



**Santa Cruz County
Regional Transportation Commission
Measure D Taxpayer Oversight Committee**



**AGENDA
Wednesday, March 23, 2023
6:00 p.m.**

In-Person Meeting

**SCCRTC Office: 1101 Pacific Ave, Suite 250
Santa Cruz, CA**

Remote Participation

Members of the public may participate in person or via zoom. Committee Members who need to participate remotely should provide justification prior to the meeting to smunz@sccrtc.org. Committee members that are unable to attend in person due to an "emergency" or "for cause" as defined in AB2449, may participate remotely only if at least a quorum of the members of the committee participate in person from a singular physical location identified on the agenda.

Zoom Meeting - Web:

<https://us02web.zoom.us/j/85847051672?pwd=ZWNSRkkzZGN2RTdzZkdCVXAxSmcwZz09>

Dial-in Number (US): +1 669 900 9128 US (San Jose)

Meeting ID: 858 4705 1672

Passcode: 711542

NOTE:

- See the end of this agenda for details about access for people with disabilities, translation services and other information.
- **SERVICIOS DE TRADUCCIÓN/ TRANSLATION SERVICES:** Si gusta estar presente o participar y necesita información o servicios de traducción al español, por favor llame por lo menos con tres días laborables de anticipo al (831) 460-3218 o email info@sccrtc.org y diríjase a las últimas páginas.
- **Agendas Online:** To receive email notification when the RTC Measure D Taxpayer Oversight Committee meeting agenda packet is posted on our website, please call (831) 460-3200 or visit <https://sccrtc.org/about/esubscriptions/>

Taxpayer Oversight Committee Members

Representing	Name
Supervisory District 1	Gail Jack
Supervisory District 2	David Culver
Supervisory District 3	Philip Hodsdon
Supervisory District 4	Trina Coffman Gomez
Supervisory District 5	Andre Duurvoort, Chair

1. Call to Order
2. Roll Call/Introductions
3. Consider AB2449 request(s) to participate in the meeting remotely due to emergency circumstances (a physical or family medical emergency that prevents a member from attending in person)
4. Oral communications

The Committee will receive oral communications during this time on items not on today's agenda. Oral communications must be within the jurisdiction of the Committee and may be limited in time at the discretion of the Chair. Committee members will not take action or respond immediately to any oral communications but may choose to follow up at a later time, either individually, or on a subsequent Committee agenda.

5. Additions, deletions, or other changes to consent and regular agendas

CONSENT AGENDA

All items appearing on the consent agenda are considered to be minor or non-controversial and will be acted upon in one motion if no member of the Committee or public wishes an item be removed and discussed on the regular agenda. Members of the Committee may raise questions, seek clarification or add directions to Consent Agenda items without removing the item from the Consent Agenda as long as no other committee member objects to the change.

6. Approve Minutes of the April 6, 2022 Oversight Committee Meeting – Pg. 7

REGULAR AGENDA

7. Overview of Committee Purpose, Scope of Responsibilities, Membership and Composition and Bylaws
(*Shannon Munz, Communications Specialist*)
 - a. Staff Report – Pg. 10
 - b. Attachments
 1. Section 32 of the Measure D Ordinance – Pg. 13
 2. Excerpts of the RTC Rules and Regulations related to Committee Bylaws and the Measure D Taxpayer Oversight Committee – Pg. 15
 3. Rosenberg’s Rules of Order – Pg. 20
 4. Brown Act at a Glance – Pg. 30
 5. Public meeting requirements under the Brown Act and AB 2449 – Pg. 34

8. Fiscal Year 2021/2022 (FY21/22) Measure D Audits and Expenditure Reports for Direct Recipient Agencies
(*Rachel Moriconi, Planning*)
 - a. Staff Report – Pg. 37
 - b. Attachments
 1. FY21/22 Reports from recipient agencies, including Audited Financial Statements and Expenditure Reports (*see files online at: <https://sccrtc.org/funding-planning/measured/taxpayer-oversight/>*)
 - a) City of Capitola: [Capitola FY21/22 Annual Report](#) and [Capitola FY21/22 Financial Report](#)
 - b) City of Scotts Valley: [Scotts Valley FY21/22 Measure D Annual Report](#) and **[DRAFT Financial Statements](#)**
 - c) City of Watsonville: [Watsonville FY21/22 Measure D Annual Report](#) and [Financial Statements](#)
 - d) County of Santa Cruz: [County FY21/22 Measure D Annual Report](#) and [Financial Statements](#)
 - e) LiftLine-Community Bridges: [Lift Line FY21/22 Measure D Annual Report](#) and [Financial Statements](#)
 - f) Santa Cruz Metropolitan Transit District (METRO): [METRO FY21/22 Measure D Annual Report](#) and [Financial Statements](#)

(Annual reports/audits for City of Santa Cruz and SCCRTC will be reviewed at a future committee meeting.)

9. Oversight Committee Annual Report
(*Shannon Munz, Communications Specialist*)

- a. Staff Report – Pg. 41
- b. Attachment – Pg. 43
 - 1. TOC FY20/21 Annual Report

10. Election of Officers: Committee Chair and Vice Chair

11. Committee Member and Staff Comments or Questions

12. Public Comment on Matters Not on the Agenda

Any member of the public may address the Committee on any item within the jurisdiction of the Committee that is not already on the agenda. At the discretion of the chair, the amount of time for oral communications may be limited. Committee members will not take action or respond immediately to any Oral Communications presented, but may choose to follow up at a later time, either individually, or on a subsequent Committee agenda.

Speakers are requested to state their name clearly so that their names can be accurately recorded in the minutes of the meeting.

13. Next meetings – Identify possible dates for the next oversight committee meeting tentatively in April. Future agenda items include audits and expenditure reports for regional investment categories (Highway, Rail, and Trail) and TOC annual report.

14. Adjourn

HOW TO REACH THE RTC OR MEASURE D OVERSIGHT COMMITTEE:

Santa Cruz County Regional Transportation Commission

1101 Pacific Avenue, Ste. 250, Santa Cruz, CA 95060; phone: (831) 460-3200 / fax (831) 460-3215 / email: info@sccrtc.org / website: www.sccrtc.org

REMOTE PARTICIPATION –Committee Members (AB2449)

This meeting is being held in accordance with the California Brown Act. Under traditional Brown Act rules, members of the committee may attend by teleconference if the location they are attending from is also open to the public to participate and the remote meeting location is listed on the agenda. Members of the committee may also attend via zoom up to two times per year due to an emergency or for cause according to requirements set forth in AB2449, as long as a quorum of the committee is present in person at a singular physical location identified on the agenda.

- *AB 2449 defines "just cause" as:*
 - *Care of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner;*
 - *a contagious illness that prevents a member from attending in person;*
 - *a need related to a physical or mental disability as defined by statute; or*
 - *travel while on official business of the RTC or another state or local agency*

- AB 2449 defines “emergency circumstances” as a physical or family medical emergency that prevents a member from attending in person. The committee member must provide a general description of the circumstances relating to your need to appear remotely at the given meeting (not exceeding 20 words). Medical condition does not need to be disclosed. The committee must take action to approve the request to participate due to an emergency circumstance at the start of their regularly scheduled meeting.

REMOTE PARTICIPATION - Public

The public may participate in the meetings of the Regional Transportation Commission (RTC) and its committees in person or remotely via the provided Zoom link or teleconference number. If technical difficulties result in the loss of communication for remote participants, the RTC will work to restore the communication; however, the meeting will continue while efforts are being made to restore communication to the remote participants. Members of the public participating by Zoom or teleconference are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Chair.

PARTICIPACIÓN REMOTA – El público

El público puede participar en las juntas de la Comisión Regional de Transporte (RTC) en persona o remotamente a través del enlace Zoom proporcionado. Si problemas técnicos resultan en la pérdida de comunicación con quienes participan remotamente, la RTC hará lo posible por restaurar la comunicación. Pero, la junta continuara mientras se hace lo posible por restaurar la comunicación con quienes participan remotamente. A los miembros del público que participan por Zoom se les indica que permanezcan en silencio durante los procedimientos y que hablen solo cuando se permitan comentarios públicos, después de solicitar y recibir el reconocimiento del presidente

Zoom Meeting Tips: Meeting attendees are strongly encouraged to use the Zoom app for best reception. Prior to the meeting, participants can download the Zoom app at: <https://zoom.us/download>. A link to simplified instruction for the use of the Zoom app is: <https://blog.zoom.us/video-communications-best-practice-guide/>

SERVICIOS DE TRADUCCIÓN/ TRANSLATION SERVICES: Si gusta estar presente o participar en juntas de la Comisión Regional de Transporte del condado de Santa Cruz y necesita información o servicios de traducción al español por favor llame por lo menos con tres días laborables de anticipo al (831) 460-3200 para hacer los arreglos necesarios. (Spanish language translation is available on an as needed basis. Please make advance arrangements at least three days in advance by calling (831) 460-3200.)

ACCESSIBILITY/ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES: The Santa Cruz County Regional Transportation Commission does not discriminate on the basis of disability and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. This meeting location is an accessible facility. If you wish to attend this meeting and require special assistance in order to participate, please contact RTC staff at 460-3200 (CRS 800/735-2929) at least three working days in advance of this meeting to make arrangements. People with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those persons affected, please attend the meeting smoke and scent-free.

TITLE VI NOTICE: The RTC operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person believing to have been aggrieved by the RTC under Title VI may file a complaint with RTC by contacting the RTC at (831) 460-3212 or 1101 Pacific Avenue, Ste 250, Santa Cruz, CA

95060 or online at <https://scrtc.org/about/title-vi-civil-rights-program/>. A complaint may also be filed directly with the Federal Transit Administration to the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

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**Santa Cruz County
Regional Transportation Commission
Measure D Taxpayer Oversight Committee**



Special Meeting

**MINUTES
Wednesday, April 6, 2022
5:00 p.m.
Location: Zoom**

Taxpayer Oversight Committee Members

Representing	Name
Supervisory District 1	Sandra Skees
Supervisory District 2	Jake Farrar
Supervisory District 3	Philip Hodsdon
Supervisory District 4	Trina Coffman Gomez
Supervisory District 5	Andre Duurvoort

1. Call to Order: Chair Duurvoort called the meeting to order at 5:00 p.m.
2. Introductions

Members Present:

Jake Farrar, District 2
Philip Hodsdon, District 3
Andre Duurvoort, District 5

Excused Absences:

Sandra Skees, District 1
Trina Coffman Gomez, District 4

RTC Staff:

Luis Mendez, Deputy Director
Rachel Moriconi, Senior Transportation Planner
Shannon Munz, Communications Specialist
Tracy New, Director of Finance and Budget

Guests:

Jesus Bojorquez, Program Director, Lift Line
Chris Lamm, Director of Public Works, City of Scotts Valley

3. Additions, deletions, or other changes to consent and regular agendas:
None

CONSENT AGENDA

A motion (Farrar/Duurvoort) was made to approve the consent agenda. The motion passed with members Farrar, Duurvoot and Hodsdon voting in favor. Members Skees and Coffman Gomez were absent.

