

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda

**Wednesday, January 20, 2021
1:30 PM**

REFER TO COVID-19 SPECIAL NOTICE

NVRTA Board of Directors

****COVID-19 SPECIAL NOTICE****

PUBLIC MEETING GUIDELINES FOR PARTICIPATING VIA PHONE/VIDEO CONFERENCE

Consistent with Executive Orders No. N-25-20 and N-29-20 from the Executive Department of the State of California and Napa County's Shelter in Home Order issued March 18, 2020 and further extended, a physical location will not be provided for the Napa Valley Transportation Board of Directors meeting. The public is invited to participate telephonically or electronically via the methods below:

To observe the meeting by video conference, click on the link below at the noticed meeting time:
<https://countyofnapa.zoom.us/j/99750072830>

Instructions on how to join a video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

To observe the meeting by phone, call 1 (669) 900-6833 at the noticed meeting time, then enter Meeting ID 997 5007 2830. When asked for the participant ID or code, press #.

Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone>

How to Submit a Public Comment

1. Members of the public may submit a public in writing by emailing info@nvta.ca.gov by 11 a.m. on the day of the meeting with PUBLIC COMMENT identified in the subject line of the email. For comments to be read into record, emails with the equivalent of a maximum of 3 minutes shall contain in the subject line "Public Comment-Not on the Agenda" or "Public Comment-Agenda Item # (include item number)". All written comments should be 350 words or less, which corresponds to approximately 3 minutes of less of speaking time. All other written comments received will still be provided to the Board of Directors and be included as part of the meeting record.

2. To comment during a virtual meeting (Zoom), click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the Agenda item. You will be unmuted when it is your turn to make your comment for up to 3 minutes. After allotted time, you will be re-muted.

Instructions for how to "Raise Your Hand" are available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.

3. To comment by phone, press "*9" to request to speak when Public Comment is being taken on the Agenda item. You will be unmuted when it is your turn to make your comment for up to 3 minutes. After your allotted time, you will be re-muted.

Acceso y el Título VI: La NVTA puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Autoridad. Para solicitar asistencia, por favor llame al número (707) 259-8633. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Ang Accessibility at Title VI: Ang NVTA ay nagkakaloob ng mga serbisyo/akomodasyon kung hilingin ang mga ito, ng mga taong may kapansanan at mga indibiduwal na may limitadong kaalaman sa wikang Ingles, na nais na matugunan ang mga bagay-bagay na may kinalaman sa NVTA Board. Para sa mga tulong sa akomodasyon o pagsasalin-wika, mangyari lang tumawag sa (707) 259-8633. Kakailanganin namin ng paunang abiso na tatlong araw na may pasok sa trabaho para matugunan ang inyong kahilingan.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of the Agenda
5. Public Comment
6. Chairperson's, Board Members', Metropolitan Transportation Commissioner's, and Association of Bay Area Governments Update
7. Director's Update
8. Caltrans' Update

9. CONSENT AGENDA ITEMS

- 9.1 **Approval of Meeting Minutes of November 18, 2020 (Laura Sanderlin) (Pages 9-14)**

Recommendation: Board action will approve the meeting minutes of November 18, 2020.

Estimated Time: 2:15 p.m.

Attachments: [Draft Minutes](#)

- 9.2 **Citizen Advisory Committee (CAC) Member Appointment (Danielle Schmitz) (Pages 15-21)**

Recommendation: Board action will approve the appointment of Jessica Penman to the CAC to fulfill the Chamber Member position.

Estimated Time: 2:15 p.m.

Attachments: [Staff Report](#)

9.3 Active Transportation Advisory Committee (ATAC) Member Appointments (Diana Meehan) (Pages 22-30)

Recommendation: Board action will approve the appointment of Sean Hughes and Barry Christian representing the City of American Canyon and Spiro Makras representing the City of Calistoga to the ATAC.

Estimated Time: 2:15 p.m.

Attachments: [Staff Report](#)

9.4 Paratransit Coordinating Council (PCC) Member Appointments (Libby Payan) (Pages 31-37)

Recommendation: Board action will approve the appointment of Doug Weir, Randy Kitch, Beth Kahiga, Julie Spencer and Lisa DeRose-Hernandez to the Paratransit Coordinating Council (PCC).

Estimated Time: 2:15 p.m.

Attachments: [Staff Report](#)

9.5 Granting of Funds from the State Coastal Conservancy for the Ridge/Vine Trail: Calistoga to Bothe State Park (Rebecca Schenck) (Pages 38-42)

Recommendation: Board action will approve Resolution No. 21-01 supporting the granting of funds from the State Coastal Conservancy for the Bay Area Ridge Trail/Napa Valley Vine Trail Project and authorize the Executive Director to execute and take all action necessary to obtain a grant agreement for the Bay Area Ridge Trail/Napa Valley Vine Trail Project.

Estimated Time: 2:15 p.m.

Attachments: [Staff Report](#)

9.6 Resolution 21-02 and Resolution 21-03 Submitting Regional Measure 3 (RM 3) Letters of No Prejudice (LONP) Requests to the Metropolitan Transportation Commission (Antonio Onorato) (pages 43-69)

Recommendation: Board action will authorize the Executive Director to submit a request for LONP's to MTC for the Soscol Junction project and Vine Maintenance Facility.

Estimated Time: 2:15 p.m.

Attachments: [Staff Report](#)

9.7 Resolution 21-04 Approving Amendment No. 12 to the Napa Valley Transportation Authority (NVTA) Joint Powers Agreement (Antonio Onorato) (Pages 70-102)

Recommendation: Board action will approve Resolution 21-04 to adopt revisions to the NVTA Joint Powers Agreement (JPA).

Estimated Time: 2:15 p.m.

Attachments: [Staff Report](#)

10. REGULAR AGENDA ITEMS

10.1 Blue Ribbon Task Force (Kate Miller) (Pages 103-109)

Recommendation: Information only.

Estimated Time: 2:30 p.m.

Attachments: [Staff Report](#)

10.2 Authorization to purchase new bus stop shelters from Tolar Manufacturing Company, Inc. using Affordable Housing & Sustainable Communities (AHSC) Grant Funding (Rebecca Schenck) (Pages 110-128)

Recommendation: Board action will authorize the Executive Director to execute purchase agreements for new bus shelters.

Estimated Time: 2:45 p.m.

Attachments: [Staff Report](#)

10.3 Federal and State Legislative Update (Kate Miller) (Pages 129-146)

Recommendation: The Board will receive the State and Federal Legislative update.

Estimated Time: 3:00 p.m.

Attachments: [Staff Report](#)

11. FUTURE AGENDA ITEMS

12. ADJOURNMENT

12.1 Approval of the next meeting of February 17, 2021 at 1:30 p.m. and Adjournment

Estimated Time: 3:30 p.m.

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at the NVTA Offices, 625 Burnell Street, Napa, CA by 5:00 p.m. by Friday, January 15, 2021.

Laura Sanderlin (e-sign 1-13-21)
Laura M. Sanderlin, NVTA-TA Board Secretary

Glossary of Acronyms

AB 32	Global Warming Solutions Act	GGRF	Greenhouse Gas Reduction Fund
ABAG	Association of Bay Area Governments	GTFS	General Transit Feed Specification
ADA	American with Disabilities Act	HBP	Highway Bridge Program
ATAC	Active Transportation Advisory Committee	HBRR	Highway Bridge Replacement and Rehabilitation Program
ATP	Active Transportation Program	HIP	Housing Incentive Program
BAAQMD	Bay Area Air Quality Management District	HOT	High Occupancy Toll
BART	Bay Area Rapid Transit District	HOV	High Occupancy Vehicle
BATA	Bay Area Toll Authority	HR3	High Risk Rural Roads
BRT	Bus Rapid Transit	HSIP	Highway Safety Improvement Program
BUILD	Better Utilizing Investments to Leverage Development	HTF	Highway Trust Fund
CAC	Citizen Advisory Committee	HUTA	Highway Users Tax Account
CAP	Climate Action Plan	IFB	Invitation for Bid
Caltrans	California Department of Transportation	ITIP	State Interregional Transportation Improvement Program
CASA	Committee to House the Bay Area	ITOC	Independent Taxpayer Oversight Committee
CEQA	California Environmental Quality Act	IS/MND	Initial Study/Mitigated Negative Declaration
CIP	Capital Investment Program	JARC	Job Access and Reverse Commute
CMA	Congestion Management Agency	LCTOP	Low Carbon Transit Operations Program
CMAQ	Congestion Mitigation and Air Quality Improvement Program	LIFT	Low-Income Flexible Transportation
CMP	Congestion Management Program	LOS	Level of Service
CalSTA	California State Transportation Agency	LS&R	Local Streets & Roads
CTP	Countywide Transportation Plan	MaaS	Mobility as a Service
COC	Communities of Concern	MAP 21	Moving Ahead for Progress in the 21 st Century Act
CTC	California Transportation Commission	MPO	Metropolitan Planning Organization
DAA	Design Alternative Analyst	MTC	Metropolitan Transportation Commission
DBB	Design-Bid-Build	MTS	Metropolitan Transportation System
DBF	Design-Build-Finance	ND	Negative Declaration
DBFOM	Design-Build-Finance-Operate-Maintain	NEPA	National Environmental Policy Act
DED	Draft Environmental Document	NOAH	Natural Occurring Affordable Housing
EIR	Environmental Impact Report	NOC	Notice of Completion
EJ	Environmental Justice	NOD	Notice of Determination
FAS	Federal Aid Secondary	NOP	Notice of Preparation
FAST	Fixing America's Surface Transportation Act	NVTA	Napa Valley Transportation Authority
FHWA	Federal Highway Administration	NVTA-TA	Napa Valley Transportation Authority-Tax Agency
FTA	Federal Transit Administration	OBAG	One Bay Area Grant
FY	Fiscal Year	PA&ED	Project Approval Environmental Document
GHG	Greenhouse Gas		

Glossary of Acronyms

P3 or PPP	Public-Private Partnership	SOV	Single-Occupant Vehicle
PCC	Paratransit Coordination Council	STA	State Transit Assistance
PCI	Pavement Condition Index	STIC	Small Transit Intensive Cities
PCA	Priority Conservation Area	STIP	State Transportation Improvement Program
PDA	Priority Development Areas	STP	Surface Transportation Program
PIR	Project Initiation Report	TAC	Technical Advisory Committee
PMS	Pavement Management System	TCM	Transportation Control Measure
Prop. 42	Statewide Initiative that requires a portion of gasoline sales tax revenues be designated to transportation purposes	TCRP	Traffic Congestion Relief Program
PSE	Plans, Specifications and Estimates	TDA	Transportation Development Act
PSR	Project Study Report	TDM	Transportation Demand Management Transportation Demand Model
PTA	Public Transportation Account	TE	Transportation Enhancement
RACC	Regional Agency Coordinating Committee	TEA	Transportation Enhancement Activities
RFP	Request for Proposal	TEA 21	Transportation Equity Act for the 21 st Century
RFQ	Request for Qualifications	TFCA	Transportation Fund for Clean Air
RHNA	Regional Housing Needs Allocation	TIGER	Transportation Investments Generation Economic Recovery
RM2	Regional Measure 2 (Bridge Toll)	TIP	Transportation Improvement Program
RM3	Regional Measure 3	TIRCP	Transit and Intercity Rail Capital Program
RMRP	Road Maintenance and Rehabilitation Program	TLC	Transportation for Livable Communities
ROW	Right of Way	TLU	Transportation and Land Use
RTEP	Regional Transit Expansion Program	TMP	Traffic Management Plan
RTIP	Regional Transportation Improvement Program	TMS	Transportation Management System
RTP	Regional Transportation Plan	TNC	Transportation Network Companies
SAFE	Service Authority for Freeways and Expressways	TOAH	Transit Oriented Affordable Housing
SAFETEA-LU	Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users	TOD	Transit-Oriented Development
SB 375	Sustainable Communities and Climate Protection Act 2008	TOS	Transportation Operations Systems
SB 1	The Road Repair and Accountability Act of 2017	TPA	Transit Priority Area
SCS	Sustainable Community Strategy	TPI	Transit Performance Initiative
SHA	State Highway Account	TPP	Transit Priority Project Areas
SHOPP	State Highway Operation and Protection Program	VHD	Vehicle Hours of Delay
SNTDM	Solano Napa Travel Demand Model	VMT	Vehicle Miles Traveled
SR	State Route		
SRTS	Safe Routes to School		

Napa Valley Transportation Authority Meeting Minutes NVTB Board of Directors

625 Burnell Street
Napa, CA 94559

Wednesday, November 18, 2020

1:30 PM

REFER TO COVID-19 SPECIAL NOTICE

1. Call to Order

Chair Pedroza called the meeting to order at 1:31 p.m.

2. Roll Call

Leon Garcia
Chris Canning
Jill Techel
Alfredo Pedroza
Paul Dohring
Mark Joseph
John F. Dunbar
Kerri Dorman
Belia Ramos
Geoff Ellsworth
Liz Alessio
Doug Weir
Gary Kraus

3. Pledge of Allegiance

Chair Pedroza led the Pledge of Allegiance.

4. Adoption of the Agenda

Motion MOVED by GARCIA, SECONDED by ELLSWORTH to APPROVE adoption of the agenda.

Motion carried by the following roll call vote:

Aye: 23 - Garcia, Canning, Techel, Pedroza, Dohring, Joseph, Dunbar, Dorman, Ramos, Ellsworth, and Alessio

Absent: 1 - Kraus

5. Public Comment

Public comment was provided by Justin Hole, Napa resident.

6. Chairperson's, Board Members', Metropolitan Transportation Commissioner's, and Association of Bay Area Governments Update

MTC Commissioner's Report

Alfredo Pedroza provided an update of recent MTC activities.

ABAG Update

Leon Garcia and Belia Ramos each provided an update of recent ABAG activities.

7. Director's Update

Director Miller provided:

- Introduction to new PCC Board Representative
- Presentation of letter with Blue Ribbon Task Force proposed goals
- Summarized Vine Safe Transit campaign initiatives.
- Provided a summary of various NVTA staff speaking engagements.
- Announced Senate Bill 1 Solutions for Congested Corridor Award of \$25 million for the Soscol Junction project.

8. Caltrans' Update

Kelly Hirschberg, Caltrans, provided an update on the status of various projects located in the county.

9. PRESENTATIONS

N/A

- 9.1** Proclamations were presented to NVTA Board Member Jill Techel in Recognition of Her 22 Years of Service and NVTA Board Secretary Karrie Sanderlin in Recognition of Her 21 Years of Service.

Proclamations were presented to Board Member Jill Techel and Board Secretary Karrie Sanderlin.

10. CONSENT AGENDA ITEMS (10.1 - 10.5)

Motion MOVED by JOSEPH, SECONDED by DUNBAR to APPROVE Consent Items 10.1-10.5. Motion carried by the following roll call vote:

Aye: 20 - Garcia, Techel, Pedroza, Dohring, Joseph, Dunbar, Dorman, Ellsworth, and Alessio

Absent: 4 - Canning, Ramos, and Kraus

- 10.1** Approval of Meeting Minutes of October 21, 2020 (Karrie Sanderlin) (Pages 11-15)

Attachments: [Draft Minutes](#)

Board action approved the meeting minutes of October 21, 2020.

- 10.2** Resolution No. 20-22 Setting the Regular Meeting Time, Place, and Schedule of the Napa Valley Transportation Authority (NVTA) Governing Board, the Technical Advisory Committee (TAC), the Paratransit Coordinating Council (PCC), the Citizen Advisory Committee (CAC), and the Active Transportation Advisory Committee (ATAC) for Calendar Year (CY) 2021 (Laura Sanderlin) (Pages 16-26)

Attachments: [Staff Report](#)

Board action approved Resolution No. 20-22 setting the regular meeting time, place, and schedule of the NVTA Governing Board, the Technical Advisory Committee (TAC), the Paratransit Coordinating Council (PCC), the Citizen Advisory Committee (CAC), and the Active Transportation Advisory Committee (ATAC) for Calendar Year (CY) 2021.

- 10.3** Resolution No. 20-23 Authorizing the Executive Director to Execute Fund Transfer Agreements with the State of California Department of Transportation (Caltrans) for Fiscal Year (FY) 2020-21 State Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program (Antonio Onorato) (Pages 27-31)

Attachments: [Staff Report](#)

Board action approved Resolution No. 20-23 authorizing the Executive Director to execute a Fund Transfer Agreement with the State of California Department of Transportation (Caltrans) for Fiscal Year (FY) 2020-21 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program in the amount of \$52,000.

- 10.4** Resolution No. 20-24 Authorizing the Executive Director to Execute and Take all Action Necessary to Obtain Temporary Construction Access Easement Agreements for the Napa Valley Vine Trail - St. Helena to Calistoga Project (Rebecca Schenck) (Pages 32-55)

Attachments: [Staff Report](#)

Board action approved Resolution No. 20-24 authorizing the Executive Director to execute, make minor modifications to, and take all action necessary to obtain Temporary Construction Access Easement Agreements for the Napa Valley Vine Trail – St Helena to Calistoga Project.

- 10.5** Letters of No Prejudice (LONP) Submissions to the Metropolitan Transportation Commission (MTC) for Regional Measure 3 (RM 3) Projects (Antonio Onorato) (Page 56-58)

Attachments: [Staff Report](#)

Board action authorized the Executive Director to request Letters of No Prejudice (LONP) from the Metropolitan Transportation (MTC) for NVTA projects.

11. REGULAR AGENDA ITEMS

- 11.1** 2021 Federal and State Legislative Advocacy Program and Project Priorities and Legislative Update (Kate Miller) (Pages 59-71)

Attachments: [Staff Report](#)

Board action approved the 2021 Federal and State Legislative Advocacy Programs and Project Priorities, and (2) received the State Legislative update from Steve Wallauch, Platinum Advisors.

Motion MOVED by DUNBAR, SECONDED by TECHEL to APPROVE the 2021 Federal and State Legislative Advocacy Programs and Project Priorities. Motion carried by the following roll call vote:

Aye: 20 - Garcia, Techel, Pedroza, Dohring, Joseph, Dunbar, Dorman, Ellsworth, and Alessio

Absent: 4 - Canning, Ramos, and Kraus

- 11.2** Napa Valley Transportation Authority (NVTA) Preliminary Financial Statements for Fiscal Year (FY) Ended June 30, 2020, FY 2020-21 Quarter 1 (Q1) Review, 5-Year Budget Forecast, and Delegated Authority Matrix (Antonio Onorato) (Pages 72-80)

Attachments: [Staff Report](#)

Information Only / No Action Taken

The Board receive the Preliminary Fiscal Year End (FY) 2019-20 Financial Statements, FY 2020-21 Quarter 1 (Q1) Review, 5-Year Budget Forecast, and Delegated Authority Matrix.

- 11.3** FY 2019-2029 Napa County Short Range Transit Plan (SRTP) (Danielle Schmitz) (Pages 81-83)

Attachments: [Staff Report](#)

Board action approved the FY 2019-2029 Napa County Transportation Authority Short Range Transit Plan (SRTP).

Motion MOVED by ALESSIO, SECONDED by JOSEPH to APPROVE the FY 2019-2029 Napa County Transportation Authority Short Range Transit Plan (SRTP) and allow staff to make minor modifications to the document. Motion carried by the following roll call vote:

Aye: 20 - Garcia, Techel, Pedroza, Dohring, Joseph, Dunbar, Dorman, Ellsworth, and Alessio

Absent: 4 - Canning, Ramos, and Kraus

- 11.4** Vine Transit's Services in Support of the Emergency Operation Center (EOC) (Danielle Schmitz) (Pages 84-86)

Attachments: [Staff Report](#)

Information Only / No Action Taken

The Board received an update on the Vine Transit's services in support of the Emergency Operations Center.

- 11.5** Vine Transit Update (Rebecca Schenck / Libby Payan) (Pages 87-93)

Attachments: [Staff Report](#)

Information Only / No Action Taken

The Board received the Vine Transit Services Fiscal Year (FY) 2020-21 first quarter (Q1) operational performance update.

11.6 Amendment No. 12 to the Napa Valley Transportation Authority (NVTA) Joint Powers Agreement (Antonio Onorato) (Pages 94-125)

Attachments: [Staff Report](#)

Staff and NVTA Legal Counsel reviewed proposed revisions to the NVTA Joint Power Agreement (JPA).

Motion MOVED by JOSEPH, SECONDED by ELLSWORTH to APPROVE the proposed revisions to the NVTA Joint Power Agreement (JPA) and direct staff to circulate these revisions to its member jurisdictions for approval by their respective city/town councils and the Napa County Board of Supervisors. Motion carried by the following roll call vote:

Aye: 20 - Garcia, Techel, Pedroza, Dohring, Joseph, Dunbar, Dorman, Ellsworth, and Alessio

Absent: 4 - Canning, Ramos, and Kraus

11.7 First Amendment to Napa Valley Transportation Authority (NVTA) Agreement No. 20-14 With KNN Public Finance, LLC (Antonio Onorato) (Pages 126-134)

Attachments: [Staff Report](#)

Board action approved the First Amendment to NVTA Agreement No. 20-14 with KNN Public Finance, LLC.

Motion MOVED by DUNBAR, SECONDED by ALESSIO to APPROVE authorize the Executive Director to execute, and make minor modifications, the First Amendment to NVTA Agreement No. 20-14 with KNN Public Finance, LLC for additional financial advisory services to expand the scope of services to secure Transportation Infrastructure Finance and Innovation Act (TIFIA) financing and private sector financing for the construction of the new Vine Transit Maintenance Facility in an amount not to exceed \$25,000. Motion carried by the following roll call vote:

Aye: 15 - Garcia, Pedroza, Dohring, Joseph, Dunbar, Dorman, Ellsworth, and Alessio

Absent: 9 - Canning, Techel, Ramos, and Kraus

12. FUTURE AGENDA ITEMS

None

13. CLOSED SESSION

NVTA Legal Counsel announced that the Board would be adjourning to closed session for the item noted on the agenda and that no reportable action is expected.

Adjourned to Closed Session at 3:46 p.m.

13.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957(B)(1))

Title: Executive Director

Re-Convened to Open Session at 4:09 p.m.

Chair Pedroza reported that there was no reportable action associated with the closed session.

14. ADJOURNMENT

14.1 Approval to Cancel the Meeting of Wednesday, December 16, 2020 at 1:30 p.m. and Adjournment

The meeting of Wednesday, December 16, 2020 was canceled. The next regular meeting is scheduled for Wednesday, January 20, 2021 at 1:30 p.m.

Chair Pedroza adjourned the meeting at 4:10 p.m.

Laura M. Sanderlin, NVTA Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Citizen Advisory Committee (CAC) Member Appointment.

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the appointment of Jessica Penman to fill the Chamber Member on the CAC.

EXECUTIVE SUMMARY

The CAC was formed by NVTA to replace a number of ad hoc committees that were convened to advise the NVTA Board and NVTA staff on specific modes, projects, and programs. The CAC was formed to ensure representation from all aspects of the communities in Napa Valley and to retain the expertise and institutional knowledge that was lost when committees convened for specific projects or purposes were disbanded. One of the committee member positions represents the interests of Napa Valley's Chambers of Commerce. Ms. Penman has applied to fill the Chamber Member on the CAC.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVRTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Laura Sanderlin, Board Secretary (707) 259-8633 / Email: lsanderlin@nvta.ca.gov
SUBJECT: Citizen Advisory Committee (CAC) Member Appointment

RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board approve the appointment of Jessica Penman to fill the Chamber Member on the Citizen Advisory Committee.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The CAC by-laws approved by the NVRTA Board state that the committee structure and representation should strive to represent a diverse cross-section of the community including members of underrepresented groups in Napa Valley. Ms. Penman will fill the Chamber Member vacancy on the CAC. Ms. Penman is currently the Director of Community Relations at the Yountville Chamber of Commerce and has extensive work and volunteer experience in Napa County.

The CAC will have 13 members with the inclusion of Ms. Penman and 6 vacancies. NVRTA staff is actively recruiting to fill vacant positions. These include members representing the City of St. Helena, the City of Calistoga, the Town of Yountville, Agriculture, Environmental Interest, and Active Transportation.

City/Town/County members will be appointed by their respective Councils or Board of Supervisors whichever is applicable before being approved by the NVRTA Board. If representation of a certain faction or jurisdiction cannot be filled after solicitation for that position, the vacancy may be filled with a member at-large.

ALTERNATIVES

The Board could decide not to approve Jessica Penman for appointment and the CAC and the vacant position would remaining open.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1 – Serve the transportation needs of the entire community regardless of age, income, or ability.

The CAC is comprised of members from the community representing various interests in Napa Valley. The purpose of the CAC is to advise the board (via NVTA staff) on projects and programs.

ATTACHMENTS

- (1) Jessica Penman Application for CAC

Jessica Lee Penman



Professional Summary

I have dedicated my career to making the places that I live and work thrive. I have experience in fundraising, event planning, community organization, marketing and business development. I am looking for a position that will allow me to continue to make my community stronger and grow professionally.

