

MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN  
CITIZENS' OVERSIGHT COMMITTEE

January 27, 2020

5:00 p.m.

TAM Conference Room  
900 Fifth Avenue, Suite 100  
San Rafael, CA 94901



**MEETING MINUTES**

Members Present: Peter Pelham, Major Marin Employers (Chairperson)  
Bob Burton, Southern Marin Planning Area (Vice-Chairperson)  
Scott Tye, West Marin Planning Area  
Kate Powers, Environmental Organizations  
Kevin Hagerty, League of Women Voters  
Allan Bortel, Marin County Paratransit Coordinating Council  
Paul Premo, Taxpayer Group  
Vince O'Brien, Bicyclist & Pedestrian Groups

Alternates Present: Jeffrey Olson, Central Marin Planning Area

Auditor Present: Bin Zeng, Senior Auditor, Moss, Levy & Hartzheim LLP

Staff Members Present: Anne Richman, Executive Director  
Li Zhang, Chief Financial Officer/Deputy Executive Director  
Dan Cherrier, Principal Project Delivery Manager  
Derek McGill, Planning Manager  
Nick Nguyen, Principal Project Delivery Manager  
Helga Cotter, Senior Accountant  
Molly Graham, Public Information Officer  
Grace Zhuang, Accounting and Administration Specialist

Chairperson Peter Pelham called the Citizens' Oversight Committee meeting to order at 5:04 p.m.

**1. Introductions and Welcome**

Chairperson Pelham welcomed everyone.

**2. Open Time for Public Expression**

No comments were made.

**3. Review and Approval of October 21, 2019 Meeting Minutes (Action)**

In response to Member Kate Powers, Chief Financial Officer/Deputy Executive Director Li Zhang explained that the 5% off the top sales tax revenue could be used for administration support and program management, while the Strategic Plan allows for additional funds to be set aside from each strategy based on the management needs of the individual strategy. She stated that up to \$250,000 could be used from Strategy 4 for direct crossing guard management, including consultant support needed for program evaluation.

Vice-Chairperson Bob Burton moved to approve the October 21, 2019 Meeting Minutes. Member Scott Tye seconded the motion, which was approved unanimously.

Item # 6 was taken out of order.

## **6. Review and Acceptance of the 2019 Measure A Compliance Audit Results (Action)**

Ms. Zhang introduced Bin Zeng, Senior Auditor with Moss, Levy & Hartzheim (MLH) LLP. She noted that Mr. Zeng and his team designed and implemented the compliance audit process and report for TAM when TAM first started to conduct the audit in 2011 and worked with TAM for the first 5 audit cycles. She explained that the last auditor team had a potential conflict of interest issue since it provides ongoing accounting support to one of the funding recipients selected for this audit cycle and could not extend its contract with TAM. MLH was the top team recommended by the evaluation panel during the procurement process which took place early last year, and Ms. Zhang stated that staff was happy to be working with Mr. Zeng and his team again. Ms. Zhang also thanked Member Charly Vogt for serving on the proposal evaluation panel on behalf of the COC.

Ms. Zhang stated that the audit began in August 2019 with a workshop held by TAM to go over the process and timeline with all funding recipients and Mr. Zeng has been working with the five funding recipients selected for this audit cycle since then.

In response to Member Kevin Hagerty, Ms. Zhang confirmed that staff recommends and the TAM Board approves the selection of the auditees per the adopted Compliance Audit Policy every year. Ms. Zhang also noted that the COC worked closely with staff on the development and revisions to the Compliance Audit Policy.

In response to Member Paul Premo, Ms. Zhang confirmed that the COC will be reviewing the auditing policy to determine how Measure AA should be incorporated into the process. In response to Member Hagerty, Ms. Zhang suggested that the policy discussions could include changes to allow the COC to review the selected projects prior to presentation to the TAM Board.

