

TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)
eXcellent Transportation Oversight Committee (X-TOC)
April 16, 2019 Meeting

Held at the Marina Branch Library, Community Room
190 Seaside Circle, Marina CA

Voting	JANUARY 15 2019	APR 16 2019	JULY 16 2019	OCTOBER 15 2019	JANUARY 21 2020	APRIL 21 2020	JULY 21 2020	OCTOBER 20 2020
Members								
Kevin Dayton, Chair Salinas Valley Taxpayers Association <i>(Rick Giffin)</i>	P	P						
Cesar Lara Transit Users <i>(Monica Gurmilan)</i>		A A						
Janet Brennan League of Women Voters <i>(Howard Fosler)</i>	P P	P P						
Tom Rowley Monterey Peninsula Taxpayers Association Rick Heuer		P E						
Kalah Bumba Senior or disabled services agency <i>(Teresa Sullivan)</i>	P	P P						
Victoria Beach Bicycling Advocate <i>(Claire Rygg)</i>	P A	E A						
Rod Smalley Labor Organization <i>(Glen Schaller)</i>	P P	P A						
Cliff Fasnacht Central Coast Builders Association <i>(Kristine O'Dell)</i>		A A						
John Haupt Salinas Valley Chamber of Commerce <i>(John Bailey)</i>	P A	P A						
Dan Limesand Monterey Peninsula Chamber of Commerce <i>(vacant)---</i>	P A	P -						
Scott Waltz Habitat Preservation <i>(Rachel Saunders)</i> Big Sur Land Trust	E E	P P						

Barbara Meister Hospitality (Gary Cursio)	P A	P A						
Norm Groot Agriculture (bill Lipe k)	P A	E E						
Joshua Jorn Education (Jarrett Garife, Patrick Deberdt)	P - P	A P						
Paula Getzelman South County (Carol Kenyon)	P P	P P						
Chris Barrera Latino Organization (Manuel Valencia)	P -	E E						
Ron Rader North County (Scott Freeman)	P	E A						
Daniel Hernandez Pedestrian (vacant)		P -						
Alexis Garcia- Arrazaola Youth/College (Vacant)	A -	P -						
Sean Hebard Construction (Keith Severson)	P P	P P						
TRANSPORTATION AGENCY STAFF								
Debbie Hale, Executive Director								
Todd Muck, Deputy Executive Director	P							
Theresa Wright, Community Outreach Coordinator	P	P						
Mike Zeller, Principal Transportation Planner	P	P						
Kay Reimann, Transportation Agency Council		P						
Rich Deal, Transportation Engineer								
Ariana Green, Transportation Planner								

Rita Goel, Deputy for Administration & Finance		P						
Dave Delfino, Finance Director		P						
Laurie Williams, Transportation Engineer	P							
OTHERS PRESENT:								
Joyce Halabi, Program Manager, Public Works Department, City of Pacific Grove,		P						
Adam Guise, C.P.A. Partner Moss, Levy & Hartzheim LLP		P						

P-PRESENT

E-EXCUSED

A-ABSENT

- VACANT POSITION

1. **WELCOME**

Paula Getzelman, Committee Chair, called the meeting to order at 2:01 p.m. Chair Getzelman asked each member to introduce themselves and for Theresa Wright, TAMC's Community Outreach Coordinator, to use their introductions as a roll call, by noting who was present. Chair Getzelman also asked TAMC staff and members of the public to introduce themselves.

2. **PUBLIC COMMENT**

Chair Getzelman called for public comment. Receiving none, she proceeded to items on the consent agenda.

3. **APPROVE CONSENT AGENDA**

Chair Getzelman asked if any members wanted any item pulled from the consent agenda. Hearing none, she asked if there were any public comments on the consent agenda. Receiving none, she asked for a motion to approve the consent agenda. The motion was made by member Dayton, seconded by member Hebard and passed unanimously.

The Chair proceeded to items on the regular agenda.

4. **RECEIVE PRESENTATION ON MEASURE X LOCAL PROJECTS FROM THE CITY OF PACIFIC GROVE**

Joyce Halabi, Program Manager, Public Works Department, City of Pacific Grove, provided a presentation on the status of local Measure X projects in the city. Ms. Halabi provided an overview of the \$315,000 Fountain Avenue Repaving Project completed last year. She then talked about the \$1.2 million Congress Avenue Road Rehabilitation project which is currently underway. The funding source for this project is a combination of Measure X, SB 1, RSTP and General Funds monies. She ended her presentation with an explanation of the \$1.8 million Pavement Management Program Road Rehabilitation Project to for two of their main thoroughfares: 17 Mile Drive and Central Avenue. This project will be funded with monies from Measure X, SB1 and the city's General Fund. Chair Getzelman asked if there were any questions at the end of the presentation. Receiving none, she thanked Ms. Halabi for her presentation and proceeded to the next item on the agenda.

5. **RECEIVE REPORT ON AUDIT PROCESS AND ACCEPT THE TRANSPORTATION SAFETY AND INVESTMENT PLAN (MEASURE X) AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2018**

Rita Goel, Director of Finance & Administration, Transportation Agency and Adam Guise, C.P.A., Partner, Moss Levy & Hartzheim, LLP, provided a report on the audit conducted by Moss Levy & Hartzheim on the Transportation Agency for Monterey County's financials for fiscal year ending June 30, 2018. They reported that the auditors found no instances of noncompliance by TAMC that required to be reported under Government Auditing Standards, nor did they note any matters involving the internal control over financial reporting and its operation that they consider to be material weakness. However, Mr. Guise, did report that some jurisdictions that received Measure X funds have only met partial compliance of the independent audits' requirements and that at least one jurisdiction was not in compliance with its Maintenance of Effort requirement.

A vigorous discussion followed with members asking questions about the partial compliances and how those results differed from the information about to be presented in Item 6 on the agenda. During this question and answer period, Chair Getzelman talked about the audit conducted by sub-committee assigned to perform the Measure X First Year Audit Results and the Measure X Annual Report in January.

During the discussion the following motions were made:

Member Dayton motioned that the draft Annual Report compliance chart be corrected to indicate that Marina is not in compliance with the Maintenance of Effort requirement and that the City of Pacific Grove did not provide the 2014-15 expenditures and Seaside did not provide the 2017-18 expenditures to determine if they were in compliance with their Maintenance of Effort requirements. He also asked that another column be added to the graphic in the Measure X First Year Audit Results and Measure X Annual Report to indicated that the cities of Marina, Monterey, Pacific Grove, Salinas, and Seaside were not in compliance with the Article III.B.2 independent audit on Measure X compliance requirements.

Member Limesand, seconded the motion for discussion. After discussion, Member Limesand made a friendly amendment that the committee pick a deadline date for the jurisdictions to get into compliance and if they did not meet that date to move forward and indicate that they were not in compliance. More discussion followed with members asking questions, then Member Rowley proposed a friendly amendment recommending the suspension of the May 30, 2019 funding cycle to the non-compliant jurisdictions. Further discussion ensued, and it was pointed out that suspension of Measure X allocations were required for non-compliance under the Ordinance and Tax Sharing Agreements, and that TAMC staff had suspended some payments in the past, until compliance was obtained.

Member Brennen motioned to delay the release of the First Year Audit Results and Annual Report for at least two weeks to give jurisdictions time to come into compliance. Her motion was seconded by member Dayton for discussion. At the end of the discussion, Chair Getzelman called for a vote. It received 1 aye and 13 nay votes.

Member Dayton then restated his motion to have the chart on the Report be corrected to show that Marina was not in compliance on its Maintenance of Effort and that the cities of Seaside and

Pacific Grove were deemed incomplete. The motion was seconded by Member Meister. The motion passed unanimously.

Member Dayton motioned that a new “Independent Auditor Compliance Letter” column should be added to the First Year Audit Results and Annual Report to accurately reflect the findings of the Moss, Leavy audit that the cities of Marina, Monterey, Pacific Gove, Salinas and Seaside were not in compliance with Article III.B.2 independent audit on Measure X compliance requirements to ensure that the annual report was accurate and complete. The motion was seconded by member Meister. After discussion, Chair Getzelman called for a vote. The Measure received 1 nay vote and 13 yea votes.

Member Brennan motioned that the audit report results be presented to the TAMC Board of Directors, along with a letter by the Oversight Committee Chair expressing the committee’s concerns about the audit process and the non-compliance results. The motion was seconded by Member Rawley. After discussion, the motion was amended to included that the letter be attached to the staff report to the TAMC Board of Directors for the Measure X Citizens Oversight Committee’s presentation of the First Year Audit Results and Annual Report in May. The motion passed unanimously.

Chair Getzelman asked members of the audit sub-committee were available to help write letter. Members Dayton and Meister said they were available.

6. **RECEIVE PRESENTATION ON MEASURE X FIRST YEAR AUDIT RESULTS AND THE MEASURE X ANNUAL REPORT**

The presentation of the audit results and the annual report were tabled by the Chair, since this issue was incorporated in the discussion of the previous agenda item.

7. **RECEIVE INFORMATION ON THE MEASURE X LOAN POLICIES AND THE RECENT LOANS TO THE CITIES OF DEL REY OAKS, GONZALES AND MONTEREY-SALINAS TRANSIT**

Mike Zeller, Principle Planner, Transportation Agency for Monterey County, presented information on the Measure X loan policies and the recent loans to the cities of Del Rey Oaks, Gonzales and Monterey-Salinas Transit. Mr. Zeller explained that The Policies and Project Descriptions for the Transportation Safety & Investment Plan, states that the Transportation Agency may issue limited loans, from time to time, to finance programs or projects. He explained that loans across categories require a recommendation from the Measure X Citizens Oversight Committee; and that advancement of funds within the same category may be approved by the Transportation Agency.

At the conclusion of his presentation, Chair Getzelman called for questions. Receiving none, she thanked Mr. Zeller for his presentation.

8. **ANNOUCEMENTS AND/OR COMMENTS**

Chair Getzelman called for announcements and/or comments.
Receiving none, she proceeded to adjourn the meeting.

9. ADJOURMENT

Chair Getzelman adjourned the meeting at 3:50 p.m.