, along with the 60% of

Measure X funds for local jurisdictions.

To address the feedback received from the committee and TAMC Board, staff presented proposed changes to the annual report template at the August 20, 2024 Citizens Oversight Committee Meeting:

1. Inclusion of Detailed Financial Data: Comprehensive tables showing total Measure X revenues, expenditures, and allocations for each jurisdiction.
2. Clarification of Compliance Status: Revised language for clarity, indicating full compliance or ongoing issues.
3. Expansion of Reporting: Inclusion of information on the 40% of funds allocated to regional projects, ensuring comprehensive oversight.

Feedback on the proposed changes at the August meeting included:

- More information is needed about what it means to be out of compliance
- Include pie charts of spending or other infographics
- Provide the summary financials chart
- Tell the story about why jurisdictions are not spending all the Measure X funds they receive

Staff is now proposing for the Audit Sub-Committee to produce a standalone Measure X Annual Report in order to provide all the information requested by the committee. To facilitate discussion with the Committee, staff has prepared a draft outline for how the proposed Measure X Annual Report could be compiled:

1. Executive Summary from the Measure X Oversight Committee Chair
2. Measure X Overview
3. Summary Compliance Chart
4. Funding and Spending Infographic
5. How Funds are Leveraged: Project Spotlight
6. Annual Fiscal Profile - Revenues and Expenditures
7. Carryover Balances and Upcoming Projects

Examples of the compliance chart, infographics, fiscal profile, and annual reports from comparative agencies are in the attached PowerPoint PDF. Staff seeks input on the proposed Measure X Annual Report format and outline. The PowerPoint presentation for this item with draft outline and example financial charts and infographics is linked as a web attachment below.

ATTACHMENTS:

None

WEB ATTACHMENTS:

[Transportation Agency for Monterey County - 2023 Annual Report](#)
[2024 Measure X Annual Report - Presentation](#)

Memorandum

To: Citizens Oversight Committee
From: Theresa Wright, Community Outreach Coordinator, Shane Strong
Meeting Date: November 19, 2024
Subject: **Brown Act Public Meeting Training**

RECOMMENDED ACTION:

RECEIVE training on the Brown Act, which sets the rules for the noticing and conduct of public meetings.

SUMMARY:

The Ralph M. Brown Act (Government Code sections 54950-54963, referred to as the "Brown Act") is intended to provide public access to meetings of California local government agencies. Shane Strong, Counsel for the Transportation Agency, will present a training session on the Brown Act to the Measure X Citizens Oversight Committee.

FINANCIAL IMPACT:

None.

DISCUSSION:

The Ralph M. Brown Act (Government Code 54950-54963), referred to as the "Brown Act" is intended to provide public access to meetings of California local government agencies.

In order to achieve this objective, governmental bodies subject to the requirements of the Brown Act must provide public notice of their meetings, post agendas of the subjects to be discussed at those meetings, and provide public access to those meetings. Public notice of every meeting subject to the Brown Act is required, and access is mandatory unless the meeting is held in closed session under a specific exception contained in the Act.

However, the Brown Act is complex, and problems often arise in its application. The following issues come up consistently:

- What kinds of public bodies are subject to the Act?
- Has the public body properly given notice of the matters it intends to address in the agenda for the meeting?
- What constitutes a "meeting," and what kinds of communications among members of a legislative body are permitted outside of meetings?
- Are the exceptions permitting closed sessions being properly applied?

Shane Strong, Counsel for the Transportation Agency for Monterey County, will present a training session on the Brown Act to the Measure X Citizens Oversight Committee.

Attached to this report is the "The ABCs of Open Government Laws" brochure.

ATTACHMENTS:

1. ABCs of the Brown Act (1)

WEB ATTACHMENTS:

The ABCs of Open Government Laws

The underlying philosophy of the open government laws is that public agency processes should be as transparent as possible. Such transparency is vital in promoting public trust in government.

This concept of governmental transparency is so important to the public that some 83 percent of voters supported adding it to California's constitution by adopting Proposition 59 in 2004.

California's open government laws require public officials to:

A

Conduct meetings of public bodies openly, except for limited circumstances under which the law allows the public's business to be conducted privately in closed sessions.

B

Allow the public to participate in meetings of public bodies through a public comment process.

C

Allow inspection and copying of public records, except when non-disclosure is authorized by law.

This pamphlet summarizes these three requirements in general terms.

Local officials are also encouraged to consult with their agency attorneys for information about how these requirements apply in any given situation or more information about this area of the law.