4. Approved Minutes of the March 29, 2021 Oversight Committee meeting
5. Approved Minutes of the March 30, 2022 Oversight Committee meeting

REGULAR AGENDA

6. Fiscal Year 2020/2021 (FY20/21) Measure D Audits and Expenditure Reports *(continued from the March 30, 2022 meeting)*

Member Philip Hodsdon asked for more transparent information in the annual report describing when funds are being carried over for longer-term projects.

RTC Senior Transportation Planner Rachel Moriconi responded that in each agency's annual report, there is a section of the cover sheet where agencies provide information on fund balances and a description of how the agencies plan to spend their carryover funds in the future. Information on planned uses is also included in the 5-Year Plans for every agency or regional category of funds.

Chair Duurvoort said that as a committee, a theme that keeps coming up is how Measure D is being used to leverage funds from grants. It is important that this is highlighted as one of the main benefits of the tax measure.

Tracy New, RTC director of finance and budget, said that the RTC is responsible for a Strategic Implementation Plan (SIP) that spans the 30 years of the measure. The SIP is updated every two years and is currently in the process of being updated. It includes more information about future years and the spending that is planned, including where the bulk of the money will be targeted to leverage other grant money.

Chair Duurvoort asked for a statement from staff regarding the 2022 Measure D that is on the ballot regarding rail planning and if it will have an impact on how the 2016 Measure D tax funds are spent if it passes

since 8 percent of the funds from the 2016 measure go to the rail category.

RTC Deputy Director Luis Mendez said that they are two completely different measures. The 2016 Measure D is a transaction and use tax and revenue comes from items people purchase. He added that the RTC has begun conversations on the implications if the 2022 measure passes.

7. Oversight Committee Annual Report (*continued from the March 30, 2022 meeting*)

Chair Duurvoort said there are several themes that the committee would like to see highlighted in the annual report: how funds are being used to get projects shovel ready; how funds are enabling the recipient agencies to apply for and secure competitive grants; how funds have provided flexibility for agencies to carry on in the face of challenges such as COVID, supply chain issues, and labor shortages; and how the funds are being used from a sustainability standpoint.

Chair Duurvoort would also like the annual report to show year-over-year revenues or expenditures in a visual chart format.

Member Hodsdon said that people want to see that the money that is being spent results in something tangible and shows a positive trend either on throughput or number of people served.

Chair Duurvoort directed staff to begin putting together the annual report in a format similar to last year's report with the few new items added in. Staff will draft the annual report and send it to committee members to review. The committee will provide a letter stating their purpose and findings to include in the report.

8. Committee Member and Staff Comments or Questions: None

9. Public Comment on Matters Not on the Agenda: None

10. Next meetings: There are no upcoming meetings scheduled.

11. Adjourn: Meeting adjourned at 5:56 p.m.

Minutes prepared by Shannon Munz, SCCRTC Staff

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March 23, 2023

TO: Measure D Taxpayer Oversight Committee

FROM: RTC Staff

RE: Oversight Committee Purpose, Scope of Responsibilities, Membership and Composition, and Bylaws

RECOMMENDATIONS

Staff recommends that the Measure D Taxpayer Oversight Committee:

1. Review Section 32 of the voter-approved Measure D Ordinance related to the Independent Oversight Committee ([Attachment 1](#));
 2. Review the Bylaws for Commission Committees and the Measure D Taxpayer Oversight Committee description ([Attachment 2](#)).
-

BACKGROUND

Measure D includes a number of safeguards, audits and accountability provisions to protect Santa Cruz County taxpayers' investment. The Regional Transportation Commission (RTC), as the Measure D Authority, is responsible for forming the oversight committee.

DISCUSSION

Committee Purpose

Per Section 32C ([Attachment 1](#)) of the voter approved ballot measure, the oversight committee is tasked with the following responsibilities:

- Reviewing Expenditure Plan expenditures on an annual basis to ensure they conform to the Ordinance.
- Reviewing the annual audit and report prepared by an independent auditor, describing how funds were spent.
- Producing a publicly available Annual Report of oversight activities.

Committee Bylaws

The Measure D Oversight Committee is subject to the committee bylaws and description included in the RTC's Rules and Regulations. The Rules and Regulations cover the purpose, responsibilities and membership of the committee as established by voter approved Measure D. State requirements to satisfy the Brown Act are also addressed along with terms of service and quorum.

Committee Composition

Measure D limits the oversight committee membership to five (5) members who must reside in Santa Cruz County. In order to ensure representation of residents throughout the county, the bylaws establish that one resident from each of the five county supervisorial districts will compose the committee. Measure D also states that committee members:

- Cannot be elected officials of any government;
- Cannot be employees of any agency or organization that either oversees or implements projects funded from the proceeds of Measure D;
- Will fairly represent the geographical, social, cultural, and economic diversity of Santa Cruz County; and
- Include at least one person with an accounting or fiscal management background.

The applications for committee membership asked applicants to provide information on how they may represent the social, cultural and economic diversity of the county. The application also asked applicants to provide information regarding their accounting and fiscal management background. This information was used by the RTC when it chose two new members to appoint to the committee and two current members to reappoint at its February 2, 2023 meeting.

Conduct of Meetings

Consistent with RTC Rules and Regulations, the Oversight Committee meetings are subject to the California Brown Act and shall be conducted in accordance with the principles of "Rosenberg's Rules of Order" ([Attachment 3](#)). A summary of the Brown Act is included as [Attachment 4](#). The Brown Act or "Open Meeting Law" was enacted to guarantee the public's right to attend and participate in meetings of local agencies.

Meeting Schedule

The ordinance limits the total number of oversight committee meetings to no more than four per year. Oversight committees for many other ballot measures meet one or two times per year. Committee activities are expected to focus on review of audits and prior year expenditures. It is expected that audited expenditure information will be available for committee review in the February-April timeframe each year. Reports of prior year expenditures are due from recipient agencies by December 31, after which they will be under audit.

SUMMARY

Measure D requires the formation of an oversight committee and addresses duties, membership, and number of meetings per year for the committee. Staff recommends the Measure D Oversight Committee review bylaws and other materials related to the committee.

Attachments:

1. Section 32 of the Measure D Ordinance
2. Excerpts of the RTC Rules and Regulations related to Committee Bylaws and the Measure D Taxpayer Oversight Committee
3. Rosenberg's Rules of Order
4. Brown Act at a Glance

Measure D Ordinance:
Section 32. TAXPAYER SAFEGUARDS, AUDITS, AND ACCOUNTABILITY.

Accountability is of utmost importance in delivering public investments with public dollars. In order to ensure accountability, transparency and public oversight of all funds collected and allocated under this Measure and to comply with state law, all of the following shall apply:

- A. Annual Report.** Each agency receiving Measure Revenue shall annually adopt, after holding a public hearing, an annual report which includes 1) a five-year program of projects including information about each of the projects to be funded with Measure Revenues allocated according to the Expenditure Plan. Local and regional agencies shall submit their program of projects to the Authority in a format that can be easily understood by members of the public. 2) Description of expenditures of Measure Revenues from the most recently completed fiscal year. The purpose of requiring the most recently completed fiscal year expenditures is to allow the Authority to prepare a comprehensive report to the public on the expenditure of funds generated by this Ordinance.
- B. Annual Audit.** No less than annually, an independent annual audit shall be conducted of the expenditure of all funds generated by the transportation tax. The audit, which shall be made available to the public, shall report on evidence that the expenditure of funds is in accordance with this Plan as adopted by the voters in approving the Ordinance on November 8, 2016. The Authority will also prepare a publicly available annual report on past and upcoming activities and publish an annual financial statement.
- C. Independent Oversight Committee.** An Independent Oversight Committee shall be formed by the Board of Directors of the Authority to review the annual independent fiscal audit of the expenditure of the Transportation Tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Authority Board of Directors. The total membership of the Independent Oversight Committee shall not exceed five (5) members and any vacancy which may occur from time to time shall be filled by the Board of Directors of the Authority as soon as reasonably possible.

Members of the Independent Oversight Committee shall be residents of Santa Cruz County who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the sales tax. Members will fairly represent the geographical, social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users. The Committee shall include at least one person with an accounting or fiscal management background.

Independent Oversight Committee meetings will be announced in advance and will be open to the general public. The Independent Oversight Committee shall meet at least once but no more than four times per year.

The responsibilities of this Committee include:

- Reviewing Expenditure Plan expenditures on an annual basis to ensure they conform to the Ordinance.
- Reviewing the annual audit and report prepared by an independent auditor, describing how funds were spent.
- Produce a publicly available Annual Report of Oversight Activities.

D. Decisions regarding implementation of this Ordinance will be made by the Authority in public meetings, subject to the Brown Act.

Excerpts from RTC Rules & Regulations:
Committee Bylaws and Measure D Oversight Committee

Exhibit 2

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION
Bylaws for Commission Committees
August 17, 2017

CREATION OF COMMITTEES

As needs arise, the Santa Cruz County Regional Transportation Commission (Commission) can establish working Committees to serve as advisory or oversight bodies to the Commission for any designated length of time. Such Committees will adopt the bylaws below, as approved by the Commission, for rules and procedures.

PURPOSES, POWERS AND DUTIES

A separate attachment describing the purpose, membership, quorum and meeting frequency and location of each authorized Committee is included with these bylaws.

MEMBERSHIP

Consistent with state law and local ordinance, the Commission shall designate the number of members and affiliations to serve on each Committee at the Commission's pleasure. Committees may include Commissioners and non-Commission members, representatives from other agencies and jurisdictions, and members of the general public as deemed appropriate by the Commission, state statute, or local ordinance. For each committee, an individual may be appointed to one membership seat only, as either member or alternate.