Current Positions

Yountville Chamber of Commerce

April 2017-Present

Director of Community Relations

- Run Yountville Welcome Center
- Run YCC volunteer program
- Point of contact for DMO operations
- Work with Director of Membership and Sales on membership development and retention
- Run Associate Member program
- Run major chamber events
- Point of contact for YCC Workforce Development projects
- Manage YCC TripAdvisor Page and Instagram Stories
- Manage Community Events
- Manage Yountville.com content
- Help with Destination Marketing efforts
- Run Associate Membership Program

Napa Valley College

June 2014-Present

Adjunct Instructor of Anthropology

- Content development
- Teach 1-2 classes a semester both online and in person

Volunteer Work

Napa County Arts and Culture Committee

Vice Chair

October 2018-Present

Yountville Community Foundation Board of Directors

March 2018-Present

Chair

100 Kids Who Care Napa Valley

January 2019-Present

Founder

Leadership Napa Valley Class 32

September 2018-May 2019

Yountville Arts Commission

July 2015-June 2017

Arts Commissioner

Arts Council Napa Valley Leadership Network

March 2016-April 2017

Committee Member

Other Work Experience

Napa Valley Museum

July 2015-April 2017

Development Manager

- Membership Program coordination
- Foundation grants
- Government grants
- Annual Fundraiser coordinator
- Event coordinator
- Volunteer coordination
- Intern coordination
- Community outreach coordination
- Online postings and marketing
- Patron Member program coordination

Napa Valley Museum

May 2014-July 2015

Collections Manager and Volunteer Manager

- Volunteer program coordination
- Museum volunteer outreach
- Care for the NVM's 15,000 object collection
- Accessioning new items
- Inventory
- Research collections items
- Research items in need of deaccessioning
- Condition reports for incoming items

Napa Valley Museum

July 2012-May 2014

Collections Manager

- Care for the NVM's 15,000 object collection
- Accessioning new items
- Inventory
- Research collections items
- Research items in need of deaccessioning

- Condition reports for incoming items

Salon D'Art

May 2013-May 2014

District Representative for Northern California

- Manage 4-8 member sales team
- Responsible for home sale visits in Northern California
- Manage Northern California hotel properties
- Control over entire company inventory

Napa Valley Museum

April 2012-July 2012

Collections and Exhibitions Intern

- Learn the basics of collections management
- Inventory of NVM's art collection
- Helped to instal and de-instal several exhibitions

Mumm Napa

July 2012-August 2013

Hospitality representative

- Serve and explain Mumm wines to guests
- Give tours of the sparkling wine making process
- Ring customers up for wine and merchandise

Boys and Girls Club of the Napa Valley

October 2011-June 2012

Teen Center Project Assistant

- Create a safe place for Napa teens to spend hours after school
- Head cooking and workout classes
- Help to raise money for teen programs

Education:

University College London 2011

MA Egyptian Archaeology (with Merit)

London, United Kingdom

University of Arizona

B.A. Anthropology and Classics (Cum Laude) 2009

Tucson, Arizona USA

Centro Studi Città di Orvieto

University of Arizona Study Abroad Program 2007-2008

Areas of Study: Art History, Classics, Archaeology

Orvieto, Italy

Additional Skills and Certificates

- Emerging Leaders Program Certificate-CVNL Fall 2016
- WordPress
- Office Suite

- Weblink
- Canva
- Canvas
- Blackboard
- Raisers Edge
- Constant contact
- AASLH: The Basics of Archives online workshop
- PastPerfect
- Instagram Stories



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Active Transportation Advisory Committee (ATAC) Member Appointments

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the appointment of Sean Hughes and Barry Christian representing the City of American Canyon, and Spiro Makras representing the City of Calistoga.

EXECUTIVE SUMMARY

The Active Transportation Advisory Committee is made up of eleven members with representation that mirrors the voting structure of NVTA Board. Committee structure consists of: four members from the City of Napa, two members from the County of Napa, two members from the City of American Canyon, one member from the Town of Yountville, one member from the City of St. Helena, and one member from the City of Calistoga.

These appointments would fill both positions representing the City of American Canyon, and the position representing the City of Calistoga on the Active Transportation Advisory Committee for three-year terms.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Diana Meehan, Senior Planner
(707) 259-8327 / Email: dmeehan@nvta.ca.gov
SUBJECT: Active Transportation Advisory Committee Member Appointments

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the appointment of Sean Hughes and Barry Christian, representing the City of American Canyon, and Spiro Makras representing the City of Calistoga.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The NVTA Board approved changes to the ATAC Bylaws in 2014 to add an additional member representing the City of American Canyon in order to mirror the voting structure of the NVTA Board. Since that time, one position has remained unfilled even though NVTA has made multiple recruitment efforts to fill the position. Sean Hughes has applied to fill the open position representing the City of American Canyon. Mr. Hughes is a 10-year resident of the City of American Canyon, a mountain and road bike enthusiast and a American Canyon Community & Parks Foundation board member. Mr. Hughes' application is included as Attachment 1.

Barry Christian, also a resident of the City of American Canyon and long-time member on the ATAC wishes to continue his service and has applied for reappointment. Mr. Christian serves on multiple boards and committees throughout Napa County and has served as an ATAC member representing American Canyon for more than 10 years. Mr. Christian's application is included as Attachment 2.

The City of Calistoga has appointed Spiro Makras to fill the vacant position representing the City. The City's resolution endorsing Mr. Makras' candidacy is included as Attachment 3.

Sean Hughes was recommended by the American Canyon City Council at its meeting on December 15, 2020 to serve as representative for the City of American. Barry Christian was recommended for reappointment by the American Canyon City Council at its meeting on December 15, 2020 to serve as representative for the City of American Canyon, and Spiro Makras was recommended by the City of Calistoga at its December 15, 2020 meeting. All three members will serve three-year terms.

ATAC still has 5 additional openings including members representing the City of St. Helena (1), the Town of Yountville (1), the County of Napa (2) and the City of Napa (1). NVTA staff is actively recruiting to fill these openings.

ALTERNATIVES

The Board could decide not to approve the appointments which would leave additional vacancies on the ATAC.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1 – Serve the transportation needs of the entire community regardless of age, income, or ability.

The NVTA ATAC committee advises the Board on matters pertaining to the active transportation needs of the community and supports efforts towards sustainable transportation goals in the Valley.

ATTACHMENTS

- (1) Sean Hughes Application (redacted)
- (2) Barry Christian Application (redacted)
- (3) Spiro Makras Calistoga City Council Resolution



Board, Commission or Committee Application

To apply for appointment to a City of American Canyon Board, Commission or Committee please complete the following questionnaire. It will be kept on file and under consideration for one year from today. For more information please contact the City Clerk's Office at 707-647-4369.

Date 7/26/2020

Name* Sean Hughes

Address* Street Address

Address Line 2

City

American canyon

Postal / Zip Code

94503

State / Province / Region

Ca

Country

United States

Daytime
Phone
Number
555-555-
5555*

Place of Employment Testing Engineers, Inc

Position Held Project manager - engineering tech

Business Address Street Address

2811 Teagarden Street

Address Line 2

City

San Leandro

Postal / Zip Code

94577

State / Province / Region

CA

Country

United States

Business
Phone
Number
555-555-
5555*

How long have you lived in American Canyon? 10 years*

Are you a registered voter? ☒ Yes ☐ No

Availability for meetings? ☐ Daytime ☒ Evening

**This application is for ATAC
 which Commission,
 Committee or Board?

**What are your
 principle areas of
 interest in our City
 government? ***

Transportation

**Please list education,
 training or special
 knowledge which
 might be relevant to
 this appointment: ***

AS Degree
 Studied Photo Journalism Contra Costa
 College
 Knowledge of Caltrans test standards and
 pavement condition surveys, working in
 roadway rehabilitation and repair for soils and
 asphalt

**Please list
 employment,
 membership in
 service or community
 organizations or
 volunteer work which
 might be relevant to
 this appointment: ***

City of American Canyon Citizens Academy
 "cadet"
 Sitting Board Member - American Canyon
 Community & Parks Foundation
 Mountain & road bike enthusiast

**Have you been, or are
 you now a member of
 a governmental
 board, commission
 or committee? If so,
 please provide name
 and dates of service.**

**REMARKS: Please
 indicate any further
 information that will
 be of value regarding
 your appointment.**

Work well with others



City of American Canyon

APPLICATION FOR PUBLIC SERVICE APPOINTMENT TO A MUNICIPAL BOARD OR COMMITTEE

Name Barry Christian

Address



Telephone #



E-mail address



Cell #



Business Name

Business Address

Position Held

Business Phone #

How long have you resided in American Canyon 30 years

Are you a registered voter YES

Would you be available for meetings in the daytime _____ evenings _____ both. XXX

Please indicate the Commission or Advisory Committee for which you wish to apply Napa Valley

Transportation Authority - Active Transportation Advisory Committee

What are your principle areas of interest in our City government Parks, Trails, and Open Space

List education, training or special knowledge which might be relevant to this appointment 15 + years

advocating for parks, trails, and open space in a variety of volunteer, appointed, and
elected positions.

Public Service Appointment Application
Page 2

List employment, membership in service or community organizations or volunteer work which might be relevant to this appointment

Currently serving as Board Member - Friends of the Napa River

Currently serving as Board Member - Napa Valley Vine Trail Coalition

Former member (13 years) Bay Area Ridge Trail Council Board

Have you been, or are you now a member of a governmental board, commission or committee? If so, please provide name and dates service.

Currently elected Board Member - Napa Open Space District - 6 years

Currently appointed City of Canyon Open Space Advisory Committee - 15 yrs

Currently appointed WICC (Watershed Information & Conservation Council) - 2 years

Currently appointed NVTa - Active Transportation Advisory Committee - 10 years ??

REMARKS: Please indicate any further information that will be of value regarding your appointment.

Name **Barry Christian**

Date. **13 November 2020**

Signature



**THIS APPLICATION IS ON FILE AND UNDER CONSIDERATION
FOR ONE YEAR FROM THE DATE IT IS COMPLETED.**

Mdt-12/15/14

RESOLUTION NO. 2020-094

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, CONFIRMING THE
MAYOR'S APPOINTMENTS TO THE CALISTOGA AND COUNTYWIDE
NVTA ACTIVE TRANSPORTATION ADVISORY COMMITTEE**

WHEREAS, California Government Code Section 65300 states that the Mayor, with the approval of the City Council, shall make all appointments to boards, commissions, and committees; and

WHEREAS, the State of California has adopted the "Maddy Appointive List Act", which requires the preparation of a list of all regular and ongoing commissions and committees appointed by the local legislative body. The Act also requires public notice to be given anytime a vacancy occurs on any of these ongoing bodies; and

WHEREAS, the City Council wishes to utilize the largely untapped reservoir of talent which exists among the citizenry that all too frequently is not aware of the opportunities for participation on local regulatory and advisory boards and commissions; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF CALISTOGA DOES RESOLVE, DECLARE, DETERMINE, AND ORDER the confirmation of the Mayor's appointments of the following two (2) individuals to two-year terms on the Active Transportation Advisory Committee expiring December 31, 2022:

- Ed Kozel
- Ivan Miller

BE IT FURTHER RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF CALISTOGA DOES RESOLVE, DECLARE, DETERMINE, AND ORDER the confirmation of the Mayor's appointments of the following individual to a three-year term on the Countywide NVTA Active Transportation Advisory Committee expiring December 31, 2023:

- Spiro Makras


PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at its regular meeting held this 15th day of **December 2020**.

Resolution No. 2020-094
Page 2 of 2

I, Hilary Gaede, Deputy City Clerk of the City of Calistoga, hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Calistoga at a regular meeting held on the 15th day of **December 2020**, by the following vote:

AYES: Councilmembers Kraus, Williams, and Gift, Vice Mayor Lopez-Ortega and Mayor Canning
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Hilary Gaede, Deputy City Clerk

APPROVED:


Chris Canning, Mayor



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Paratransit Coordinating Council (PCC) Member Appointment and Reappointments

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the appointments of Doug Weir, Randy Kitch, Beth Kahiga, Julie Spencer and Lisa DeRose-Hernandez to the Paratransit Coordinating Council (PCC).

EXECUTIVE SUMMARY

The PCC was formed by NVTA to serve in an advisory capacity to the Board on the transportation issues of persons with special needs, including elderly, disabled, and those of low income.

This action will reappoint Doug Weir, Randy Kitch, Beth Kahiga, Julie Spencer and appoint Lisa DeRose-Hernandez, a new member, to the PCC. There are two (2) additional vacancies on the committee and NVTA staff is actively recruiting to fill these positions. These include a member of the public residing in an urbanized area and a member of the public residing in a non-urbanized area.

FISCAL IMPACT

None



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Libby Payan, Senior Transportation Planner
(707) 259-8782 / Email: lpayan@nvta.ca.gov
SUBJECT: Paratransit Coordinating Council (PCC) Member Reappointment

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve the appointment of the following individuals to the Paratransit Coordinating Council (PCC):

- Doug Weir
- Randy Kitch
- Beth Kahiga
- Julie Spencer
- Lisa DeRose-Hernandez

COMMITTEE RECOMMENDATION

None

BACKGROUND

The PCC was formed by NVTA to serve in an advisory capacity to the Board on the transportation issues of persons with special needs, including elderly, disabled, and those of low income.

The PCC by-laws, last approved by the NVTA Board in February 2012, state that the PCC shall advise the Board of Directors and the Metropolitan Transportation Commission (MTC) regarding setting priorities for transportation services, review and make recommendations regarding the submission of claims for certain Transportation Development Act (TDA) and Federal Transit Administration (FTA) funds and allocations

consistent with its priorities, and address coordination of paratransit services within Napa County.

The appointment of the above members will fulfill the following representatives listed in Table 1.

Table 1. PCC Member List

Member	Original appointment date	Most recent appointment	Term end date	Category Represented
Doug Weir	10/20/1999	9/22/2010	9/22/2013	Consumer/user persons with disabilities (1)
Randy Kitch	7/21/1999	2/18/2015	2/18/2019	Member of the public residing within an urbanized area (1 of 2)
Beth Kahiga	9/1/2003			Social services providers for persons with disabilities (1 of 2)
Julie Spencer	9/19/2014	2/18/2015	2/18/2019	Social services provider for seniors (1)
Tom Collette	10/17/2018	10/17/2018	10/17/2021	Consumer/user 60 years of age or older (1)
Victor Hurtado	9/18/2019	9/18/2019	9/18/2022	Social services providers for persons with disabilities (2 of 2)
Lisa DeRose-Hernandez*	1/20/21	1/20/21	1/31/24	Social services provider for persons of limited means (1)
Vacant				Member of the public residing within an urbanized area (2 of 2)
Vacant				Member of the public residing within a non-urbanized area (1)

*Pending Board Approval on January 20, 2021

ALTERNATIVES

The Board could decide not to appoint these individuals to the PCC resulting in vacancies and lack of representation for various interests.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1 – Serve the transportation needs of the entire community regardless of age, income, or ability.

The PCC is comprised of members from the community representing various interests in Napa Valley. The purpose of the PCC is to advise the board (via NVTA staff) on transportation issues of persons with special needs.

ATTACHMENTS

- (1) November 09 2020 - Paratransit Coordinating Council Appointment Application: Lisa DeRose-Hernandez

Napa Valley Transportation Authority
625 Burnell St
Napa, CA 94559
Tel. (707) 259-8631 / Fax (707) 259-8638
www.nvta.ca.gov
www.ridethevine.com

PARATRANSIT COORDINATING COUNCIL APPOINTMENT APPLICATION

Complete applications should be submitted to the above address,
Attention: Secretary of the Board

This application may be subject to disclosure under the Public Records Act

I am applying as a representative of the following: (Check all that apply)			
<input type="checkbox"/> Public transit consumer/user 60 or older			
<input type="checkbox"/> Public transit consumer/user with disability			
<input type="checkbox"/> Member of the public residing in non-urbanized area			
<input type="checkbox"/> Member of the public residing in urbanized area			
<input type="checkbox"/> Social service provider for persons of limited means. List agency: _____			
<input type="checkbox"/> Social service provider for persons with disabilities. List agency: _____			
<input checked="" type="checkbox"/> Social service provider for seniors. List agency: CANV, Meals on Wheels Program			
Applicant Information			
Name:	DeRose-Hernandez	Lisa	Date: 11/09/2020
	Last	First	M.I.
Mailing Address:	[REDACTED]		
	Street Address	Apartment/Unit #	
City	Napa	State	CA Zip [REDACTED]
Phone:	[REDACTED]	E-mail Address:	[REDACTED]
Current Occupation (within the last twelve (12) months)			
Education/Experience			
(a resume may be attached containing this and any other information that would be helpful in evaluating your application)			
Community Action Napa Valley, Meals on Wheels Program Director			
Community Participation			
(nature of activity and community location)			
<p>Our Home-Delivered Meal Program serves meals for seniors age 60 and over and are home-bound and/or unable to shop and cook are eligible to receive Meals on Wheels. You may also receive Meals on Wheels if you are the caregiver/spouse/companion of a 60+ senior who is receiving meals. Volunteer Delivery Drivers deliver our freshly prepared meals on Monday, Wednesday and Friday. A key component of our Home-Delivered Program is consistent contact with our senior clients. This contact not only reduces senior isolation, but ensures their safety on a daily basis. Here are the key components of the Home-Delivery Program.</p> <ul style="list-style-type: none"> - Deliveries are made between 10:00 am – 1:00 pm on Monday, Wednesday and Friday. Clients must be home to receive the meals. - Meals will be delivered in advance of seasonal holidays. - Constant contact – saves lives and allows seniors to remain independent in their own homes. - Seniors receive a monthly menu and information on other social service programs. - We provide nutritional and preventive health information. - Clients will receive 2 meals on Monday & Wednesday and 3 meals on Friday. - Our suggested contribution is \$4.50 per meal to help support the program. No senior will ever be denied a meal based on their inability to contribute. <p>If you would like to request Home-Delivered Meal Services visit our website www.canv.org and download our application. Once completed please send back to our office via email or fax. We are happy to start meal services the next following day upon receipt of completed application.</p> <p>Please feel free to contact us should you have any questions or need further information.</p>			

Other Boards/Commissions/Committees on which you serve/have served

CANV ' s Philanthropic Development, HAPI, Safety Net

Please share your experience or observations regarding public transit

I have used public transit for over 25 years and must say the transit system today is clean, polite, and on-time.

Please share your experience working with special needs populations

The past 8 years I have worked with special needs to facilitate job coaching. It takes a individual that has patience and a unique ability to convey learning skills.

Please explain your reasons for wishing to serve, and in your opinion, how you feel you could contribute.

My reason to sit on your committee is too widen my reach in the community and bring my expertise with senior programming.

References

Please list three individuals familiar with your background

Full Name: **Drene Johnson** Relationship: **Program Specialist**
Company: **Community Action Napa Valley** Phone: **707-253-6100 ext. 102**
Address: **2521 Old Sonoma Road, Napa CA 94558**

Full Name: **Linda Button** Relationship: **Program Specialist**
Company: **City of Napa Park & Recs** Phone: **707-255-1800**
Address: **1500 Jefferson Street, Napa CA 94559**

Full Name: **Laurie Hartmann** Relationship: **Executive Director**
Company: **Solano County Meals on Wheels Program** Phone: **707-426-3079**
Address: **95 Marina Ctr. Suisun City CA**

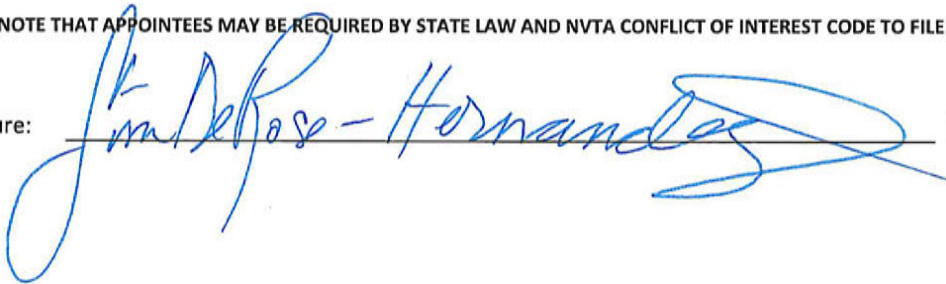
Name and Occupation of spouse within the last 12 months, if married (for Conflict of Interest purposes):

Juan Hernandez, Arborist

Disclaimer and Signature

PLEASE NOTE THAT APPOINTEES MAY BE REQUIRED BY STATE LAW AND NVTA CONFLICT OF INTEREST CODE TO FILE FINANCIAL DISCLOSURE STATEMENTS

Signature:



Date:

11/09/2020



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Resolution No. 21-01 approving the granting of funds from the State Coastal Conservancy for the Bay Area Ridge Trail/Napa Valley Vine Trail Project

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority Board approve Resolution No. 21-01 approving the granting of funds from the State Coastal Conservancy (Conservancy) for the Bay Area Ridge Trail/Napa Valley Vine Trail Project and authorizing the Executive Director to execute and take all action necessary to obtain a grant agreement for the Bay Area Ridge Trail/Napa Valley Vine Trail Project.

EXECUTIVE SUMMARY

The Napa Valley Transportation Authority (NVRTA) is the lead agency for the construction of the Napa Valley Vine Trail – St Helena to Calistoga Project. A 2.9 miles section of this project alignment, from the Lincoln Ave in the City of Calistoga to Bothe Napa State Park, is shared between the Vine Trail and the Ridge Trail. The Conservancy adopted a resolution authorizing a grant to NVRTA of \$125,000 for Bay Area Ridge Trail/Napa Valley Vine Trail – Calistoga to Bothe Napa State Park Construction at their meeting on November 20, 2020. NVRTA must approve the resolution to receive the grant funds.

FISCAL IMPACT

Covers a portion of the cost to construct the Napa Valley Vine Trail – St Helena to Calistoga Project.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVRTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Rebecca Schenck, Program Manager – Public Transit
(707) 259-8636 / Email: rschenck@nvta.ca.gov
SUBJECT: Resolution No. 21-01 Approving the Granting of Funds from the State Coastal Conservancy for the Bay Area Ridge Trail/Napa Valley Vine Trail Project

RECOMMENDATION

That the Napa Valley Transportation Authority Board approve Resolution No. 21-01 (Attachment 1) approving the granting of funds from the State Coastal Conservancy (Conservancy) for the Bay Area Ridge Trail/Napa Valley Vine Trail Project and authorizing the Executive Director to execute and take all action necessary to obtain a grant agreement for the Bay Area Ridge Trail/Napa Valley Vine Trail Project.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The Napa Valley Transportation Authority applied for \$6.1 Million in Active Transportation Program funds in November of 2015 to construct the Napa Valley Vine Trail – St Helena to Calistoga Project. The application included a local match of \$100,000 from the Conservancy for the Bay Area Ridge Trail portion of the project. Then in December 2016, NVRTA and the Napa Valley Vine Trail Coalition applied for \$711,360 in One Bay Area Grant (OBAG) 2 funds for the portion of the Napa Valley Vine Trail in Both Napa State Park. The application includes a local match of \$25,000 from the Conservancy. Both applications for funding were awarded.

NVRTA committed to implementing the Project, which includes completing an environmental review, obtaining rights of entry and construction easements, and

procuring design and construction services, and the Conservancy was committed to providing \$125,000 in matching funds for construction.

This item will allow the Executive Director to take the necessary actions to execute a grant agreement with the Conservancy on behalf of NVTa.

ALTERNATIVES

- 1) Delay the adoption of Resolution No. 21-01 until a later date. This alternative would delay the Project schedule, and could result in loss of funding.
- 2) Decide not to adopt Resolution No. 21-01. This alternative would result in the Project not moving forward at this time due to a shortage of construction funding, and would result in the loss of other funding for this project.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1- Serve the transportation needs of the entire community regardless of age, income, or ability

The Vine Trail is a critical project that supports alternative transportation for individuals who may not have the income or the ability to drive an automobile.

Goal 2 – Improve system safety in order to support all modes and serve all users

This segment of the Vine Trail will allow bikers and walkers to safely navigate from St. Helena to Calistoga on a Class I bike path – separated from automobile traffic.

ATTACHMENTS

- (1) Resolution No. 21-01

RESOLUTION No. 21-01

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVT A)
APPROVING THE GRANT OF FUNDS FROM THE STATE COASTAL
CONSERVANCY FOR THE
BAY AREA RIDGE TRAIL/NAPA VALLEY VINE TRAIL PROJECT**

WHEREAS, the Legislature of the State of California has established the State Coastal Conservancy (“Conservancy”) under Division 21 of the California Public Resources Code, and has authorized the Conservancy to award grants to public agencies and nonprofit organizations to implement the provisions of Division 21; and

WHEREAS, the Conservancy awards grants for projects that it determines are consistent with Division 21 of the Public Resources Code and with the Conservancy’s Strategic Plan and that best achieve the Conservancy’s statutory objectives, in light of limited funding.

WHEREAS, at its November 19, 2020 meeting, the Conservancy adopted a resolution authorizing a grant to Napa Valley Transportation Authority (“Grantee”) for Bay Area Ridge Trail/Napa Valley Vine Trail – Calistoga to Bothe Napa State Park Construction (“the Project”). The resolution was adopted by the Conservancy pursuant to and is included in the Conservancy November 19, 2020 staff recommendation, a copy of which is on file with Grantee and with the Conservancy.

WHEREAS, the Conservancy requires that governing body of Grantee certify through a resolution that it approves the award of Conservancy grant funding and authorizes the execution by a representative of the Grantee of a grant agreement on terms and conditions required by the Conservancy Grant Agreement Number 20-032-01.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Napa Valley Transportation Authority hereby approves the award of grant funding from the Conservancy for the Project; and

BE IT FURTHER RESOLVED, NVT A acknowledges that it has or will have sufficient funds to complete the Project and, if any property is acquired as part of the Project, there are or will be sufficient funds to operate and maintain the property, and, if any facilities are constructed as a part of the Project, to operate and maintain the facilities for a reasonable period, not less than the useful life of the facilities; and

BE IT FURTHER RESOLVED, NVT A agrees to be bound by all terms and conditions of the Grant Agreement and any other agreement or instrument as may be required by the Conservancy and as may be necessary to fulfill the terms of the Grant Agreement and to complete the Project.

BE IT FURTHER RESOLVED, the Executive Director or designee is authorized to act as a representative of the grantee, to negotiate and execute on behalf of the grantee all further agreements and instruments necessary to complete the project and to comply with the Conservancy's grant requirements, including, without limitation, the grant agreement.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa Valley Transportation Authority, at a regular meeting held on January 20, 2021, by the following vote:

Alfredo Pedroza, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura M. Sanderlin, NVTA Board Secretary

APPROVED:

DeeAnne Gillick, NVTA Legal Counsel



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Resolution 21-02 and 21-03 for Regional Measure 3 (RM3) Letters of No Prejudice (LONP)

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolutions 21-02 (Attachment 1) and Resolution 21-03 (Attachment 2) authorizing the Executive Director to submit Letters of No Prejudice (LONP) to the Metropolitan Transportation Commission (MTC) for RM3 funds for Soscol Junction from the SR 29 Improvement Project and for the Vine Transit Maintenance Facility from the North Bay Transit Access Improvement Program.

EXECUTIVE SUMMARY

At its November 18, 2020 meeting, the Board of Directors authorized the Executive Director to submit LONPs to MTC for RM3 projects. MTC requires formal resolutions as well as Initial Project Reports (IPR), included as Attachments 3 and 4.

FISCAL IMPACT

This action does not have a near term fiscal impact, but if the RM 3 litigation is settled in MTC's favor and MTC awards NVTA funding for the proposed projects, the LONP would allow NVTA to be reimbursed with RM 3 funds without prejudice of starting the projects prior to award which would reduce the fiscal impacts to NVTA. It should be emphasized that the LONP does not guarantee that the funds will be awarded for the projects.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director - Administration, Finance and Policy
(707) 259-8779 / Email: aonorato@nvta.ca.gov
SUBJECT: Resolution 21-02 and Resolution 21-03 Submitting Regional Measure 3 (RM 3) Letters of No Prejudice (LONP) Requests to the Metropolitan Transportation Commission

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 21-02 and 21-03 authorizing the Executive Director to submit requests for Letters of No Prejudice (LONP) to the Metropolitan Transportation Commission (MTC).

COMMITTEE RECOMMENDATION

None

BACKGROUND

RM 3 was approved by voters in the nine county San Francisco Bay Area in June 2018 to address the Bay Area's growing congestion challenges. The measure provides \$4.45 billion in transportation funding and is funded through a \$3 toll increase imposed on all Bay Area State-owned toll bridges.

The RM 3 programs and projects of interest to Napa County include:

- State Route (SR) 29 Improvements - \$20 million (Napa County)
- State Route (SR) 37 Improvements - \$100 million (Napa, Marin, Sonoma, and Solano Counties)
- North Bay Transit Access Improvements - \$100 million (Napa, Solano, Contra Costa, Marin, and Sonoma Counties)
- San Francisco Bay Trail/Safe Routes to Transit - \$150 million (regional)

In December 2019, MTC adopted the RM 3 Policies and Procedures, which includes a LONP process. A LONP would permit a project sponsor to incur costs on a project using other fund sources with the understanding that costs incurred may be reimbursed once RM 3 funds are available.

RM 3 funds have been in litigation since its passage and are currently pending action by the California Supreme Court. The Bay Area Toll Authority (BATA) is collecting and holding tolls in escrow pending resolution of the litigation. If BATA prevails, revenues will be available to projects and programs included in the RM 3 Expenditure Plan. The agencies that have advanced projects using other fund sources can be reimbursed for those costs using RM 3 funds.

At its November 18, 2020 meeting, the Board of Directors authorized the Executive Director to submit LONPs to the Metropolitan Transportation Commission (MTC) for RM3 projects. NVTA intends to submit Resolution 21-02 and Resolution 21-03 for Soscol Junction from the SR 29 Improvement Project and the Vine Maintenance Facility from the North Bay Transit Access Improvement Program. The LONP for Soscol Junction is a precautionary measure should additional funds be needed during the course of construction. The project is fully funded based on 65% design estimates with other funding sources. The Vine Maintenance Facility will be advanced using public and private borrowing pending the Board's approval of terms.

Attachments 3 and 4 are the Initial Project Reports (IPR) and include project performance schedules and proposed budgets.

ALTERNATIVES

The board could decline the submission of the LONP request. NVTA staff would need to identify other funds should Soscol Junction exceed currently estimated costs and obligate itself to long term debt and interest payments to fund the Vine Maintenance facility.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently.

The use of other funds to advance projects until RM 3 funds are available will reduce the overall projects costs and impacts to agency revenues.

ATTACHMENT

- 1) Resolution 21-02
- 2) Resolution 21-03
- 3) Initial Project Report for Vine Transit Maintenance Facility
- 4) Initial Project Report for SR29 Improvements

RESOLUTION No. 21-02

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVT A)
AUTHORIZING THE EXECUTIVE DIRECTOR TO THE REQUEST A LETTER OF NO
PREJUDICE FROM THE METROPOLITAN TRANSPORTATION COMMISSION
(MTC) FOR UP TO \$20,000,000 OF REGIONAL MEASURE 3 FUNDS FOR
ALLOCATION OF REGIONAL MEASURE 3 BRIDGE TOLL FUNDS FOR THE
NORTH BAY TRANSIT ACCESS IMPROVEMENTS PROGRAM**

WHEREAS, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

WHEREAS, Letter of No Prejudice (LONP) requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404); and

WHEREAS, the Napa Valley Transportation Authority (NVT A) is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Regional Measure 3 LONP request, attached hereto in the Initial Project Report and LONP Request Form, and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which NVT A is requesting that MTC issue an allocation and LONP for Regional Measure 3 funds;

WHEREAS, the North Bay Transit Access Improvements is an eligible program/project for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, the Vine Transit Maintenance Facility is an eligible sub-project for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, the Regional Measure 3 LONP request, attached hereto in the Initial Project Report (IPR) and LONP Request Form, and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which NVTA is requesting that MTC issue an LONP for RM3 funds;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Napa Valley Transportation Authority that NVTA authorizes its Executive Director to execute and submit an LONP request for the construction phase with MTC for RM3 funds in the amount of \$20,000,000, for the Vine Transit Maintenance Facility project, purposes and amounts included in the project application attached to this resolution;

BE IT FURTHER RESOLVED that NVTA agrees to comply with all terms and conditions of the fund transfer agreement.

BE IT FURTHER RESOLVED, that NVTA and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures; and be it further

BE IT FURTHER RESOLVED, that NVTA will only be eligible for reimbursement for this scope of work from RM3 funds following an allocation by MTC, for expenses incurred following the date of the LONP approval; and be it further

BE IT FURTHER RESOLVED, that NVTA certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

BE IT FURTHER RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

BE IT FURTHER RESOLVED, that NVTA approves the LONP request and updated Initial Project Report, attached to this resolution; and be it further

BE IT FURTHER RESOLVED, that NVTA approves the cash flow plan, attached to this resolution; and be it further

BE IT FURTHER RESOLVED, that NVTA is an eligible sponsor of projects in the Regional Measure 3 Expenditure Plan, in accordance with California Streets and Highways Code 30914.7(a); and be it further

BE IT FURTHER RESOLVED, that NVTA is authorized to submit an application for an LONP request for RM3 funds for the Vine Transit Maintenance Facility project, under the North Bay Transit Access Improvements Program;

BE IT FURTHER RESOLVED, that the Executive Director is hereby delegated the authority to make non-substantive changes or minor amendments to the LONP request or IPR as its deemed appropriate.

Passed and adopted this 20th day of January, 2021.

Alfredo Pedroza, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura M. Sanderlin, NVTA Board Secretary

APPROVED:

DeeAnne Gillick, NVTA Legal Counsel

RESOLUTION No. 21-03

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
AUTHORIZING THE EXECUTIVE DIRECTOR TO THE REQUEST A LETTER OF NO
PREJUDICE FROM THE METROPOLITAN TRANSPORTATION COMMISSION
(MTC) FOR UP TO \$29,000,000 OF REGIONAL MEASURE 3 FUNDS FOR
ALLOCATION OF REGIONAL MEASURE 3 BRIDGE TOLL FUNDS FOR THE SR-29
IMPROVEMENT PROJECT**

WHEREAS, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

WHEREAS, Letter of No Prejudice (LONP) requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404); and

WHEREAS, the Napa Valley Transportation Authority (NVTA) is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Regional Measure 3 LONP request, attached hereto in the Initial Project Report and LONP Request Form, and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which NVTA is requesting that MTC issue an allocation and LONP for Regional Measure 3 funds;

WHEREAS, the SR-29 Improvements is an eligible project for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, Soscol Junction is an eligible sub-project eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, the Regional Measure 3 LONP request, attached hereto in the Initial Project Report (IPR) and LONP Request Form, and incorporated herein as though set

forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which NVTa is requesting that MTC issue an LONP for RM3 funds;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Napa Valley Transportation Authority that NVTa authorizes its Executive Director to execute and submit an LONP request for the construction phase with MTC for RM3 funds in the amount of \$29,000,000, for the SR-29 Improvements project, purposes and amounts included in the project application attached to this resolution;

BE IT FURTHER RESOLVED that NVTa agrees to comply with all terms and conditions of the fund transfer agreement.

BE IT FURTHER RESOLVED, that NVTa and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures; and be it further

BE IT FURTHER RESOLVED, that NVTa will only be eligible for reimbursement for this scope of work from RM3 funds following an allocation by MTC, for expenses incurred following the date of the LONP approval; and be it further

BE IT FURTHER RESOLVED, that NVTa certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

BE IT FURTHER RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

BE IT FURTHER RESOLVED, that NVTa approves the LONP request and updated Initial Project Report, attached to this resolution; and be it further

BE IT FURTHER RESOLVED, that NVTa approves the cash flow plan, attached to this resolution; and be it further

BE IT FURTHER RESOLVED, that NVTa is an eligible sponsor of projects in the Regional Measure 3 Expenditure Plan, in accordance with California Streets and Highways Code 30914.7(a); and be it further

BE IT FURTHER RESOLVED, that NVTa is authorized to submit an application for an LONP request for RM3 funds for the SR-29 Improvements Project;

BE IT FURTHER RESOLVED, that the Executive Director is hereby delegated the authority to make non-substantive changes or minor amendments to the LONP request or IPR as it is deemed appropriate.

Passed and adopted this 20th day of January, 2021.

Alfredo Pedroza, NVTA Chair

Ayes:

Nays:

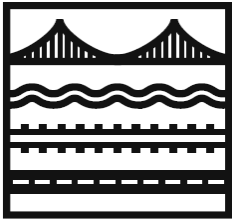
Absent:

ATTEST:

Laura M. Sanderlin, NVTA Board Secretary

APPROVED:

DeeAnne Gillick, NVTA Legal Counsel



Regional Measure 3

Initial Project Report

SB 595 Project Information

Project Number	
Project Title	Vine Transit Maintenance Facility
Project Funding Amount	\$20,000,000

I. Overall Project Information

a. Project Sponsor / Co-sponsor(s) / Implementing Agency

Sponsor: Napa Valley Transportation Authority

Implementing Agency: Napa Valley Transportation Authority

b. Project Purpose

NVTa's current bus facility is leased from the City of Napa. The facility was designed for the original fixed route system in the City of Napa. Since NVTa assumed Vine Transit operations from the City, it has expanded the fixed route system, added 2 express bus and 4 regional routes and consolidated the services operating in the four smaller jurisdictions. Consequently, the facility is too small and many of its systems have become obsolete compromising NVTa's ability to adequately maintain its existing fleet. The facility also cannot be upgraded to fuel NVTa's fleet electrification. The facility also lacks parking for employees and visitors, a functioning bus washer, an administrative facility, and facilities for driver training and meetings. Administrative staff work in temporary trailers which are even more problematic now with COVID-19.

When completed, the new facility will have a 20,000-square-foot bus maintenance building, standalone administrative offices, a modern bus wash system, secured parking lot large enough to accommodate 100 public transit vehicles, photo-voltaic panels on top of canopies, and bus charging stations for its planned all-electric, fixed-route bus fleet. The new facility will also have regional meeting facilities and an emergency operations center. The property will provide sufficient space for existing operations and projected growth for at least the next 40 years.

c. Detailed Project Description

NVTa will build a new bus maintenance, operations and administration facility on land purchased in 2016.



Regional Measure 3 Initial Project Report

NVTA has outgrown its existing transit yard which inhibits its ability to provide adequate services to the riding public. A new facility is vital to sustaining public transit operations in Napa Valley.

The new Vine Transit Maintenance Facility site will include a new bus maintenance, bus storage, electric fueling for both buses and electric vehicles, administration offices and transit emergency operations area, driver training rooms, modern and efficient bus wash system. The facility is close to fueling and major highway interchanges. The proposed design will be built with LEED principles with at least a 40 year design life. In addition, the facility will also include a new Transit Emergency Operations Center, which includes backup power for essential services for 72 hours. Emergency facilities and charging is essential given the recent evacuations performed by the Vine bus fleet during the fires of 2017 and 2020 and the frequent public safety power shutoff that frequently occur. The Vine bus fleet is also used to provide COVID-19 relief services such as food and laundry transport for essential workers, food banks, and homeless shelter facilities.

d. Impediments to Project Completion

Funding shortfall. NVTA is collaborating with the Build America Bureau and a private financial institution to finance the remainder of the project.

e. Operability *(describe entities responsible for operating and maintaining project once completed/implemented)*

Once the facility is completed, NVTA will operate the facility in conjunction with its transit services contractor. NVTA staff will have an office at the facility and monitor the day to day operations and maintenance of the facility.

f. Project Graphic(s) *(include below or attach)*





II. Project Phase Description and Status

a. Environmental/Planning

Does NEPA apply? Yes ☒ No ☐

An EIR was certified on January 18, 2018. A copy of the EIR can be viewed on the agency's website:

https://www.nvta.ca.gov/sites/default/files/NVTA%20Vine%20Facility%20DEIR_12-2017.pdf

b. Design

The project is at 100% design and shovel ready.

c. Right-of-Way Activities / Acquisition

NVTA has purchased two parcels in September 2016 located at 96 and 101 Sheehy Ct. The real estate is owned with free and clear Title. They is no debt on the property and no federal interest. NVTA also purchased the adjacent lot - APN 057-250-037 for future development of a battery storage facility and a traffic operations center.

Construction / Vehicle Acquisition / Operating

Procurement of Construction Contractor: January 2021-April 2021

Selection of Contractor/Notice to Proceed: May 2021

Begin Construction: June 2021

End Construction: December 2022

Occupancy, In-Service Date: January 2023

III. Project Schedule

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)		1/18/2018
Final Design - Plans, Specs. & Estimates (PS&E)		9/30/2019
Right-of-Way Activities /Acquisition (R/W)		9/28/2016
Construction (Begin – Open for Use) / Acquisition (CON)	6/1/2021	12/31/2022



IV. Project Budget

Capital Project	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	250
Design - Plans, Specifications and Estimates (PS&E)	2,028
Right-of-Way Activities /Acquisition (R/W)	2,610
Construction / Rolling Stock Acquisition (CON)	35,747
Total Project Budget (in thousands)	40,650

Operating	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Annual Operating Budget	225

V. Project Funding

Excel Attachment Included ☒

VI. Planned RM3 Funding Requests in Next 12 Months

\$20,000,000 for construction.



VII. Contact/Preparation Information

Contact for Project Sponsor

Name: Antonio Onorato

Title: Director of Finance

Phone: 707-259-8779

Email: aonorato@nvta.ca.gov

Mailing Address: 625 Burnell St. Napa, CA 94559

Person Preparing Initial Project Report (if different from above)

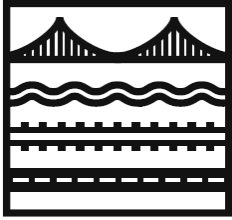
Name:

Title:

Phone:

Email:

Mailing Address:



Regional Measure 3

Initial Project Report

SB 595 Project Information

Project Number	27
Project Title	State Route 29
Project Funding Amount	\$20,000,000

I. Overall Project Information

a. Project Sponsor / Co-sponsor(s) / Implementing Agency

Sponsor: Napa Valley Transportation Authority

Implementing Agency: Caltrans

b. Project Purpose

Annually commuters endure 1.365 million hours of delay at the Soscol Junction intersection. SR 29's existing highway configuration cannot accommodate the current traffic volumes which are projected to grow in the coming years. Coupled with population growth in Solano and Sonoma counties, State Route 29 (SR 29) and State Route 221 (SR 221) have become major interregional highways serving residents, visitors, workers and freight. SR 29 serves 5,500 pass-through trips a day traveling from Solano to Sonoma Counties. It is also a feeder corridor to I-80 and SR 37 and improvements would significantly reduce congestion on the connecting bridge corridors. Further, SR 29 supports Vine Transit operations to the San Francisco Bay Ferry terminal in Vallejo, Bay Area Rapid Transit (BART), and Amtrak's Capital Corridor train— all of which reduce congestion on the state owned bridges.

Regional Measure 3 funds will be used to improve the operations and safety along SR 29 between American Canyon Road to the south and the Carneros Highway (SR 12/SR121) to the north. The project includes improvements to several intersections and will accommodate multimodal users, improve safety, reduce greenhouse gas emissions, and compliment aesthetic features to the southern gateway of the County of Napa.

c. Detailed Project Description

SR 29 is a four-lane, divided rural throughway that traverses Napa Valley in the north south direction between the limits of Interstate 80 (southern limit), and SR 20 in Upper Lake (northern limit). As a major rural highway, SR 29 provides circulation between the cities of American Canyon, Napa, St. Helena, Calistoga and the Town of Yountville. It also provides access to Oakville and Rutherford which are



noteworthy destinations within Napa Valley's renowned Wine Country. SR 29 also serves as a major east/west corridor for the four North Bay counties. The SR 29 project will provide congestion relief, economic growth, multimodal operational and safety improvements to the stretch of SR 29 between American Canyon Road to the south and SR 12 (Carneros Highway) to the north.

Improvements Include:

a) Soscol Junction – SR 29/SR221/Soscol Ferry Road

Intersection and operational improvements at SR 29/SR 221/ Soscol Ferry Road to include removal of the traffic signal and construction of a grade separated SR 29 which will provide free flow north-south movement on SR 29 via elevated structure; SR 221 will remain at-grade; two roundabouts will accommodate turning movements north and south of SR 29 at SR 221 and Soscol Ferry Road. The project will also improve bicycle and pedestrian movements at this intersection by providing 1,200 linear feet of class I facilities around the intersection.

Project Status – The environmental document was certified in February 2020; the project is currently in design at 65% plans complete with anticipated 100% design by spring 2021. The agency is currently working on PS&E which is scheduled to be completed in spring 2021. The project is on schedule to start construction in summer 2022.

b) Carneros – SR 29/SR121/SR12

Channelization of north SR 29 free-flow through movement; traffic turning left from SR 12 onto SR 29 merges via slip lane; free right hand turn from south SR 29 onto westbound SR 121.

Project Status – preliminary design work has been completed; next step is to move into Caltrans PEER process

c) Airport – SR 29/SR12/Jameson & Airport Blvd Phase I

Intersection improvements include lengthening of northbound and southbound left-hand turn lanes on SR 29; additional queue lane on southbound SR 29 (HOV peak period queue jumps); free right hand turn lanes from Airport to southbound SR 29, from SR 12 onto northbound SR 29, from SR 29 to eastbound SR 12-Jamieson; and from south SR 29 onto Airport Blvd. Signal improvements and connectivity between the signal at Airport SR29/SR12 and the SR 12/Kelly Road Signal.

Project Status – preliminary design work to qualify for Caltrans PEER review process

d) Airport – SR 29/SR 12/Jameson & Airport Blvd Phase II

The intersection of SR 29 & Airport Blvd/SR 12 would be transformed from an at-grade signalized intersection into a grade-separate roundabout interchange. It is still to be determined if SR 29 would be improved to either an overcrossing structure or depressed (sunk into the ground) design. The Airport Boulevard / SR 12 roadway would become a double roundabout "dogbone" with a single westbound lane and two eastbound lanes. Roundabouts are also proposed at Airport Boulevard & Devlin Road, and SR 29 & North/South Kelly Road.

Project Status – need to complete preliminary design work and environmental document



e) American Canyon Multimodal and Operational Improvements

Project would include transit, bicycle and pedestrian infrastructure on SR 29 from Napa Junction Road to American Canyon Road. Work to include signal operational improvements and adaptive technology, possible intersection operational improvements (roundabouts) removal of traffic signals, queue jumps, auxiliary lanes, etc; street beautification and pedestrian refuge; signage and wayfinding improvements.

Project Status – CMCP completed on the corridor in May 2020 and Project Initiation Documents (PID) work to be completed by spring 2021.



d. Impediments to Project Completion

Funding shortfalls for all projects:

- a) *Soscol Junction – recipient of SCCP funds for construction in FY 21-22, may need \$5 million in RM 3 funding to backfill developer fees if they do not come to fruition by the time the project is ready for construction - we are working with the County of Napa to advance those funds which will significantly mitigate any risk.*
- b) *Carneros – Preliminary design is funded, other phases need funding*
- c) *Airport Phase I – Needs funding*
- d) *Airport Phase II – Needs funding*
- e) *American Canyon – some developer fees identified, PID is funded by NVTa/American Canyon, other phases need funding. Caltrans has \$20 million SHOPP funds programmed for rehabilitation of SR 29 in American Canyon in a future cycle and the project is an excellent candidate for the new SHOPP Active Transportation Program.*

Significant foreseeable environmental impacts/issues - no significant issues:

- a) *Soscol Junction – environmental phase complete*
- b) *Carneros – none at this time, within Caltrans ROW*
- c) *Airport Phase I – within Caltrans ROW*
- d) *Airport Phase II - TBD*
- e) *American Canyon – TBD*

Community or political opposition – no significant issues:

- a) *Soscol Junction – none, environmental phase complete*
- b) *Carneros – none at this time*
- c) *Airport Phase I – none at this time*
- d) *Airport Phase II – none at this time*
- e) *American Canyon – community had anticipated widening project through American Canyon – PID and Comprehensive Multimodal Corridor Plan (CMCP) to address cost/benefit analysis – updated traffic modeling and microsimulation to be completed to show revised four lane operations with intersection/multi-modal improvements and reduced speeds. The City was sued under CEQA for their Downtown Specific Plan which entailed a 6 lane road. The City amended its plan to be consistent with the four lane multi-modal improvement included in NVTa's CMCP as settlement to the lawsuit.*

Relevant prior project funding and implementation experience of sponsor/implementing agency

- a) *Soscol Junction – Currently has \$34.864 million in STIP programmed to PAED, PS&E and CON – implementing agency varies depending on funding phase between Caltrans and NVTa*
- b) *Carneros – no prior funding; NVTa to be project sponsor and implementing agency for design. NVTa to be project sponsor and Caltrans to be implementing agency for construction phase*
- c) *Airport Phase I – no prior funding; NVTa to be project sponsor and implementing agency for design. NVTa to be project sponsor and Caltrans to be implementing agency for construction phase*
- d) *Airport Phase II – no prior funding; NVTa to be project sponsor and implementing agency for design. NVTa to be project sponsor and Caltrans to be implementing agency for construction phase*



Regional Measure 3 Initial Project Report

- e) *American Canyon – no prior funding; NVTa to be project sponsor and implementing agency for design. NVTa to be project sponsor and Caltrans to be implementing agency for construction phase*

Required public or private partnerships

- a) *Soscol Junction – NVTa/Caltrans*
- b) *Carneros – NVTa/Caltrans*
- c) *Airport Phase I – NVTa/Caltrans*
- d) *Airport Phase II – NVTa/Caltrans*
- e) *American Canyon – NVTa/Caltrans/American Canyon*

Right of way constraints

- a) *Soscol Junction – none at this time*
- b) *Carneros – none at this time*
- c) *Airport Phase I – none at this time*
- d) *Airport Phase II – none at this time*
- e) *American Canyon – depending on design could be ROW constraints with private property along the corridor*

Timeliness of delivery of related transportation projects

Soscol Junction, Carneros and Airport should move concurrently or in close succession

Availability and timeliness of other required funding

- a) *Soscol Junction – How much RM 3 funding NVTa will request for Soscol Junction will be dependent on how much local development fees are secured between now and 2022*
- b) *Carneros – none*
- c) *Airport Phase I – none*
- d) *Airport Phase II – none*
- e) *American Canyon – Developer fees from Watson Ranch development*

Ability to use/access other funding within required deadlines

- a) *Soscol Junction – Should know by fall 2021 how much RM 3 is needed*
- b) *Carneros – none*
- c) *Airport Phase I – none*
- d) *Airport Phase II – none*
- e) *American Canyon – Dependent on developer funds and securing other matching funds*

Legal impediments and any pending or threatened litigation.

None at this time

- e. Operability** *(describe entities responsible for operating and maintaining project once completed/implemented)*

Caltrans would be responsible for operating and maintaining projects on the State Highway



f. Project Graphic(s) *(include below or attach)*

Attached

f) Project Phase Description and Status

a. Environmental/Planning

Does NEPA apply? Yes ☒ No ☐

- a) Soscol Junction – completed February 2020
- b) Carneros - estimated completion by July 2021
- c) Airport Phase I – estimated completion by December 2021
- d) Airport Phase II – estimated completion by October 2022
- e) American Canyon – estimated completion by March 2022

b. Design

- a) Soscol Junction – estimated completion by June 2021
- b) Carneros – estimated completion by December 2021
- c) Airport Phase I – estimated completion by March 2022
- d) Airport Phase II – estimated completion October 2023
- e) American Canyon – estimated completion by December 2022

c. Right-of-Way Activities / Acquisition

- a) Soscol Junction – estimated completion March 2022
- b) Carneros – estimated completion June 2022
- c) Airport Phase I – estimated completion June 2022
- d) Airport Phase II – estimated completion March 2024
- e) American Canyon – estimated completion June 2023

d. Construction / Vehicle Acquisition / Operating

- a) Soscol Junction – estimated completion October 2024
- b) Carneros – estimated completion October 2022
- c) Airport Phase I – estimated completion October 2022
- d) Airport Phase II – estimated completion October 2025
- e) American Canyon – estimated completion October 2024

g) Project Schedule



h) Soscol Junction

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	2003	February 2020
Final Design - Plans, Specs. & Estimates (PS&E)	March 2020	June 2021
Right-of-Way Activities /Acquisition (R/W)	July 2021	May 2022
Construction (Begin – Open for Use) / Acquisition (CON)	June 2022	October 2024

Carneros

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	January 2021	July 2021
Final Design - Plans, Specs. & Estimates (PS&E)	July 2021	December 2021
Right-of-Way Activities /Acquisition (R/W)	December 2021	June 2022
Construction (Begin – Open for Use) / Acquisition (CON)	June 2022	October 2022

Airport Phase I

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	July 2021	December 2021
Final Design - Plans, Specs. & Estimates (PS&E)	December 2021	March 2022
Right-of-Way Activities /Acquisition (R/W)	March 2022	June 2022
Construction (Begin – Open for Use) / Acquisition (CON)	June 2022	October 2022



Airport Phase II

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	March 2021	October 2022
Final Design - Plans, Specs. & Estimates (PS&E)	October 2022	October 2023
Right-of-Way Activities /Acquisition (R/W)	October 2023	March 2024
Construction (Begin – Open for Use) / Acquisition (CON)	June 2024	October 2025

American Canyon

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	March 2021	March 2022
Final Design - Plans, Specs. & Estimates (PS&E)	March 2022	March 2023
Right-of-Way Activities /Acquisition (R/W)	January 2023	June 2023
Construction (Begin – Open for Use) / Acquisition (CON)	June 2023	October 2024



i) Project Budget

Soscol Junction

Capital Project	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	6,100
Design - Plans, Specifications and Estimates (PS&E)	5,045
Right-of-Way Activities /Acquisition (R/W)	300
Construction / Rolling Stock Acquisition (CON)	52,555
Total Project Budget (in thousands)	64,000

Carneros

Capital Project	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	350
Design - Plans, Specifications and Estimates (PS&E)	370
Right-of-Way Activities /Acquisition (R/W)	100
Construction / Rolling Stock Acquisition (CON)	2,180
Total Project Budget (in thousands)	3,000



Airport Phase I

Capital Project	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	350
Design - Plans, Specifications and Estimates (PS&E)	350
Right-of-Way Activities /Acquisition (R/W)	300
Construction / Rolling Stock Acquisition (CON)	2,000
Total Project Budget (in thousands)	3,000

Airport Phase II

Capital Project	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	4,000
Design - Plans, Specifications and Estimates (PS&E)	3,000
Right-of-Way Activities /Acquisition (R/W)	500
Construction / Rolling Stock Acquisition (CON)	50,000
Total Project Budget (in thousands)	57,500

American Canyon

Capital Project	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	3,000
Design - Plans, Specifications and Estimates (PS&E)	2,500
Right-of-Way Activities /Acquisition (R/W)	1,000
Construction / Rolling Stock Acquisition (CON)	20,000
Total Project Budget (in thousands)	26,500



Operating	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Annual Operating Budget	

j) Project Funding

Excel Attachment Included ☒

k) Planned RM3 Funding Requests in Next 12 Months

\$5,000,000 for Soscol Junction

\$500,000 for Carneros Improvements



I) Contact/Preparation Information

Contact for Project Sponsor

Name: Danielle Schmitz

Title: Director, Capital Development and Planning

Phone: (707) 259-5968

Email: dschmitz@nvta.ca.gov

Mailing Address: 625 Burnell Street
Napa, CA 94559

Person Preparing Initial Project Report (if different from above)

Name:

Title:

Phone:

Email:

Mailing Address:



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Resolution 21-04 approving Amendment No. 12 to the NVTA Joint Power Agreement

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 21-04 (Attachment 1) approving Amendment No. 12 to the NVTA Joint Power Agreement (JPA) (Attachment 2).

EXECUTIVE SUMMARY

The NVTA Board approved releasing modifications for circulation to the JPA member agencies at its November 18th, 2020 meeting. The JPA changes included memorializing the partner contributions, eliminating the Abandoned Vehicle Abatement Authority language, and making other minor language changes. Each member agency subsequently approved the Amendment for final approval by the NVTA board.

FISCAL IMPACT

Not for this action. The modified language will satisfy requirements from financial institutions for potential consideration of debt commitments.



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Memo

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director of Administration, Finance and Policy
(707) 259-8779 / Email: aonorato@nvta.ca.gov
SUBJECT: Resolution No. 21-04 Approving Amendment No. 12 to the Napa Valley Transportation Authority Joint Powers Authority

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution 21-04 (Attachment 1) approving Amendment No. 12 to the NVTA Joint Power Agreement (JPA) (Attachment 2)

COMMITTEE RECOMMENDATION

None

BACKGROUND

The NVTA board unanimously approved modifications in Amendment No. 12 at its November Board meeting, and released it for circulation among the JPA member agencies. Since then, the proposed JPA amendment modifications have been approved by JPA member agency governing boards. Table 1 below provides a summary of the substantive JPA revisions.

Table 1: Proposed Modifications to JPA Amendment 11

Page	Section	Disposition	Revision	Reason
2	2.3	Deletion	Abandoned Vehicle Abatement Authority. The name of NVTa shall supersede and replace CMA and NCTPA as the service authority for the abatement of abandoned vehicles (AVAA) for Napa County and the Member Jurisdictions pursuant to Vehicle Code section 9250 et seq. and 22710 seq. All resolutions, authorizations, funds, imposition of service fees, and responsibilities of the CMA or NCTPA in its capacity as the service authority shall be deemed to be ratified and assumed by and remain thereafter as the resolutions, authorizations, funds, imposition of service fees, and responsibilities of NVTa as AVAA on and after the effective date of Amendment No. 4 of the Agreement until such time as modified or terminated by the NVTa Board.ⁱ	NVTa is no longer the Abandoned Vehicle Abatement Authority
7	5.2(s)	Addition	(s) To design, construct and operate buildings and facilities of any kind, including, without limitation, transit facilities.	Clarify and strengthen language
9	7.1	Deletion	Limitations. The authority of NVTa shall be limited to those powers enumerated in Section 5 or as otherwise provided for herein	Contradicts the language of Sections 5.1 and 5.2 which state that the powers specifically enumerated in the JPA Agreement are not intended as a limitation on NVTa's powers

11	8.3.1	Addition, Deletion	<p><u>Membership Fees.</u> The Member Jurisdictions shall pay to NVTa an annual membership fee (the “Membership Fee”) based on (a) the relative populations of the Member Jurisdictions and (b) the relative number of road miles served by NVTa in each Member Jurisdiction. The Membership Fee shall be due and payable on or before June 30 of the current fiscal year. The fees for fiscal year 2021-2022 are shown in the chart below. NVTa shall adjust the Membership Fees based on changes to the Bay Area Consumer Price Index every two years concurrently with NVTa’s biennial budget cycle, provided that the total Membership Fees assessed to the Member Jurisdictions shall not be reduced below \$250,000 until all bonds or other instruments of indebtedness issued or entered into by NVTa, if any, have been paid in full.</p> <p><u>General.</u> Unless otherwise agreed by the Member Jurisdictions by amendment of this Agreement, the total expenditures in the annual planning budget shall be paid for with revenues derived from funds paid directly to NVTa by persons or entities, public or private, other than the Member Jurisdictions and from contributions from the Member Jurisdictions (in money or, upon approval by the NVTa Board, in kind) based on the relative populations of the Member Jurisdictions. In determining said population ratios the latest population statistics by the State Department of Finance shall be used.</p>	Memorializes membership contribution in the JPA.
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12	8.3.2	Addition	<u>Approval Required for Changes to Membership Fee Apportionment.</u> No change shall be made to the apportionment of Membership Fees among the Member Jurisdictions (as set forth in the “Weighted Average” column of the Membership Fee chart shown in Section 8.3.1, above) unless such change in apportionment has been first approved by the legislative bodies of all of the Member Jurisdictions.	Same as 8.3.1
12	8.3.3	Addition	...All TDA funds claimed by NVT A shall be used at the sole discretion of the NVT A Board of Directors only for transportation, transit, paratransit services, related capital improvements and payment of related debt obligations. ...	Debt underwriters requirement
13	8.4.2	Deletion	<u>Limitation on Expenditures.</u> NVT A may not obligate itself beyond the monies due to NVT A under this Agreement plus any monies on hand or irrevocably pledged to its support from other sources.	Debt underwriters requirement
14	8.5.2 (c)	Deletion	<u>(c) Contribution by Member Jurisdictions.</u> If NVT A funds or insurance coverage are insufficient, or if any Member Jurisdiction is sued and found liable for a negligent or willful act or omission of NVT A or any of its officers, employees, agents, volunteers, or contractors and NVT A funds or contractor contribution are insufficient to pay the judgment or to reimburse the sued Member Jurisdiction for paying the judgment, the Member Jurisdictions shall be responsible for the liability for purposes of contribution under Government Code section 895.4 in proportion to the voting power of each Member Jurisdiction on the NVT A Board.	Clarification. Contradicts the language of Sections 8.5.1(a)

ALTERNATIVES

If the revisions are not approved, NVRTA would need to defer, delay, or cancel large projects if financing options are restricted, including the Vine Transit Maintenance Facility.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 3: Use taxpayer dollars efficiently. Refinements to the JPA will provide assurances to financial institutions that the agency's structure is sound and assets are adequate to meet its debt obligations.

ATTACHMENTS

- (1) Resolution No. 21-04
- (2) Amendment No. 12 to Joint Powers Agreement of the Napa Valley Transportation Authority (clean copy)

RESOLUTION No. 21-04

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVRTA)
APPROVING AMENDMENT NO. 12 TO THE JOINT POWERS AGREEMENT**

WHEREAS, the Napa Valley Transportation Authority (the “NVRTA”) is a joint powers agency created by the Member Jurisdictions to provide coordinated transportation planning and transportation services within the County of Napa; and

WHEREAS, the NVRTA wishes to clarify matters of financial solvency if the agency elects to pursue indebtedness obligations; and

WHEREAS, the NVRTA approved the release of Amendment No. 12 to its members on November 18th 2020; and

WHEREAS, the City of Calistoga approved Amendment No. 12 on December 1st, 2020; and

WHEREAS, the City of Napa approved Amendment No. 12 on December 15th, 2020; and

WHEREAS, the City of St. Helena approved Amendment No. 12 on December 8th, 2020; and

WHEREAS, the Town of Yountville approved Amendment No. 12 on December 1st, 2020; and

WHEREAS, the County of Napa approved Amendment No. 12 on December 15, 2020; and

WHEREAS, the City of American Canyon approved Amendment No. 12 on January 19th 2021; and

NOW THEREFORE BE IT RESOLVED the NVRTA Board approves, and authorizes the NVRTA Board Chair to execute, Amendment No. 12 to the Joint Powers Agreement, approving the modifications of Napa Valley Transportation Authority Joint Powers Agreement,

Passed and Adopted the 20th day of January, 2021.

Alfredo Pedroza, NVRTA Chair

Ayes

Nays:

Absent:

ATTEST:

Laura Sanderlin, NVTB Board Secretary

APPROVED:

DeeAnne Gillick, NVTB Legal Counsel

**AMENDMENT NO. 12
TO THE JOINT POWERS AGREEMENT
FOR THE
NAPA VALLEY TRANSPORTATION AUTHORITY**

(ALSO KNOWN AS NAPA COUNTY AGREEMENT NO. 3061; CITY OF NAPA AGREEMENT NO. 6147; CITY OF AMERICAN CANYON RESOLUTION NO. 92-33/AGREEMENT NO. 95-15; TOWN OF YOUNTVILLE RESOLUTION. NO. 868; CITY OF ST. HELENA RESOLUTION NO. 91-32; CITY OF CALISTOGA RESOLUTION NO. 91-19)

THIS AMENDMENT NO. 12 TO THE JOINT POWERS AGREEMENT OF THE NAPA VALLEY TRANSPORTATION AUTHORITY (the “Agreement”) is entered into as of the effective date determined under Section 3, below, by and between the COUNTY OF NAPA, CITY OF AMERICAN CANYON, CITY OF NAPA, TOWN OF YOUNTVILLE, CITY OF ST. HELENA, and CITY OF CALISTOGA (“Member Jurisdictions”);

RECITALS

WHEREAS, the Napa Valley Transportation Authority (“NVTA”) is a joint powers agency created by the Member Jurisdictions to provide coordinated transportation planning and transportation services, among other duties, within the County of Napa; and

WHEREAS, the Member Jurisdictions desire to amend the Agreement to update its provisions, including but not limited to clarifying certain provisions concerning bonding and other types of debt financing, updating the powers to be exercised by the NVTA, providing for Member Jurisdiction membership fees and making other minor corrections:

TERMS

NOW, THEREFORE, THE MEMBER JURISDICTIONS agree as follows:

1. The foregoing Recitals are true and correct.
2. The terms of the Agreement are hereby amended to read in full as set forth in Attachment “A”, attached hereto and incorporated by reference herein.
3. This Amendment No. 12 and the attached provisions of Attachment “A” shall become effective on the date the documents have been ratified by all of the Member Jurisdictions. This Amendment may be signed in counterparts by the parties hereto and shall be valid and binding as if fully executed all on one copy.

IN WITNESS WHEREOF, this Amendment No. 12 to the Joint Powers Agreement creating the Napa Valley Transportation Authority was executed by the Member Jurisdictions through their duly-authorized representatives as noted below:

COUNTY OF NAPA

By: _____
ALFREDO PEDROZA, Chair
Napa County Board of Supervisors

Date: _____

ATTEST:
JOSE LOUIE VALDEZ
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
JEFFREY BRAX
Acting Napa County Counsel

By: _____

By: _____

CITY OF AMERICAN CANYON

By: _____
LEON GARCIA, Mayor

Date: _____

ATTEST:
CHERRI WALTON
American Canyon Interim City Clerk

APPROVED AS TO FORM:
WILLIAM D. ROSS
American Canyon City Attorney

By: _____

By: _____

CITY OF NAPA

By: _____
SCOTT SEDGLEY, Mayor

Date: _____

ATTEST:
TIFFANY CARRANZA
Napa City Clerk

APPROVED AS TO FORM:
MICHAEL W. BARRETT
Napa City Attorney

By: _____

By: _____

TOWN OF YOUNTVILLE

By: _____
JOHN F. DUNBAR, Mayor

Date: _____

ATTEST:
MICHELLE DAHME
Yountville Town Clerk

APPROVED AS TO FORM:
GREGORY BELL
Yountville Town Attorney

By: _____

By: _____

CITY OF ST. HELENA

By: _____
GEOFF ELLSWORTH, Mayor

Date: _____

ATTEST:
CINDY TZAFPOULOS
St. Helena City Clerk

APPROVED AS TO FORM:
ETHAN WALSH
St. Helena City Attorney

By: _____

By: _____

CITY OF CALISTOGA

By: _____
CHRIS CANNING, Mayor

Date: _____

ATTEST:
MARNI RITTBURG
Calistoga City Clerk

APPROVED AS TO FORM:
MICHELLE KENYON
Calistoga City Attorney

By: _____

By: _____

DRAFT

ATTACHMENT “A”

NAPA VALLEY TRANSPORTATION AUTHORITY, A JOINT POWERS AGENCY JOINT EXERCISE OF POWERS AGREEMENT

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NAPA VALLEY TRANSPORTATION AUTHORITY, A JOINT POWERS AGENCY
JOINT EXERCISE OF POWERS AGREEMENT

SECTION 1. FORMATION

- 1.1 Creation and Name.** The County of Napa, the Cities of Napa, St. Helena, Calistoga, American Canyon, and the Town of Yountville (hereinafter referred to as "Member Jurisdictions"), pursuant to Article 2 of Chapter 5 of Division 7 of Title 1 (commencing with section 6500) of the California Government Code, do hereby form, establish and create a joint powers agency to be known as "Napa Valley Transportation Authority," hereinafter referred to as "NVTa" which shall constitute a public entity separate and distinct from the Member Jurisdictions, and the new name of which shall supersede and replace the prior name of the agency, the Napa County Transportation and Planning Agency ("NCTPA") and any other prior name by which the agency was known in the past, including Congestion Management Agency ("CMA").

SECTION 2. PURPOSE

- 2.1 General.** NVTa is formed to serve as the countywide transportation planning body for the incorporated and unincorporated areas within Napa County, and as an advisory body for countywide deliberations on land-use, demographics, economic development, community development, and environmental issues, which purposes shall include conducting in a coordinated and more simplified way countywide:
- (a) Transportation policy development and planning activities, including those relating to transit on both a short-term and long-term basis and within an intermodal policy framework; improving transit services; providing coordinated and more competitive input to the region's transportation planning and funding programs; and performing such other transportation related duties and responsibilities as the Member Jurisdictions may delegate to NVTa by this Agreement or amendment thereto; and
 - (b) Advisory deliberations on land-use, demographics, economic development, community development, and environmental issues. Any such deliberations may result in advisory recommendations only, and such recommendations shall not be binding on any Member Jurisdiction.
- 2.2 Chapter 2.6 Compliance Not Included in Purpose.** It is the intention of the Member Jurisdictions in executing the Agreement to exempt Napa County and the Member Jurisdictions from the requirements of Chapter 2.6 of Division 1 of Title 7 (commencing with Government Code section 65088) pertaining to congestion management planning, as permitted by Government Code section 65088.3. For

this reason, compliance with Chapter 2.6 shall not be deemed to be a purpose of NVTA.

2.3 Intentionally omitted.

2.4 Preparation of County Transportation Plan. The purposes of NVTA shall include delegation by the County of Napa to NVTA of the County's authority under Government Code section 66531 to prepare and submit to the Metropolitan Transportation Commission (MTC) a county transportation plan for the incorporated and unincorporated territory of Napa County which shall include consideration of the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991, as such may be amended from time to time.

2.5 Exercise of Common and Additional Powers. The purposes of NVTA shall include establishment of NVTA as an independent joint powers entity to enable the Member Jurisdictions not only to exercise jointly the common powers of the Member Jurisdictions set forth in Section 2.1 but also to exercise such additional powers as are conferred by Section 5 of this Agreement or by the Government Code upon all joint powers agencies.

SECTION 3. ASSUMPTION OF CMA AND NCTPA CONTRACTS

3.1 Assumption of CMA and NCTPA Contracts. All contracts entered into by the agency in the name of CMA or in the name of NCTPA, which were in effect as of [February 17, 2016 shall be assigned to and assumed in the name of NVTA on and after that date and all references therein to "CMA," "Congestion Management Agency," "Napa County Congestion Management Agency," "NCTPA," or "Napa County Transportation and Planning Authority" shall be deemed to refer to NVTA.

3.2 Delegation of Contract Responsibilities of CMA Manager or NCTPA Manager. All references in any CMA or NCTPA contracts assumed by NVTA under Section 3.1 delegating contract responsibilities to the CMA Manager or to the NCTPA Manager shall be deemed to refer, on and after February 17, 2016, to the Executive Director of NVTA.

SECTION 4. ORGANIZATION

4.1 Composition. NVTA shall be composed of the Member Jurisdictions, to-wit: the County of Napa, the Cities of American Canyon, Napa, St. Helena, and Calistoga, and the Town of Yountville.

4.2 Principal Office. The principal office of NVTA shall be established by resolution of the NVTA Board.

4.3 Governing Board. The powers of NVTa shall be vested in its governing board (hereinafter referred to as “NVTa Board”).

4.3.1 Appointment, Replacement and Voting Power of NVTa Board Members (“Members”).

(a) **Voting Members.** Each voting Member of the NVTa Board shall be an elected official of the governing board of the appointing Member Jurisdiction. One voting Member from each appointing Member Jurisdiction which is a city or town shall be that Member Jurisdiction’s mayor. Any elected official serving as the Napa County representative to the Metropolitan Transportation Commission shall be one of the voting Members appointed by that Member Jurisdiction. Members shall continue to serve as such until they cease to hold their elected positions, are removed in the sole discretion of their respective Member Jurisdiction, resign or are otherwise removed from or disqualified from holding their elected positions as a matter of law or by judgment of a court of competent jurisdiction.

(b) **Non-Voting Member Representing the PCC.** The non-voting Member appointed by NVTa Board upon nomination by the Paratransit Coordinating Council (PCC) shall also be a member or alternate member of the PCC, selected by and serving at the pleasure of the PCC.

(c) **Vacancies.** Except for a vacancy in the non-voting position appointed by the NVTa Board under subsection (b), vacancies on the NVTa Board shall be filled, to the extent practicable, by the respective Member Jurisdictions within sixty (60) days of the occurrence thereof. NVTa and the NVTa Board shall be entitled to rely upon written notice from the clerk of the governing board of the Member Jurisdiction as conclusive evidence of the appointment and removal of all Members and their alternates.

(d) **Composition of Members.** The composition of the Members of the NVTa Board shall be as follows:

<u>Appointing Entity</u>	<u>Number of Members</u>
City of American Canyon	2
City of Calistoga	2
City of Napa	2
City of St. Helena	2

Town of Yountville	2
County of Napa	2
NVTA Board (nominated by Paratransit Coordinating Council)	1

(e) **Voting Power of Members.** The voting power of the Members of the NVTA Board shall be as follows:

(1) On all matters concerning powers under Section 5.2 subsections (a) through (q), inclusive:

<u>Appointing Entity</u>	<u>Voting Power</u>
City of American Canyon	4 (each Member has two votes)
City of Calistoga	2 (each Member has one vote)
City of Napa	10 (each Member has five votes)
City of St. Helena	2 (each Member has one vote)
Town of Yountville	2 (each Member has one vote)
County of Napa	4 (each Member has 2 votes)
NVTA Board (nominated by Paratransit Coordinating Council)	0 (non-voting)

(2) On all matters concerning powers under Section 5.2 subsection (r), each voting Member shall have one vote.

(f) **Alternate Members.** Each Member Jurisdiction may, in its discretion, appoint alternate(s) for its Members of the NVTA Board. An alternate shall be an elected official of the governing board of the appointing Member Jurisdiction. Any appointed alternate Members may attend in place of that jurisdiction's Member and participate in discussions of the NVTA Board in the same manner as the Members, but an alternate of a voting Member shall vote only when the Member for whom he or she is an alternate is physically absent or cannot vote due to a conflict of interest.

4.3.2 Compensation. No compensation shall be received by any Member of the NVTB Board unless expressly authorized by unanimous resolution of all of the voting Members of the NVTB Board.

4.4 Advisory Committees.

4.4.1 Technical Advisory Committee (TAC). A single Technical Advisory Committee (TAC) shall be appointed by the NVTB Board to advise the NVTB Board regarding transit and roadway issues, including planning, project, and policy aspects. The TAC members shall include the Executive Director of NVTB, serving ex-officio; a member nominated by the PCC and appointed by the NVTB Board; and two members and two alternate members from the technical staffs of each of the Member Jurisdictions, serving ex-officio as designated by the chief administrative officers of the respective Member Jurisdictions.

4.4.2 Active Transportation Advisory Committee. The Active Transportation Advisory Committee (ATAC) shall be appointed by and serve in an advisory capacity to the NVTB Board on matters of bicycling and pedestrian issues. By-laws and amendments thereto for the ATAC shall be approved by the NVTB Board.

4.4.3 Paratransit Coordinating Council (PCC). The Paratransit Coordinating Council (PCC) shall be an advisory committee to the NVTB Board and serve as the social services transportation advisory council for Napa County provided for under Public Utilities Code section 99238. The PCC shall serve as the primary means of advice to the NVTB Board regarding, and representation of, the special transportation interests of the disabled and elderly, in order to carry out the intent of the State Legislature expressed in Public Utilities Code section 99238(d) to avoid duplicative transit advisory councils whenever possible. By-laws and amendments thereto for the PCC shall be approved by the NVTB Board.

4.4.4 Other Advisory Committees. The NVTB Board may create such other advisory committees, both ad-hoc and standing, as it sees fit.

4.4.5 Compliance with Maddy Act. When appointing members to the committees the NVTB Board shall comply with the provisions of the Maddy Local Appointive List Act of 1975, Government Code section 54970 et seq., as such has been and may be amended from time to time.

4.4.6 Compliance with Brown Act. Except for ad hoc committees, all advisory committees created pursuant to this Section 4.4 shall be subject to the requirements of the Ralph M. Brown Act, Government Code section 54950 et seq.

SECTION 5. POWERS

- 5.1 General.** NVTA shall have all powers necessary to carry out the purpose of this Agreement. Such powers shall be subject only to the limitations set forth in this Agreement, applicable laws and regulations, and such restrictions upon the manner of exercising such powers as are imposed by law upon the County of Napa in the exercise of similar powers except where specifically authorized otherwise by the Joint Exercise of Powers Act, Government Code section 6500 et seq.
- 5.2 Approved Powers.** The powers of NVTA specifically include but are not limited to the following:
- (a) To sue and be sued in its own name;
 - (b) To incur debts, liabilities and obligations;
 - (c) To employ agents, employees and to contract with third parties for goods and services, including but not limited to the services of engineers, planners, attorneys, accountants, fiscal agents (including auditors, controllers, and treasurers), and providers of transit services;
 - (d) To acquire, improve, hold, lease and dispose of real and personal property of all types;
 - (e) To undertake the acquisition of real property through the exercise of eminent domain in furtherance of transportation and transit related projects in accordance with State and Federal laws;
 - (f) To enact an ordinance for the purpose of adopting the California Uniform Construction Cost Accounting Act procedures and establishing an alternative method of procuring small construction contracts pursuant to California Public Contracts Code sections 22000, *et seq*, as amended from time to time.
 - (g) To make and enter into any contracts with any of the Member Jurisdictions for goods, services, equipment, or real property;
 - (h) To assume contracts made by any Member Jurisdiction or made pursuant to joint powers agreement between any of the Member Jurisdictions;
 - (i) To apply for and accept grants, donations, advances and contributions;
 - (j) To make plans and conduct studies;

- (k)** To coordinate efforts with local, regional, state and federal agencies having jurisdiction over matters pertaining to transportation (including roads) and transit;
- (l)** To engage in all activities necessary for NVTa to act as the Abandoned Vehicle Abatement Authority for Napa County;
- (m)** To operate, directly or by contract with any person or entity including any Member Jurisdiction, any transit and paratransit services within Napa County in whole or in part and, if so, to submit any corresponding claims for funds or reimbursement under the Transportation Development Act (TDA), Section 29530 et seq. of the Government Code, as such may be amended from time to time;
- (n)** To act as the overall program manager within Napa County for the purpose of receiving and reallocating the county's proportionate share of vehicle registration fees collected by the Bay Area Air Quality Management District (BAAQMD) under AB 434 (Chapter 807, Statutes of 1991, set forth in Health and Safety Code section 44241 et seq.);
- (o)** To act as, exercise the powers conferred upon, and fulfill the responsibilities of the Consolidated Transportation Service Agency (CTSA) for Napa County as that term is defined in Public Utilities Code section 99204.5 as amended from time to time, if and when appointed as CTSA by the MTC, such appointment being deemed to supersede the appointment of the County of Napa as CTSA;
- (p)** To invest any funds in the treasury of NVTa that are not required for the immediate necessities of NVTa in such manner as the NVTa Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601, except where otherwise restricted for particular funds by conditions imposed by the person or agency which is the source of those funds;
- (q)** To apply for, expend and allocate all funds related to Transportation Development Act Article Three purposes, as set forth in Public Utilities Code section 99234, *et seq.*, as amended from time to time.
- (r)** To act as a countywide advisory deliberative body on issues of land-use, demographics, economic development, community development, and environmental issues. Any such deliberations may result in advisory recommendations only, and such recommendations shall not be binding on any Member Jurisdiction.
- (s)** To design, construct and operate buildings and facilities of any kind, including, without limitation, transit facilities.

SECTION 6. PERSONNEL AND ADMINISTRATION

6.1 Employees. NVTA may appoint, retain and compensate as a charge against the funds of NVTA, employees, whether temporary, probationary, limited term or permanent and/or may contract with any person or entity, including a Member Jurisdiction, for the furnishing of any services, including but not limited to legal, financial, accounting, data processing, secretarial, purchasing, and personnel services, which are necessary to fulfill the powers, duties and responsibilities of NVTA under this Agreement or as necessary to comply with the laws applicable to joint powers agencies within the State of California, including but not limited to the services described in Sections 6.2 through 6.4, below. Where such services are provided by employees of a Member Jurisdiction by contract between such Member Jurisdiction and NVTA or pursuant to Section 6.3 or 6.4 of this Agreement, NVTA and the employing Member Jurisdiction hereby expressly waive any conflict of interest or incompatibility of employment created thereby.

6.2 Executive Director.

6.2.1 General. NVTA shall hire or contract for the provision of the services of an Executive Director to serve as the chief administrative officer of NVTA, performing management and other duties which shall be described in a job description/scope of services approved by resolution of the NVTA Board.

6.2.2 Filings with Secretary of State. In addition to any other duties assigned to the Executive Director or otherwise required by law, the Executive Director is hereby authorized to and shall be responsible for filing on behalf of NVTA and the NVTA Board all notices required by Government Code sections 6503.5 and 53051.

6.3 Treasurer.

6.3.1 General. The Napa County Treasurer-Tax Collector shall serve as the NVTA Treasurer and in that capacity shall be the depository and have custody of the funds of NVTA, from whatever source, and shall perform the functions described in Government Code section 6505.5 (a) through (e). Notwithstanding the foregoing, the NVTA Board may retain a certified public accountant to serve as NVTA Treasurer in lieu of the Napa County Treasurer-Tax Collector.

6.3.2 Bond. The NVTA Treasurer shall post an official bond in an amount to be fixed by the NVTA Board. The cost of such bond shall be a charge against NVTA funds, except that if the NVTA Treasurer is the Napa County Treasurer-Tax Collector, the cost of the bond to be borne by NVTA shall be that amount which is in excess of the cost of the official bond posted by the Napa County Treasurer-Tax Collector for functions unrelated to NVTA.

6.3.3 Compensation. Pursuant to Government Code section 6505.5, the Napa County Board of Supervisors shall determine the charges to be made against NVTA for the services performed by the Napa County Treasurer-Tax Collector for NVTA which shall be a charge against NVTA funds. If the NVTA Board retains a certified public accountant to be NVTA Treasurer, the compensation of the NVTA Treasurer shall be determined by the NVTA Board and shall be a charge against NVTA funds.

6.4 Auditor-Controller.

6.4.1 General. The Napa County Auditor-Controller shall serve as the auditor-controller of NVTA and shall be responsible for drawing warrants to pay demands against NVTA when the demands have been approved by the NVTA Board or, upon delegation by the NVTA Board, by the Executive Director, or designee when acting as purchasing agent for NVTA.

6.4.2 Custodian of Property; Bond. With the exception of NVTA funds which shall be in the custody of the NVTA Treasurer, the Napa County Auditor-Controller shall, acting as NVTA Auditor-Controller, be the public officer designated pursuant to Government Code section 6505.1 to have charge of, handle, have access to, and maintain inventory any property of NVTA and shall post an official bond in an amount to be fixed by the NVTA Board. The cost of such bond, to the extent in excess of the cost of the official bond posted by the Napa County Auditor-Controller in connection with functions unrelated to NVTA, shall be a charge against NVTA funds.

6.4.3 Compensation. Pursuant to Government Code section 6505.5, the Napa County Board of Supervisors shall determine the charges to be made against the NVTA for the services performed by the Napa County Auditor-Controller for NVTA, which shall constitute a charge against the funds of NVTA.

SECTION 7. DUTIES AND RESPONSIBILITIES

7.1 Intentionally omitted.

7.2 Coordination of Transportation Systems. NVTA shall facilitate the coordination of transportation systems operated by or on behalf of the Member Jurisdictions with Napa County and adjacent counties.

7.3 Coordination of Transportation and Land Use Management. NVTA shall develop and implement programs and policies for the coordination of transportation and related land use management by the Member Jurisdictions. Such programs may include, but shall not be limited to, providing analysis of the

impacts of land use decisions by the Member Jurisdictions on regional transportation systems and the costs associated with mitigating those impacts. In carrying out this responsibility, NVTa shall review and comment on all discretionary projects related to transportation under consideration by any of the Member Jurisdictions and may review and comment on such discretionary projects under consideration by any other public entity which are submitted to NVTa for review and comment.

- 7.4 Countywide Transportation Plans.** NVTa shall develop, adopt, implement, update as necessary, and submit to MTC a county transportation plan under Government Code section 66531 for the incorporated and unincorporated territory of Napa County which shall include consideration of the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991, as such may be amended from time to time.
- 7.5 Submission of Funding Applications and Claims.** NVTa may submit applications and funding claims for transportation related purposes to local government, MTC, the State of California, the Federal Government and other entities supporting transportation.
- 7.6 Intermodal Policies and Programs.** NVTa may consider and adopt policies and programs for all modes of transportation including but not limited to, transit, paratransit, streets and roads, bicycle and pedestrian facilities, airports, marinas, harbors, and railroads.
- 7.7 Transportation Development Act (TDA) Claims for Transit and Paratransit Services.** If NVTa operates directly or by contract with any person or entity including any Member Jurisdiction the operation of any transit and paratransit services within Napa County in whole or in part, NVTa shall be deemed authorized by this Agreement to submit any corresponding claims for funds or reimbursement under the Transportation Development Act (TDA), Section 29530 et seq. of the Government Code, as such may be amended from time to time.
- 7.8 Consolidated Transit Services Agency.** If, in the future and with the consent of all of the Member Jurisdictions and MTC, NVTa is appointed in place of the Napa County Board of Supervisors as the consolidated transportation service agency (CTSA) for Napa County as that term is defined in Public Utilities Code section 99204.5, as such may be amended from time to time, then and only then may NVTa make claims pursuant to the procedure set forth in Article 7 of Chapter 3 of Title 21 of the California Code of Regulations, commencing with 6680.
- 7.9 Overall Program Manager (AB 434).** NVTa shall act as the overall program manager within Napa County for the purpose of receiving and reallocating the county's proportionate share of vehicle registration fees collected by the Bay Area

Air Quality Management District (BAAQMD) under AB 434 (Chapter 807, Statutes of 1991, set forth in Health and Safety Code section 44241 et seq.).

- 7.10 Deliberative Body.** NVTA shall act as the countywide deliberative body for discussions of inter-jurisdictional issues relating to land use, infrastructure, the economy and economic development, community development, and environmental issues. No subject may be deliberated unless a majority of votes, as determined by Section 4.3.1 (e) (2) of this Agreement, of the Board has approved such deliberations. The NVTA may adopt decisions on such matters, but its decisions shall constitute recommendations to the Member Jurisdictions only, and shall have no binding effect. Final decision making on all matters affecting Member Jurisdictions shall remain with the governing body of each Member, except as provided by Sections 5.2 (a) through (p) inclusive, of this Joint Powers Agreement, state or federal law, and applicable regulations.
- 7.11 Other Duties and Responsibilities.** NVTA shall carry out such other duties and responsibilities as the Member Jurisdictions, by unanimous approval expressed through amendment of this Agreement or resolutions of their respective governing boards, may delegate to NVTA.

SECTION 8. FINANCE

- 8.1 Fiscal Year.** The fiscal year for NVTA shall begin on July 1 and end on June 30.
- 8.2 Budget.** A budget for NVTA shall be adopted by the NVTA Board for each fiscal year prior to June 30 of the preceding fiscal year. The budget shall include sufficient detail to constitute an operating guideline. It shall also include the anticipated sources of funds and the anticipated expenditures to be made for the operations of NVTA. Approval of the budget by the NVTA Board shall constitute authority for the Executive Director to expend funds for the purposes outlined in the approved budget, subject to the availability of funds on hand as determined by the NVTA Auditor-Controller and subject to the constraints imposed upon general law counties pertaining to execution of contracts by purchasing agents. Nothing in this Section 8.2 shall be construed to limit the power of the NVTA Board to modify the budget in whatever manner it deems appropriate and to instruct the Executive Director accordingly.
- 8.3 Revenues.**
- 8.3.1 Membership Fees.** The Member Jurisdictions shall pay to NVTA an annual membership fee (the "Membership Fee") based on (a) the relative populations of the Member Jurisdictions and (b) the relative number of road miles served by NVTA in each Member Jurisdiction. The Membership Fee shall be due and payable on or before June 30 of the current fiscal year. The fees for fiscal year 2021-2022 are shown in the

chart below. NVTa shall adjust the Membership Fees based on changes to the Bay Area Consumer Price Index every two years concurrently with NVTa's biennial budget cycle, provided that the total Membership Fees assessed to the Member Jurisdictions shall not be reduced below \$250,000 until all bonds or other instruments of indebtedness issued or entered into by NVTa, if any, have been paid in full.

Member Jurisdiction	Membership Fee (FY 2021-2022)	Weighted Average
City of Napa	\$109,480	43.79%
Napa County	\$91,841	36.74%
City of American Canyon	\$27,820	11.13%
Town of Yountville	\$3,905	1.56%
City of St. Helena	\$9,666	3.87%
City of Calistoga	\$7,288	2.92%
Total	\$250,000	100%

8.3.2 Approval Required for Changes to Membership Fee Apportionment.

No change shall be made to the apportionment of Membership Fees among the Member Jurisdictions (as set forth in the "Weighted Average" column of the Membership Fee chart shown in Section 8.3.1, above) unless such change in apportionment has been first approved by the legislative bodies of all of the Member Jurisdictions.

8.3.3 Transportation Funds. In order to carry out the transportation duties and responsibilities of this Agreement, NVTa shall be empowered to claim all TDA funds under Articles 4, 4.5 and/or 8 of Chapter 4 of the Public Utilities Code apportioned within Napa County by the Metropolitan Transportation Commission. All TDA funds will be used for purposes allowed under TDA regulations with the exception of those funds for streets and roads, Section 99400(a) of the Public Utilities Code. All TDA funds claimed by NVTa shall be used at the sole discretion of the NVTa Board of Directors only for transportation, transit, paratransit services, related capital improvements and payment of related debt obligations. TDA funds apportioned or allocated under Section 99233.3 are not subject to this agreement. Member Jurisdictions endorse a single apportionment by MTC under Sections 99233.8 and 99233.9 of the Public Utilities Code to the NVTa on behalf of the jurisdictions of Napa County. If apportionment under Sections 99233.8 and 99233.9 of the Public Utilities Code are made to any Member Jurisdiction, the NVTa is authorized to claim all such apportionments for transit purposes without further action by the Member Jurisdiction. Funds available pursuant to Section 99313.6, excluding funds apportioned or allocated under Section 99314.3, shall be claimed solely by the NVTa for

transit purposes. No Member Jurisdiction shall claim funds apportioned or allocated under Section 99313.6, excluding funds apportioned or allocated under Section 99314.3.

8.3.4 Standards For Use of TDA Funds. Every two years, the NVTA will prepare and adopt a Short Range Transit Plan ("SRTP"). As warranted, at the discretion of the NVTA Board, the SRTP may be updated annually. The NVTA Board will adopt the SRTP and any updated SRTP. The SRTP shall provide the basis for evaluating what services are necessary and where services will be provided.

8.4 Accountability.

8.4.1 Accountable to Member Jurisdictions. NVTA shall be strictly accountable to the Member Jurisdictions for all receipts and disbursements of NVTA.

8.4.2 Annual Financial Audit. The NVTA Board shall cause an annual financial audit to be prepared and filed to the extent required by Government Code section 6505.

8.5 Debts, Liabilities and Obligations.

8.5.1 General.

(a) Obligation and Assignment of Debt. The debts, liabilities, and obligations of NVTA shall be solely the obligation of NVTA and not the debts, liabilities, and obligations of the Member Jurisdictions or their respective officers or employees. However, nothing in this Agreement shall prevent any Member Jurisdiction from separately contracting for, or assuming responsibility for, specific debts, liabilities, or obligations of NVTA, provided that both the NVTA Board and that Member Jurisdiction give prior approval of such contract or assumption.

(b) Advance Notice of Debts. NVTA will provide notice to the NVTA Board of Directors at their next regular or special meeting prior to submission of a formal application for long term debt where debt payments are expected to exceed one year. This notice provision shall not apply to applications for or extensions to lines of credit.

8.5.2 Liability.

(a) Primary Liability. If liability is imposed upon NVTA by a court of competent jurisdiction by reason of negligent or willful acts or omissions of NVTA or any of its officers, employees, agents, volunteers, or contractors,

any resulting monetary judgment against NVTA shall be paid first from the discretionary funds of NVTA or, if the liability arose from the actions of a contractor, contribution shall be sought from the contractor.

(b) **Insurance.** To comply with subsection (a), above, NVTA shall obtain and maintain in force during the life of this Agreement insurance for errors and omissions, general liability, and vehicle liability in amounts deemed by the NVTA Board to be sufficient to fully cover NVTA, its officers, employees, board members, and agents, and the Member Jurisdictions for any reasonably foreseeable losses. Where services are provided by contract to NVTA, the contract shall require the contractor to obtain insurance sufficient to hold NVTA and the Member Jurisdictions harmless and indemnify them against any claims for liability arising from the provision of the services. The cost of such coverage, whether obtained directly by NVTA or as any increased in the contract price for services obtained under contract, shall be a charge against NVTA funds.

SECTION 9. RULES OF CONDUCT

- 9.1 **Bylaws.** The NVTA Board may from time to time adopt bylaws for the conduct of the affairs of NVTA and the NVTA Board, provided such Rules of Conduct are not inconsistent with this Agreement.
- 9.2 **Quorum.** A majority of the voting power and seven (7) of the twelve (12) voting members (or their alternates) of the NVTA Board shall constitute a quorum for the transaction of business at any meeting of the NVTA Board. Notwithstanding the foregoing, if a quorum is present at the commencement of the meeting, the affirmative vote of a majority of the voting power of the NVTA Board shall constitute the act of the NVTA Board even if, at the time of such vote, less than seven voting members (or their alternates) are present.
- 9.3 **Adjournment of Meetings.** Any meeting of the NVTA Board, whether or not a quorum is present, may be adjourned by a vote of the majority of the voting members (or their alternates) present or, if no voting members or their alternates are present, may be adjourned by the person appointed to serve as Clerk or Secretary of the NVTA Board.
- 9.4 **Brown Act.** All meetings of the NVTA Board shall comply with the requirements of the Ralph M. Brown Act (Government Code section 54950 et seq.).

SECTION 10. NOTICES

- 10.1 **Method.** All notices which any Member Jurisdiction or NVTA may wish to give in connection with this Agreement shall be in writing and served by personal delivery during business hours at the principal office of the Member Jurisdiction or NVTA

to an officer or person apparently in charge of that office, or by deposit in the United States mail, postage prepaid, and addressed to the Member Jurisdiction or NVTa at its principal office or to such other address as the Member Jurisdiction or NVTa may designate from time to time by written notice to NVTa and each of the parties. Service of notice shall be deemed complete on the day of personal delivery (or 24 hours after such delivery for notice of special meetings) or three (3) days after mailing if deposited in the United States mail.

10.2 Addresses for Notice. Until changed by written notice to NVTa and the Member Jurisdictions, notices under this Agreement shall be delivered to the following addresses:

NVTa:

Executive Director
Napa Valley Transportation Authority
625 Burnell Street
Napa, California 94559-3420

COUNTY OF NAPA:

Clerk of the Board of Supervisors
County Administration Building
1195 Third Street, Room 310
Napa, California 94559

CITY OF AMERICAN CANYON:

American Canyon City Clerk
4381 Broadway Street, Suite 201
American Canyon, California 94503

CITY OF NAPA:

Napa City Clerk
955 School Street
Napa, California 94559

TOWN OF YOUNTVILLE:

Yountville Town Clerk
6550 Yount Street
Yountville, California 94599

CITY OF ST. HELENA:

St. Helena City Clerk
1480 Main Street
St. Helena, California 94574

CITY OF CALISTOGA:

Calistoga City Clerk
1232 Washington Street
Calistoga, California 94515

SECTION 11. ASSIGNMENT, WITHDRAWAL AND TERMINATION

- 11.1 Assignment.** This Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the Member Jurisdictions, except that no Member Jurisdiction shall assign any of its rights under this Agreement except to a duly-formed public entity organized and existing under the laws of the State of California and then only when approved by amendment of this Agreement.
- 11.2 Withdrawal.** A Member Jurisdiction may withdraw from NVTA without the consent of the other Member Jurisdictions by giving no less than ninety (90) days prior written notice to the NVTA Board. A Member Jurisdiction may withdraw from NVTA at any time with the written consent of all of the other Member Jurisdictions contained in an amendment of this Agreement. A Member Jurisdiction electing to withdraw prior to termination of the Agreement pursuant to Section 11.3 shall not be entitled to share in the distribution of assets provided for in Section 11.3. This provision shall not be effective and no Member Jurisdiction may withdraw from NVTA until all bonds or other instruments of indebtedness issued or entered into by NVTA, if any, have been paid in full.
- 11.3 Termination.** The Agreement shall continue in effect until terminated. The Agreement may be terminated at any time and NVTA dissolved with the written consent of the majority of the then-existing Member Jurisdictions representing a majority of the votes on the NVTA Board. Such consent shall be expressed in duly-authorized resolutions of the Member Jurisdictions. This provision shall not be effective so long as any bonds or other indebtedness of NVTA are outstanding and unpaid, or funds are not otherwise set aside for the payment or redemption thereof in accordance with the terms of the bonds or other indebtedness and the documentation relating thereto.
- 11.4 Disposition of Assets.** In the event of termination of the Agreement and dissolution of NVTA, any remaining assets of NVTA shall be sold or, if sale is prohibited under the terms of original acquisition, returned to or otherwise disposed of at the direction of the party or persons from whom they were obtained. After all liabilities, encumbrances and liens have been paid, the proceeds of such sales shall be allocated proportionately to the Member Jurisdictions based upon their respective populations as determined by the latest California State Department of Finance population figures. Notwithstanding the foregoing, in accordance with Government Code section 6512, any funds remaining at the time of termination which were contributed by the Member Jurisdictions shall be returned to the Member Jurisdictions in proportion to the contributions made.

SECTION 12. AMENDMENTS

- 12.1 Method of Amendment.** Amendments to this Agreement shall be made only with the written consent of all then-existing Member Jurisdictions without regard to

voting power on the NVTB Board. So long as any bonds or other indebtedness of NVTB are outstanding and unpaid, or funds are not otherwise set aside for the payment or redemption thereof in accordance with the terms of the bonds or other indebtedness and the documentation relating thereto, this Joint Powers Agreement shall not be amended, modified or otherwise revised, changed or rescinded, unless the NVTB and Member Jurisdictions have first complied with (i) the procedures required to amend any indenture for existing Bonds, or (ii) the terms of other indebtedness, as applicable.

SECTION 13. WAIVER

- 13.1 Limitation.** Waiver by any Member Jurisdiction of breach of any provision of this Agreement shall not constitute a waiver of any other breach of such provision or of any other provision of this Agreement, nor shall failure to enforce any provision hereof operate as a waiver of such provision or of any other provision.

SECTION 14. SEVERABILITY

- 14.1 General.** Should any part, term or provision of this Agreement be decided by a final judgment of a court of competent jurisdiction to be illegal or in conflict with any State or federal law or regulation or any applicable local ordinance or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms and provisions shall not be affected.

SECTION 15. SECTION HEADINGS

- 15.1 Effect.** All section numbers and headings contained in this Agreement are for convenience and reference only and are not intended to define or limit the scope of any provision of this Agreement.

SECTION 16. APPLICABLE LAW AND VENUE

- 16.1 Applicable Law.** The rights, obligations, duties and liabilities of NVTB and of the Member Jurisdictions under this Agreement shall be interpreted in accordance with and governed by the law of the State of California.
- 16.2 Venue for Disputes.** Venue for any action filed by any Member Jurisdiction under state law to enforce this Agreement or any provision thereof shall be in the courts of Napa County. Venue for any action filed by any Member Jurisdiction under federal law or as a federal action shall be in the federal courts for the Northern District of California.

SECTION 17. NO RIGHTS CREATED IN THIRD PARTIES

- 17.1 No Rights for Third Parties.** The parties to this Agreement hereby expressly agree that it is not the intent of the parties to create, and this Agreement shall not be deemed or construed to create any third party beneficiaries or otherwise inure to the benefit of any third parties.

SECTION 18. ENTIRE AGREEMENT

- 18.1 Integrated Agreement.** The terms and provisions of this Agreement constitute the full and entire agreement between the Member Jurisdictions with respect to the matters covered herein. This Agreement supersedes any and all other communications, representations, proposals, understandings or agreements, either written or oral, between the Member Jurisdictions with respect to such subject matter, including any prior agreement or amendment thereto relating to the CMA.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Blue Ribbon Task Force

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority Board receive a report about the Metropolitan Transportation Commission's (MTC) Blue Ribbon Task Force activities.

EXECUTIVE SUMMARY

The MTC convened a Blue Ribbon Task Force made up of elected officials, public transit operators, and advocates tasking it to complete three objectives: 1) Expedite the distribution of the Coronavirus Aid, Relief and Economic Security Act (CARES Act) transit funds, 2) Develop a safety plan to protect the health of transit workers and riders in the region, and 3) Identify ways to improve regional transit network connectivity, financial sustainability, and system equity. This report will provide a summary of the Blue Ribbon Task Force activities and next steps.

FISCAL IMPACT

There is no fiscal impact specific to this item but NVTA received \$4.3 million in CARES Act funding at the recommendation of the Blue Ribbon Task Force. Staff anticipates that the Blue Ribbon Task Force may play a role in the distribution of future funds intended to address the public transit crisis brought on by the pandemic and for system improvements.

The agency also instituted the protocols established in coordination with Riding Together - Healthy Bay Area Transit Plan to ensure Vine facilities and vehicles are cleaned and sterilized to meet safety standards and to provide personal protection equipment to its drivers and other workers to minimize the spread of COVID-19. Cost associated with implementing those protocols is roughly \$25,000 monthly. The agency has also expended an estimated \$10,000 to date on driver screens and desktop screens to ensure operators and office workers are protected.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Kate Miller, Executive Director
(707) 259-8634 / Email: kmiller@nvta.ca.gov
SUBJECT: Blue Ribbon Task Force

RECOMMENDATION

That the Napa Valley Transportation Authority Board receive a report about the Metropolitan Transportation Commission's (MTC) Blue Ribbon Task Force activities.

COMMITTEE RECOMMENDATION

None

BACKGROUND

In response to the economic and health crisis associated with the COVID-19 pandemic and specifically the impacts to Bay Area public transit providers, the Metropolitan Transportation Commission (MTC) convened a Blue Ribbon Task Force. The 32-member Task Force is comprised of MTC commissioners, including NVTA Chair/MTC Vice Chair Alfredo Pedroza, transit officials, business representatives and transit advocates. The Task Force Chair is MTC Commissioner Jim Spering (Solano County).

The Task Force's mission is comprised of three tasks:

- 1) Oversee the distribution of the Coronavirus Aid, Relief and Economic Security Act (CARES Act); and
- 2) Develop a safety plan to protect the health of transit workers and riders in the region; and
- 3) Identify ways to improve regional transit network connectivity, financial sustainability and system equity.

Accomplishments to Date:

- CARES Act fund distribution – the San Francisco Bay Area received \$1.3 billion from the CARES Act. The Blue Ribbon Task Force over saw the distribution of these funds which was based primarily on system need. NVTa received \$4.3 million.
- Adoption of the Riding Together-Healthy Bay Area Transit Plan - the Plan acknowledges that the region's transit systems are all connected through transferring riders and that the region's transit systems needed to adopt the same standards to ensure that its workers and riders are safe no matter which system they are on. The Plan includes metrics and reporting requirements. The plan and system reporting information can be viewed at: www.healthytransitplan.com

Task 3 Goals, Objectives, and Accomplishments to Date:

The Task force has adopted four goals to frame the work moving forward. These include:

Goal 1: Recognize critical recovery challenges facing transit agencies. The objectives outlined for this goal underscore the timely distribution of future stimulus funds and the need to advocate for new funds.

Goal 2: Advance equity. The objectives outlined for this goal identify a set of *Equity Principles* to guide transformation planning and focused outreach to riders.

Goal 3: Identify near-term actions to implement beneficial long-term network management and governance reform. The objectives for this goal include defining the problems and identifying resolutions by building on existing knowledge to address legal, labor, oversight, and funding considerations. The objectives also focus on consolidation of small transit markets and identifying policy and legislative actions that support transit transformation including transit priority advantages on streets and highway.

Goal 4: Establish how current MTC and State Transit Initiatives should integrate with Network Management & Governance Reforms. The objective of this goal is to inform members of the Task Force about MTC, California State Transportation Agency (CalSTA), and other initiatives.

A letter from MTC Chair Scott Haggerty, Attachment 1, elaborates on each of these goals.

At its December 14th meeting, the Blue Ribbon Task Force received reports focused on each of the four goals. Much of the discussion focused on Goal 3. The Task Force

received a report from MTC Staff about some of the initiatives that are already underway, including:

- Regional Transit Priority – MTC staff summarized efforts to improve transit operations on major corridors around the region, including the Dumbarton Forward and Bay Bridge Forward efforts.
- Regional Mapping and Wayfinding: MTC in coordination with the region's transit operators have developed a regional map and inventory of wayfinding signage and deficiencies. Signage at all hubs and stations adhere to regional design standards.
- Connectivity and Mobility: The Partnership Board subcommittee, the Connected Mobility Committee, is identifying ways to improve coordination among the various platforms used for deploying transportation technology. Specifically, the effort seeks to define data standards and coordinate technology development and develop and propagate new technologies to improve transportation operations for all modes throughout the region.
- Transit Fare Coordination: The Fare Integration Task Force is looking at ways to normalize fares between systems, consider equity issues, and remove obstacles for riders that transfer between systems. The region's transit operators have all adopted the regional fare card, Clipper. MTC has devised a partial solution to address fare equity and recently introduced the Clipper START program which subsidizes low income adult fares. This was expanded to smaller systems in 2020 and the NVTA board approved funding the subsidy when the MTC revenues are depleted.

To delve further into the challenges presented by Goal 3, the Task Force is convening two ad hoc committees:

- Problem Statement (Ad-Hoc Working Group #1)
Purpose: Development of a problem statement that will be presented to the Task Force at its January 25th meeting.
- Network Management Alternatives (Ad-Hoc Working Group #2)
Purpose: Discuss Network Management alternatives.

The Task Force also received to other presentations related to Goal 4:

The Task Force received a presentation on MTC funding, and limitations of some of those funds related to sales tax (return to source) and Federal Transit Administration urbanized area (geographic) constraints.

Finally, the Task Force received a presentation from MTC staff summarizing legislative and policy efforts that have been made in the past clarifying MTC's authority and those of the various transportation agencies in the region.

The next meeting of the Blue Ribbon Task Force is January 25, 2021.

ALTERNATIVES

None, this is an information only item.

STRATEGIC GOALS MET BY THIS PROPOSAL

Not applicable.

ATTACHMENTS

Attachment 1: Letter from MTC Chair Scott Haggerty



**METROPOLITAN
TRANSPORTATION
COMMISSION**

ATTACHMENT 1
NVTAGenda Item 10.1
January 20, 2021
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
415.778.6700
www.mtc.ca.gov

December 24, 2020

Scott Haggerty, Chair
Alameda County

Alfredo Pedroza, Vice Chair
Napa County and Cities

Eddie Abn
San Francisco Bay Conservation
and Development Commission

Jeannie Bruins
Cities of Santa Clara County

Damon Connolly
Marin County and Cities

Dave Cortese
Santa Clara County

Carol Dutra-Vernaci
Cities of Alameda County

Dorene M. Giacomini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Nick Josefowitz
San Francisco Mayor's Appointee

Sam Liccardo
San Jose Mayor's Appointee

Jake Mackenzie
Sonoma County and Cities

Gina Papan
Cities of San Mateo County

David Rabbitt
Association of Bay Area Governments

Hillary Ronen
City and County of San Francisco

Libby Schaaf
Oakland Mayor's Appointee

Warren Stocum
San Mateo County

James P. Spering
Solano County and Cities

Jimmy Stracner
U.S. Department of Housing
and Urban Development

Tony Tavares
California State
Transportation Agency

Amy R. Worth
Cities of Contra Costa County

Theresa W. McMillan
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

Brad Paul
Deputy Executive Director,
Local Government Services

Mr. Alfredo Pedroza
Chair, Board of Directors
Napa Valley Transportation Authority (VINE)
625 Burnell Street
Napa, CA 94559-3420

RE: Blue Ribbon Transit Recovery Task Force

Dear Chair Pedroza:

I wanted to provide you and your colleagues an update on the activities of the Blue Ribbon Transit Recovery Task Force (Task Force) convened by MTC as part of our action last spring to distribute the first phase of CARES Act funding to transit operators. After focusing initially on COVID-19 health and safety protocols and encouraging the adoption of common messaging that all of the region's transit operators could agree upon, the Task Force has now moved to the next critical stage—long-term recovery and transformation. The Task Force's vision of transit transformation is to:

Design, adequately invest in and effectively manage a public transit network that is equitable, inclusive, frequent, affordable, accessible, reliable; is integrated with unified service, fares, schedules, customer information and identity; and serves all Bay Area populations, resulting in increased transit ridership and reduced growth in vehicle miles traveled.

At its meeting on November 16, the Task Force adopted four specific goals and objectives for the Transformation Action Plan, attached. Goals 1 and 2 are foundational to the remainder of the plan: First, acknowledge the fiscal crisis facing operators and defer post-recovery service planning to allow agencies to prioritize difficult fiscal and service choices in the midst of increasing uncertainty. Second, prioritize equity. Third, identify near-term actions to implement network management & governance reforms, and fourth, identify how current MTC and state initiatives can help advance those reforms.

Notably, this effort is related to, but separate from, two other initiatives that MTC is working on with the Bay Area's transit operators of which you may also be aware: A Fare Coordination/Integration Study and a Transit Mapping and Wayfinding Project, both of which seek to improve the transit rider experience and encourage ridership as we recover from the pandemic. Work on those efforts is ongoing, with updates to the Task Force planned for January 2021.

The Task Force currently consists of 32 members, including California State Transportation Agency Secretary David Kim and, Assemblymember David Chiu, eight MTC Commissioners, nine transit agency general managers and 9 stakeholders representing various interests, including labor, business, social equity, and persons with disabilities. Knowing what a difficult time this is for your agency, we very much appreciate the time your staff are devoting to this effort.

MTC staff will schedule a virtual meeting for the region's transit agency board members early next year to provide an opportunity for you to learn more and ask questions. In the meantime, meetings of the Task Force are open to the public and held via Zoom. Prior meeting materials are available for review on MTC's website [here](#). The final Transformation Action Plan, anticipated to be completed in June 2021, will likely include legislative recommendations and Assemblymember Chiu has made it clear he is interested in authoring legislation on this subject. If you have questions or would like to request a presentation regarding the work of the Task Force work at a future board meeting, please contact Rebecca Long, MTC Manager of Government Relations at rlong@bayareametro.gov or 510-504-7914.

Sincerely,


Scott Haggerty
Chairman



cc: MTC Commissioner Jim Spering (Blue Ribbon Transit Recovery Task Force Chair)
Kate Miller, Executive Director, Napa Valley Transportation Authority



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Purchase of New Bus Stop Shelters

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director to execute Purchase Order 20-2025 (Attachment 1) to purchase fifteen (15) bus stop shelters under NVTA's membership with the California Association for Coordinated Transportation (CalACT) and Morongo Basin Transit Authority RFP 16-01, in an amount not to exceed \$113,621 using Affordable Housing & Sustainable Communities (AHSC) Grant Funding

EXECUTIVE SUMMARY

Satellite Affordable Housing Associates (SAHA) was awarded an Affordable Housing and Sustainable Communities (AHSC) program award in the amount of \$8,150,000 in July 2019 from the California Department of Housing and Community Development and the Strategic Growth Council. With this award, SAHA will construct the Manzanita Family Apartments located on 2951 Soscol Avenue.

As part of the AHSC grant, SAHA will fund the purchase of new bus stop shelters at various bus stops in the City of Napa and the City of American Canyon.

FISCAL IMPACT

The cost of the shelters is \$113,621, which is 100% funded by the by the AHSC grant.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Libby Payan, Senior Program Planner/Administrator
(707) 259-8782 / Email: lpayan@nvta.ca.gov
SUBJECT: Purchase of New Bus Stop Shelters

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board authorize the Executive Director to execute Purchase Order 20-2025 (Attachment 1) for fifteen (15) new bus stop shelters under NVTA's membership with the California Association for Coordinated Transportation (CalACT) and Morongo Basin Transit Authority RFP 16-01, in the amount of \$113,621 using Affordable Housing & Sustainable Communities (AHSC) Grant funding.

COMMITTEE RECOMMENDATION

None

BACKGROUND

The Affordable Housing and Sustainable Communities (AHSC) Program funds land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas (GHG) emissions. The program is administered by the Strategic Growth Council and implemented by the Department of Housing and Community Development (HSC), and the funds are provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds.

Satellite Affordable Housing Associates (SAHA) was awarded an AHSC program award in the amount of \$8,150,000 in July 2019 to construct the Manzanita Family Apartments located on 2951 Soscol Avenue in the City of Napa. The project is 100% affordable family rental housing consisting of approximately 51 apartment units within a single, three-story building.

A portion of the AHSC grant will fund the installation of 15 new bus shelters to four different bus stops along Routes 10 and 11 in the Cities of Napa and American Canyon. This will allow residents of the Manzanita Family Apartments to connect to jobs and recreation as far north as Calistoga and as far south as Vallejo.

NVTA will purchase the shelters under California Association for Coordinated Transportation Contract No. 16-01

ALTERNATIVES

The Board could decide not to approve the purchase order, thereby resulting in older bus shelters at select bus stops along Routes 10 and 11.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1: Serve the transportation needs of the entire community regardless of age, income or ability. A majority of Vine riders are economical disadvantaged as are many of the families intended to occupy the Manzanita Family Apartment. New shelters will provide riders protection from the rain and sun and providing seating while waiting for the bus.

Goal 3: Use taxpayer dollars efficiently. These shelters will be paid for using competitive grant funding. Therefore, NVTA Transit Capital funds can be used for other projects.

Goal 6 - Prioritize the maintenance and rehabilitation of the existing system. The 15 new shelters will replace some existing shelters that have reached the end of their useful life and will add shelters to existing stops that do not have this amenity.

ATTACHMENTS

(1) Purchase Order # 20 - 2025



DRAFT Purchase Order

Napa Valley
Transportation
Authority (NVTa)
625 Burnell Street,
Napa, CA 94559

Phone: 707-259-8631
Fax: 707-259-8636
Web: nvta.ca.gov

VENDOR

**TOLAR MANUFACTURING
COMPANY, INC.**
258 MARIAH COURT
CORONA, CA 92879-1751
POC: Patrick Merrick
T 951.547.8209

Purchase Order #: 20-2025
Date: 1/11/2020
Vendor ID: 33000

Bill To:

Napa Valley Transportation Authority
(NVTa)
Accounts Payable / ap@nvta.ca.gov
625 Burnell Street
Napa, CA 94559

Ship To:

VINE TRANSIT YARD
720 Jackson Street
Napa, CA 94559
POC: Rebecca Schenck, 707.259.8635
rschenck@nvta.ca.gov

All terms and conditions of the CalACT/MBTA Agreement No. 16-01 are included herein as if fully set forth and the parties hereto agree that NVTa is an assignee/third party beneficiary of that Agreement and may enforce any and all rights contained in that Agreement without limitation.

Requested	Ship Date	Ship Via	FOB	Buyer	Terms	Tax ID
SCHENCK	12 WKS ARO	-	ORIGIN	KULICK	NET 30	68-0471080

QTY	Item #	Units	Description	Discount	Taxable	Unit Price	Total
12		EA	SHELTER, Sierra Dome, 9'			\$5,884.00	\$70,608.00
2		EA	SHELTER, Sierra Dome, 13'			\$6,775.00	\$13,550.00
1		EA	SHELTER, Sierra Dome, 17'			\$9,121.00	\$ 9,121.00
15	10076-00	EA	MAP CASE, Rear Wall			\$ 471.00	\$ 7,065.00
			- as per attached Proposal 20564PM dated 12/17/2020 -				
			(cont'd page 2 of 16)				

NOTICE OF INCLUDED TERMS AND CONDITIONS

This purchase order is a federally funded contract and as such, certain mandatory terms and conditions apply to this purchase order. These provisions include, but are not limited to the provisions of Buy America 49 U.S.C. §5323(j), 49 C.F.R. Part 661; Cargo Preference 46 U.S.C. § 55305, 46 C.F.R. Part 381; Fly America 49 U.S.C. § 40118, 41 C.F.R. §§ 301-10.131 through 301-10.143; Bus Testing 49 C.F.R. Part 665; U.S. DOT Third Party Procurement Regulations 49 C.F.R. §18.36 or 40 C.F.R. §§19.40 through 19.48, FTA Circular 4220.1F (including all mandated terms and conditions contained in Appendix D-4) and FTA Master Agreement FTA MA(17). Vendor shall provide evidence of insurance naming NVTa, its directors, officers, and employees as named insureds. Vendor further agrees to indemnify, defend, and hold harmless NCTPA, its director's officers and employees.

Subtotal	\$100,344.00
Tax 8.25%	\$ 8,278.38
Freight Z4	\$ 2,490.00
Fee 2.5%	\$ 2,508.60
TOTAL	\$113,620.98

THIS ORDER WILL BECOME VALID UPON RECEIPT OF VENDOR ACCEPTANCE.

VENDOR ACCEPTANCE

Vendor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) contract/purchase order, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. (Attachments are listed herein.)

PATRICK MERRICK,
Executive Vice President

DATE

ORDER AWARDED AND ISSUED BY

Individual listed below is hereby authorized to award ordered material/services as specified, or incorporated by reference herein, on behalf of the Napa Valley Transportation Authority.

KATE MILLER, Executive Director DATE

FOR INTERNAL USE ONLY

FUND APPROPRIATION: SAHA GRANT



Quote No:	20564PM
Date:	12/17/2020
Quote Expires:	30 Days
Sales Contact:	Patrick Merrick
Phone:	951-547-8230
Email:	pmerrick@tolarmfg.com

Customer:	Project:
Renee Kulick Administrative Technician Napa Valley Transportation Authority 625 Burrell Street Napa, CA 94559	CALACT/MBTA PROCUREMENT 16-01

Lead Time:	12 Weeks From receipt of signed written order, and all required approvals.
Terms:	Net 30 Days From Invoice Terms subject to change. Final terms to be determined based on credit history & bonding.

Item:	Qty:	Description:	Unit Price:	Ext. Price:
1	12	9' Sierra Dome Roof Advertising Shelter featuring: Sierra series roof perimeter, bronze twinwall polycarbonate roof panels, flat back to back media display kiosk with two side-hinged display doors containing 3/16" clear tempered glass, perforated aluminum at the rear and 1/2 end wall, 4' perforated metal bench, no back, one seat delineator, durable baked powder coat finish color RAL 9007 Grey Aluminum-delete solar, delete trash receptacle, add media display kiosk	\$ 5,884.00	\$ 70,608.00
2	2	13' Sierra Dome Roof Advertising Shelter featuring: Sierra series roof perimeter, bronze twinwall polycarbonate roof panels, flat back to back media display kiosk with two side-hinged display doors containing 3/16" clear tempered glass, perforated aluminum at the rear and 1/2 end wall, 8' perforated metal bench, no back, three seat delineators, durable baked powder coat finish color RAL 9007 Grey Aluminum-delete solar, delete trash receptacle, add media display kiosk	\$ 6,775.00	\$ 13,550.00
3	1	17' Sierra Dome Roof Advertising Shelter featuring: Sierra series roof perimeter, bronze twinwall polycarbonate roof panels, flat back to back media display kiosk with two side-hinged display doors containing 3/16" clear tempered glass, perforated aluminum at the rear and 1/2 end wall, 8' perforated metal bench, no back, three seat delineators, durable baked powder coat finish color RAL 9007 Grey Aluminum-delete solar, delete trash receptacle, add media display kiosk	\$ 9,121.00	\$ 9,121.00
4	15	Rear wall map case (10076-00) RAL 9007 Grey Aluminum	\$ 471.00	\$ 7,065.00

QUOTE APPROVED FOR PURCHASE:	
Signature:	
Print Name:	
Date:	
PO No:	

Sub-Total:	\$ 100,344.00
CalACT/MBTA Freight Zone	4
CalACT/MBTA FIRM Freight:	\$ 2,490.00
CalACT/MBTA Procurement Fee (2.5%)	\$ 2,508.60
CA State Sales Tax	8.25% \$ 8,278.38
Total:	\$ 113,620.98

Pricing Notes:

- If requested, structural engineering calculations from CA licensed engineer are provided at no additional cost.
- Products are shipped knock down & unassembled in bulk packaging for unloading and installation by others. Hardware boxed by unit. Installation instructions are provided.
- Freight cost is an ESTIMATE ONLY. Freight is invoiced at actual cost, without mark up, at time of shipment, unless specified above.



Quote No:	20564PM
Date:	12/17/2020
Quote Expires:	30 Days
Sales Contact:	Patrick Merrick
Phone:	951-547-8230
Email:	pmerrick@tolarmfg.com

Customer:	Project:
Renee Kulick Administrative Technician Napa Valley Transportation Authority 625 Burrell Street Napa, CA 94559	CALACT/MBTA PROCUREMENT 16-01

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Item:	Qty:	Description:	Unit Price:	Ext. Price:
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- Client provides unloading at destination, including forklift and labor as necessary.
- Processing fee of 3% of total charge amount is additional and charged on all credit card payments.

Standard Terms and Conditions

These Terms and Conditions are attached to and incorporated by reference into the Proposal for products or services ("Proposal") provided by Tolar Manufacturing Company, Inc. ("we", "our" or "us").

- Drawings and Specifications: All drawings and specifications submitted to our clients or potential clients are proprietary in nature and remain our property. They may be viewed, printed and distributed, without alteration, as reference for sales or for the process of specifying products for use. Detailed shop and erection drawings are provided to allow for field installation or repair. Sealed and stamped engineering calculations and drawings from an engineer licensed in the state of installation, if required, can be made available for an additional charge. Customers that provide their own drawing packages will retain ownership and be covered under a separate agreement.
- Vendor Status: Tolar Manufacturing Company, Inc. is a vendor supplier of manufactured products; is not a subcontractor or contractor; and is not subject to retainage or liquidated damages for any reason.
- Payment Terms: Payment terms for services rendered or products manufactured by us shall be determined by us based on our determination of the credit worthiness of buyer and may require a deposit at time of order. Products are invoiced as shipped.
- Late Payment Penalty: Buyer agrees to pay a charge equal to the lesser of (i) the highest rate allowable by law or (ii) 1.5% per month (18% per annum) on the unpaid balance with respect to any late payments. In addition, buyer will pay all our costs and expenses, including actual attorney's fees, incurred in connection with enforcing the Proposal and/or collecting any past due payments. In the event buyer fails to make any payment when due, we have the right of setoff, the right to terminate the Proposal and/or to suspend further deliveries to buyer and the right to recover damages in addition to any other remedies available to us as a matter of law. Buyer has no right to setoff.
- Cancellation: If an order is cancelled by buyer after receipt of order authorization, and cancellation fee of 10% of order value may be assessed to the buyer, in addition to an the cost of materials purchased for the order, which may be invoiced to the buyer at time of cancellation.
- Delivery, Title and Receipt: Unless otherwise provided in the proposal, all shelters are prefabricated and shipped knock-down and in bulk format (not packaged individually) for ease of handling and fast on-site installation. Neither buyer nor consignee shall have the right to direct or re-consign the goods to any other destination without our consent. All sales of products are F.O.B. our plant. Risk of loss of the products shall transfer to buyer upon delivery of the products to the common carrier.
- Delivery Charges: Unless otherwise provided in the Proposal, buyer shall bear all the costs of transportation, including without limitation loading, unloading, storage, and freight charge. All delivery quotes allow for an approximate 2-hour unload window for a full truck. If this window is exceeded, additional charges may apply. All price quotes given for delivery are based on estimates obtained at the time the quote was requested. Actual freight charges may vary.
- Delivery Dates: Any delivery date(s) or period of delivery provided for in the Proposal is approximate and does not guarantee a particular date(s) or period of delivery. Estimated lead times are provided in the quote. Under no circumstances will we be liable for delay in delivery occasioned in whole or in part, by fire, flood, explosion, casualty, riot, strike, embargo, transportation delay, breakdown, accident, act of God or the public enemy, government authority, by our inability to secure materials, fuel, supply power or shipping space or any other circumstances beyond our reasonable control.
- Delayed Shipment: If buyer delays shipment, we may invoice for products when ready for shipment and, at our option, we may charge reasonable daily storage fees.
- International Freight: We require the services of freight forwarder for all international shipments. Buyer may select the freight forwarder, subject to our approval. All fees, taxes and additional charges, in addition to the actual freight costs, are the responsibility of buyer.
- Returns: Due to the custom nature of our products, we cannot accept returns and we cannot permit cancellations once work has commenced.
- Manufacturer's Warranty: Our manufacturer's warranty is set forth in a separate document.
- Limitation of Liability: WE ARE NOT LIABLE TO BUYER OR ANY THIRD PARTY FOR ANY SPECIAL, INCIDENTAL, INDIRECT, CONSEQUENTIAL, PUNITIVE OR EXEMPLARY DAMAGES OF ANY KIND ARISING FROM OR RELATING TO OUR OBLIGATIONS UNDER THE PROPOSAL, INCLUDING LOST PROFITS, LOSS OR USE, LOSS OF REVENUE OR COST OF CAPITAL. EXCEPT FOR PERSONAL INJURY OR DEATH DUE TO OUR MISCONDUCT, BUYER AGREES THAT THE TOTAL DAMAGES THAT CAN BE AWARDED IN ANY CLAIM BY BUYER RELATING TO OUR OBLIGATIONS UNDER THE PROPOSAL (WHETHER BASED IN CONTRACT, TORT OR OTHERWISE, SHALL NOT EXCEED THE TOTAL PAID BY BUYER TO US UNDER THE PROPOSAL. BUYER AGREES THAT THE ABOVE LIMITATIONS ON LIABILITY PROVISIONS SHALL REMAIN IN FULL FORCE AND EFFECT EVEN IF IT IS FOUND THAT BUYER'S EXCLUSIVE REMEDY FAILS OF ITS ESSENTIAL PURPOSE.
- Governing Law, Jurisdiction and Venue: The Proposal shall be governed by and construed in accordance with the laws of the State of California without reference to the choice of law principles thereof. Each party irrevocably submits to the jurisdiction of the Courts of the State of California and the United States District Court for the Central District of California.



258 Mariah Circle
Corona, CA 92879
(951) 808-0081
www.tolarmfg.com
info@tolarmfg.com

Quote No:	20564PM
Date:	12/17/2020
Quote Expires:	30 Days
Sales Contact:	Patrick Merrick
Phone:	951-547-8230
Email:	pmerrick@tolarmfg.com

Customer:	Project:
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Item:	Qty:	Description:	Unit Price:	Ext. Price:
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15. Amendment: No amendments to these Terms and Conditions can be made unless submitted in writing to us and signed and accepted by our President or his designee.

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*RESERVED FOR LETTER OF ASSIGNMENT ISSUED BY CALACT
TO BE INSERTED UPON RECEIPT*

MBTA CONTRACT # Tolar 16-01

AGREEMENT REGARDING PURCHASE OF TRANSIT SHELTERS

THIS AGREEMENT is made and entered into on August 15, 2016 between and among **TOLAR MANUFACTURING, COMPANY, INC.** a California corporation, with its principal place of business located at 258 Mariah Circle, Corona, California ("SELLER"), and **MORONGO BASIN TRANSIT AUTHORITY** ("MBTA"). SELLER and MBTA may be referred to herein individually as "Party" or collectively as "Parties."

RECITALS

WHEREAS, MBTA, by its Request for Proposal #16-01, duly advertised for written bids to be submitted on April 15, 2016 for the purchase of Transit shelters ("SHELTERS") on behalf of the California Association for Coordinated Transportation ("CALACT") by the MBTA; and

WHEREAS, the MBTA's RFP is attached hereto as Exhibit "A", and is incorporated herein by reference as if set forth in full; and

WHEREAS, SELLER submitted a sealed bid in response to MBTA's Notice Inviting Bids; and

WHEREAS, after it was determined that SELLER was the successful responsive and responsible bidder; and

WHEREAS, SELLER's bid in response to MBTA's Notice Requesting Proposals is attached hereto as Exhibit "B", and is incorporated herein by reference as if set forth in full; and

WHEREAS, the MBTA Board of Directors has authorized the Director of Purchasing on July 28, 2016 to award said contract and MBTA accepted SELLER'S proposal through agreement by and between SELLER and MBTA upon the terms and conditions set forth herein; and

WHEREAS, MBTA has fully complied with all federal, state, and local laws governing the public bidding process for the purchase of the SHELTERS;

NOW, THEREFORE, incorporating the foregoing recitals herein, for and in consideration of the promises and of the mutual covenants and agreements herein contained, SELLER and MBTA hereby agree as follows:

WITNESSETH:

1. **CONTRACT DOCUMENTS.** This Agreement, along with all Exhibits

referenced herein, and including without limitation, all documents referenced in said Exhibits shall hereinafter be referred to as the "Contract Documents".

2. **DESCRIPTION OF SHELTERS PURCHASED.** SELLER hereby agrees that it shall sell the SHELTERS as more particularly described in RFP #16-01 (attached hereto as Exhibit "B") to any and all CalACT/MBTA participants who desire to purchase such SHELTERS from SELLER.

3. **CONTRACT PRICING.** SELLER hereby agrees to sell such SHELTERS as more particularly described in RFP #16-01 (attached hereto as Exhibit "B") under the terms and conditions set forth in RFP #16-01.

4. **DELIVERY.** SELLER shall deliver SHELTERS per terms and conditions of MBTA IFB#16-01 as described in Section SP 7, page 31.

5. **PAYMENT BY COOPERATIVE PARTICIPANTS.** SELLER shall collect payment from CalACT/MBTA participants as described in RFP #16-01 Section SP 8, page 31.

6. **NO ASSIGNMENT.** Neither this Agreement, nor any interest in it, may be assigned or transferred by any party without the prior written consent of all of the Parties to this Agreement.

7. **NO ATTORNEYS' FEES.** If litigation is required to enforce or interpret the provisions of this Agreement, neither SELLER nor the Cooperative shall be entitled to an award of attorneys' fees or costs, but shall be entitled to any other relief to which it may be entitled by law.

8. **MERGER AND MODIFICATION.** This Agreement sets forth the entire agreement between the parties and supersedes all other oral or written representations. This Agreement may be modified only in a writing approved by the MBTA Board and signed by all both Parties.

9. **GOVERNING LAW.** The laws of the State of California will govern the validity of this Agreement, its interpretation and performance. Any litigation arising in any way from this Agreement shall be brought in San Bernardino County, California.

10. **NO WAIVER OF DEFAULT.** The failure of any Party to enforce against another party any provision of this Agreement shall not constitute a waiver of that party's right to enforce such a provision at a later time, and shall not serve to vary the terms of this Agreement.

11. **FURTHER ASSURANCES.** Each Party shall execute and deliver such papers, documents, and instruments, and perform such acts as are necessary or appropriate, to implement the terms of this Agreement and the intent

of the parties to this Agreement.

12. **BINDING EFFECT; CONTEXT; COUNTERPARTS.** Subject to Paragraph 6, the rights and obligations of this Agreement shall inure to the benefit of, and be binding upon, the parties to the contract and their heirs, administrators, executors, personal representatives, successors and assigns. Whenever the context so requires, the masculine gender includes the feminine and neuter, and the singular number includes the plural. This Agreement may be executed in any number of counterparts, each of which shall be considered as an original and be effective as such.

13. **NON-INTEREST.** No officer or employee of the MBTA shall hold any interest in this Agreement (California Government Code section 1090).

14. **CORPORATE AUTHORITY.** Each individual signing this Agreement on behalf of an entity represents and warrants that he or she is respectively, duly authorized to sign on behalf of the entity and to bind the entity fully to each and all of the obligations set forth in this Agreement.

15. **INDEMNIFICATION.** SELLER shall indemnify, defend, and hold harmless MBTA, its officers, agents and employees against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of an kind whatsoever, arising out of, connected with, or caused by SELLER'S employees, agents, independent contractors, companies, or subcontractors in the performance of, or in any way arising from, the terms and provisions of this Agreement whether or not caused in part by a party indemnified hereunder, except for MBTA's sole active negligence or willful misconduct.

16. **WARRANTY.** The SHELTERS and accessories are warranted by SELLER to be new and to be free from defects in material and workmanship pursuant to and in accordance with those certain manufacturer's warranties collectively attached hereto as Exhibit "B", and incorporated herein by reference as if set forth in full. During said warranty periods, the SHELTERS shall maintain structural and functional integrity. The warranty is based on regular operation under operating conditions prevailing in the purchaser's operating area.

17. **WARRANTY OF FITNESS.** SELLER hereby warrants that the SHELTERS, accessories and all materials furnished shall meet the requirements and conditions of the Contract Documents and shall be fit for the purposes intended. Acceptance of this warranty and acceptance the SHELTERS and materials to be manufactured or assembled pursuant to the specifications in these Contract Documents shall not waive any warranty, either express or implied.

18. **NOTICE.** All notices relative to this Agreement shall be given in writing and shall be personally served or sent by certified or registered mail and be

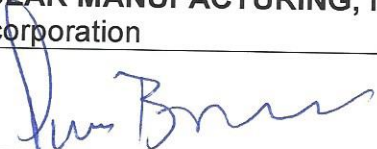

effective upon depositing in the United States mail. The Parties shall be addressed as follows, or at any other address designated by proper notice:

MBTA: Joe Meer
Director of Purchasing
Morongo Basin Transit Authority
62405 Verbena Road
Joshua Tree, CA 92252

SELLER: Patrick Merrick
Vice President
Tolar Manufacturing
258 Mariah Circle
Corona, California

19. EXECUTION. This Agreement is effective upon execution by both Parties. It is the product of negotiation and all parties are equally responsible for authorship of this Agreement. Section 1654 of the California Civil Code shall not apply to the interpretation of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

TOLAR MANUFACTURING, INC., a corporation	Morongo Basin Transit Authority
By  Patrick Merrick, Vice President	By  Joe Meer, Director of Purchasing



STANDARD SHELTER SPECIFICATIONS

RFP 16-01, ATTACHMENT A

**Morongo Basin Transit Authority
Lead Agency for the
California Association for Coordinated Transportation
Local Government Purchasing Schedule**

February 2016

Technical Specifications

9' Shelter

1. Roof dimensions: 8' 7 7/8" x 4'8" Height: 7' to bottom of roof perimeter
2. The roof design features two circular shapes running horizontally. One is used as a rain gutter, the other allows for optional electrical wiring for lighting and/or conduit for 'real-time' transit information.
3. The one piece roof shall be welded from four lengths of aluminum extrusion: No snap together corners which can be vandalized.
4. Two roof beams shall be welded to the roof perimeter for placement of the supporting legs. These beams also house the lighting in those shelters, which feature optional electric lighting.
5. Roof beams are pre-drilled contain alignment channel for supporting legs to facilitate field installation
6. Dome roof shelter with bronze or white Lexan Thermoclear roof panels engaged within the roof perimeter and secured to the welded roof bow with extruded aluminum flat bars and rubber gaskets, attached by Tek screws, with rubber washers. roof panels are secured with extruded aluminum flat bars and rubber gaskets, attached by Tek screws. No silicone sealer is require.
 1. Optional roofs include aluminum dome roof
 2. Aluminum low peak roof-gable style
 3. Aluminum high peak roof-gable style
 4. Aluminum high peak roof with earth stone coated Gerard simulated roof tile, terracotta in color

Proposer to offer above roof styles at buyer's choice, with no extra charge to the purchasing agency.
7. Powder coated perforated metal panels in steel frames at the rear and 1/2 end walls, are constructed from 16 ga galvanized steel sheets with 1/4" diameter holes on 3/8" staggered centers with protected edges centers and attached to square steel tube frames with drive rivets. Walls shall be supported with adjustable stainless steel assemblies, which anchor to the concrete pad or sidewalk.
 1. Optional full end wall panels should be available
 2. Optional front windscreen to be available
 3. Optional "Victorian" style perforated metal panels should be available
 4. Optional "Herringbone" style perforated metal panels should be available

Perforated metal framed in a rectangular shape with array of diagonally arranged flat bars symmetrical thru theoretical vertical centerline of rectangle.

8. Two 3" steel pipe legs support the roof at each end of the structure. Four adjustable shoes allow for up to 12" grade variation.
 1. An aluminum post options should be available
9. Walls shall be supported with adjustable stainless steel assemblies, which anchor to the concrete pad or sidewalk.
10. All materials shall be top quality – only ASTM A-36 grade 3" schedule 40 pipe for structural steel members and 6063-T6 grade aluminum extrusion with a minimum thickness of 1/8 inch.
11. Steel welding shall conform to American welding society standard D1. 1-80. Electrodes conform to ASTM A233, class E70S-6. All aluminum components shall be welded in accordance with AWS/SFA 5.10 CLASS ER4043. All welding shall be performed by certified welders.
12. All of the structure's metal surfaces shall feature a durable baked polyester powder coat finish, 4-5 ml thick. The powder coating process produces no volatile organic compounds (VOCs). Powder coat finish was created for durability in outdoor use and to withstand graffiti removal solvents. Color is to be selected from the standard RAL color chart
 1. Proposer shall provide an outline of their powder coat finish process including sandblast, cleaning, pretreat, top coat and quality check.
13. Shelter shall be constructed of modular, interchangeable components to allow for ease of installation and parts replacement. Shelters shall be shipped knock-down (k.d.) for ease of handling and installation. This also allows of easy site adaptation.
14. The shelter shall be supplied with all hardware and ground anchors necessary for site installation.
15. All detail shop drawings, details of materials, fabrication, assembly and framing details, erection drawings, parts list and field installation instructions shall be to be included.
16. Stamped and sealed engineering calculations from a licensed CA engineer confirming compliance with building codes in the municipalities of Twentynine Palms and Yucca Valley in San Bernardino County, California including wind and snow loads to be provided to MBTA with submission of bid for the base 9,13 & 17 foot shelter include solar fixture and mounting details.
17. Stamped and sealed engineering calculations from a licensed CA engineer confirming with local building codes including wind and snow loads to be provided to each purchasing agency if requested.
18. The shelter shall be fabricated by a manufacturer with a minimum of 10 years experience designing and fabricating transit shelters.
19. This shelter shall carry a lifetime warranty. Proposer to describe warranty in detail with submission and summarize on product information sheet.

Shelter Illumination: (Ref. Unit Urban Solar RMS 60 or approved equal)

1. Solar units must be capable of mounting to the specified 9', 13' and 17' and 21' shelters. Solar panels to be of low profile design for aesthetic and vandal resistant purposes and use security hardware to fasten to the shelter roof. Each solar unit will have a serial number assigned and visible from the interior of the shelter.
2. Solar units to be designed to include vandal resistant hardware and designed to withstand abuse from potentially damaging individuals. Security fasteners will be used for any exposed points
3. Solar illumination for shelters is to be for the interior seating area of the shelter only.
4. Illumination is to be provided from dusk to dawn.
5. Minimum illumination level will be 3.0 ft candles to be measured at 3 feet above the concrete shelter pad at or near the shelter bench area and illuminate approximately 40 square feet. Greater illumination levels may be provided as options.
6. Solar units must be of modular design to allow for independent replacement of solar collector, light bar, light fixtures/bulbs, batteries and lighting control module. Replacement part numbers to be provided.
7. Light source to be high intensity, white light emitting diodes (LED)
8. Solar unit must be capable of providing 5 days of full brightness, from a full charge, with no additional charging.
9. Battery component shall be industry approved rechargeable, non spillable, sealed, AGM (absorbed glass mat). Batteries must be capable of providing three to five years of trouble free charging and discharging and warranted for a three year pro-rated period.
10. Solar units will have a five year minimum warranty on all major components, excluding batteries.
10. Wherever possible, all exposed metalwork will be powder coated to match shelter color and the finish is to be warranted for a minimum of 5 years.

The bench proposed should include:

- Perforated metal
- 8' x 1.5' feet. No back. 4' X 1.5' bench for 9' shelter.
- Legs and 3 anti-vagrant bars shall be constructed from 1.25" schedule 40 pipe
- Horizontal supports constructed from ¾" schedule 40 pipe.
- Perforated metal is 12 gauge galvanized sheet with ¼" holes on 3/8" centers, staggered.
- Finish is powder coated approximately 5 ml thick
- Secured to concrete with 4, ½" diameter zinc anchor bolts
- Powder coat finish approximately 5 ml thick.
- Proposer may offer additional bench options (ADA compliant only) and pricing

Trash receptacle proposed:

- 20 gallon capacity
- 20 gauge steel drum approximately 19 ½" tall and 16 1/2" in diameter
- Trash receptacle capable of attaching to shelter end leg pole
- Mounting hardware
- 100% welded unit including the hinge latch mechanism.
- Dome lid cover capable of reducing the deposit of oversized items and reducing water buildup in the receptacle.
- Heavy duty welded hasp
- Powder coat finish approximately 5 ml thick.
- Proposer shall offer additional trash receptacle options

MAP CASES AND ADVERTISING KIOSKS

Proposer shall outline additional advertising kiosk, map case and schedule holder options.

13' Shelter

20. Roof dimensions: 12'7 7/8" x 4'8" Height: 7' to bottom of roof perimeter

21. All specifications as stated above for 9' shelter apply to 13' shelter.

17' Shelter

22. Roof dimensions: 16'7 7/8" x 4'8" Height: 7' to bottom of roof perimeter

23. All specifications as stated above for 9' shelter apply to 17' shelter.

MAP CASES AND ADVERTISING KIOSKS

- Proposer shall outline additional advertising kiosk, map case ad schedule holder options.

21' Shelter

1. Roof dimensions: 20'8 7/8" x 4'8" Height: 7' to bottom of roof perimeter
2. All specifications as stated above for 9' shelter apply to 21' shelter.

MAP CASES AND ADVERTISING KIOSKS

- Proposer shall outline additional advertising kiosk, map case ad schedule holder options.

Delivery:

Offeror shall propose base pricing and delivery (mileage charges) on releases of 3,6,12 and 24 shelters.

Submittals upon delivery:

- Shop drawings and documentation that indicate wall and roof panels, details of materials, fabrication and assembly, framing profiles, fastener types and locations, flashing and seal details.
- Erection drawings providing instruction, erection drawings and method to allow field installation or repair of shelter.
- Data for wall and roof panels including literature from manufacture.

Standalone Solar Stop Option:

Quantities: (Minimum 10 per year, maximum 150 per year)

Proposer is requested to provide pricing, on option requested below:

Solar stop should be an autonomous, self-contained solar LED bus stop lighting system designed specifically for bus stops and zones. No external wiring is required. The Solar Stop should be easy to operate, low maintenance and vandal resistant. Reference unit is Urban Solar PV stop or Approved Equal. Minimum Features:

- Automatic or on demand operation through an ADA compliant button
- Color finishing options to be described in a separate attachment
- Must have dedicated pole bracket options for 1.75 through 2.5" OD poles
- Contain a smart controller which has a self-test feature and data collection capabilities
- Must be fully assembled and can be installed on an existing or new post in minutes. All components are standard off the shelf products manufactured and or assembled by to

exceed NEC requirements and meet minimum Buy America conditions.

- If automatic light must remain on for 6 hours after dusk; or for a total of 6 hours split night profile. Example: Split night may be defined as dusk plus 4, dawn minus 2 hours
- Provide lead acid, A.G.M. or Gel cell, battery requiring minimal maintenance with a minimum three-year life span and re-usable or recyclable
- Battery autonomy or reserve should allow system to operate for 5 days minimum from full charge with zero solar charge
- Must turn on **a)**. Automatically at dusk (and remain on for at least six hours) or **b)**. Have an ADA approved button for operation up to 15 minutes per activation.
- Meet ISO 9001 standards (provide certificate)
- Light must be Light Emitting Diode (L.E.D.) technology with minimum 50,000 hour lifespan
- Proposer to provide separate Buy America cost certification and breakdown from solar light supplier and cost documentation in support of same
- Unit to be warranted for a minimum of 10 years.



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Federal and State Legislative Update

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVRTA) Board receive the State and Federal Legislative update.

EXECUTIVE SUMMARY

The memos attached will provide the Board with federal and state legislative updates. The staff memo provides an overview of transit, Highway Infrastructure Programs, and National Infrastructure Investments funding included in the the \$2.3 trillion COVID relief package and FY 2021 Appropriations Bill approved by Congress in December 2020.

The State Legislative memo from Platinum Advisors reports that the legislative leaders will remain the same and provides committee assignments for the 2021-22 legislative session. Also included is a brief update on the predicted \$26 billion budget windfall, and a preliminary matrix of bills of interest. Board action on positions is not requested at this time as it is early in the legislative session and bills are still being introduced.

FISCAL IMPACT

None



January 20, 2021
NVRTA Agenda Item 10.3
Continued From: New

Action Requested: INFORMATION

NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVRTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Kate Miller, Executive Director
(707) 259-8634 / Email: kmiller@nvta.ca.gov
SUBJECT: State Legislative Update

RECOMMENDATION

Information only

EXECUTIVE SUMMARY

Attached is the State legislative update (Attachment 1). Recommendations for board positions will follow in future reports when additional bills have been introduced.

On December 23rd, Congress approved a combined \$2.3 trillion COVID relief package and FY 2021 Appropriations Bill (H.R. 133). After asserting that Americans deserved \$2,000 and not \$600 included in the Bill, the President finally signed the bill on December 28th. The House has introduced another bill that could result in additional support to American families.

The Bill includes \$14 billion for transit which includes almost \$980 million for transit systems in the Bay Area. The bill caps urbanized areas that exceeded 75% of 2018 operating expenses, including the Napa Urbanized Area that did not receive an apportionment. The CARES Act, the first federal COVID stimulus bill, apportioned roughly \$7.8 million in relief for the Napa Urbanized Area but NVRTA only received \$4.3 million of those funds and the Metropolitan Transportation Commission (MTC) received the remainder. NVRTA will continue to pursue revenues from MTC to balance its significant operating shortfall anticipated in FY 2022 and will provide the TAC with regular updates.

With regard to the FY 2021 Appropriations, the bill provides \$2 billion for the Capital Investment Grant program, the Federal Transit Administration's (FTA's) major transit expansion program.

The following is a preliminary summary provided by MTC staff of other elements in the Stimulus and FY 2021 Appropriations Packages:

Highways

The COVID-relief portion of the bill includes \$10 billion for **Highway Infrastructure Programs**. Note that while the funding is to supplement programs administered by the Federal Highway Administration, federal law provides significant flexibility in the use of highway funding so such funds are often also eligible for public transit projects. While most of the funding coming to California from the \$10 billion COVID relief program will be distributed to Caltrans by formula, a portion will also be sub-allocated. These COVID relief funds are highly flexible and allowed to be used for operating purposes as well as backfilling for lost toll revenue.

The FY 2021 Appropriations bill also includes an extra \$2 billion in General Fund monies for a **Highway Infrastructure Program** that includes the key set-asides, among others:

- \$640 million for Surface Transportation Program (STP) supplemental funds and alternative fuel charging infrastructure
- \$1 billion for bridge replacement and rehabilitation (capped at \$60m per state)
- \$50 million for a competitive program for railroad grade crossings

Finally, the FY 2021 Appropriations bill includes \$1 billion for **National Infrastructure Investments**, recently known as the Better Utilizing Investments to Leverage Development (BUILD) program. The program has broad multimodal eligibility. The bill sets an award floor of \$5 million, a cap of \$25 million and limits states to receiving no more than 10% of the funds.

We are still crunching the numbers on these supplemental highway programs and hope to provide more details on estimates of the amount that would be available for MTC programming at the Programming and Allocations Committee meeting in January.

Housing

In addition to this welcome news on the transportation front, the bill includes \$25 billion to help tenants pay for past rent due, future rent payments, and utility bills, and extends the Center for Disease Control's eviction moratorium to the end of January. Eligible recipients must spend 90 percent of funds on rent, rental arrears, utility costs, and any other costs directly associated with COVID-19. States must prioritize low-income households and households with unemployed members.

With regard to homelessness, the FY 2021 appropriation bill includes \$3 billion in Homeless Assistance grants, directs Department of Housing and Urban Development (HUD) to clarify that Community Development Block Grant funds can be used for a

variety of homeless services expenditures as well as emergency rental assistance, and directs HUD to evaluate homelessness prevention initiatives around the country and issue policy guidance for the adoption and implementation of best practices.

Local Government

While no direct aid was provided to local governments (or states), the bill does extend the deadlines for states and local agencies to expend funds provided by the CARES Act to the end of 2021. In addition, it provides significant funding to K-12 schools and higher education. Specifically, the bill includes \$54 billion for public K-12 schools and nearly \$23 billion for higher education, which should create some relief at the state level that could make it easier for Sacramento to provide financial assistance to local governments.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comments

FISCAL IMPACT

Is there a Fiscal Impact? No

ATTACHMENT

- (1) December 28, 2020 State Legislative Update (Platinum Advisors)
- (2) January 13, 2021 State Budget Update (Platinum Advisors)



January 13, 2021

TO: Kate Miller, Executive Director
Napa Valley Transportation Authority

FR: Steve Wallaich
Platinum Advisors

RE: Legislative Update

On January 8th, Governor Newsom unveiled a \$227 billion spending plan for the 2021-22 fiscal, including \$11.5 billion in immediate spending proposals. Governor Newsom stated, “We are working with \$34 billion in budget resiliency—budgetary reserves and surplus—that will support our progress toward an equitable and broad-based recovery.” Within this number is a funding windfall that the LAO estimates at \$15.5 billion, far less than the LAO’s forecast of \$26 billion.

This “resiliency” includes \$25 billion in reserves and \$9 billion in new spending proposals. The reserve amounts consist of allocating \$3 billion to the Rainey Day fund for a total of \$18.9 billion, an additional \$3 billion is deposited into the standard reserve account, nearly \$3 billion for the Public School Stabilization Account, and \$450 million for Safety Net Reserves. While general fund revenue is forecast to grow by at least 2% annually in future years, program costs will grow much faster. These reserves will be critical to addressing out year deficits that are expected to reach \$7.6 billion in 2022-23 fiscal year and growing to \$11 billion in 2024-25 fiscal year.

In addition, the state is required to make a “true-up” deposit into the Rainey Fund based on updated revenues from the prior two fiscal years. Based on the Administration’s interpretation the budget would make an additional deposit of \$4.2 billion into the Rainey Day fund, which is already accounted for in the \$18.9 billion number above. According to the LAO the amount of this true-up payment is open to interpretation. Since the Rainey Day deposit was suspended for the 2020-21 fiscal year, the state may not be required to make a true-up payment for that fiscal year.

The most significant departure from prior budgets is the call for early action spending. These proposals are split between Immediate Action Items and an Early Action Package. The Immediate Action Items total \$5 billion in proposals consisting of \$2 billion to reopen schools and \$3 billion in support for workers and small businesses, such funding the \$600 tax refunds

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for low-income individuals, small business assistance funding, and waiving licensing fees and other payments for sectors hard hit by the pandemic.

The Early Action Items include a wide range of spending proposals, ranging from additional education funding, workforce training funds, wildfire and forest resilience funding, cap & trade appropriations, and housing programs. The goal is for the legislature to act on the Immediate Action Items this month, and then follow up in early spring with approval of the Early Action Items.

Immediate Action Package
Safely Reopen Schools and Accelerate Economic Recovery

(Dollars in Millions)

Proposal	Description	Funding
Reopen Schools		\$2,000
Safe Reopening of K-12 Schools	Provide Proposition 98 General Fund for health and safety supplies and services to support in-person instruction for grades K-6.	2,000
Direct Support for Workers and Small Business		\$3,046
Low-Income Tax Refund	Provide tax refund payments of \$600 to nearly 4 million low-income Californians.	2,400
Small Business Aid	Provide additional funds for small business grants, including small non-profit cultural institutions.	575
Fee Waivers for Heavily Impacted Service Industries	Provide license and fee waivers for businesses and individuals heavily impacted by COVID-19, including those licensed by the Board of Barbering and Cosmetology and Department of Alcoholic Beverage Control.	71
Total Immediate Action Package		\$5,046

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Early Action Package
Address Pandemic Impacts on Students and Accelerate Economic Recovery

(Dollars in Millions)

Proposal	Description	Funding
Student Supports		\$4,677
K-12		
Extended Learning Time	Provide Proposition 98 General Fund to expand learning time with an emphasis on increasing in-person instructional minutes and evidenced-based interventions and supports to students that are either one grade-level or more behind or credit deficient in core subject matters.	4,557
Higher Education		
Emergency Financial Assistance	Provide Proposition 98 General Fund for emergency financial assistance for community college students.	100
Community College Retention Rates and Enrollment	Provide Proposition 98 General Fund to support efforts to bolster community college student retention rates and enrollment.	20
Jobs and Workforce Training		\$973
Jobs and Regional Development—CalCompetes	Expand CalCompetes Tax credit, which includes making tax credits refundable.	340
Wildfire and Forest Resilience	Accelerate fire prevention projects before the 2021 fire season by increasing the pace and scale of existing fire prevention efforts to reduce wildfire risk and jumpstart economic recovery in the forest sector.	323
Jobs through Jump Starting Housing Development Locally	Provide Infill Infrastructure Grants to bolster housing production and support job creation.	250
Small Businesses—California Dream Start-up Grants	Provide micro-grants of up to \$10,000 to seed entrepreneurship and small business creation in underserved groups.	35
Workforce Development—High Roads Apprenticeship Program	Expand existing High Roads Training Program that will result in thousands of new apprenticeships and pre-apprenticeships, leading to thousands of new jobs and training for new careers.	25
Environmental Sustainability		\$561
Cap & Trade Expenditure Plan	Protect public health in disadvantaged communities and support implementation of Executive Order N-79-20 to accelerate zero-emission vehicles.	394
Sustainable Agriculture	Provide technical assistance for underserved farmers, support for regulatory relief efforts, farming water efficiencies, sustainable ground water management, and climate smart agriculture programs.	162
Bottle Bill	Expand pilot programs to increase consumer redemption of beverage containers in communities underserved by recycling centers.	5
Housing and Homeless		\$262
Homekey Housing	Expand Homekey competitive grants to local governments to purchase and rehabilitate housing and convert them into interim or permanent long-term housing.	250
Trial Court Workload for Eviction Protections	Provide trial courts with resources to process the anticipated increase in unlawful detainer and small claims filings resulting from AB 3088.	12
Other		\$56
County Probation Departments	Enhance services for juvenile and adult populations under the jurisdiction of county probation departments.	50
California Creative Corps	Provide resources for the Arts Council to partner with various organizations to develop a media, outreach, and engagement campaign to inspire safe and healthy behavior and increase the trust factor across California's diverse populations to increase vaccine adoption.	5
GO-Biz Staffing Resources	Administer various grant programs within the California Jobs Initiative and create an Energy Unit to facilitate the implementation of projects that will help to achieve climate goals and increase energy reliability.	1
Total Early Action Package		\$6,529

LAO's Take: The Legislative Analyst's Office (LAO) released its initial review of the Governor's spending plan, with the more in-depth analysis to be released next month. Based on the LAO's calculation it estimates that the Governor's spending plan assumes a windfall of \$15.5 billion. The LAO's breakdown of the allocation of the windfall amount includes the following;

- ***\$8.1 Billion to One-Time or Temporary Spending.*** Just over half of discretionary resources, or \$8.1 billion, on a one-time or temporary basis for a variety of programmatic expansions.
- ***\$2.9 Billion to the SFEU Balance.*** Proposes a year-end balance in the Special Fund for Economic Uncertainties (SFEU) of \$2.9 billion. While the Legislature could set this fund balance to any amount greater than zero, in recent years, the Legislature has enacted balances in the SFEU around \$1.5 billion or more.
- ***\$2.5 Billion to Revenue Reductions.*** The Governor proposes using \$2.5 billion, about 15 percent of the windfall, to reduce revenues. Nearly all of this total would provide a \$600 tax refund to low-income taxpayers.
- ***\$1.3 Billion to Ongoing Spending Increases.*** The Governor's spending proposals include \$1.3 billion in ongoing spending, slightly less than 10 percent of the windfall.
- ***\$700 Million to Repay Debts and Liabilities.*** In addition to \$3 billion in constitutionally required debt payments, the Governor proposes the Legislature use \$700 million in discretionary resources to repay state debts and liabilities. This includes repaying some special fund loans made in 2020-21 and an additional payment to the California teachers' pension system.

Gann Limit: For the second time since its passage in 1979, the Gann Limit is projected to be exceeded, which requires funds above the limit to be allocated evenly between schools and a tax refund. Currently the estimate is that the Gann Limit has been exceeded by \$102 million, however estimates will be updated as part of the May Revision.

Transportation: SB 1 has kept transportation funding stable for the most part. Caltrans' budget does not contain any significant spending changes. With federal relief funding and the receipt unused federal funds from other states, Caltrans is on track to proceed with all planned projects. However, the decline fuel excise tax due to the pandemic remains at \$1.5 billion below pre-pandemic levels. Most of this decline occurred during the last half of the 2019-20 fiscal year and in the current fiscal year. The budget's revenue outlook estimates gasoline consumption will drop by 3.6% in 2020-21 before rebounding by 5% in 2021-22 fiscal year. With respect diesel fuel, consumption is expected to decline by 4.9% in 2020-21, followed by a 2% increase in 2021-22. However, diesel consumption is expected to slightly decline in the out years due to improved fuel economy and a moderating economy.

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Transit Relief: The current year budget includes temporary waivers relieving transit operators from complying with specified performance requirements in the Transportation Development Act. While the budget does not include any direct pandemic relief aid for transit, the Governor’s budget summary states that “the Administration is recommending regulatory and reporting relief related to the Transportation Development Act on a permanent basis, allowing agencies to plan with more certainty and flexibility for the expenditure of state transit resources.” This proposal has not been released yet, so details to follow.

State Transit Assistance Allocations: State Transit Assistance (STA) is the only state source for transit operating funds. The STA formula is also used to allocate several other funding programs based on population and ridership. The budget proposal outlines a total \$722.5 million in funds being allocated to transit operators via the STA formula in 2021-22. This total includes base STA as well as SB 1 State of Good Repair, and Low Carbon Transportation Program (LCTOP) revenue.

Cap & Trade Funding: As outlined in the chart below, the budget proposes to appropriate nearly \$1.4 billion in cap & trade auction revenue. This proposal splits the appropriation between the current year and budget year, with the expectation that \$624 million in early action items would be approved this spring, and the remaining \$745 million would be included in the June budget. Total funds generated through the auction total \$2.2 billion in the current year and \$2.3 billion in the 2021-22 fiscal year. The chart below outlines how the Governor proposes to allocate the funds available for appropriation by the legislature. However, the legislature may have other priorities.

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Cap and Trade Expenditure Plan
(Dollars in Millions)

Investment Category	Department	Program	Early Action 2020-21	Budget Year 2021-22	Total
Equity Programs	Air Resources Board	AB 617 - Community Air Protection	\$125	\$140	\$265
		AB 617 - Local Air District Implementation	\$0	\$50	\$50
		AB 617 - Technical Assistance to Community Groups	\$0	\$10	\$10
	Water Board	Safe and Affordable Drinking Water (\$130 million total)	\$30	\$24	\$54
Low Carbon Transportation & ZEV Strategy	Air Resources Board	Clean Trucks, Buses, & Off-Road Freight Equipment	\$165	\$150	\$315
		Agricultural Diesel Engine Replacement & Upgrades	\$90	\$80	\$170
		Clean Cars 4 All & Transportation Equity Projects	\$74	\$76	\$150
Natural & Working Lands	CAL FIRE	Healthy & Resilient Forests (SB 901) (\$75 million included in 2020 Budget)	\$125	\$200	\$325
	Department of Food & Agriculture	Healthy Soils	\$15	\$15	\$30
Total			\$624	\$745	\$1,369

About 65% of auction revenue is allocated through continuous appropriations and statutory diversions. These “off-the-top” allocations total \$1.3 billion in 2020-21 and \$1.4 billion in 2021-22. The following charts outline total availability of cap & trade funds in each fiscal year.

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Cap and Trade Availability
Current Year 2020-21
(Dollars in Millions)

Revenues	Auction Proceeds	\$2,121
	Estimated Interest Earnings	\$60
Subtotal, Revenues		\$2,181
Statutory Obligations	State Responsibility Area Fee Backfill	\$74
	Manufacturing Tax Credit	\$51
Net Available Resources		\$2,056
Continuous Appropriations	High-Speed Rail Project	\$499
	Affordable Housing & Sustainable Communities Program	\$399
	Transit and Intercity Rail Capital Program	\$200
	Low Carbon Transit Operations Program	\$100
	Safe & Affordable Drinking Water Program	\$100
Subtotal, Continuous Appropriations		\$1,298
Existing Commitments	2020 Budget Act—Baseline State Operations	\$134
	Subtotal	\$134
Amount Available for 2020-21 Appropriations		\$624

Cap and Trade Availability
Budget Year 2021-22
(Dollars in Millions)

Revenues	Auction Proceeds	\$2,256
	Estimated Interest Earnings	\$60
Subtotal, Revenues		\$2,316
Statutory Obligations	State Responsibility Area Fee Backfill	\$77
	Manufacturing Tax Credit	\$52
Net Available Resources		\$2,187
Continuous Appropriations	High-Speed Rail Project	\$532
	Affordable Housing & Sustainable Communities Program	\$426
	Transit and Intercity Rail Capital Program	\$213
	Low Carbon Transit Operations Program	\$106
	Safe & Affordable Drinking Water Program	\$106
Subtotal, Continuous Appropriations		\$1,383
Existing Commitments	Baseline State Operations	\$59
	Subtotal	\$134
Amount Available for 2021-22 Appropriations		\$745

Zero Emission Vehicles: In addition to the \$465 million in cap & trade revenue directed to zero emission vehicles, the budget proposes changes to the existing AB 8 program to generate \$1 billion for zero emission vehicle fueling/charging infrastructure needs for light duty and heavy-duty vehicles.

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Originally enacted by AB 118, and then extended by AB 8, these measures enacted/extended various vehicle related fees to fund programs to advance and commercialize zero emission vehicles and fueling infrastructure. These funds and programs will sunset in 2024. The funding programs created include Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) administered by the CEC, the Air Quality Improvement Program (AQIP) administered by CARB, and the Enhanced Fleet Modernization Program administered by CARB.

The Governor's budget outlines a proposal to extend the AB 8 programs by at least ten years. While details are not available yet, the proposal would then allow the funds dedicated to the ARVTP to be securitized, with the expectation that this would generate \$1 billion for zero emission fueling infrastructure projects. Details on how the funds would be allocated is unknown at this time.

Property Tax Delay: The budget also proposes to exclude the construction or addition of electric vehicle charging and hydrogen fueling stations completed by January 1, 2024 from the definition of accessible new construction for ten years, so it would not trigger a property tax reassessment.



December 28, 2020

TO: Kate Miller, Executive Director
Napa Valley Transportation Authority

FR: Steve Wallaich
Platinum Advisors

RE: Legislative Update

New Session: The Legislature returned to Sacramento on Monday December 7th to swear in new legislators, elect leadership, and participate in their constitutionally required organizational session. In stark contrast to prior years, the mood was low-key with a few Zoom parties, but nothing in the way of in-person social events.

All four legislative leaders are continuing their posts into the 2021-22 legislative session:

- Senate President pro Tempore Toni Atkins (D-San Diego)
- Senate Minority Leader Shannon Grove (R-Bakersfield)
- Assembly Speaker Anthony Rendon (D-Lakewood)
- Assembly Minority Leader Marie Waldron (R-Escondido)

Priorities for 2021 laid out by Atkins and Rendon include addressing the economic and public health toll of COVID-19, housing production, broadband access, and law enforcement reform. Unlike prior years, the Legislature is allowing the introduction of bills to continue through December. Typically, a flood of bills is introduced on the day of the organizational session, then bills cannot be introduced until they reconvene in January. As of December 28th, 254 bills have been introduced, however many of them still do not contain substantive changes to the law.

The Legislature was scheduled to reconvene for the 2021-22 session on January 4th. However, with the surge in COVID cases statewide. Both houses have agreed to postpone the start of session until January 11th. Further delays are possible.

December Numbers: With the release of the Legislative Analyst's Office (LAO's) optimistic \$26 billion windfall prediction in November, the Department of Finance's monthly cash report continues to back-up the LAO's outlook. Fiscal year to date revenue continues to climb and based on the November receipts general fund revenue for the fiscal year exceeds estimates by \$13.8 billion. November receipts alone beat the forecast by \$2.4 billion.

While general fund projections look rosy, special funds remain uncertain. The California Transportation Commission (CTC) continues to forecast a \$2 billion drop in excise tax revenue, and diesel tax revenue is estimated to drop by 39%. These reductions are already accounted for in the current year budget estimates. A clearer picture will be provided when the Governor releases his proposed budget in January.

Committee Assignments: Both the Senate and Assembly released its appointments of committee chairs and committee members. This is earlier than normal and provides the new chairs time to organize their policy priorities. These committee assignments in the past were not released until February.

In addition to the highlights below, Senator Bill Dodd remains chair of the Senate Governmental Organization Committee, Senator Mike McGuire continues as chair of the Senate Government & Finance Committee, and Assemblywoman Cecilia Aguiar-Curry will chair the Assembly Committee on Local Government.

Senate Budget & Fiscal Review – With the departure of Senator Holly Mitchell, Senator Nancy Skinner was named the new chair of the committee. Holding this powerful position is not new for Senator Skinner, who previously served as the Chair of Assembly Budget Committee. Republican Senator Jim Nielsen continues as vice chair. Bay Area members on the committee include Senators Bob Wieckowski, Dave Cortese, John Laird, and Mike McGuire.

Senate Budget Subcommittee #2 on Transportation and Resources – Sub 2 remains unchanged from last session with Senator Bob Wieckowski continuing as chair. The other members serving on this subcommittee include Senators Brian Dahle, Mike McGuire, and Henry Stern.

Senate Transportation Committee – With Senator Jim Beall terming out, Senator Lena Gonzalez from Long Beach has been appointed the next chair of Senate Transportation. She is relatively new to the Senate having won a special election in June 2019 to fill the remaining term of Senator Ricardo Lara, who was elected Insurance Commissioner. She previously served on the Long Beach City Council, and will be a strong supporter of transit and bike/pedestrian policies. Bay Area members that will serve on the Transportation Committee include Senators Bob Wieckowski, Nancy Skinner, Mike McGuire, Bill Dodd, Dave Cortese, and Josh Becker.

Assembly Budget Committee – Assemblyman Phil Ting continues as the chair of the Assembly Budget Committee. Bay Area members serving on the Budget Committee include Assembly members David Chiu, Jim Frazier, Alex Lee, Kevin Mullin, and Mark Stone.

Assembly Budget Subcommittee #3 – This Subcommittee has been renamed the Subcommittee on Climate Crisis, Resources, Energy & Transportation. Assemblyman Richard Bloom from Santa Monica continues to serve as chair of this subcommittee. The only Bay Area member on this subcommittee is Assemblyman Kevin Mullin.

Assembly Committee on Transportation – Assemblywoman Laura Friedman has been appointed the new chair of Assembly Transportation. This is one of the most significant changes made. Assemblyman Jim Frazier was appointed chair of the Assembly Governmental Organization Committee, which opened the seat for Assemblywoman Friedman. Assemblywoman Friedman has served on the committee for the past year and is a strong supporter of transit and bike/pedestrian policies. She also authored legislation to create the Vision Zero Task Force, which worked to identify barriers to lower speed limits and reduce bicyclist and pedestrian fatalities. Bay Area members that were appointed to the Transportation Committee include Assembly members Buffy Wicks, Alex Lee, Ash Kalra and Marc Berman.

LEGISLATION:

The following is a quick summary of bills of interest introduced so far. ACA 1 (Aguiar-Curry) is similar to ACA 1 from last session, which NVTa adopted a support position on. As previously reported, there will be restrictions on the number of bills a member can move due to COVID restrictions on hearing rooms. Both houses will allow members to introduce as many bills as the rules allow, BUT each member may only move up to 12 bills to the second house. While there may be a lot of bills in print, most will become two-year bills.

Bills	Subject	Status
<u>AB 43</u> (Friedman D) Traffic safety.	Would require, beginning June 1, 2022, and every 6 months thereafter, Caltrans to convene a committee of external design experts to advise on revisions to the Highway Design Manual. (Introduced: 12/7/2020)	ASSEMBLY PRINT
<u>AB 51</u> (Quirk D) Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	Would require the Strategic Growth Council, by July 1, 2022, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2023, and in consultation with certain state entities, to develop criteria for the development of regional climate adaptation plans. (Introduced: 12/7/2020)	ASSEMBLY PRINT

<p><u>AB 115</u> <u>(Bloom D)</u> Planning and zoning: commercial zoning: housing development.</p> <p><u>AB 115</u> <i>(continued)</i></p>	<p>Would, notwithstanding any inconsistent provision of a city's or county's general plan; specific plan; zoning ordinance; or regulation, require that a housing development be an authorized use on a site designated in any local agency's zoning code or maps for commercial uses if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria. (Introduced: 12/18/2020)</p>	<p>ASSEMBLY PRINT</p>
<p><u>AB 117</u> <u>(Boerner Horvath D)</u> Air Quality Improvement Program: electric bicycles.</p>	<p>Would specify projects providing incentives for purchasing electric bicycles, as defined, as projects eligible for funding under the Air Quality Improvement Program. The bill would require the State Air Resources Board, by July 1, 2022, to establish and implement and administer, until January 1, 2028, the Electric Bicycle Rebate Pilot Project to provide rebates for purchases of electric bicycles. The bill would require the state board to submit to the Legislature a midcycle evaluation of the pilot project by July 1, 2025, and an end-of-program evaluation of the pilot project by January 1, 2028. The bill would repeal the pilot project as of January 1, 2029. The bill would appropriate from the Greenhouse Gas Reduction Fund \$10,000,000 to the state board for purposes of the pilot project. (Introduced: 12/18/2020)</p>	<p>ASSEMBLY PRINT</p>
<p><u>AB 122</u> <u>(Boerner Horvath D)</u> Vehicles: required stops: bicycles.</p>	<p>Would require a bicyclist approaching a stop sign at the entrance of an intersection, to yield the right-of-way to any vehicles that have stopped at the entrance of the intersection; have entered the intersection; or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and shall continue to yield the right-of-way to those vehicles until reasonably safe to proceed. (Introduced: 12/18/2020)</p>	<p>ASSEMBLY PRINT</p>

<p><u>ACA 1</u> <u>(Aguiar-Curry D)</u> Local government financing: affordable housing and public infrastructure: voter approval.</p> <p><u>ACA 1</u> <u>(continued)</u></p>	<p>The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. (Introduced: 12/7/2020)</p>	<p>ASSEMBLY PRINT</p>
<p><u>SB 10</u> <u>(Wiener D)</u> Planning and zoning: housing development: density.</p>	<p>Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to pass an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria. The bill would specify that an ordinance adopted under these provisions is not a project for purposes of the California Environmental Quality Act. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel rezoned pursuant to these provisions from being approved ministerially or by right. (Introduced: 12/7/2020)</p>	<p>SENATE RLS.</p>

<p>SB 44 (Allen D) California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects.</p>	<p>Would require the Judicial Council, on or before April 1, 2022, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project. The bill would require the environmental leadership transit project to meet certain labor requirements. (Introduced: 12/7/2020)</p>	<p>SENATE RLS.</p>
<p>SB 83 (Allen D) California Infrastructure and Economic Development Bank: Sea Level Rise Revolving Loan Program.</p>	<p>Would create the Sea Level Rise Revolving Loan Program within the I-Bank to provide low-interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property. The bill would require the California Coastal Conservancy, before January 1, 2023, in consultation with the California Coastal Commission, the State Lands Commission, and any other applicable state, federal, and local entities with relevant jurisdiction and expertise, to determine criteria and guidelines for the identification of vulnerable coastal properties eligible for participation in the program. The bill would authorize specified local jurisdictions to apply for, and be awarded, a low-interest loan under the program if the local jurisdiction develops and submits to the bank a vulnerable coastal property plan. (Introduced: 12/15/2020)</p>	<p>SENATE RLS.</p>