The Institute is able to make this resource available to local officials and others as a result of much appreciated financial support from:

RW RICHARDS | WATSON | GERSHON
SC ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

The Institute is grateful for this firm's ongoing commitment to public service ethics and public service ethics education.

All decisions regarding the final content of this pamphlet were the Institute's.

A Conducting the Public's Business in Public

General Rules

- Elected and most appointed local-agency bodies – which include many advisory committees – must conduct their business in open and public meetings.
- A “meeting” is any situation involving a majority of a public body in which agency business is transacted or discussed. In other words, a majority of the body cannot talk privately about a matter of agency business no matter how the communication occurs, whether by telephone or e-mail, or at a local coffee shop.
- The public must be informed of 1) the time and place of and 2) the issues to be addressed at each meeting. In general, public officials may only discuss and act on items included on the posted agenda for a meeting. The agenda must be posted at least 72 hours in advance of a regular meeting and written in a way that informs people of what business will be discussed. Many local agencies are required to post agendas on their websites (if they have one). Members of the public may request a copy of the agenda packet be mailed to them at the time the agenda is posted or upon distribution to the governing body. Some agencies also maintain e-mail lists to distribute agendas and related materials.

Key Things to Know

- **Advisory Bodies.** Advisory bodies formally created by the governing body are subject to the open meeting laws. In some cases, committees of less than a quorum of the public body are also subject to these laws.
- **Serial Meetings.** Avoid unintentionally creating a “serial” meeting—a series of communications that result in a majority of the body's members discussing, deliberating, or taking action on a matter of agency business.

A Conducting the Public's Business in Public

- **Permissible Gatherings.** Not every gathering of members of a public body outside a noticed meeting violates the law. For example, a violation would not occur if a majority of the members attend the same educational conference or attend a meeting not organized by the local agency as long as members do not discuss among themselves agency business except as part of the gathering. Nor is attendance at a social or ceremonial event in itself a violation. The basic rule to keep in mind is a majority of the members cannot gather *and* discuss agency business except at an open and properly noticed meeting.
- **Closed Sessions.** The open meeting laws include provisions for private discussions under very limited circumstances. The reasons for holding the closed session must be noted on the agenda and different disclosure requirements apply to different types of closed sessions.
- **Posting and Following the Agenda.** In general, public officials may only discuss and act on items included on the posted agenda for a meeting. However, they or staff may briefly respond to questions or statements during public comments that are unrelated to the agenda items. Officials can also request staff to look into a matter or place a matter on the agenda for a subsequent meeting. Only under unexpected circumstances can matters that are not on the agenda be discussed or acted upon.

Consequences of Non-Compliance with Open Meeting Requirements

- **Nullification of Decision.** Many decisions that are not made according to the open meeting laws are voidable. After asking the agency to cure the violation, either the district attorney or any interested person may sue to have the action declared invalid.
- **Criminal Sanctions.** Additionally, members of the body who intentionally violate the open meeting laws may be guilty of a misdemeanor. The penalty for a misdemeanor conviction is imprisonment in county jail for up to six months, a fine of up to \$1,000 or both.
- **Other Measures.** Either the district attorney or any interested person may sue to remedy past and prevent future violations of the open meeting laws. Another remedy, under certain circumstances, is for a court to order that all closed sessions be tape-recorded. Regulations of public participation beyond those allowed by applicable statutory and constitutional principals can be a civil rights violation.
- **Attorneys' Fees and Costs.** Attorneys' fees and costs may be awarded to those who successfully challenge open meeting violations.

Example

If two members of a five-member public body consult outside of a public meeting (which is not in and of itself a violation) about a matter of agency business and then one of those individuals consults with a third member on the same issue, a majority of the body has consulted on that issue. Note the communication does not need to be in person and can occur through a third party. For example, sending or forwarding e-mail can be sufficient to create a serial meeting, as can a staff member's polling the body's members in a way that reveals the members' positions to one another.

- **Taping or Recording of Meetings Is Allowed.** Anyone attending a meeting may photograph or record it with an audio or video recorder unless the governing body makes a finding that the noise, illumination, or obstruction of view will disrupt the meeting. Any meeting tape or film made by the local agency becomes a public record that must be made available to the public for at least 30 days.
- **Sign-In Must Be Voluntary.** Members of the public cannot be required to register their name or satisfied any other condition for attendance. If an attendance list is used, it must clearly state that signing the list is voluntary.