APPOINTMENTS

Commissioner appointments to Committees with RTC board member membership are made by the Commission Chair with the concurrence of the Commission. The Chair shall ensure fair Committee representation by the entities represented on the Commission itself. Non-Commissioner appointments to agency membership slots for Committees are made by the represented agency. Each represented agency shall inform the Commission in writing of its appointment. Appointments of members of the general public to Committees are made by the Commission based on an open application process and consistent with state law and local ordinance. Each of the cities and each member of the Board of Supervisors are encouraged to nominate members to the Bicycle Advisory Committee and the Elderly and Disabled Transportation Advisory Committee. The nominations are limited to representation for the appointing entity's jurisdiction. The nominations will be considered along with any other applications for the seats to be filled. Current membership lists shall be maintained by the Commission's Executive Director.

Commissioner appointments to committees shall be made annually at the March Commission meeting by the Chair with concurrence of the Commission. When a Commissioner vacancy on a

Committee is created, the Commission Chair shall make an interim appointment with concurrence of the Commission at the next meeting.

ALTERNATES

Commissioners' designated alternates shall serve as their alternates on Committees. Alternates for non-Commissioner committee member seats shall be appointed in the same manner as appointments to the corresponding regular membership slot.

VACANCIES

A vacancy may be created when an appointed member of the Committee misses three consecutive regular meetings without good cause so entered in the minutes. A vacancy shall be created when due to death, disability, or extenuating circumstances, an appointed member can no longer carry out responsibilities; when an appointed member resigns as a Committee member; or when a Commissioner appointed to a Committee resigns from the Commission. Vacancies are to be filled in the same manner as the original appointments were made.

Commission staff shall notify Committee members when they have missed two consecutive meetings without good cause so entered in the minutes, in order to inform them of the potential creation of a vacancy.

For membership slots filled by members of the public, Commission staff shall advertise the opening on the Commission website and in other manners as to notify the public of the membership opportunity.

The membership structure, including alternates and ex-officio members, of each Committee is included as separate attachments to these bylaws.

COMMITTEE MEMBERS ATTENDANCE RESPONSIBILITIES

A Committee Member on a given Committee shall be responsible for contacting his or her Alternate in the event the Committee Member cannot attend a scheduled meeting.

A Committee Member or Alternate on a given Committee shall be responsible for notifying staff 24 hours prior to the meeting that the Alternate will be serving as the representative to that Committee on behalf of the Committee Member or that neither the member nor alternate will be in attendance.

Should a Committee Member comply with the above (contacting the Alternate and notifying staff), in the event the Alternate does not attend the meeting, it will be noted in the minutes that the Committee Member is excused.

Should a Committee Member fail to notify staff that his or her Alternate will be serving as the representative to the Committee, and should the Alternate not be in attendance at the meeting, the Committee Member shall be entered in the minutes as absent without cause and subject to the Vacancies requirement.

ALTERNATES ATTENDANCE RESPONSIBILITIES

An Alternate shall be required to attend Committee meetings only in the event that his or her Committee Member is unable to attend; however, the Alternate may attend and may participate as a member of the public (but may not vote) at Committee meetings even if the Committee Member is present.

TERMS OF OFFICE

Commissioners appointed to Committees shall serve a term of one year, and continue to serve until a new appointment is made. Non- Commissioner members of Committees shall serve three-year terms. Alternates shall serve a term that coincides with the term of the committee member for whom they are an alternate. Terms of office for all Committee members are renewable by the Commission. At its discretion the Commission may review and change Committee appointments at any time.

OFFICERS

A Chairperson and Vice Chairperson for each Committee shall be elected to serve for a term of one or two years. The Chairperson shall preside at all meetings of the Committee. The Chairperson shall maintain order and decorum at the meetings, decide all questions of order, and announce the Committee's decisions. The Vice Chairperson shall perform the duties of the Chairperson in his or her absence. In the event both officers are absent from the Committee, the majority of quorum may appoint a presiding officer for that meeting. All officers shall continue in their respective offices until their successors have been elected and have assumed office.

COMMITTEE STAFF

The Executive Director of the Commission shall appoint a staff member to serve as the primary staff to each Committee.

ORGANIZATION AND PROCEDURES

- a) Meetings. Committee meetings are to be open and public in compliance with the Ralph M. Brown Act (Government Code Section 54950 et seq.). The meetings are to be held in a freely accessible location in order to facilitate the attendance of disabled members of the Committee and community in general. The scheduled meeting time for each committee is listed on the separate attachments but may be changed at the decision of a quorum of the Committee. The date, time and place of the meeting may also occasionally be changed due to availability of members or timeliness of agenda items.
- b) Quorum. A majority of the voting members shall constitute a quorum for the transaction of business. No official action shall be taken during any Committee meeting at which a quorum is not present. No act of a Committee shall be valid unless a majority of the members present concur therein.
- c) Voting. Voting on all matters shall be on a voice vote unless a roll call vote is requested by any member in attendance. Ex officio members of the Committee shall not be eligible to vote although they may participate freely in any and all discussions of the Committee.

- d) Agenda. Except as otherwise specified, all Committees shall comply with the notice and agenda requirements applicable to the Commission. All issues requiring a vote or Committee discussion must be included on the meeting's agenda. Written materials concerning these items must be included in the agenda packet of the meeting for which that item is scheduled for discussion. A Committee member may request that an issue not on the agenda be put on the next meeting's agenda for discussion and/or vote. By majority vote, the Committee may approve continuation of an agenda item to the next meeting.

Members who wish to place items on the agenda shall notify commission staff and provide appropriate documentation to staff at least two weeks prior to the meeting except for emergency items considered pursuant to requirements of the Brown Act.

- e) Limitation of Discussion. Discussion on any particular matter by either Committee members or by any member of the general public may be limited, at the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.
- f) Conduct of Meetings. The meetings are to be conducted in accordance with the principles of Rosenberg's Rules of Order (see Exhibit 11).
- g) Minutes. Official minutes recording the members and visitors present, motions entertained, actions taken, and the votes cast at each Committee meeting, shall be prepared by staff and submitted to the Committee for approval and to the Commission for its acceptance.
- h) Oral Communications. A time for Oral Communications will be included on all agendas to hear comments from non-committee members on items not on the Committee agenda but within the jurisdiction of the Committee's business. Permission to address the Committee must first be secured from the Presiding Officer. The general time limit is three minutes, unless more time is granted by the presiding officer. Matters raised during oral communications, or at other times, which require further information or investigation can be referred by the Committee to staff, and if action is required, placed on a future agenda.
- i) Bylaws. The information set forth herein shall be deemed sufficient to serve as the bylaws for the Commission's Committees subject to approval by the Commission. The committee descriptions included in the Commission's Rules and Regulations can be amended by a majority vote of the subject committee's members with approval by the Commission.

CONFLICTS OF INTEREST

A member of the Commission or its committees is prohibited from participating in a governmental decision, including, but not limited to the making of a contract, in which he or she has a financial interest.

Exhibit 2A

Committee: **MEASURE D TAXPAYER OVERSIGHT COMMITTEE**

Committee Objectives: Review the annual independent fiscal audit of the expenditure of the Measure D Transportation Tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.

1. Review Measure D Expenditure Plan expenditures on an annual basis to ensure that they conform to the Measure D Ordinance;
2. Review the annual audit and report prepared by an independent auditor, describing how funds were spent; and
3. Produce a publicly available Annual Report of Oversight Activities issued to the Regional Transportation Commission with findings regarding compliance with the requirements of Measure D and its Expenditure Plan.

Committee Membership: The total membership shall not exceed five (5) members. Members shall be residents of Santa Cruz County who are neither elected officials of any government, nor employees from any agency or organization that either oversees or implements projects funded from the proceeds of the sales tax. Members will fairly represent the geographical, social, cultural, and economic diversity of Santa Cruz County to ensure maximum benefit for transportation users. The Committee shall include at least one person with an accounting or fiscal management background.

One resident from each of the five county supervisorial districts = 5

Appointments: Appointments shall be made by the Regional Transportation Commission. Any vacancy which may occur from time to time shall be filled by the Board of Directors of the Authority as soon as reasonably possible.

Term: Members will serve without compensation for a term of two (2) years and may be reappointed up to three (3) times. Members will not serve more than two (2) consecutive terms, if there are other eligible applicants for the position.

Quorum: A quorum is three members, assuming that there are no vacant positions. If there are vacant positions, a quorum will be the lowest whole number representing more than fifty percent (50%) of filled positions.

Meeting Frequency and Time: The Measure D Oversight Committee shall meet at least once but no more than four times per year. Meetings will be announced at least 72 hours in advance and will be open to the general public.

Meeting Location: The Regional Transportation Commission conference room at 1101 Pacific Avenue, Ste. 250 in Santa Cruz unless otherwise announced at least 72 hours in advance.

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Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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The Ralph M. Brown Act at a Glance

The Brown Act or “Open Meeting Law” is officially known as the Ralph M. Brown Act and is found in the California Government Code § 54950 et seq. 1. The Brown Act was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies, and as a response to growing concerns about local government officials’ practice of holding secret meetings that were not in compliance with advance public notice requirements. The Brown Act is pivotal in making public officials accountable for their actions and in allowing the public to participate in the decision making process.

Who is Governed by the Brown Act?

The Brown Act governs local agencies, legislative bodies of local government agencies created by state or federal law and any standing committee of a covered board or legislative body, and governing bodies of non-profit corporations formed by a public agency. Examples of these would be city council, county board of supervisors, special district, school boards, standing committees, and even some types of Home Owners Associations (if they were created by a public entity and constituted as some sort of public district.)

What is a “Meeting?”

A meeting, as defined by the Brown Act, is “any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the legislative body” (§ 54952.2 (a)). For instance, when the quorum for an oversight committee reaches the number necessary to be a majority (i.e. 3 out of 5), that is considered a meeting under the Brown Act. Also, when the same or a greater number of supervisors are attending a social gathering, for which no meeting notice was given, and they start discussing business under the jurisdiction of their legislative body, that would be considered a meeting that falls under Brown Act regulations.

The key elements for a meeting are quorum and discussion, hearing or deliberation of issues; the meeting needs not to be formally convened in order to be subject to the act. That means that “informal”, “study,” “discussion,” “informational,” “fact-finding,” or “pre-council” gatherings of a quorum of the members of a board are within the scope of the Act as meetings.

Exceptions (Meetings Not Covered by the Brown Act)

Conferences and retreats, other public meetings, meetings of other legislative bodies, social or ceremonial events are exempt from the Brown Act provided that legislative members follow certain rules such as limiting the discussion to the agenda in the conference; or that legislative members do not discuss amongst themselves business of their legislative body. Regulations for these exceptions to meetings are contained in § 54952.2(c). Also excluded from the application of the Brown Act are individual contacts or conversations between a member of a legislative body and any other person (§ 54952.2(c) (1)). Any other person is defined as a non-staff or non-board member.

Serial Meetings

The Brown Act explicitly prohibits the use of “direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body” (§ 5495.2(b)). Serial meetings involve communication between members of a legislative body that are less than a quorum, but when all participants are considered, it constitutes a majority. “For example, a chain of communications involving contact from member A to member B who then communicates with member C would constitute a "serial meeting" ... Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred. In addition, a serial meeting occurs when intermediaries for board members have a meeting to discuss issues.

For example, when a representative of member A meets with representatives of members B and C to discuss an agenda item, the members have conducted a serial meeting. In *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, the Court concluded that a series of telephone conversations conducted by the agency's attorney as an intermediary constituted a meeting within the scope of the Brown Act. (See also, 65 Ops.Cal.Atty.Gen. 63 (1982); 63 Ops.Cal.Atty.Gen. 820 (1980)).”³ Thus, the use of email to create consensus among the legislative members might be in violation of the Brown Act.

Teleconference Meetings

The Brown Act allows teleconference meetings if they comply with the following specifications:

- The teleconference location is accessible to the public and it is noted in the agendas;
- The meeting is useful to the public and the legislative body;
- All votes are taken by roll call, and;
- At least a quorum of the members of the legislative body are located within the boundaries of the territory over which it exercises jurisdiction (§ 54953(b)).

Closed Sessions

The Brown Act allows closed sessions under the scope of a regular meeting. It stipulates that they shall comply with agenda posting and be held within the jurisdiction of the legislative body (§ 54954), which shall include a description of the items to be discussed (§ 54954.2). In addition, prior to holding any closed session, the legislative body shall disclose, in an open meeting, the item or items to be discussed in the closed session (§ 54957.7). Items that can be discussed by the legislative body are according to § 54954.5:

- License or permit determination (§ 54956.7)
- Conference with real property negotiators (§ 54956.8)
- Conference with legal counsel regarding existing or anticipated litigation (§ 54956.9)
- Liability claims (§ 54956.95)
- Threat to public services or facilities (§ 54957(a))
- Public employee appointment, employment, performance evaluation, discipline, dismissal or release (§ 54957(b))
- Conference with labor negotiators (§ 54957.6)

- Case review or planning (§ 54957.8)
- Report involving trade secret or hearings (§ 54956.87, California Health and Safety code §§1461,32106 and 32155; or California Government Code §§ 37606 and 37624.3)
- Charge or complaint involving information protected by federal law (§ 54956.86).
- The legislative body should publicly report actions, along with the vote and abstention count, taken as result of a closed session (§ 54957.1). Documentation relative to the reports should be available to any person on the next business day following the meeting (§ 54957.1(c)).

Special Meetings

Either the presiding officer or the majority of members of the legislative body may call special meetings at any time by delivering each of its members a written notice and by notifying the media (which has previously requested notification of special meetings): the notice shall be received at least 24 hours in advance before the meeting. Special meetings notice shall be also posted at least 24 hours prior to the meeting and it should be held in a location that is freely accessible to members of the public. The discussions at the special meeting are limited to the issues posted in the agenda. No other business shall be considered (§ 54956).

What Rules Must a Meeting Follow?

Local agencies, in order to comply with the Brown Act, shall:

Hold open and public meetings (§ 54953 (a)). In addition, no legislative body shall conduct any meeting in a facility that prohibits the admittance of any person(s) on the basis of: race, religion, color, national origin, ancestry, sex; or that is inaccessible to disabled persons, or where the public, in order to gain access to the facility, needs to pay or purchase something (§ 54961 (a)).

- Vote publicly, no secret ballots are allowed (§ 54953 (c)).
- Comply with the protections and prohibitions of Section 202 of the Americans with Disabilities Act of 1990 (§ 54953.2).
- NOT require public registration, as a condition for attendance; the public is not required to register, provide any other information –such as self-identification--, or fulfill any condition precedent to its attendance. If an attendance list is circulated, it shall clearly state that the signing, registering, or completion of the document is voluntary (§ 54953.3)
- Allow recording of the proceeding (video tape, audio tape) provided that recording is done in an undistruptive way (§ 54953.5)
- NOT prohibit or restrict broadcasting unless there is a finding that this would be disruptive to the proceedings (§ 54953.6)
- Post notice of meetings, information shall include specified time and location, except for advisory or standing committees (§ 54954 (a))
- Post agendas at least 72 hours in advance of the meeting and it shall contain a brief general description of each item of business (§ 54954.2(a))
- NOT take action or discuss any item not appearing on the posted agenda except under certain conditions (§ 54954.2(a), conditions appear on subsection (b)) \
- Hold meetings in the jurisdiction of the legislative body (§54954 (b))

- Allow and honor any person's request to provide and mail a copy of the agenda at the time the agenda is posted (at least 72 hours in advance) or of all the documents of the agenda packet of any meeting (§ 54954.1)
- Provide an opportunity for comment from members of the public to directly address the legislative body on any item of interest to the public on every agenda for regular meetings (§ 54954.3(a))
- Allow public criticism of the legislative body (§ 54954.3(c))
- Hold at least one public meeting, allowing for public comment, before adopting any new or increased general tax or increased assessment, and
- the legislative body shall provide at least 45 days public notice of such meeting (§ 54954.6)5
- Not charge fees for the attendance to a meeting or for carrying out any provision in the Brown Act (§ 54956.6). The only exception is when legislative bodies are allowed to charge a fee that covers the cost of mailing an agenda or agenda packet (§ 54954.1). A related requirement is found on § 54961(a) that prohibits meetings in a place where the public needs to pay or purchase something
- Disclose to the public agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency. In addition, under the California Public Records Act these documents shall be made available upon request and without delay (§ 54957.5)
- Preserve the order in meetings. Moreover, if a group willfully interrupts a meeting and the order can only be restored by the removal of disruptive individuals, then the legislative body may order the meeting room to be cleared. The session might be reinitiated and representatives of the media shall be allowed to stay and attend the session. The legislative body may also establish a procedure for readmitting individual(s) not responsible for the disruptive conduct that caused the meeting room to be cleared (§ 54957.9).

Violations of the Brown Act

Each member of a legislative body who has taken action in violation of any provision of the Brown Act, and where there was willful deprivation of information to the public, is guilty of a misdemeanor (§ 54959). Civil remedies (injunction, mandamus, declaratory relief and voiding past actions of the body) are provided in case of violation of the Brown Act (§§ 54960 and 5490.1) pursuant to §§ 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5 (that is, for violations to requirements for: general open meeting, agenda posting, closed sessions, tax and assessment, special meetings and, emergency meetings). A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to §§ 54960 and 5490.1.

In order to correct a violation to the Brown Act, a complaint to cure and correct has to be filed by the interested party:

- within 30 days of the date the action was taken during an open meeting and in violation of agenda requirements
- Within 90 days of the date the action was taken for all other cases
- Once the legislative body has received the complaint, it has 30 days to cure or correct the challenged action, if it fails to do so, a person then may file suit to void the action (§ 54960.1.)

PUBLIC MEETING REQUIREMENTS UNDER THE BROWN ACT AND AB 2449

With the end of the Governor's Emergency Order related to COVID-19 on February 28, 2023, meetings of the Santa Cruz County Regional Transportation Commission and its Committees will return to in person in accordance with the Brown Act.

The adoption of AB 361 on September 16, 2021 allowed teleconferencing without the Brown Act restrictions, but only during a declared emergency. However, with the termination of the Governor's Emergency Order at the end of February 2023, AB 361 will become inoperative.

On September 13, 2022, California Governor Gavin Newsom signed into law [Assembly Bill \(AB\) 2449 \(Rubio\)](#). The new amendments to the Brown Act went into effect on January 1, 2023. The statute incorporates traditional teleconferencing under the Brown Act as well as some new and limited provisions for teleconferencing.

AB 2449 will allow RTC Committee members to attend remotely without complying with the traditional Brown Act teleconferencing rules under very limited circumstances. In order to use AB 2449, at least a quorum of the members of the Committee must participate in person from a singular physical location identified on the agenda, the location must be open to the public and within the boundaries of the local agency.

The Committee must host a robust remote meeting. RTC is required to provide at least one of the following so that the public may remotely observe the meeting and provide comments:

- A two-way audiovisual platform (defined to mean an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function); and/or
- A two-way telephonic service and a live webcasting of the meeting (defined to mean a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate)

Under what conditions may Committee members use AB 2449

AB2449 only allows a member of the Committee to participate remotely if one of the following are met:

1. A Committee member notifies the Committee as soon as possible, including at the start of a regular meeting, of their need to participate remotely for "just cause," including a general description of the circumstances relating to their need to appear remotely at the given meeting. The Committee does not need to vote on a "just cause" exception. "Just cause" may only be used twice per calendar year by an individual member. AB 2449 defines "just cause" as:
 - Care of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner.
 - a contagious illness that prevents a member from attending in person.
 - a need related to a physical or mental disability as defined by statute; or
 - travel while on official business of the committee or another state or local agency
2. A Committee member requests the Committee to allow them to participate in the meeting remotely due to "emergency circumstances" and the Committee takes action to approve the request at the start of their regularly scheduled meeting. A standing item will be placed on the agenda to allow the Committee to vote on "emergency" circumstances exception. The Committee must request a general description (generally not exceeding 20 words) of the circumstances relating to their need to appear remotely at the given meeting. AB 2449 defines "emergency circumstances" as: a physical or family medical emergency that prevents a member from attending in person.
 - Provide a general description of the reason (not exceeding 20 words) that includes physical or family medical emergency that prevents a member from attending in person. Medical condition does not need to be disclosed.

AB 2449 also adds the following new requirements for Committees:

1. Both "just cause" and "emergency circumstances" require a quorum of members to be in a physical location and within the jurisdiction accessible to the public.
2. Teleconference procedures may not be used by a member of the Committee to teleconference for a period of more than three consecutive months or 20% of the regular meetings within a calendar year, or more than two meetings if the Committee meets fewer than 10 times per calendar year.
3. Votes must be taken by Roll Call vote.
4. Members participating remotely must do so through both audio and visual technology and must publicly disclose whether any individual over the age of 18 is present at the remote location with the member and disclose general nature of the member's relationship with any such individuals.

5. Public must be provided the ability to participate remotely.
6. Committees must implement procedures for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, consistent with applicable civil rights and nondiscrimination laws.
7. No action can be taken if a disruption event prevents the Committee from broadcasting the meeting.
8. A Committee may take action on items of business not appearing on the posted agenda if the request to consider action was for a member to participate in a meeting remotely due to emergency circumstances and the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The Committee may approve such a request by a majority vote.

TO: Measure D Taxpayer Oversight Committee

FROM: Tracy New, Director of Finance and Budgets and
Rachel Moriconi, Senior Transportation Planner

RE: Fiscal Year 2021/22 Measure D Audits and Expenditure Reports for Direct Recipients

RECOMMENDATIONS

Staff recommends that the Measure D Taxpayer Oversight Committee review Measure D FY2021/22 annual reports, including expenditure reports and independent fiscal audits for the Cities of Capitola, Scotts Valley, and Watsonville, the County of Santa Cruz, Santa Cruz METRO, and Lift Line Community Bridges ([online at: https://sccrtc.org/funding-planning/measured/taxpayer-oversight/](https://sccrtc.org/funding-planning/measured/taxpayer-oversight/)), to ensure that expenditures conform to the Measure D Ordinance.

BACKGROUND

In November 2016, Santa Cruz County voters approved Measure D, a half-cent transaction and use tax (sales tax) for transportation. Each year, agencies that receive Measure D revenues are required to prepare expenditure reports and independently audited financial statements for the prior fiscal year. The audits and expenditure reports should provide evidence that the expenditure of funds is in accordance with the [Measure D Ordinance](#) and [Expenditure Plan](#) and Measure D Funding Agreement with recipient agencies.

Per Section 32C of the voter-approved Measure D Ordinance, the oversight committee is tasked with the following responsibilities:

1. Reviewing Expenditure Plan expenditures on an annual basis to ensure they conform to the Ordinance.
2. Reviewing the annual audit and report prepared by an independent auditor, describing how funds were spent.
3. Producing a publicly available Annual Report of oversight activities.

DISCUSSION

Nearly 50% of Measure D revenues are allocated to the cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville, the County of Santa Cruz, Santa Cruz Metropolitan Transit District (METRO), and Community Bridges/Lift Line (Direct Recipients). These agencies have prepared annual reports which include expenditure reports and audited financial statements showing how they spent Measure D allocations in Fiscal Year 2021/22 (July 1, 2021-June 30, 2022; FY2021/22). At the March 23, 2023 Oversight Committee meeting, representatives from the cities of **Capitola, Scotts Valley, and**

Watsonville, the County of Santa Cruz, METRO and Community Bridges/Lift Line will be available to answer questions. The audits for the City of Santa Cruz and Santa Cruz County Regional Transportation Commission (SCCRTC) will be available for review at the subsequent committee meeting.

Summary of Revenues and Expenditures

FY2021/22 was the fifth full year that Measure D revenues were collected. For FY2021/22, the RTC allocated a total of \$26,860,962 in net Measure D FY2021/22 revenues to recipient agencies and investment categories based on formulas set forth in the voter approved Measure D Ordinance and Expenditure Plan. These revenues can only be used for transportation purposes described in the Measure D Expenditure Plan, agreements, and guidelines.

Recipient agencies expended \$13.6 million of Measure D revenues on projects and services in FY2021/22. Allocations not expended through FY2021/22 can be carried over for use in future years for use on projects identified in the 5-year program of projects (5-year plans) that are annually updated by each agency.

Investment Category	%	FY21/22 Allocations¹ (Accrual basis)	Distributions (Cash Basis, Paid 7/1/21- 6/30/22)	FY21/22 Expenditures
Neighborhood	30%			
SLV SR9		\$333,333	\$333,333	\$214,295
Hwy 17 Wildlife		\$166,667	\$166,667	\$438
City of Capitola		\$381,422	\$384,195	\$96,915
City of Santa Cruz		\$1,701,343	\$1,702,295	\$209,466
City of Scotts Valley		\$366,715	\$367,192	\$66,832
City of Watsonville		\$1,168,017	\$1,163,501	\$505,797
County of Santa Cruz		\$3,940,791	\$3,934,169	\$1,935,486
Transit/Paratransit - METRO	16%	\$4,297,754	\$4,294,054	\$2,014,351
Paratransit - Lift Line	4%	\$1,074,438	\$1,073,514	\$824,667
Highway Corridors	25%	\$6,715,240	\$6,709,460	\$4,077,583
Active Transportation	17%	\$4,566,363	\$4,562,433	\$3,136,433
Rail Corridor	8%	\$2,148,877	\$2,147,027	\$512,180
Net Revenues (<i>net fees, admin/implementation</i>)	100%	\$26,860,962	\$26,837,839	\$13,594,540
Admin. salaries & benefits	1%	\$276,260	\$275,810	\$227,726
Implementation & Oversight	varies	\$488,753	\$467,339	\$406,566
Total		\$27,625,975	\$27,580,988	\$14,228,832
State CDTFA (BOE) Fees	actuals	\$226,360	\$214,910	\$226,360

1. FY2021/22 Allocations shown reflect RTC payments on an accrual basis, whereas some agencies showed revenues on a modified accrual or cash basis in their audits. Interest earning and other adjustments are not shown in this table.

Audit and Expenditure Reports Compliance

The Measure D Ordinance states: ***Annual Audit.*** *No less than annually, an independent annual audit shall be conducted of the expenditure of all funds generated by the transportation tax. The audit, which shall be made available to the public, shall report on evidence that the expenditure of funds is in accordance with this Plan as adopted by the voters in approving the Ordinance on November 8, 2016.*

The FY2021/22 annual reports for the cities of Capitola, Scotts Valley, Watsonville, County of Santa Cruz, METRO and Lift Line (including audits, expenditure reports, and additional documentation) are online at: <https://sccrtc.org/funding-planning/measured/taxpayer-oversight/> and linked at the end of this report. **There were no material findings in any of the FY2021/22 Measure D audits.**

Whereas the audited financials summarize total Measure D expenditures, the expenditure reports and supporting documents breakout what projects and services Measure D funds were spent on and provide information on compliance with the Ordinance and fund agreements.

As shown in the expenditure report spreadsheets included in their annual reports (Item #3), during FY2021/22, local jurisdictions, METRO and Lift Line used Measure D funds on a wide range of projects including roadway resurfacing projects and transportation network maintenance, new bicycle and pedestrian facilities, traffic safety education programs, bus and paratransit services and vehicle.

In accordance with Section 32C of the Measure D Ordinance, staff recommends that the Oversight Committee review the annual FY2021/22 audits, expenditure reports, and annual updates describing how Measure D funds were spent to ensure expenditures conform to the Ordinance.

Based on committee review of the audits, expenditure reports, and associated annual documents, the Committee will produce an Annual Report to the public.

A few things the Committee may note:

1. Financial statements from recipient agencies were stated on a full or modified accrual basis. In most instances the revenue amounts reported in recipient agency audits differed slightly from apportionment amounts shown above and in the RTC's financial statements because the RTC reports apportionments on a full accrual basis – including payments made as late as September 2022 for revenues generated through June 30, 2022, whereas some agencies reported revenues and expenditures on a cash basis for funds they received from RTC July 2021-June 2022.
2. As part of obtaining reasonable assurance about whether the Measure D Fund's financial statements are free of material misstatement, auditors performed tests of compliance which could have a direct and material effect on the determination of financial statement amounts.

3. While the Measure D Ordinance requires the audit to report that expenditures are in accordance with the Expenditure Plan in the ordinance approved by the voters, since fiscal audits do not typically cover compliance, agencies provided supplemental information in the annual reports.
4. Section 26 of the Ordinance and PUC 180001(e) requires that funds generated by Measure D be used to supplement and not replace existing revenues used for transportation purposes. The annual reports include Maintenance of Effort (MOE) information on the amount of discretionary local transportation-related expenditures which agencies have used for transportation purposes. The Measure D guidelines for recipient agencies (Section 7.G.) allow agencies 3 years to meet adjusted average minimum local MOE expenditures.

SUMMARY

Agencies that receive to annually submit audited financial statements and expenditure reports showing how Measure D funds were expended in the prior fiscal year. The oversight committee is responsible for reviewing and reporting on those documents.

Attachments:

1. FY2021/22 Audited Financial Statements and Annual Expenditure Reports
ONLINE AT:
<https://sccrtc.org/funding-planning/measured/taxpayer-oversight/>
- a) City of Capitola: [Capitola FY21/22 Annual Report](#) and [Capitola FY21/22 Financial Report](#)
- b) City of Scotts Valley: [Scotts Valley FY21/22 Measure D Annual Report](#) and **DRAFT** [Financial Statements](#)
- c) City of Watsonville: [Watsonville FY21/22 Measure D Annual Report](#) and [Financial Statements](#)
- d) County of Santa Cruz: [County FY21/22 Measure D Annual Report](#) and [Financial Statements](#)
- e) LiftLine-Community Bridges: [Lift Line FY21/22 Measure D Annual Report](#) and [Financial Statements](#)
- f) Santa Cruz Metropolitan Transit District (METRO): [METRO FY21/22 Measure D Annual Report](#) and [Financial Statements](#)

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TO: Measure D Taxpayer Oversight Committee

FROM: Shannon Munz, Communications Specialist

RE: Oversight Committee Annual Report

RECOMMENDATIONS

Staff recommends that the Measure D Taxpayer Oversight Committee:

1. Prepare an Annual Report from the committee to the public and SCCRTC board regarding Fiscal Year 2021/2022 (FY21/22) Measure D expenditures and audits.
 2. Discuss and agree on content for the FY21/22 report, authorize the chair to prepare a letter from the committee commenting on whether Measure D Ordinance provisions and requirements were met in FY21/22, and direct staff to assist in preparing and making the report available to the public.
-

BACKGROUND

In November 2016, Santa Cruz County voters approved the Measure D transportation sales tax. Each year, agencies receiving Measure D revenues provide an expenditure report and audited financial statements showing how they spent Measure D funds in the prior fiscal year (*see separate agenda item*).

Per Section 32C of the voter approved Measure D Ordinance, the oversight committee is tasked with the following responsibilities:

- Reviewing Expenditure Plan expenditures on an annual basis to ensure they conform to the Ordinance.
- Reviewing the annual audit and report prepared by an independent auditor, describing how funds were spent.
- **Producing a publicly available Annual Report of oversight activities.**

DISCUSSION

Based on review of the FY21/22 audits and expenditure reports from recipient agencies (*see separate agenda item*), the Taxpayer Oversight Committee will prepare an annual report commenting on whether expenditures conform to the provisions and requirements of the Measure D Ordinance. Last year's report included a letter from the Chair, focused on the financials and findings of the audits, and highlighted some of the projects that were funded by Measure D funds in

FY20/21 (Attachment 1). **Staff recommends that the Oversight Committee discuss and agree on content for the FY21/22 annual report and authorize the chair to prepare a letter from the committee commenting on whether Measure D Ordinance provisions and requirements were met in FY21/22 and direct staff to assist in preparing and making the report available to the public.** The committee may want to use a similar format to last year's report, or identify any changes.

SUMMARY

The Measure D Ordinance requires the Oversight Committee to prepare an annual report regarding its oversight of Measure D expenditures and annual audits.

Attachments:

1. Taxpayer Oversight Committee FY20/21 Annual Report



Measure D 2016 Transportation Sales Tax

*Taxpayer Oversight Committee
Annual Report: Fiscal Year 20/21*





Measure D

2016 Transportation Sales Tax

Taxpayer Oversight Committee

Annual Report: Fiscal Year 20/21

In November 2016, over two-thirds of Santa Cruz County voters approved Measure D, an ordinance with a comprehensive and inclusive package of transportation improvements to be developed in the County that would be funded by the imposition of a Retail Transactions and Use Tax of one-half of one percent (0.5%) for a period of 30 years.

The tax became effective on April 1, 2017. The Santa Cruz County Regional Transportation Commission (RTC) is designated as the Local Transportation Authority (the Authority) to implement the provisions of Measure D. Consistent with the Expenditure Plan, the RTC allocates, administers, and oversees the expenditure of all Measure D revenues which are not directly allocated by formula to other agencies.

Since the implementation of the tax in April 2017 through June 2021, \$48 million of Measure D funds have been expended by the RTC and the other recipient local agencies.

Section 32 of the ordinance specifies that an Independent Oversight Committee (or Taxpayer Oversight Committee) be formed by the Commission's Board of Directors to review the annual independent fiscal audit of the expenditure of Transportation Tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the ordinance to the Authority Board of Directors. The Independent Oversight Committee consists of five members who are residents of Santa Cruz County and are neither elected officials of any government nor employees from any agency or organization that oversees or implements projects funded from the proceeds of the sales tax.

Oversight Committee members are appointed by the RTC Board for two-year terms. The current Oversight Committee Members are:

- Supervisorial District 1: Sandra Skees



- Supervisorial District 2: Jake Farrar, Vice Chair
- Supervisorial District 3: Philip Hodsdon
- Supervisorial District 4: Trina Coffman Gomez
- Supervisorial District 5: Andre Duurvoort, Chair

The Committee held meetings via video conference on March 30 and April 6, 2022 to review Fiscal Year 2020/2021 (FY20/21) expenditures. Meeting materials and minutes are available for review on the RTC website: <https://sccrtc.org/meetings/measure-d-taxpayer-oversight-committee/>.

During the meetings held in 2022, the Committee reviewed the Measure D Financial Statements that were audited by independent Certified Public Accounting firms and annual reports for the Measure D recipient agencies:



Measure D

2016 Transportation Sales Tax

Taxpayer Oversight Committee

Annual Report: Fiscal Year 20/21

- Santa Cruz County Regional Transportation Commission
- County of Santa Cruz
- City of Capitola
- City of Santa Cruz
- City of Scotts Valley
- City of Watsonville
- Santa Cruz Metropolitan Transit District
- Community Bridges

The audits did not have any negative findings as to the expenditure of the Measure D funds nor were any incidents of non-compliance with the Ordinance noted. Oversight committee members noted the annual reports had been expanded to provide additional information as requested by the Committee in prior years.

For FY20/21, the RTC allocated \$24 million in net Measure D revenues to cities, the County, Santa

Cruz METRO, Community Bridges, and regional investment categories and projects based on formulas set forth in the voter approved Measure D Ordinance and Expenditure Plan. Recipient agencies expended \$17 million of Measure D revenues on projects and services in FY20/21. Any balance of allocations not expended through FY20/21 are carried over for use in future years.

Effects of COVID-19 on Measure D Funds

While the COVID-19 global pandemic has had a significant impact on local businesses, travel and consumer habits, FY20/21 Measure D revenues exceeded the forecast by a wide margin, coming in 16% higher than in FY19/20 and 11% higher than in FY18/19. The impacts of AB147 (CA adoption of the Wayfair decision related to online sales), consumer confidence, higher prices, and increased spending on things such as home improvement and personal vehicles attributed to the increase in sales tax revenue. Santa Cruz tourism was also far above what anyone expected, and revenues attributed to AB147 helped smooth the impact of the pandemic.





Measure D

2016 Transportation Sales Tax

Taxpayer Oversight Committee

Annual Report: Fiscal Year 20/21

A summary of Measure D Funds received and expended from July 1, 2020 through June 30, 2021 follows as reported in the audited financial statements of each agency:

Investment Category	% of Measure D Net Revenues	FY20/21 Allocations ¹ (accrual basis)	Distributions (cash basis, paid 7/1/20-6/30/21)	FY20/21 Expenditures ²
Neighborhood	30%			
SLV SR9		\$333,333	\$333,333	\$66,125
Hwy 17 Wildlife		\$166,667	\$166,667	\$2,878
City of Capitola		\$351,956	\$339,974	\$69,112
City of Santa Cruz		\$1,520,709	\$1,460,033	\$644,414
City of Scotts Valley		\$333,330	\$321,279	\$526,490
City of Watsonville		\$1,030,722	\$987,552	\$684,211
County of Santa Cruz		\$3,462,359	\$3,311,909	\$2,869,015
Transit/Paratransit – Santa Cruz METRO	16%	\$3,839,507	\$3,691,067	\$2,476,732
Paratransit - Lift Line	4%	\$959,877	\$922,767	\$818,644
Highway Corridors	25%	\$5,999,230	\$5,767,290	\$3,127,139
Active Transportation	17%	\$4,079,476	\$3,921,757	\$3,251,718
Rail Corridor	8%	\$1,919,754	\$1,845,533	\$2,555,492
Net Revenues (net fees, admin/implementation)	100%	\$23,996,919	\$23,069,161	\$17,091,980
Admin. Salaries & Benefits	1%	\$246,753	\$237,483	\$263,406
Implementation & Oversight	Varies	\$431,591	\$441,756	\$346,971
Total		\$24,675,262	\$23,748,400	\$17,702,357
State CDTFA (BOE) Fees	actuals	\$183,470	\$176,030	\$183,470

Figure 1: FY 20/21 Expenditures

Notes:

This table includes a combination of information from the RTC and local agency audited financial information and project expenditure reports. Audited financials are typically presented on a modified or full accrual basis which means revenues are recognized when earned, not when received.

1. FY20/21 Allocations reflect RTC audited accrual basis, whereas some agencies showed revenues on a modified accrual or cash basis in their audits. Allocation amounts shown for METRO and Community Bridges do not include interest paid by RTC.
2. Expenditures, typically shown on accrual basis, include some expenditures of carryover revenues from prior years.



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As shown in the table above, the total Measure D funds collected and allocated (on an accrual basis) for the fiscal year ending June 30, 2021 by the RTC were \$24,675,262. This includes funds allocated for administration and implementation of the measure by the RTC. The agencies also earned interest income on Measure D funds not yet expended – earned interest income must also be spent as Measure D revenues. This includes \$192,340 in interest income that the RTC earned on Measure D Funds designated for regional investments categories.

The RTC distributed \$11,498,459 to other agencies based on formulas set forth in the Measure D Expenditure Plan. The cities, the County, Santa Cruz METRO, and Community Bridges expended \$8,088,618 in Measure D funds on transportation projects during FY20/21. The RTC expended \$9,003,352 on regional projects and programs.

Measure D funds totaling \$46 million (including interest) will be carried over to future years for use on projects approved by their governing boards, with nearly \$31 million for regional investment categories and projects and direct-recipient agency funds of approximately \$15 million. Each agency has developed detailed 5-year plans that indicate the specific projects that will be funded with the carryover funding. This information can be found in each agency's reports online at: <https://sccrtc.org/funding-planning/measured/taxpayer-oversight/> and on their local agency websites.

Measure D continues to serve as a crucial source of local transportation funding for the Santa Cruz County community. **The Committee encourages recipient agencies to move quickly to put unspent balances to work, use Measure D to leverage grants, integrate traffic calming, bike, and pedestrian facilities into Measure D-funded projects where feasible, and to look forward to continuing to work with the community to ensure the ongoing success of the Measure D program.**

The Committee would also like the community to be aware of the fact that one of the benefits of Measure D is the ability to use local tax funds to bring more money into the county for transportation projects. The Measure D program has leveraged more than \$131 million in outside funding for our transportation system. More details are included in this annual report.

The Measure D Taxpayer Oversight Committee hereby finds that the Authority and Recipient Agencies are proceeding in accordance with the Measure D Ordinance, based on our review of audits and expenditures for the period from July 1, 2020 through June 30, 2021.

A handwritten signature in blue ink, appearing to read 'ADu', with a long horizontal line extending to the right.

Andre Duurvoort, Chair

Measure D Taxpayer Oversight Committee
Santa Cruz County Regional Transportation Commission



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The following graph provides a comparison of the annual revenues and expenditures for regional projects and cities, County, METRO, and Community Bridges from Fiscal Years 2016 to 2021. Revenues ranged between \$20 million and \$25 million per year. Expenditures varied more widely between \$4.5 million and \$16 million per year. While expenditures have consistently stayed below the amount of revenues received annually, many agencies have been carrying over balances for major projects planned in future years. The increasing amount in expenditures from 2016 to 2021 can be attributed in part to the completion of pre-construction work for projects that are funded by Measure D. The gap is expected to narrow even more in the next couple years.

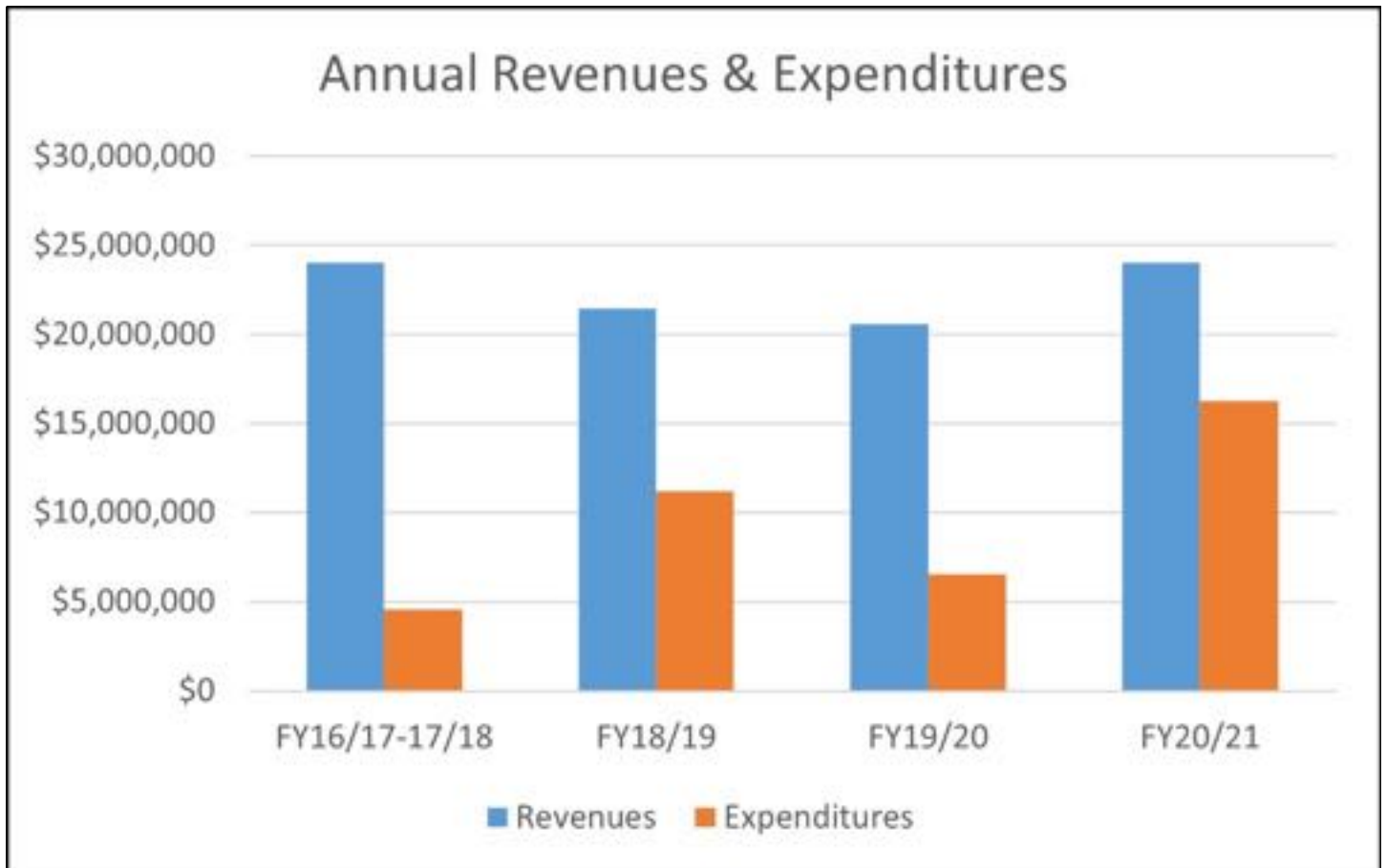


Figure 2: Comparison of Annual Revenues & Expenditures



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Carryover Balances

As Figure 2 shows, revenues have exceeded expenditures each year. The funds that are not allocated in an early fiscal year are then carried over by the agencies to fund major projects under development in later years. The carry over balances help build up the funding needed for the construction of long lead projects such as the Highway 1 auxiliary lanes and bus-on-shoulder projects, various segments of the Coastal Rail Trail, and many other projects that are under development. As these projects go to construction carryover balances are expected to decrease across all program categories.

Projects to Look Forward to

As noted earlier, Measure D recipient agencies have been saving up multiple years of Measure D revenues for construction of several major projects in the coming years, with some agencies using Measure D funds in FY20/21 on pre-construction

activities to get projects "shovel ready" for construction. Some of the major projects for which Measure D balances will be used include:

- Highway 17 Wildlife Crossing, which started construction in early 2022
- Watsonville's Lee Road Trail Project
- North Coast Segment 5 of the Coastal Rail Trail
- Segments 8-12 of the Coastal Rail Trail between Santa Cruz and Aptos
- Highway 1 auxiliary lanes and bus-on-shoulder facilities and new bicycle/pedestrian bridges over Highway 1 between Soquel Drive in Santa Cruz/Live Oak and Freedom Boulevard in Aptos
- Highway 9 complete street projects in San Lorenzo Valley



Construction of the Highway 17 Wildlife Tunnel at Laurel Curve



Construction of the Coastal Rail Trail



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Your Measure D Dollars at Work

In FY20/21, the recipient agencies used Measure D funds to provide comprehensive and inclusive transportation projects throughout Santa Cruz County. In addition to addressing local street and road maintenance, improving bicycle and pedestrian safety, and enhancing transit and paratransit service, the funds were used to prepare upcoming projects for future construction, improve sustainability, reduce greenhouse gas emissions, and address the challenges of the COVID-19 pandemic. **Here are some highlights of how your Measure D dollars were put to use in FY20/21:**

Local Neighborhood Projects

City and county public works departments used their apportionments of Measure D funds to repair local roads and improve bicycle and pedestrian facilities throughout the county. Additional information on expenditures in FY20/21 are included in each recipient agency's annual Expenditure Report, available online at: sccrtc.org/funding-planning/measured/taxpayer-oversight/ and on each recipient agency's website.

County of Santa Cruz

- ▶ Roadway resurfacing: Resurfaced 12 miles of roads around the county, including in the Thurber, Seacliff Beach, Lakeview Road, downtown Felton, Corralitos, and Boulder Creek areas

Santa Cruz
Avenue
repaving
(before
& after),
County of
Santa Cruz



Leveraging Measure D Funds

One of the benefits of Measure D is the ability to use the funds to bring more money into the county for transportation projects. Measure D funds have been used to leverage additional grant funds for a variety of projects, including:

- \$107 million in SB1 grant funds from the California Transportation Commission for construction of the Phase 1 and Phase 2 Highway 1 Auxiliary Lanes and Bus-on-Shoulder projects between the Soquel and State Park Drive interchanges, as well as multimodal investments along parallel sections of Soquel Avenue/Drive
- \$9 million in Active Transportation Program grant funds for construction of Segment 7, Phase II of the Coastal Rail Trail
- Over \$11 million from the Federal Lands Access Program, Land Trust of Santa Cruz County, and Coastal Conservancy for Segment 5 of the Coastal Rail Trail
- \$285,000 in Shortline Railroad Improvement Program grant funds for the repair of the Pajaro River Bridge
- Over \$700,000 in Federal Transit Administration 5310 and California Air Resources Board (CARB) program grant funding for Community Bridges/Lift Line vehicle cameras and Echolane MDT software
- Over \$3 million in Low Carbon Transit Operations Program (LCTOP), State Transportation Improvement Program, Local Partnership Program, and other grants for METRO electric buses



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Capitola

- ▶ Brommer Street Improvements project: Completed this "complete streets" project that added approximately 1,000 feet of new rehabilitated roadway, new ADA driveways and sidewalks, updated pavement markings, new bicycle loop detectors, a green bike box, and reconfigured the eastbound approach to 41st Avenue for vehicle access
- ▶ Pavement Management Program: Began the design phase for the 2021/2022 Road Rehabilitation Project



Brommer Street Improvements Project (during construction & after), City of Capitola

Santa Cruz

- ▶ City Arterial and Residential Collector Street Reconstruction and Overlay projects: Repaved 4.03 miles of streets, paved 2,530 lineal feet of new bike lanes and 11,296 lineal feet of shared roads and sharrows, and constructed 20 new and replacement curb ramps as part of the curb enhancement program
- ▶ Safe Routes 2 School and Bike Education: Constructed safety improvements that included curbs, ramps, roadway signs, streetlights, pedestrian activated beacons, solar speed radar signs, and striping and pavement markings
- ▶ Covid-19 Slow Streets Program: Launched a temporary pilot program to reduce speeds and volumes on 11 selected neighborhood streets in response to increased neighborhood walking and biking during the COVID-19 pandemic



Hall Street Surface Seal (before & after), City of Santa Cruz

Scotts Valley

- ▶ Glenwood Drive Improvements Project: Pavement repairs and construction of new bike lanes and crosswalks from K Street to the city limits
- ▶ Citywide roadway repairs: Completed roadway repairs, such as root repair work on several streets including Lockhart Gulch and Whispering Pines, and trench repair work on Bethany Drive and Janis Way



Glenwood Drive Improvements (before & after), City of Scotts Valley



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Watsonville

- ▶ Lincoln Street Overlay Project: Construction of this project that passes through the Watsonville High School campus to improve pedestrian safety in the area. Work included curb extensions, landscaping, lighting, enhanced crosswalks, improved sidewalks, pavement markings, and signage.
- ▶ Bicycle Safety Improvements: Continued a contract with Ecology Action for bicycle safety training in Watsonville elementary schools, and with Bike Santa Cruz County to implement their Earn-A-Bike program at Pajaro Valley High School and among middle school students. Education programs integrated online resources and trainings in response to the COVID-19 pandemic.
- ▶ Lee Road Trail: Prepared design and environmental documents for the project
- ▶ Trail Maintenance and Improvements: Prepared designs for trail repair and maintenance projects
- ▶ Pedestrian & Traffic Safety: Implemented pedestrian safety programs, sidewalk repairs, and design for traffic signals
- ▶ Pavement Projects: Prepared design documents for the Green Valley Road Improvements Project from Freedom Boulevard to the city limits



Lincoln Street Overlay Project, City of Watsonville

Community Bridges/Lift Line – Paratransit Services

- ▶ Lift Line provided essential rides to Santa Cruz County residents, including to grocery stores, banks, pharmacies, and to COVID-19 vaccination and testing sites. With senior meal sites closed due to COVID-19, Lift Line delivered medically tailored meals through Teen Kitchen/California Alliance.
- ▶ Installed fast charging equipment for electric vehicles and upgraded its new 9,000-square-foot Watsonville-based operation/maintenance facility
- ▶ Initiated pre-construction development of a new parking lot for its new transit facility with construction anticipated in 2022
- ▶ Purchased new scheduling software and mobile data equipment to be installed into their vehicles

Santa Cruz METRO

- ▶ Replaced aging buses, which were beyond their useful life, with more efficient and lower emission/cleaner running equipment. The new vehicles improve fleet reliability and reflect METRO's continued commitment to the transition to clean air buses.
 - Four electric buses, three New Flyer replacements, and three paratransit vehicles were acquired.





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Regional Expenditure Categories

About 50% of Measure D revenues are allocated to regional expenditure categories. The RTC is responsible for programming and allocating those funds to specific projects.



Active Transportation - Monterey Bay Sanctuary Scenic Trail Network

During FY20/21, Measure D funds were used on environmental review, permitting, design, coordination, and other actions required for Rail Trail projects, including:

- ▶ RTC staff provided ongoing oversight and technical assistance for implementation of the MBSST, including coordination with local jurisdictions and Central Federal Lands of the Federal Highways Administration who are implementing specific sections of the trail network.
- ▶ The City of Santa Cruz completed construction of Segment 7, Phase I from Natural Bridges Drive to Bay Street/California Avenue. The trail opened for use in December 2020.
- ▶ The City of Santa Cruz continued working on final design for Segment 7, Phase II from Bay Street/California Avenue to the Santa Cruz Wharf and prepared a successful Active Transportation Program (ATP) grant application using Measure D funds as a match for construction. This section of trail is scheduled to start construction in 2022.
- ▶ In coordination with the RTC, Federal Highway Administration Central Federal Lands Highway Division continued development of Segment 5 from Wilder Ranch State Park to Davenport with preconstruction activities, including environmental review, design, right-of-way, and permitting. The 5.4-mile section from Wilder Ranch to Panther/Yellowbank Beach is fully funded for construction and expected to be ready to break ground in FY22/23, pending the release of federal funds. In FY20/21, the RTC also prepared grant applications for the remaining 2.1-mile section of the trail.
- ▶ The City of Santa Cruz, in partnership with the County of Santa Cruz, initiated technical studies to support preliminary design and environmental review of Segments 8 & 9 between the Santa Cruz Wharf and 17th Avenue. The City is pursuing grants, using Measure D funds as match, to fully fund construction.
- ▶ The County of Santa Cruz, in partnership with the City of Capitola, initiated technical studies to support preliminary environmental review and preliminary design of Segments 10 & 11 from 17th Avenue to State Park Drive.
- ▶ Environmental review and preliminary design were initiated by Caltrans in partnership with the RTC for Segment 12 between State Park Drive and Rio Del Mar Boulevard as part of the Highway 1 Freedom-State Park Auxiliary Lanes and Bus-on-Shoulder project. This section of trail includes bridges over Highway 1 and Soquel Drive connecting coastal neighborhoods and Aptos Village.



Segment 7, Phase I, City of Santa Cruz



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Active Transportation - Continued

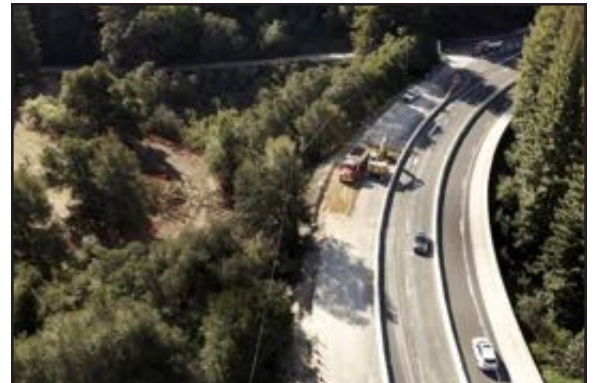
- Construction of Segment 18, Phase I between Ohlone Parkway and the Watsonville Slough Trail was completed with the official ribbon cutting taking place in July 2021. Measure D expenditures for Segment 18 will be reflected in the FY21/22 audit. The City of Watsonville continued design for Phase II between Lee Road and Ohlone Parkway and between the Slough Trail and Walker Street.
- The RTC continued to use Measure D funds to maintain the future Rail Trail corridor, including vegetation control; tree maintenance; trash and dumping abatement; encampments; drainage maintenance and repairs; and clearing encroachments. The RTC also initiated work to secure environmental permits to support maintenance activities.



Segment 18, Phase I, City of Watsonville

Highway 9/SLV Corridor and Highway 17 Wildlife Crossing

- Building off the community-based Highway 9 "complete streets" corridor plan, Caltrans and the RTC used Measure D funds in FY20/21 to scope and identify priority projects for implementation along the corridor through preparation of a Project Initiation Document (PID). Once the PID is complete, Measure D revenues will be used to initiate future phases of priority projects to get them construction-ready and competitive for state and federal grants.
- Caltrans finalized design plans for the Highway 17 Wildlife Crossing using State Highway Operation and Protection Program (SHOPP) funds. RTC staff, the Land Trust, and Caltrans finalized fund agreements in FY20/21 for \$5 million from Measure D and \$3 million from the Land Trust of Santa Cruz County, which will be used for construction of the project which broke ground in February 2022.



Highway Corridors

Highway 1 - Auxiliary Lanes and Bus-on-Shoulder Projects

The RTC is sponsoring the development of three contracts to construct five (5) new sets of auxiliary lanes and implement a hybrid bus-on-shoulder program along 7.5 miles of Highway 1.

- Design and right-of-way work for auxiliary lanes and bus-on-shoulder facilities between 41st Avenue and Soquel Drive (Phase 1) were finalized. The project includes a new bicycle/pedestrian bridge over Highway 1 at Chanticleer Avenue. Construction is estimated to begin in 2022.
- Environmental review and preliminary engineering were completed for auxiliary lanes and bus-on-shoulder facilities between State Park Drive and the Bay/Porter interchanges (Phase 2). Final design and right-of-way acquisition work were initiated. The project includes a new bicycle/pedestrian bridge at Mar Vista Avenue. Construction is anticipated to begin in 2023.
- Environmental review and preliminary design for auxiliary lanes and bus-on-shoulder facilities between Freedom Boulevard-Rio Del Mar-State Park Drive (Phase 3) were initiated. The project includes the 1.25 mile Segment 12 of the Rail Trail from State Park Drive to Rio Del Mar Boulevard. The project is estimated to be construction-ready in 2025.



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Cruz511 Program

- ▶ The RTC, in partnership with the City of Santa Cruz, UCSC, Ecology Action, and other entities, launched "Go Santa Cruz County," a robust transportation demand management program, including an online commute manager and rewards platform with dynamic ride matching and trip planning. Consultants assisted with creating marketing materials, an employer marketing toolkit, a program website (www.gosantacruzcounty.org), and social media content. Additionally, consultants assisted with employer outreach by engaging with major employers, onboarding new employers to the platform, and providing virtual commuter workshops to participants. Over 1,400 new participants joined the program in FY20/21. RTC staff also continued to provide traffic safety messaging and active transportation mapping resources to community members throughout the county through www.cruz511.org. Cruz511 traveler information and rideshare resources were also updated due to the global COVID-19 health crisis and local wildfires in FY20/21.



Safe on 17 and Freeway Service Patrol

- ▶ Measure D continued to provide critical funding for extra California Highway Patrol (CHP) enforcement on Highway 17 through the Safe on 17 program. CHP Santa Cruz provided 1,140 hours of extra enforcement on Highway 17, making use of all allocated funds for the year, \$50,000 from SAFE and \$50,000 from Measure D.
- ▶ Measure D funds matched state funds to provide tow truck patrols (FSP) on Highway 1 and Highway 17 during peak travel times. The trucks work in tandem with the CHP to reduce incident-related congestion and improve traffic flow and safety by removing debris, assisting motorists with broken down vehicles, clearing collisions and other incidents. The FSP tow providers worked a total of 3,755 hours and provided approximately 1,706 assists in FY20/21, with an average of 0.45 assists per hour. The most frequent types of motorist aid provided by FSP included assistance with collisions, mechanical quick fixes, and flat tire repair.



Rail Corridor

- ▶ Following extensive technical analysis and public outreach, in FY20/21 the RTC completed the Transit Corridor Alternatives Analysis (TCAA), identifying electric passenger rail as the preferred transit alternative for the corridor.
- ▶ The RTC completed the environmental and engineering work necessary to implement 2017 storm damage repairs to the Santa Cruz Branch Rail Line right-of-way.
- ▶ Final design of the Phase 1 Bridge Repairs project was completed, and Measure D funds were used as a match to the Shortline Railroad Improvement Program grant funds secured in 2020 for the repair of the Pajaro River Bridge, expected to begin construction in FY21/22.
- ▶ Storm damage repairs, infrastructure preservation, and preventative maintenance for railroad infrastructure continue to be funded on the rail corridor. Maintenance requests can be directed to maintenance@sccrtc.org.



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Administrative and Implementation Activities

- ▶ Policies and procedures were followed to safeguard taxpayer dollars and ensure they are expended per voter direction.
- ▶ Accounting and fiscal systems were used to manage each of the accounts and disburse funding to direct recipients per voter approved formulas.
- ▶ Five-year plans were prepared and amended as needed to delineate planned projects using Measure D revenues.
- ▶ Annual independent fiscal audits and expenditure reports were prepared.
- ▶ Ongoing outreach and community engagement was conducted via website updates (www.sccrtc.org/move), Facebook, NextDoor, and eNews.
- ▶ Taxpayer Oversight Committee met to review Measure D expenditures and create the annual report.



Sign up for the RTC enews list to stay up-to-date on Measure D projects and for information on opportunities to provide public input on planned Measure D projects in the County:
www.sccrtc.org/about/esubscriptions/.