Mr. Zeng provided background information on the audit process, beginning with what was discussed during the August 2019 Workshop for the funding recipients. He mentioned the process was delayed due to the power outage which occurred during the same week as all planned field visits to the funding recipients. The team had to adjust the schedule and did the audit through email communications. He confirmed that in addition to all required documentation and testing, they went over internal control and segregation of duties for all entities. Mr. Zeng stated that the detailed report for each funding recipient was included in the Committee's packet. He reported that there were no audit findings during this audit cycle except an observation and went over the compliance testing results of all funding recipients. Mr. Zeng discussed the observation for the City of San Rafael. He noted that the expenditure details provided from the City's accounting record did not match the expenditures that were submitted to TAM for reimbursement. He clarified that the discrepancies were only a matter of recording reconciliation between the project and accounting records and confirmed that the expenditures the City submitted to TAM were eligible for reimbursement. Ms. Zhang reported that she reviewed the observation with City staff, who were in agreement with the observation and promise to track all expenditures correctly in both the accounting and project records.

Member Premo asked staff to elaborate on the audit process for Marin Transit because they received a significant amount of funding. Mr. Zeng confirmed they had performed more extensive testing on Marin Transit than other funding recipients due to the significant amount of funding Marin Transit receives. Ms. Zhang also pointed out that the first audit process did reveal some issues with how Measure A funds were utilized and accounted by Marin Transit. In response to those concerns, Marin Transit hired a consultant and improved its accounting tracking.

Vice-Chairperson Burton asked if a reduction in bus fares would affect the Measure A funding for Marin Transit. Ms. Zhang explained that Marin Transit's funding share would not be affected as long as Marin Transit met certain performance criteria specified in the Expenditure Plan.

Member Hagerty moved to accept the 2019 Measure A Compliance Audit Report. Member Premo seconded the motion, which was approved unanimously.

#### **5. Election of Chairperson and Vice-Chairperson (Action)**

Member Hagerty moved to elect Peter Pelham as Chairperson and Bob Burton as Vice-Chairperson for another term. Member Powers seconded the motion, which was approved unanimously.

#### **4. TAM Staff Report (Information)**

Executive Director (ED) Anne Richman welcomed the committee members. ED Richman provided an update on TAM's Holiday Party in December 2019 and was pleased to announce that \$2,700 was raised by our partners and consultants for 10,000 Degrees to support low-income students who want to pursue a career in engineering and transportation planning. ED Richman noted that for the past few years, funds raised from the TAM Holiday Party have been used to support the education of a civil engineering student, Alejandra Silva, at San Diego State.

ED Richman reported on the opening of the Larkspur and Downtown Novato Sonoma Marin Area Rail Transit (SMART) stations in December 2019, and the ribbon-cutting ceremony for the opening of the segment of carpool lane from San Antonio Creek Bridge to South Petaluma Blvd in the Marin Sonoma Narrows. ED Richman confirmed that the only segment remaining that is not completed or under construction is the section between Novato and the Marin County line, for which TAM will be seeking State funding while awaiting funds from Regional Measure 3 (RM3). She confirmed staff did not have an update to provide on RM3.

ED Richman reported that TAM's GET2SMART program, which provides up to a \$5 discount towards Lyft rides to and from SMART stations, has been expanded to include Larkspur and Downtown Novato Stations. In response to Member Hagerty, ED Richman stated that additional funding has not been necessary, and Planning Manager Derek McGill noted that the costs were included in the budget. Public Information Officer Molly Graham noted that details of the Lyft program are available on TAM's website and ED Richman discussed the program's restrictions with Member Hagerty.

Principal Project Delivery Manager Dan Cherrier provided an update on projects relating to the Richmond-San Rafael Bridge. He stated that TAM has entered into an agreement with the Bay Area Toll Authority (BATA) to construct the two-way bike facility over Sir Francis Drake Boulevard between Francisco Boulevard East and Andersen Drive; that the bicycle and pedestrian improvements on Francisco Boulevard East are almost complete, while the main project will be delayed by a year for reasons including rights-of-way issues; that the four-year pilot on the multi-use path on the upper deck is underway; that Caltrans and BATA's structural study and TAM's traffic study are underway and should be completed by the end of spring. Mr. Cherrier also discussed issues with Bay mud that will delay widening the exit ramp on Bellam Boulevard from northbound Hwy 101.

In response to Member Hagerty, Mr. Cherrier stated that he anticipates BATA will release data on bicycle usage on the Richmond-San Rafael Bridge in the next two months, and that different detection methods are being used for bicycles and pedestrians. He clarified the studies related to the Richmond-San Rafael Bridge and multi-use path in response to Member Powers, noting the necessity of ascertaining whether the bridge is structurally

safe to accommodate both the weight of the barrier and additional traffic if vehicles could use the multi-use lane.

In response to Member Hagerty, ED Richman provided an update on SR37. She discussed short-term solutions Caltrans has undertaken to improve flooding conditions, including raising the road in some locations and installing temporary barriers to prevent water intrusion. ED Richman noted that the State has provided funding for an environmental analysis for a long-term solution and that the Public Works Department at Marin County is working on a sea level rise adaptation study which is expected to be released by the end of the month.

Principal Project Delivery Manager Nick Nguyen clarified the state funding for the environmental analyses related to SR37 is for Segment A in response to Member Powers. He confirmed that a separate analysis will be performed for each of the segments, segment A, segment B and the whole corridor.

General discussion took place on flooding at Manzanita in Mill Valley and ED Richman confirmed that a project has been listed for funding should the FASTER (Freedom, Affordability, Speed, Transparency, Equity, Reliability) measure succeed. Mr. Nguyen noted that the County has received a sea level rise grant to study the area and stated that TAM will be providing local matching funds as well.

In response to Member Hagerty, ED Richman confirmed that the FASTER Measure is still under consideration for the November 2020 ballot.

***The Committee recessed for ten minutes for a dinner break and reconvened with all members present with the exception of Member Hagerty.***

## **7. Alternative Fuels Program Update (Discussion)**

Planning Manager Derek McGill presented the staff report, noting that the Alternative Fuels Program is funded by Measure B, the \$10 Vehicle Registration Fee. Mr. McGill provided background information on the program and stated that purpose of the program is to partner with other public agencies to fund chargers on public properties and assist in converting their fleets to hybrid and electric vehicles (EVs).

Mr. McGill provided an overview of an analysis undertaken in 2018 by TAM of the County's EV infrastructure. He explained that TAM's focus is on public infrastructure and public fleets, working alongside some of our partner agencies, such as Marin Clean Energy (MCE), and that TAM reviewed the program in December 2019. Mr. McGill discussed the increase in EV chargers, noting that requests for TAM's Level 2 charger rebates have seen 45% growth, while the number of charging heads in the county has increased 47% since inception of the program.

In response to Member Tye, Mr. McGill stated that it is unlikely that a public agency is tracking residential charging units. He confirmed home charging accounted for over 90% of usage.

Chairperson Pelham and Mr. McGill discussed EV usage in public parking lots and statistics relating to EV purchase. McGill stated that the Department of Motor Vehicles (DMV) provides data on EV vehicle purchase, and he confirmed that there still remains opportunity for further EV charger installation in public parking lots.

Mr. McGill moved on to discuss growth trends for chargers on public property, commercial and retail space. He clarified a public space as being a public parking lot in response to Chairperson Pelham.

Mr. McGill discussed the matching funds TAM provides for charging heads, focusing on Level 2 chargers, the agency's increase in technical assistance, advances in opportunity areas, and project delivery. Mr. McGill

discussed the reasons more funding does not necessarily equate to more installations and noted that TAM's program focuses on leveraging funds from other sources, especially private funds, rather than quickly spending down TAM's own relatively small funding pot.

Mr. McGill discussed the Fleet Rebate Program, which he stated focused mainly on public agencies, and he noted that the eligibility category has been expanded to include e-bikes and EV leasing, with funds this year being expended for 6 e-bikes and 1 hybrid EV, and 9 vehicles yet to be determined. Mr. McGill noted that the utilization of the program is low right now due to most agencies' limited vehicle replacement needs and multi-year replacement cycle.

In response to Member Powers, Mr. McGill stated that the City of Novato's Police Department had purchased two E-bikes for its force under the Fleet Rebate Program.

In response to Member Bortel, Mr. McGill stated that businesses should apply for grants through MCE for workplace charging. He discussed outreach opportunities, including an EV test driving event and a social media campaign with Cool the Earth. Mr. McGill summarized the program's success, including increased electric chargers in the County's parking lots, supporting local jurisdictions with EV fleet conversion, successful on leveraging TAM's funding, partnering with public agencies to support EV adoption, and all work were done within budget. Mr. McGill added that looking ahead, TAM will continue to focus on public agencies, adjusting the program for cost effectiveness and leveraging funding, and public outreach with technical assistance. He noted that this information and recommended plan were reported and supported by the TAM EV Ad Hoc Committee.

Member Tye suggested the TAM EV Ad Hoc Committee could report on the strengths and weaknesses of the program and discussed the potential problem with an EV fleet of the agencies and emergency services if the power is shut down.

ED Richman noted that feedback from the EV Ad Hoc Committee is included in the packet, and she acknowledged Member Tye's comments regarding the power shut down. She stated that MCE and the County are considering ways to make the grid resilient.

Member Powers asked for clarification on expenditure for public outreach and technical assistance on page 63 of the packet and she discussed the need to target areas with insufficient EV infrastructure for the public's use. Member Powers also asked if Golden Gate Bridge Highway and Transportation District (GGBHTD) has the infrastructure to run 2 EV buses. In response, Mr. McGill stated that TAM worked with GGBHTD to install the level 3 chargers and that TAM has been targeting EV installation in various locations in Marin.

Member Powers also discussed her concern that unspent funds remained from the last fiscal year, which could have been productively used. Mr. McGill discussed the need for projects to be identified and delivered through our public agency partners and he noted that the TAM Board took action that allows the agency to use unspent funds from the previous year if the current year's budget is not sufficient to meet the costs of the program.

## **8. Review and Approval of the Draft 2019 TAM/COC Annual Report (Action)**

Ms. Zhang presented the Draft 2019 TAM/COC Annual Report. Ms. Zhang thanked Members Premo, Hagerty and Alternate Key Noguchi for forwarding their comments. She stated that the purpose of tonight's discussions is to authorize the Chairperson and sub-committee to work with staff to finalize the report for presentation to the TAM Board at the February 27, 2020 meeting. She encouraged the members to continue review and send any additional comments, suggestions and edits to staff over the next few weeks.

The Committee expressed its appreciation of the new comprehensive report design and Ms. Zhang thanked the sub-committee members: Members Bortel, Joy Dahlgren, Hagerty, Charley Vogt, and Zack Macdonald, for their guidance and support during the development of the new report.

Member Powers moved to authorize the sub-committee to continue working with staff to finalize the draft report and for Chairperson Pelham to present the report to the TAM Board at the February 27, 2020 Board Meeting, which was seconded by Member Premo. The motion was approved unanimously.

**9. Review of the FY2019-20 Second Quarter financial Report (Information)**

Ms. Zhang presented the staff report and confirmed that Measure AA sales tax revenues are strong and funds from Measure B continue to come in as expected. Ms. Zhang acknowledged that in response to comments from Board members at the January Board meeting, staff were thinking about potential improvements to the report and encouraged members to let staff know if they have any suggestions that would clarify the way information is presented.

In response to Member Powers, Ms. Zhang confirmed that Measure A holds over \$20 million in fund balance and also noted that approximately \$6 million in reserve funds would be released under a 1:1 ratio on receipt of Measure AA reserve funds.

**10. Committee Member Hot Items Report (Information)**

Ms. Zhang led a discussion on whether to appoint a representative from the COC to attend Marin Transit meetings and report back to the COC. Member Tye discussed the importance of having a representative attend the meetings. Member Powers stated that she would volunteer, noting that the meetings are televised.

Alternate Jeffrey Olson noted that Bill Guerin of San Rafael Public Works Department has commented on a possible alternative location for the Bettini Transit Center in an article in the Marin Independent Journal. Mr. Olson stated that he was unaware of this alternative and would like to receive more information about it.

Member Tye suggested to discuss the EV topic at the next TAM innovation workshop.

**11. Discussion of Next Meeting Date and Recommended Items for the Agenda**

The next meeting is scheduled for March 16, 2020, and suggested topics are bike share and Plan Bay Area.

Member Tye moved to adjourn the meeting at 7:15 p.m., which was seconded by Member Powers. The motion was approved unanimously.