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General Rules

- **Democracy in Action.** The public has a right to address the public body at any meeting. A public official's role is to both hear and evaluate these communications.
- **The Public's Right to be Heard.** Generally, every regular meeting agenda must provide an opportunity for the public to address the public body on any item within the body's jurisdiction. If the issue of concern is one pending before the body, the opportunity must be provided before or during the body's consideration of that issue.

Open-Government-Is-Good-Politics Note

The media are highly vigilant in monitoring compliance with open government requirements—and quick to report on perceived violations.

Key Things to Know

- **Anonymous Speech Must Be Permitted.** Members of the public cannot be required to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card, or identify themselves "for the record," but must respect a speaker's desire for anonymity.
- **Reasonable Time Limits May Be Imposed.** Local agencies may adopt reasonable regulations to ensure everyone has an opportunity to be heard in an orderly manner. For example, some agencies impose a uniform time limit on each person providing public comments on an issue.
- **Dealing with Dissension.** The chair cannot stop speakers from expressing their opinions or their criticism of the body. If an individual or group willfully interrupts a meeting and order cannot be restored, the room may be cleared. Members of the media must be allowed to remain and only matters on the agenda can be discussed.

General Rules

- Public agencies must generally make their records available for inspection by the public. Disclosure is the rule; withholding is the exception. In addition, there are a number of state laws that require affirmative disclosure of certain kinds of information (for example, by posting the information on the agency's website).

Key Things to Know

- **Agenda and Meeting Materials.** Copies of the agenda materials and other documents not exempt from disclosure distributed to the body must be available to the public. Any nonexempt materials prepared by the local agency must be available for public inspection at the meeting. Materials prepared and distributed by some other person must be made available after the meeting.
- **Scope of Access.** The public has the right to see nonexempt materials that are created as part of the conduct of the people's business. These materials include any writing that was prepared, owned, used, or retained by a public agency. This can include documents, computer data, e-mails, facsimiles, and photographs.
- **Presumption and Exceptions.** Written materials are presumed to be a public record unless an exception applies. There are a number of exceptions. For example, personnel records are typically exempt from disclosure because their release may violate an employee's privacy rights.

The public's right of access to public records is broadly construed and applies to many documents that public officials might otherwise assume are protected from disclosure.

Consequences of Violation

Anyone can sue the agency to enforce his or her right to access public records subject to disclosure. If the agency loses or otherwise produces the records as the result of the lawsuit, it must pay costs and attorneys fees.

It is important to note that the requirements discussed in this pamphlet are legal minimums for local government transparency in decision-making. Local agencies can provide for greater transparency.

In thinking about how an agency might provide for greater transparency, questions local agency officials might ponder include the following:

- 1 How can the agency make public information more readily available and easily understandable by the public in order to promote public trust and confidence in the agency and demonstrate the agency's commitment to transparency?
- 2 Are there kinds of information that are already publicly available in some form, but could be made available more conveniently to the public (for example, through voluntarily posting the information on the agency's website or including links on the agency's website to where information is available on other websites)?
- 3 What kinds of information might be of interest to a cross-section of the public relating to the agency's operations and decision-making processes? Are there ways this information can be made available without individual members of the public having to ask for it?

Ongoing consideration of these kinds of questions enables a local agency's officials to engage in collective discussion and decision-making about ways in which their agency can set its sights higher than the minimum requirements of the law.

A Note on Civility in Public Discourse

For communities to be able to work through difficult issues, it's important that people be able to express differing opinions about what best serves the public's interests in a respectful and civil manner.

This includes focusing on the *merits* of one's position. Even if people disagree about what's best for the community in this situation, it doesn't mean that those holding different views are bad people. Treat others with the same respect as one would like to be treated. Questioning others' motives or intelligence, being hostile, engaging in name-calling or making threats undermines one's effectiveness.

No matter how passionate one is about an issue, the goal is to conduct oneself in a way that will add to one's credibility and standing as a thoughtful member of the community.

California's open government laws are complex and extensive. Consult the following resources for more information on these laws.

- Understanding the *Basics of Public Service Ethics: Transparency Laws*, available at www.ca-ilg.org/Understanding-Public-Service-Ethics-Laws (includes discussions of other kinds of disclosure laws, in addition to Open Meeting Law and Public Records Act).
- *Open and Public IV: A User's Guide to the Ralph M. Brown Act, 2d Edition*, 2010. Available on the League of California Cities website at www.cacities.org or by calling 916.658.8200.
- *The People's Business: A Guide to the California Public Records Act*, 2008. Available on the League of California Cities website at www.cacities.org or by calling 916.658.8200.

