



AGENDA

CITIZENS' OVERSIGHT COMMITTEE

October 24, 2022

5:00 p.m.

TAM CONFERENCE ROOM

900 FIFTH AVENUE, SUITE 100, SAN RAFAEL, CA 94901

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Suite 100
San Rafael
California 94901

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www.tam.ca.gov

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Charles Lee

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Dan Hillmer

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Ross
P. Beach Kuhl

San Anselmo
Brian Colbert

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Kate Colin

Sausalito
Susan Cleveland-Knowles

Tiburon
Alice Fredericks

County of Marin
Damon Connolly
Katie Rice
Stephanie Moulton-Peters
Dennis Rodoni
Judy Arnold

The October 24 Citizens' Oversight Committee (COC) meeting will be conducted in-person at the TAM Offices. Members of the COC and the public may continue to participate in the meeting virtually via Zoom if preferred.

To join virtually via Zoom:

<https://us02web.zoom.us/j/83771996786?pwd=NldTdnlqQ1cyOEZQWkV3aGNuL1RWQT09>

To Join by Phone:

Please do so by dialing in to the following number: +1 669 900 6833

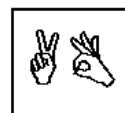
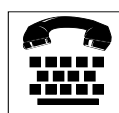
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All in-person attendees are required to wear face coverings and socially distance as recommended by public health authorities and in consideration of input from meeting attendees. All attendees are encouraged to be fully vaccinated.

How to Provide Comment on Agenda Items:

- Before the meeting: email your comments to gzhuang@tam.ca.gov. Please email your comments no later than 1:00 P.M. Monday, October 24, 2022 to facilitate timely distribution to Committee members. Please include the agenda item number you are addressing and your name and address. Your comments will be forwarded to the COC members and will be placed into the public record.
- During the meeting (only): To ensure your comments are received timely during the meeting, please send your comments to info@tam.ca.gov early in the meeting. Your comments will be read (3-minute limit per comment) when the specific agenda item is considered by the Committee and will also become part of the public record.
- During the meeting (only): If participating the meeting via Zoom, please click on the "raise hand" feature in the webinar control. If participating by phone, "raise hand" by pressing *9. Please ensure that you are in a quiet environment with no background noise and you will be notified that your device has been unmuted when it is your turn to speak. You may be notified prior to your allotted time being over. Your comments will also become part of the public record.



Late agenda material can be inspected in TAM's office between the hours of 8:00 a.m. and 5:00 p.m.
TAM is located at 900 Fifth Avenue, Suite 100, San Rafael.

The meeting facilities are accessible to persons with disabilities. Requests for special accommodations (assisted listening device, sign language interpreters, etc.) should be directed to Jennifer Doucette at 415-226-0820 or email: jdoucette@tam.ca.gov,
no later than 5 days before the meeting date.

Making the Most of Marin County Transportation Dollars



AGENDA

CITIZENS' OVERSIGHT COMMITTEE

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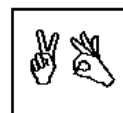
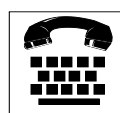
Tiburon
Alice Fredericks

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Dennis Rodoni
Judy Arnold

1. Introductions and Welcome (2 minutes)
2. Open time for public expression, up to three minutes per speaker, on items not on the agenda (public is welcome to address the COC, but according to the Brown Act, the COC may not deliberate or take action on items not on the agenda)
3. [Review and Approval of July 18, 2022 Meeting Minutes](#) (Action) (5 minutes)
4. [Measure B Expenditure Plan Review](#) (Action) (60 minutes)
5. [Formation of the FY2021-2022 COC/2022 TAM Annual Report Development Sub-Committee and Approval of the Draft Development Schedule](#) (Action) (10 minutes)

Break – 15 Minutes

6. TAM Staff Report (Information) (10 minutes)
7. Committee Member Hot Items Report (Discussion) (10 minutes)
8. Discussion of Next Meeting Date and Recommended Items for the Agenda (5 minutes)



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no later than 5 days before the meeting date.



MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
CITIZENS' OVERSIGHT COMMITTEE

July 18, 2022
5:00 p.m.

Virtual and In-Person Meeting

Zoom Link:

<https://us02web.zoom.us/j/89798286408?pwd=cXRhb0Y0QXJPL0pVZCt3SjVtTy8xdz09>

Webinar ID: 897 9828 6408

Passcode: 071822

MEETING MINUTES

Members Present:

Peter Pelham, Major Marin Employers (Chairperson)
Kevin Hagerty, League of Women Voters (Vice-Chairperson)
Debbie Alley, Southern Marin Planning Area
Jeffrey Olson, Central Marin Planning Area
Charley Vogt, Northern Marin Planning Area
Vince O'Brien, Bicycle & Pedestrian Groups
Paul Royce, Ross Valley Planning Area
Scott Tye, West Marin Planning Area
Kate Powers, Environmental Organizations
Allan Bortel, Marin County Paratransit Coordinating Council
Zack Macdonald School Districts
Kingston Cole, Taxpayer Groups

Alternates Present:

Susannah Saunders, Ross Valley Planning area
Kay Noguchi, League of Women Voters
Nancy Okada, Environmental Organizations
James Schmidt, Taxpayer Groups

Consultant Present:

Bonnie Nelson

Staff Members Present:

Anne Richman, Executive Director
Li Zhang, Deputy Executive Director/Chief Financial Officer
Bill Whitney, Principal Project Delivery Manager
Dan Cherrier, Principal Project Delivery Manager
David Chan, Director of Programming and Legislation
Derek McGill, Director of Planning
Jennifer Doucette, Executive Assistant/Clerk of the Board
Molly Graham, Public Outreach Coordinator
Scott McDonald, Senior Transportation Planner

Chairperson Peter Pelham called the Citizens' Oversight Committee (COC) meeting to order at 5:01 p.m.

1. Introductions and Welcome

Chairperson Pelham asked Jennifer Doucette, Executive Assistant/Clerk of the Board, to conduct the roll call. Ms. Doucette did so and confirmed that a quorum was present. Ms. Doucette stated the meeting order rules and instructions for the public to provide comments.

2. Open Time for Public Expression

No public expression was received.

3. Review and Approval of June 20, 2022 Meeting Minutes (Action)

Deputy Executive Director/Chief Financial Officer (DED/CFO) Li Zhang clarified the style of the minutes in response to Member Debbie Alley.

In response to Member Kate Powers, Ms. Zhang confirmed the recordings of the COC meetings are available upon request.

Member Scott Tye moved to approve the June 20, 2022 Meeting Minutes. Vice-Chairperson Kevin Hagerty seconded the motion, and the Minutes were approved unanimously.

4. Measure B Expenditure Plan Review (Discussion)

Executive Director (ED) Richman started the staff presentation and confirmed that the COC would be asked to review and provide feedback on recommended revisions to the Measure B Expenditure Plan (EP) during this meeting.

ED Richman provided a summary of the process including the May 9 COC meeting with introduction and overview of the process and timeline, and June 20 meeting with funding recipients/program managers presentations by elements. She confirmed that questions submitted to staff following the June 20 meeting were sent to the funding recipients/program managers and a list of the questions along with answers have been included in the packet.

ED Richman confirmed that staff was requesting feedback on potential changes from the members during this meeting and would continue the public outreach process. She stated that according to the current schedule, the COC is expected to vote to on the final staff recommended changes to the EP at the September meeting, which staff would then present to the TAM Board for review and approval.

ED Richman explained the differences between the Measure B EP and Strategic Plan (SP), with the EP staying on a high level to maintain flexibility and the SP being used to address specific project/program implementation plans as well as performance measures. She confirmed a few of the comments from the COC, such as performance measure metrics will be addressed in the SP development process once the amended EP is approved by the TAM Board.

Bonnie Nelson, Consultant hired to facilitate the discussion, confirmed that the funds available from Measure B are limited, remain flat due to the fact that is a fixed fee, and that the need is always much greater. She summarized the process up to date: reaffirmed general process, heard from funding recipients and asked follow-up questions, developed basic understanding of funds, and began discussion of possible changes in funding elements. Ms. Nelson stated that based on the feedback received tonight, and any other feedback received from the public and various stakeholders, including the local jurisdictions and Marin Transit, staff will draft a final proposal for consideration at the September meeting. She noted that an October COC meeting could be scheduled if the members could not reach a consensus at the September meeting.

Ms. Nelson restated what ED Richman reported which was that the EP should identify eligibility for funding, the distribution of funds, general reporting requirements and a timeline for review, and remain sufficiently flexible to allow amendments to meet the overall goals of the EP. In response to Member Tye, Ms. Nelson stated that the SP, was the more appropriate document to stipulate performance measures and reporting requirements for each of the elements.

Ms. Nelson reminded the COC briefly about what is funded under each funding element. and provided an overview of the members' feedback from the June 20 meeting: the need to confirm that the funds are being used to benefit fee payers; members appeared to favor the prioritization of programs that could leverage other funding; innovative ideas and pilot programs should be encouraged, particularly where a small amount of funding would make a significant

difference; program managers should report on measurable performance results; cost-effectiveness and benefits targets for programs should be considered; interim review of the EP if desired; the need to increase funding for non-motorized transportation to include storm water and flooding issues, and increase the funding share for certain program, especially for senior mobility under Element 2 and electrical vehicle (EV) infrastructure needs under Element 3.

ED Richman introduced the current staff proposal for review and discussion, which is no changes to the funding percentage distribution in the EP, but converting the formula-based Local Streets and Roads (LS&R) Maintenance Program, Element 1.1, to a competitive-based program that focus on bike/pedestrian/safety improvement that could potential benefit all users. ED Richman discussed the increase in funding to LS&R from Measure AA that was passed in 2018 and the state's Road Repair and Accountability Act (SB1) of 2017, and she noted that annual funding available has increased from \$10 million to over \$29 million since Measure B was passed. ED Richman also stated that Measure B provides less than 3% of the total annual funding for the LS&R Maintenance Program currently and that a competitive program for similar projects to Safe Pathways would be more visible and could encourage more strategic improvements and investments in the County. She confirmed the jurisdictions would still receive funding, but it would not be automatically based on formula rather than by project through a competitive process.

In response to Vice-Chair Hagerty, Director of Programming and Legislation David Chan confirmed that funding from SB1 could be used for repaving of the roads, and that he would need to research to confirm if funds could be used for routine maintenance, such as clearing trash and removing weeds.

Member Powers and ED Richman discussed the distribution of funds for Element 1.1 if they were switched to a competitive-based program. ED Richman stated that the funds would no longer be distributed by formula and that jurisdictions would be asked to submit projects for evaluation and approval based on a competitive process.

ED Richman clarified the term "safe pathways" in response to Member Charley Vogt, which she stated is a general term that relates to improving pathways. ED Richman noted that TAM has a Safe Pathways Program under Measure AA; that staff would issue call for projects, a evaluation committee would review and make recommendations based on applications, and TAM Board would approve the final project selection recommended. ED Richman stated that it is possible for a pathways project related to the Highway 101 and Approaching Roadway Study to be eligible for funding through Element 1.1, although she noted that some of the improvements are likely to be in the Caltrans right-of-way and would not meet the local improvements funding criteria.

Member Alley noted that a Class 1 pathway provides a protected multi-use path for bikers and pedestrians and separates users from the vehicular traffic, which make it safer for all, including the drivers.

In response to Alternate Kay Noguchi, ED Richman stated that the proposed changes have been forwarded to Kevin McGowan, Director of Public Works, City of Sausalito, and R.J. Suokko, Director of Public Works, Town of Corte Madera and Chair of the MPWA (Marin Public Works Association) for feedback. ED Richman stated that staff has not received any responses from the Marin Public Works Association at this time point.

Member Kingston Cole discussed his concern that small towns in West Marin would have inadequate resources to prepare applications for the competitive bid process. ED Richman stated that the County of Marin would apply on behalf of the smaller towns in West Marin and that TAM has received applications from small jurisdictions in the past.

Deputy Executive Director/Chief Financial Officer (DED/CFO) Li Zhang discussed a potential solution to guarantee funds for small jurisdictions. She also noted that TAM has retained consultants in the past to assist small jurisdictions in various grant application process.

In response to Vice-Chair Hagerty, ED Richman stated that the funds would be provided for capital projects and not for planning studies.

In response to Alternate Nancy Okada, ED Richman confirmed that the EP currently allows the funds under Element 1.1 to be used for roadway maintenance, and that the proposal is to shift funding to a program that focuses on improving or providing safer routes for bicyclists and pedestrians. ED Richman confirmed that local jurisdictions

have access to more substantial sources of funding for LS&R maintenance since the passage of Measure B, such as SB1, Measure AA and other local dedicated funds, and that Measure B funds currently contribute 3% of total funding. Alternate Okada stated that she would not favor the change and ED Richman confirmed that the proposal is still under discussion. She added that demand for safe pathway projects is greater than the funds available.

ED Richman discussed funding for the maintenance of eligible bike and pedestrian pathways under Element 1.2. She stated that there is no funding percentage change recommended to the Element but staff proposes to allow the TAM Board the discretion to use carry-over funds available under the current EP, and whenever the carry-over funds exceed \$250,000 under the amended EP for any countywide pathway planning, construction or maintenance projects. In response to Chairperson Pelham, ED Richman stated that sometimes when jurisdictions accumulate these funds, they don't expend them fully for various reasons. Mr. Chan noted the jurisdictions are required to contribute 50% and get reimbursed 50% of the funds.

In response to Member Cole, ED Richman stated that staff is proposing the TAM Board be given the discretion to direct funding the balance under Element 1.2 when it exceeds \$250,000, to high priority projects with countywide benefits.

Member Powers asked if the excess funds could be used for emergency road repair needs. In response, ED Richman stated that the funds are set aside for routine maintenance of eligible multi-use pathways, and it is not envisaged they would be used for emergency repairs. ED Richman stated that staff contacts jurisdictions that have unspent funds and DED/CFO Zhang noted that the allocated funds are relatively small and provided on a reimbursement basis.

In response to Member Jeff Olson, ED Richman stated that staff will provide a list of pathways that have received funding.

ED Richman discussed staff's proposal to maintain the 35% funding level for Improved Transit for Seniors & People with Disabilities under Element 2. ED Richman confirmed the agency's continued support for funding but that an increase to 45% as requested by Marin Transit staff is not favored because funding for another high priority in a different category would need to be reduced.

ED Richman discussed staff's proposal to maintain the 25% funding allocation for Reduced Congestion & Pollution under Element 3 relating to the three programs: Crossing Guard/Street Smarts; Commute Alternatives Program; and Alternative Fuel Promotion. ED Richman noted that there have been discussions on defining the funding percentages for each program, which staff is not recommending because the amount is relatively small and maintaining the flexibility among the programs within the element will allow programs to be delivered timely and cost-effectively.

ED Richman discussed possible amendments to the SP, which could include requirements for fund leveraging; carry-over funds and periodic reporting on the EP process every 5 years. Member Tye suggested that fund leveraging should be a requirement.

ED Richman summarized the proposed changes to the EP: converting the formula-based program to a competitive-based program for safe pathway projects under Element 1.1; allowing the TAM Board discretion to use accumulated carry-over funds above \$250,000 to address countywide bike/pedestrian pathway priorities under Element 1.2; and no changes are recommended for Elements 2 and 3 of the EP. ED Richman also confirmed that items such as performance metric and reporting requirement will be addressed through the SP development process.

ED Richman noted that staff will continue outreach and cooperation efforts with MPWA and the Marin Manager's Association (MMA)), Marin Transit and the public through various channels.

Member Vogt discussed EV charging station funding from the Infrastructure Investment and Jobs Act (IIJA) and asked if the agency would consider matching funds or grant opportunities for charging stations. Member Vogt also suggested that funding for Element 1.1 is decreased by 15% from 35% to 20% and funding for Element 1.2 is increased by 15% to 20% so they are a 50/50 percent match.

Member Sue Saunders noted that the funding from the IIJA is for Level 3 charging stations and that TAM should continue to support Level 2 charging stations, which she thought was more equitable, and she noted that there are insufficient charging stations at multi-use dwellings.

The Committee recessed for a 10-minute break and reconvened with all members present as indicated.

Alternate Okada discussed her concern that delivery truck companies are not paying towards road improvements. In response, ED Richman stated that TAM is not authorized to impose additional fees or taxes, and that TAM is authorized to collect the \$10 VRF by state statute. Mr. Chan noted that registration fees are higher for heavy duty vehicles.

Member Tye expressed his concern that the statute requires the \$10 Vehicle Registration Fee (VRF) to benefit those that are paying the fee and his belief that spending Measure B funds on pathway maintenance improvements does not benefit vehicle owners.

In response to Member Tye's question relating to the need of the VRF to benefit vehicle owners, ED Richman stated that there is a legal requirement for a nexus to exist between the fee payers and the expenditure of the funds. She confirmed that the requirement has been examined and that County Counsel will review the draft EP. Mr. Chan confirmed that other jurisdictions in the state also use the VRF for projects related to pathway maintenance.

Ms. Nelson confirmed with Ms. Doucette that no members of the public wished to speak or had submitted a comment by e-mail.

Ms. Nelson summarized the comments and concerns raised regarding the proposed changes to Element 1.1 and impacts to smaller jurisdictions with limited resources if the program became competitive; the effects of not providing funding to improve roadways but to fund pathway improvements; clarification requested on the paths that receive funding; how the IIJA will allocate funds for new charging stations along highways, and the continuing need to fund charging stations in other locations.

Member Vogt suggested that a funding compromise could be reached by increasing funding for pathway maintenance from 5% to 20% and decreasing funding for LS&R from 35% to 20%. Ms. Nelson noted that the 5% funding allocation is for pathway routine maintenance, and that the category could be broadened if funding is increased. Mr. Chan stated that each of the two categories would receive approximately \$425,000 annually if funding for Element 1.1 and 1.2 is divided equally.

In response to Chairperson Pelham, Ms. Nelson summarized the discussion that part of the funds will continue to be allocated by formula and another part by competitive funds.

DED/CFO Zhang reported on the concerns expressed by the Town Managers of Ross, San Anselmo and Corte Madera, and the City Manager of San Rafael. She stated that the Town of Ross receives approximately \$7,000 annually for LS&R based on the current formula, which would not have a significant impact on Ross. She also stated that the funds would be used more effectively; would continue to be distributed to local jurisdictions and would provide more flexibility in how they could be expended under staff's proposal.

Member Powers suggested that the EP is reviewed after 8 years and not 10 years.

In response to Member Allan Bortel, Ms. Nelson stated that staff is not proposing to move funds to Element 1 from other elements but confirmed that moving funds from one element to another is not prohibited. Member Bortel expressed his desire to increase funding for seniors and people with disabilities from 35% to 45% under Element 2 to support the increasing senior population. He suggested that funds from LS&R could be allocated to transit because other funding sources for streets and roads have increased significantly since Measure B was passed. Member Bortel also discussed his support for providing more funding for EV charging stations.

Vice-Chairperson Hagerty asked staff to elaborate on the concerns expressed by town and city managers relating to the proposed changes to Element 1, and he suggested reducing funding for Element 1 and increasing funding for Element 2 incrementally. Ms. Nelson explained that the proposal would be too complex for a relatively small amount of funding.

Member Cole expressed his tentative support of staff's recommendations but would like more feedback on the concerns expressed by town and city managers.

Member Powers suggested that funding from the Crossing Guard program under Element 3 be transferred to the transit category under Element 2 because the program receives significant funding from Measure AA.

Chairperson Pelham stated that he trusted staff to determine the efficiency of the programs and the funding needs.

ED Richman noted that the Crossing Guard program is allocated a share of funding in Element 3, to fund about 8 additional guards annually, and that removing the amount would necessitate a reduction in the number of crossing guards. Ms. Nelson stated that a reduction in guards would be noticed by members of the public and Member Bortel stated that he would support Member Powers' suggestion.

Ms. Nelson summarized the discussions: There is support for staff's proposals, but concern remains about whether LS&R funding should be entirely allocated by a competitive process or a portion should be distributed by formula; interest in moving funds from the LS&R or the Crossing Guard program to fund senior transportation programs; interest in requiring an earlier review of the EP at 8-year intervals; interest in more funding for EV and recognition that funding distribution might need to be revised in the future.

ED Richman stated that staff will review the members' comments and seek more feedback from partner agencies who benefit from TAM funding for further discussion at the next COC meeting.

Member Tye asked staff if they would provide feedback from partner agencies before the packets for the next COC meeting are mailed.

Vice-Chairperson Hagerty and Ms. Nelson discussed the options if consensus could not be reached among all COC members. Ms. Nelson stated that the aim is to find a compromise that all the members would not oppose, and she acknowledged that some members may not support the final staff proposal. She thanked the members for their support and respect towards each other's opinion during the discussions.

ED Richman administered the Oath of Office to Mr. James Schmidt, who was appointed by the TAM Board as the alternate to the Taxpayer Groups.

5. TAM Staff Report (Information)

ED Richman presented a brief staff report. ED Richman reported on the ribbon-cutting ceremony to celebrate the opening of the section of the North-South Greenway Multi-use Path over Corte Madera Creek. She stated that the Director of the Department of Transportation (Caltrans), Tony Tavares, was present at the event and addressed the attendees. ED Richman also reported that the ground-breaking ceremony for the construction of the final segment of the Marin-Sonoma Narrows (MSN) between Novato and the Marin-Sonoma County line, is scheduled for Thursday, July 21, at 11 a.m. and all COC members are invited to attend.

ED Richman reported that TAM was awarded \$30 million by the State, of which \$20 million is for the Marin section of SR37, which is currently undergoing an Environmental Impact Report (EIR) process, and \$10 million is for flood control projects in Southern Marin in the area of Marin City.

ED Richman also reported on the San Rafael Canal Neighborhood Community-Based Transportation Plan (CBTP) update, which was developed by the City of San Rafael and identifies transportation challenges and potential solutions.

ED Richman noted that the original CBTP was published in 2006 and that the Plan has been approved by the City of San Rafael and will be reviewed by the TAM Board at the July 28 meeting.

ED Richman discussed Caltrans' plans to improve the Tamalpais Overcrossing over Highway 101 at Corte Madera and noted that the EIR on the project has been released for public comment through August 22. Finally, ED Richman reported on a Comprehensive Multi-Modal Corridor Plan (CMPC) for Highway 101 in Marin and Sonoma by Caltrans. ED Richman stated that a survey is available on the Caltrans website and a virtual webinar meeting is scheduled for July 21 from 5:30 p.m. – 6:30 p.m. ED Richman stated that the Plan will identify challenges and potential solutions for travel modes along Highway 101.

In response to Member Bortel, ED Richman stated that the State Supreme Court has not made a decision on Regional Measure (RM) 3 yet.

7. Committee Member Hot Items Report (Discussion)

Member Tye reported that Siemens is investing \$450 million in charging stations in the United States.

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

The next meeting was tentatively scheduled for Monday, September 19, 2022.

The meeting was adjourned at 7:30 p.m.

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DATE: October 24, 2022

TO: Transportation Authority of Marin Citizens' Oversight Committee

FROM: Anne Richman, Executive Director
David Chan, Director of Programming and Legislation
Scott McDonald, Principal Transportation Planner

SUBJECT: Measure B Expenditure Plan Review (Action), Agenda Item No. 4

RECOMMENDATION

Staff recommends that the Citizens' Oversight Committee (COC) supports the proposed amendments as shown in Attachment A and refers them to the TAM Board for review and release for the 45-day public comment period.

BACKGROUND

In March 2022, the TAM Board approved the Measure B Expenditure Plan Review schedule and timeline, which was presented to the COC initially at its March 2022 meeting. Staff then presented additional information to the COC at the May, June, and July 2022 meetings in advance of preparing proposed amendments for the COC to support in October. The COC also received presentations by sponsors currently receiving Measure B funding, public comments, as well as questions and discussion throughout the process.

The COC has taken on a significant role in the Measure B review process while considering new funding requests and potential changes, with the opportunity to present an advisory recommendation to the TAM Board. Based on the attached proposal shown in Attachment A, TAM staff will continue to develop details pertaining to the draft Amended Measure B Expenditure Plan for the review of the TAM Board. The Board will then commence a formal 45-day public comment period no later than January 2023, with adoption of the amended plan by March 2023.

DISCUSSION

Updated Proposal:

In July 2022, staff presented a proposal to convert the Element 1.1 (Maintain Local Streets and Roads) from a formula-based program to a competitive program where funds would be awarded on a competitive basis for projects that provide a benefit for bicyclists and pedestrians. Since that time, the Marin Public Works Association (MPWA) members have encouraged TAM to reconsider the proposal and maintain a formula-based program, which would still provide funds using the existing percentages to the cities, town, and County of Marin, with the requirement that all funds need to be used for specific bike/pedestrian pathways and safety improvement projects. TAM would establish project criteria, and the local jurisdictions would nominate projects within their available funding to establish a five-year list of projects to be delivered. TAM is

discussing with MPWA the details of this alternative proposal pertaining to Element 1.1, which is outlined within Attachment A. There have been no changes to the recommended amendments to the other elements since July, which are also outlined in Attachment A.

The current staff proposal will not fundamentally change the Measure B Expenditure Plan funding elements or percentages. The sole changes are within Element 1 (1.1 and 1.2) which will modify the process and requirements for distribution of funds within the existing element.

Legal Review

The Measure B Expenditure Plan states the following on page 19:

The spending priorities outlined in this Plan will be reviewed and the Plan will be amended and republished as necessary at least every 10 years. Amendments to the Plan will be approved by a two-thirds vote of the TAM Board.

A question was raised by a member of MPWA on whether Senate Bill (SB) 83 that enabled Marin's Vehicle Registration Fee (VRF) permits a revised Measure B Expenditure Plan to be approved by the TAM Board when the original Measure B Expenditure Plan was approved by Marin voters.

The question was presented to Marin County Counsel for review. Marin County Counsel affirmed that the TAM Board has the authority to approve a revised Measure B Expenditure Plan through a public process. Marin County Counsel reasoned that the Measure B ballot and the accompanying Expenditure Plan, originally approved by the voters, expressly stated that the Expenditure Plan could be amended, set forth the process regarding how it would be amended, and put voters on notice of the possibility that the Expenditure Plan would be revisited periodically for amendments.

Staff will share the legal opinion with MPWA to avoid ongoing uncertainty on this particular issue.

Language to Allow Future COC Membership Change

The current 12-member COC membership structure was originally set in the 2004 Measure A ½-cent Sale Tax Expenditure Plan. However, the voices of communities in Marin have been evolving. To make sure the COC membership structure can be reviewed and changed timely to reflect the needs of the various communities, especially those who are underserved, staff recommends amending language into the Measure B Expenditure Plan to allow the Board the authority to review and adjust the COC membership structure when necessary. More specifically, the TAM's Equity Statement and Action Plan is under review and development. As part of this process, staff would like to recommend the TAM Board to review the current COC membership structure with the potential to add one or more new seats to address the needs and voices of the Equity Priority Communities in Marin.

FISCAL IMPACTS

Any changes approved to the Measure B Expenditure Plan would go into effect as of July 1, 2023.

NEXT STEPS

Staff will continue to seek input from MPWA regarding the project selection under Element 1.1 and work with MPWA to finalize the project selection criteria and process over the next few months. The final project list will be included in the 2023 Measure B Strategic Plan.

After the COC's review and confirmation, the amended Measure B Expenditure Plan will be presented to the TAM Board for review and release for a formal 45-day public comment period no later than January 2023, with adoption of the amended Plan by March 2023.

ATTACHMENTS

Attachment A: Summary of Proposed Amendments
Attachment B: PowerPoint Presentation

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Measure B Expenditure Plan – Summary of Proposed Amendments
October 24, 2022

Element 1.1 – Maintain Local Streets & Roads:

- Maintain the current 35% funding share
- Funds to be distributed to eligible local agencies based on population (50%) and lane miles (50%) shares.
- Only the Cities, Towns, and County of Marin are eligible recipients of funds from Element 1.1.
- Eligible local agencies submit eligible bicycle, pedestrian, and safety improvement projects to TAM for allocations based on five years of estimated fund collection. Project criteria to be developed by TAM in coordination with local jurisdictions.
- TAM will confirm the approved project list at the start of the five-year period.
- Timing of the availability of funds in the five-year period will be determined by TAM based on project readiness and cash availability.
- Estimated 5 Years of Revenue by Jurisdiction for Element 1.1 is shown below; adjustments to reflect actual revenue received during the 5-year period may be necessary, TAM will work with jurisdictions to ensure no negative impact on project schedule/delivery if any adjustments are needed.

Jurisdiction	5-Year Revenue
Belvedere	\$37,358
Corte Madera	\$140,721
Fairfax	\$105,174
Larkspur	\$150,912
Mill Valley	\$216,048
Novato	\$690,262
Ross	\$40,016
San Anselmo	\$169,409
San Rafael	\$746,755
Sausalito	\$105,678
Tiburon	\$132,788
County	\$1,289,879
<i>Total</i>	\$3,825,000

Element 1.2 – Maintain Class 1 Pathways:

- Maintain the current 5% funding share
- The TAM Board has the discretion to redirect carryovers at the sunset of the current expenditure plan (expected June 30, 2023) to any countywide pathway planning, maintenance or construction needs.
- To ensure future pathway maintenance funds are timely and effectively used, allow the TAM Board the discretion to redirect carryovers to any countywide pathway planning, maintenance or construction needs whenever the carryover exceeds \$250,000 under the amended Expenditure Plan.

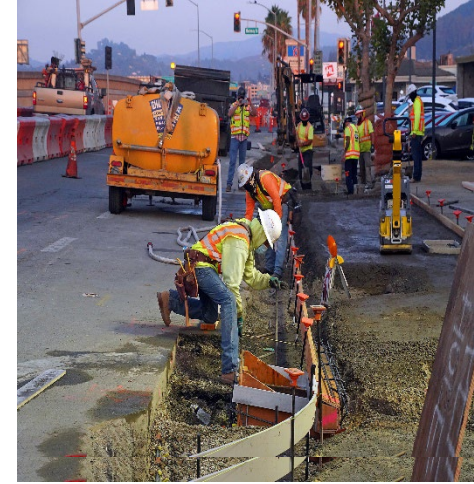
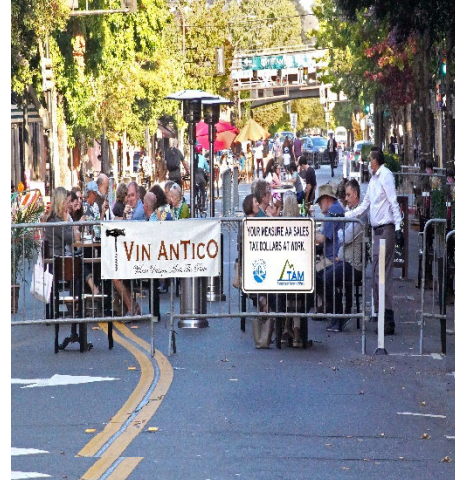
Element 2 – Improve Transit for Seniors & People with Disabilities:

- Maintain the current 35% funding share
- No changes recommended

Element 3 – Reduce Congestion & Pollution:

- Maintain the current 25% funding share
- No funding split recommendation for the sub-elements to maintain flexibility but address specific project/program funding needs in the Strategic Plan.

Applicable metrics for each element will be integrated in the development of the Measure B Strategic Plan.



Item 4 - Attachment B

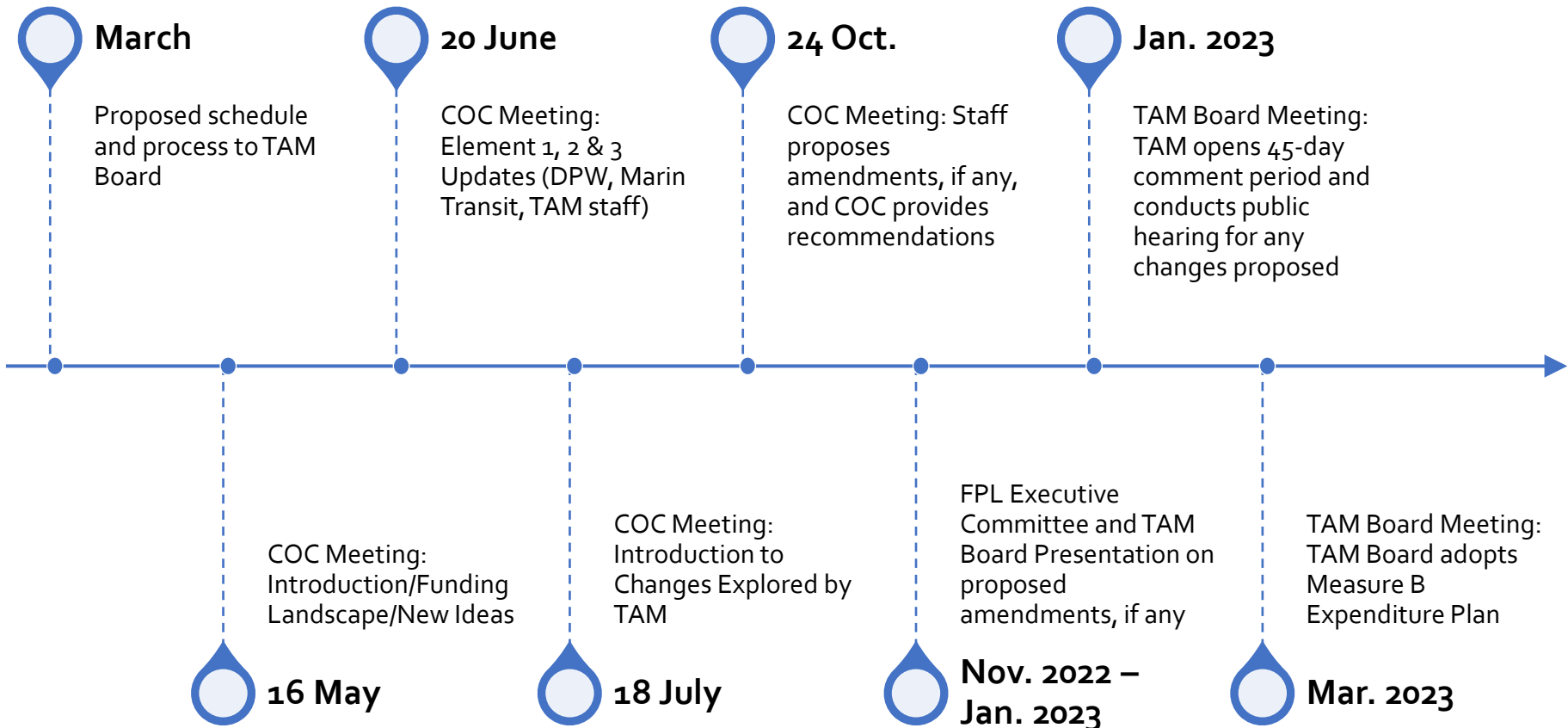
Measure B Vehicle Registration Fee Expenditure Plan 10 Year Review

Transportation Authority of Marin

Citizens' Oversight Committee

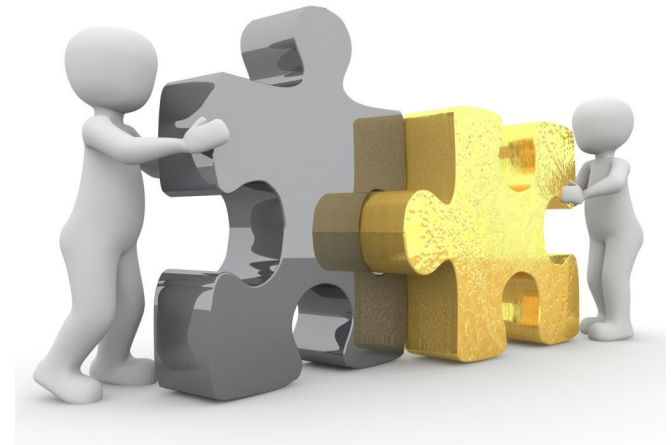
October 24, 2022

Review Timeline and Process



Accomplishments to Date

- Reviewed existing Expenditure Plan
- Heard from fund recipients and staff
- Asked questions of both staff and fund recipients
- Reviewed initial staff proposal and provided input
- Received public input



Current Expenditure Plan Overview

EXISTING EP	
Element	Share
1.1 – Maintain Local Streets (Formula)	35%
1.2 – Maintain Class 1 Pathways (Formula)	5%
2 – Improve Transit for Seniors & People with Disabilities	35%
3 – Reduce Congestion & Pollution	25%
3.1 - School Crossing Guards & Steet Smarts	
3.2 - Commute Alternatives	
3.3 - Alternative Fuel Infrastructure & Promotion	
Total	100%

Current Staff Proposal – Element 1.1

Element 1.1 – Maintain Local Streets & Roads:

- Maintain the current 35% funding share
- Funds will be distributed to jurisdictions based on the current 50% lane miles/50% population formula
- Jurisdictions to identify projects for bike/ped/safety improvements, in accordance with TAM-developed criteria
- 5-years worth of funds will be made available for allocation to provide certainty and help with timely delivery of projects.
- TAM will confirm the approved project list at the start of the five-year period.
- Timing of the availability of funds in the five-year period will be determined by TAM based on project readiness and cash availability.



Current Staff Proposal – Element 1.1

- Estimated 5 Years of Revenue by Jurisdiction for Element 1.1
- Expected Benefits:
 - Helps achieve goals of mobility and safety
 - Helps TAM as countywide agency strengthen countywide network
 - Funds discrete projects
 - Provides funding for projects that are not a good fit for state and federal funds

Jurisdiction	Estimated 5-Year Revenue
Belvedere	\$37,358
Corte Madera	\$140,721
Fairfax	\$105,174
Larkspur	\$150,912
Mill Valley	\$216,048
Novato	\$690,262
Ross	\$40,016
San Anselmo	\$169,409
San Rafael	\$746,755
Sausalito	\$105,678
Tiburon	\$132,788
County	\$1,289,879
Total	\$3,825,000

Staff Proposal – Element 1.2

Element 1.2 – Maintain Class 1 Pathways:

- Maintain the current 5% funding share
- Allow TAM Board the discretion to redirect carryover funds at the transition of the current expenditure plan (expected June 30, 2023) to any countywide pathway planning, maintenance or construction needs
- To ensure future pathway maintenance funds are timely and effectively used, allow the TAM Board the discretion to redirect carryovers to any countywide pathway planning, maintenance or construction needs whenever the carryover exceeds \$250,000 under an amended Expenditure Plan

Staff Proposal – Element 2

Element 2 – Improve Transit for Seniors & People with Disabilities:

- Maintain the current 35% funding share
- No changes recommended

Consideration/Discussion

- Recognize that senior mobility is a very high priority with Marin voters, want to continue the support of the programs but cannot increase the funding at the expense of other high priorities.

Staff Proposal - Element 3

Element 3 – Reduce Congestion & Pollution:

- Maintain the current 25% funding share
- No funding split recommendation in order to maintain flexibility, but can address specific project/program funding needs in the Strategic Plan

Consideration/Discussion

- Maintaining flexibility in the EP as currently constituted would best support the overall goal and provide helpful flexibility.
- The following considerations were reviewed, to conclude that maintaining the current Element 3 structure was most beneficial:
 - Crossing Guard/Street Smarts - loss of funds would result in loss of guards
 - Commute Alternatives Program - primarily Measure B funded
 - Alternative Fuel Promotion – currently entirely Measure B funded

Staff Proposal – Other Items

Staff recommends addressing the following COC recommendations/comments during the Strategic Plan process, which will be developed once the Amended Expenditure Plan is finalized:

- Performance metric requirements
- Periodic reporting on program/project progress and achievement
- Promote fund leveraging
- Define usage of carryover funds in Elements 1.2 and 3
- Periodic reporting on EP progress; staff recommends this rather than requiring a review of the EP earlier than every 10 years, in order to allow time to see effects of investments and to promote both stability and innovation in programs

Staff Proposal – Other Items

- Voices of communities in Marin have been evolving.
- Adding language into the Measure B Expenditure Plan to allow the Board the authority to review and adjust the COC membership structure when necessary
- The language will allow the TAM Board to review the current COC membership structure with the potential to add one or more new seats to address the needs and voices of the Equity Priority Communities in Marin as part of TAM's Equity Statement and Action Plan review and development process



Actions Needed Tonight

- Review revised staff proposal
- Receive any additional public input
- Build consensus as a Committee on the staff proposal and make the recommendation to the TAM Board for review and release for the 45-day public comment period

Questions and Feedback

Thank you!

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DATE: October 24, 2022

TO: Transportation Authority of Marin Citizens' Oversight Committee

FROM: Li Zhang, Deputy Executive Director/Chief Financial Officer
Molly Graham, Public Outreach Coordinator

SUBJECT: Formation of the FY2021-2022 COC/2022 TAM Annual Report Development Subcommittee and Approval of the Draft Development Schedule (Action), Agenda Item No. 5

RECOMMENDATION:

Staff recommends the COC form a 5-member subcommittee to guide staff with the development of the FY2021-2022 COC/2022 TAM Annual Report (COC/TAM Annual Report) and adopt the report development schedule.

BACKGROUND:

In accordance with the requirements of the Measure A and Measure AA ½-Cent Transportation Sales Tax (Measure A/AA) Expenditure Plans and the Measure B \$10 Vehicle Registration Fee (Measure B) Expenditure Plan, the COC is required to develop an annual report to provide an overview of the Measure A/Measure AA and Measure B revenues and expenditures. The COC/TAM Annual Report will inform the residents of Marin about key TAM project/program updates and achievements and the result of TAM's FY2021-22 financial audit and 2022 Measure A/AA Sales Tax Compliance Audit Result.

DISCUSSION/ANALYSIS:

The combined COC/TAM annual report has been a key outreach tool for TAM. TAM will use the COC/TAM Annual Report to provide thorough information about TAM activities and to confirm to the public that the Measure A/AA and the Measure B funds are being spent in accordance with the voter-approved Expenditure Plans. The Annual Report will also provide valuable information about other projects/programs that TAM participates in as the Congestion Management Agency (CMA) of the County.

FISCAL CONSIDERATION:

The budget amount needed for the production of the report is included in the Document/Video/Marketing Material Reproduction line item of the FY2022-23 TAM Annual Budget Report. Total design cost of the report is estimated to be \$6,500 and additional \$3,000 is set aside for the production of a limited amount of hard copies if necessary.

NEXT STEPS:

With the formation of the Sub-Committee, staff will start to work with the Sub-Committee on the development of the report. Below is the proposed development timeline:

- Nov 2022 – Jan 2023, Sub-Committee meeting to review design ideas, report contents and distribution
- Jan 2023, Sub-Committee review of draft COC/TAM Annual Report
- Feb 2023, COC review and approval of the final draft COC/TAM Annual Report
- Feb 2023, TAM Board review and acceptance of the COC/TAM Annual Report

ATTACHMENT:

Proposed Draft FY2021-22 COC/2022 TAM Annual Report Outline

DRAFT FY2021-22 COC/2022 TAM Annual Report Outline

Background/Overview

Message from the TAM Board Chairperson
About TAM – TAM Board and COC
Message from the COC Chairperson

Key Updates and Highlights from 2022 & Featured Story

Highlights of 2022 Accomplishments
Biking Around the County Featured Story

Funding

Local Funding: Measure A/AA ½-Cent Transportation Sales Tax and Measure B \$10 Vehicle Registration Fee
Regional/State/Federal Funding

Projects

Highway Projects
Major and Local Roadway Projects
Bicycle and Pedestrian Projects

Transit

Local, Student, Rural Transit
Regional Transit

Programs

Safe Routes to Schools, Safe Pathways and Crossing Guards
Trip Reduction
Alternative Fuels/Electric Vehicles
Innovation
Sea Level Rise

Planning and Coordination

Planning Activities
Local and Regional Coordination

Community Engagement

Events and Meetings
TAM Public Outreach and Information Tools

COC Featured Member

TAM Financial Reporting