Local officials should also consult their agency counsel with questions.

The Attorney General also offers guides on these laws; they are available from the Attorney General's website: http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf (Brown Act Guide) and http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf (Public Records Act).



The Institute for Local Government promotes good government at the local level with practical, impartial, and easy-to-use resources for California communities.

ILG is the research and education affiliate of the California State Association of Counties, the League of California Cities and the California Special Districts Association.

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Memorandum

To: Citizens Oversight Committee
From: Theresa Wright, Community Outreach Coordinator
Meeting Date: November 19, 2024
Subject: Election of Committee Chair and Vice Chair

RECOMMENDED ACTION:

CALL for nominations and **ELECT** a Chair and Vice of the Measure X Citizens Oversight Committee, for a two-year term beginning January 1, 2025.

SUMMARY:

The Measure X Citizens Oversight Committee's Chair and Vice Chair terms of service expire on December 31, 2024. This report calls for nominations and election of a Chair and Vice Chair to serve effective January 2025 for a two-year term.

FINANCIAL IMPACT:

None.

DISCUSSION:

In accordance with the Policies & Project Descriptions for the Transportation Safety & Investment Plan, a Citizens Oversight Committee representing a diverse range of community interests was formed within 6 months of voter approval of Measure X in November 2016. Members of the committee were appointed to serve by the Transportation Agency's Board of Directors on March 22, 2017, and the following month the Board approved the Measure X Citizens Oversight Committee Bylaws, which governs the committee. The Committee meets about 4 times per year to receive project and program updates and review the audit of the agencies receiving Measure X funds.

The Measure X Citizens Oversight Committee was formed in order to oversee and provide feedback on the Transportation Agency's implementation of the Transportation Safety and Investment Plan. The Oversight Committee's purpose is to be an additional layer of accountability so that the public is assured that the Transportation Agency, 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 the requirements of the Transportation Safety & Investment Plan;
- Review and make recommendations on any proposed changes to the plan, prior to the Transportation Agency Board considerations;
- Prepare annual reports regarding the administration of the program, to be presented to the

Transportation Agency Board of Directors and available for public review.

On Tuesday, October 18, 2022, members of the Measure X Citizens Oversight Committee elected Norm Groot as Chair and Sean Hebard as Vice Chair of the oversight committee for a two-year term. The terms of service for the Chair and Vice Chair expire on December 31, 2024. As a result, this action item calls for the nomination and election of a Chair and Vice Chair of the Measure X Citizens Oversight Committee to serve effective January 2025 for a two-year term.

ATTACHMENTS:

None

WEB ATTACHMENTS:

Memorandum

To: Citizens Oversight Committee
From: Theresa Wright, Community Outreach Coordinator
Meeting Date: November 19, 2024
Subject: **Election of Audit Sub-Committee**

RECOMMENDED ACTION:

CALL for nominations and **ELECT** members to serve on the Measure X Audit Sub-committee.

SUMMARY:

The Measure X Citizens Oversight Committee is responsible for conducting an independent audit to assure that Measure X funds were expended in accordance with the requirements of the Transportation Safety & Investment Plan and to prepare an annual audit report. This report seeks the nomination and election of 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 2023/2024 and to prepare the annual audit report.

FINANCIAL IMPACT:

None.

DISCUSSION:

The Measure X Citizens Oversight Committee was formed in order to oversee and provide feedback on the Transportation Agency's implementation of the Transportation Safety and Investment Plan. The Oversight Committee's purpose is to be an additional layer of accountability so that the public is assured that the Transportation Agency, 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 the requirements of the Transportation Safety & Investment Plan;
- Review and make recommendations on any proposed changes to the plan, prior to the Transportation Agency Board considerations;
- Prepare annual reports regarding the administration of the program, to be presented to the Transportation Agency Board of Directors and available for public review.

The duties of the subcommittee as defined above are to conduct the audit, report their findings to the full oversight committee and prepare the Measure X Annual Report. The committee is required to present their findings and the Measure X Annual Report to the TAMC Board of Directors, and to make their report available to the public.

In accordance with the duties defined in the Policies & Projects Description for the Transportation Safety & Investment Plan, this staff report seeks the nomination and election of Measure X Citizens Oversight Committee members to serve on the audit sub-committee with the Committee's Chair and Vice Chair to conduct the independent audit and prepare the annual Measure X Citizens Oversight Annual Report.

ATTACHMENTS:

None

WEB ATTACHMENTS: