



TRANSPORTATION AUTHORITY OF MARIN CITIZENS' OVERSIGHT COMMITTEE MEETING

FEBRUARY 21, 2023
5:00 P.M.

Zoom

<https://us02web.zoom.us/j/86722758510?pwd=QIREdS9YdkxibzBRelQ3eHF1SEc2dz09>

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Brian Colbert

San Rafael
Kate Colin

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Alice Fredericks

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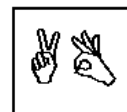
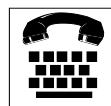
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- Before the meeting: email your comments to gzhuang@tam.ca.gov. Please email your comments no later than 1:00 P.M. Monday, February 20, 2023 to facilitate timely distribution to Committee members. Please include the agenda item number you are addressing and your name and address. Your comments will be forwarded to the TAM COC members and will be placed into the public record.

- During the meeting (only): Your meeting-related comments may be sent to info@tam.ca.gov During the meeting your comments will be read (3-minute limit per comment) when the specific agenda item is considered by the Committee. Your comment will also become part of the public record. In order to ensure staff receives your comment during the meeting, it is recommended that you send your comment using info@tam.ca.gov early in the meeting.

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The TAM Office is located at 900 Fifth Avenue, Suite, 100, San Rafael.

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AGENDA

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 November 21, 2022 Meeting Minutes](#) (Action) (5 minutes)
4. [Marin Transit 2023 Update and Review of the Short-Range Transit Plan](#) (Discussion) (30 minutes)
5. [Return to In-Person Meetings in Compliance with AB 2449](#) (Discussion) (10 minutes)
6. TAM Staff Report (Information) (20 minutes)
7. [Review and Approval of the FY2021-22 COC/2022 TAM Annual Report](#) (Action) (20 minute)
8. Committee Member Hot Items Report (Discussion) (10 minutes)
9. Discussion of Next Meeting Date and Recommended Items for the Agenda (5 minutes)



MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
CITIZENS' OVERSIGHT COMMITTEE

NOVEMBER 21, 2022
5:00 PM

Virtual and In-Person Meeting

MEETING MINUTES

Members Present: Peter Pelham, Major Marin Employers (Chairperson)
Kevin Hagerty, League of Women Voters (Vice-Chairperson)
Debbie Alley, Southern Marin Planning Area
Charley Vogt, Northern Marin Planning Area
Vince O'Brien, Bicycle & Pedestrian Groups
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
Nancy Okada, Environmental Organizations
Kay Noguchi, League of Women Voters
James Schmidt, Taxpayer Groups

Auditors Present: Nathan Edelman, Partner, Eide Bailly LLP
Bin Zeng, Principal, Moss, Levy & Hartzheim LLP

Staff Members Present: Li Zhang, Deputy Executive Director/Chief Financial Officer
Grace Zhuang, Accounting and Payroll Specialist
Jennifer Doucette, Executive Assistant/Clerk of the Board
Molly Graham, Public Outreach Coordinator

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

1. Introductions and Welcome

Chairperson Pelham asked Grace Zhuang, Accounting and Payroll Specialist, to conduct the roll call. Ms. Zhuang did so and confirmed that a quorum was present. Ms. Zhuang 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 October 24, 2022 Meeting Minutes (Action)

Member Allan Bortel stated he had asked at the October meeting if the construction contract for the Marin-Sonoma Narrows (MSN) project had protected the agency from cost increases due to inflation. Deputy Executive Director/Chief Financial Officer (DED/CFO) Li Zhang stated that staff would check with the project manager to confirm whether change orders due to inflationary cost increase are allowed under the current contract.

Vice-Chairperson Kevin Hagerty moved to approve the October 24, 2022 Meeting Minutes. Member Kingston Cole seconded the motion, and the Minutes were approved with Chairperson Pelham and Member Vince O'Brien abstaining.

Items # 5 and 6 were taken out of order.

5. Review of the 2022 Measure A/AA Compliance Audit Results (Action)

Ms. Zhang provided background on the differences between Items 5 and 6 for the benefit of the new members. She then introduced the 2022 Measure A/AA Compliance Audit Results item, which asked the COC to review the 2022 Measure A/AA Compliance Audit Results and refer them to the TAM Board for approval.

Ms. Zhang introduced Bin Zeng, Principal from Moss, Levy & Hartzheim LLP, to co-present the item. Ms. Zhang explained that the Compliance Audit is necessary to ensure that Measure A/AA funds distributed to partner agencies and contractor teams are spent in accordance with the requirements of the Expenditure Plans and the funding agreements/contracts. She stated that the COC helped staff to draft the policy in 2010, which was revised in 2020 when Measure AA was approved, and that the 2022 Compliance Audit would be the twelfth cycle.

Ms. Zhang discussed the frequency of audits per category: Category 1 (Highways) – at least one compliance audit is conducted annually for each major consultant support contract over \$1 million; Category 2 (Local Streets and Roads) – a project from a local jurisdiction is selected annually; Category 3.1 (Safe Access to schools) – a compliance audit is conducted every three years; Category 3.2 (Crossing Guard Program) – a compliance audit is performed at the end of the first year if the vendor is new, or else every two years; Category 3.3 (Safe Pathways to School) – a large project and a small project are selected annually; Category 4 (Local Transit) – audited on an annual basis because Marin Transit receives a significant amount of funding from TAM. Ms. Zhang discussed the funds for the Major Roads set aside, which provides funding from the Measure AA Expenditure Plan off the top to fulfill the major road projects funding commitments under the remaining years of Measure A; and Interest Funds, which are mostly allocated to agencies for bike and multi-use path maintenance and are audited every 3 years.

Ms. Zhang also pointed out the programs/projects that are still active under Measure A: Strategy 1 Local Transit, Strategy 3.1 Major Roads, Strategy 4.3 Safe Pathways to Schools, and Interest funds are under the same audit frequency as the same Measure AA programs/projects.

Ms. Zhang provided an overview of the annual process and timeline. She stated that the COC reviews the list of funding recipients selected for the compliance audit in May/June; the TAM Board approves the list in June; staff conducts a compliance audit workshop in August/September to which all funding recipients are invited; the agencies are usually offered a field meeting with the auditors in October/November; and then staff presents the final report to the COC at the November or December meeting for recommendation to the Board.

Ms. Zhang discussed the 6 auditees selected for the 2022 Audit Cycle, including the City of San Rafael and County of Marin for the use of Multi-Use Pathway Maintenance funds; Marin Transit for its FY2021-22 transit operation and capital needs; City of Mill Valley for Local Roads funding; All City Management Services for the Crossing Guard Program; and the Town of San Anselmo for Safe Pathway projects. Ms. Zhang asked Mr. Zeng to report on the audit results and process.

Mr. Zeng reported on a single observation that had been found for the City of San Rafael's use of Measure A interest revenue for Multi-Use Path Maintenance for Puerto Suello Hill Pathway. He explained that the City of San Rafael had not accurately reported the rates of pay for employees for path maintenance work and the hours of work had been estimated. Mr. Zeng stated that the City of San

Rafael should have submitted documented timesheets but since the hours of work and payments were similar to those in previous years, he recorded an observation and not a finding. M. Zeng also reported that the City of San Rafael has already implemented a remedy process for the observation and will be able to provide actual labor cost in the future.

Mr. Zeng confirmed there were no findings or observations for all the remaining projects that were audited.

In response to Vice-Chairperson Hagerty, Ms. Zhang confirmed that the City of San Rafael has set up codes and corrected the errors and that future invoices will include accurate information on pay rates and hours of work.

Alternate Kay Noguchi and Ms. Zhang discussed the errors reported for the City of San Rafael. Ms. Zhang confirmed the Agreement included the funding terms and the errors have been attributed to staff turnover. She confirmed TAM staff has worked with personnel from the City of San Rafael to correct the problems.

In response to Alternate Nancy Okada, Ms. Zhang discussed an issue with maintenance funding for the Puerto Suello Hill Pathway during a previous cycle because the City of San Rafael had invoiced TAM a total of \$40,000 without providing backup for actual costs. In that particular case, subsequent reimbursement payments were reduced to recover the excess payments that could not be supported with adequate backup.

In response to Member Powers, Ms. Zhang clarified the use of Measure A reserve funds and interest funds. She explained that interest accumulates on the fund balance, which is currently used to fund pathway maintenance. Ms. Zhang stated that 5% of Measure A funds were allocated to a reserve fund during the first five years of revenue collection and that the Board started to release the reserve funds under Measure A when Measure AA was passed and the collection of reserve funds started under Measure AA. She added that unspent funds for the Crossing Guard Program and Marin Transit are high due to service cuts and/or federal aid funding during the Pandemic.

Member Vogt moved to accept the 2022 Measure A/AA Compliance Audit Results and refer them to the TAM Board for approval. Member Cole seconded the motion, which was approved unanimously.

6. Review of the FY2021-22 TAM Annual Comprehensive Financial Report (Action)

Ms. Zhang presented the staff report, which asks the COC to review the Draft FY2021-22 TAM Annual Comprehensive Financial Report (ACFR) and refer it to the TAM Board for acceptance. Ms. Zhang introduced the Auditor, Nathan Edelman, Partner of Eide Bailly LLP to present part of the report. Ms. Zhang pointed out that although the financial report doesn't have the water mark "Draft" on it, it is a draft pending final review of the audit team.

Ms. Zhang provided an overview of the presentation and a discussion on the uncertain economic future, and potential negative growth of sales tax revenue. She discussed TAM's upcoming major projects, including the North-South Greenway Gap Closure Project, MSN and State Route (SR) 37 Projects, Direct Connector Project, and the Highway 101 Interchange and Approaching Roadway Study. TAM's routine programs include Safe Routes to School (SR2S) and the Crossing Guard Programs. Ms. Zhang reported that the agency will pursue sea-level rise projects and has started the planning process for the development of a Countywide Transportation Plan (CTP) in 2023. She confirmed that staff will provide updates on the projects/programs to the COC.

Ms. Zhang discussed the four sections of the report: Introductory, Financial, Statistical, and Compliance. She discussed the Introductory Section, which presents the profile of TAM and Marin's economic condition; the 0.30% reduction of the population in the State and an almost 0.66% reduction of the

population in the Bay Area. Ms. Zhang noted that the population in the North Bay has been declining since 2017 due to aging population, affordability, less diversity, and possible hidden population

Ms. Zhang discussed Marin's personal income trend, which is significantly higher than most of the Bay Area counties and the State; Marin's unemployment rate; , which was the third lowest in the State after San Mateo County and San Francisco; taxable sales growth rates from 1997 to 2021, which remained stable in Marin; the Per Capita Taxable Sales from 1997 to 2021, which were slightly higher in Marin than other Bay Area counties; and the increase in Measure A/AA revenue from \$30.8 million in FY2020-21 to \$34.75 million in FY2021-22. Member Bortel noted that the annual increase was significant and Ms. Zhang attributed the increase to several factors, including inflation; residents who worked from home and spent money in Marin rather than elsewhere; and homeowners who undertook construction projects during the Pandemic.

Mr. Edelman discussed the audit procedure, the requirements, the auditor's opinions, and the draft report. He confirmed the audit is complete with a clean and unmodified opinion. Mr. Edelman discussed changes to the audit standards and accounting principles; CalPERS (California Public Employees' Retirement System) pension liability, and the financial statements. Ms. Zhang noted that revenue surpassed expenditure in 2021 because there were no major project implementations, and that TAM's main funding source from Measure AA provides over 70% of the agency's total budgeted revenues.

Ms. Zhang concluded her report with a brief list of Marin's largest employers, including the County of Marin, Kaiser Permanente, and BioMarin Pharmaceutical; and the principal taxpayers in the County, which prompted discussion by the members.

Vice-Chairperson Hagerty moved to accept the Draft FY2021-22 TAM ACFR with the recommendation the TAM Board review and accept the report at its next meeting. Member Cole seconded the motion, which was approved unanimously.

4. TAM Staff Report (Information)

Ms. Zhang confirmed that a copy of the staff report had been emailed out earlier. She highlighted the TAM Holiday Luncheon Party on December 9 and asked the members to respond to the Evite invitation. In response to Member Powers, Public Outreach Coordinator Molly Graham provided an update on TAM's presentation to the City of San Rafael Council on October 7 on the US 101 to I-580 Multimodal and Local Access Improvement Project. She stated that the primary focus on a Proof-of-Concept study for a potential interchange in the vicinity of Home Depot on Shoreline Parkway; that the main project is in the planning phase; that 4 alternatives (reduced from 7) are expected to move forward to the environmental phase with funding from Regional Measure (RM) 3 and Measure AA Sales Tax in the summer of 2023; and that a final meeting with the Stakeholder Group is expected to occur in the early part of 2023.

Ms. Graham discussed a timeline for the project with Chair Pelham. She stated that a final choice for the preferred alternative should be made at the end of the environmental process, which should take 2 to 3 years to complete. Ms. Graham confirmed that the TAM Board will not make a decision on the final proposed project and preferred alternative until the end of the environmental process, which she noted has not begun.

Alternate Schmidt discussed his concern that the plans for the US 101 to I-580 Multimodal and Local Access Improvement Project do not address access to Westbound (WB) I-580 to Southbound (SB) US-101. Ms. Graham stated that the US 101 to I-580 Multimodal and Local Access Improvement Project is a one direction project and has been voter approved. Ms. Graham also responded to Member Powers question that the project will receive \$130 million from RM3; that \$16 million in funding from Measure AA for the planning process is being provided; and that it would not preclude a future connector

project for WB I-580 to SB US-101. Ms. Graham confirmed that additional funding will be needed for the US 101 to I-580 Multimodal and Local Access Improvement Project.

7. Committee Member Hot Items Report (Discussion)

Member Powers requested a report on the Metropolitan Transportation Commission's (MTC's) Next Generation Bay Area Freeways Study and an update from the General Manager of Marin Transit.

Ms. Graham confirmed the subcommittee for the FY2021-22 COC/2022 TAM Annual Report met recently and should have a final meeting in mid-January 2023. She stated that a presentation of the final report should be made to the COC January and TAM Board in February 2023.

Vice-Chairperson Hagerty requested an update on the CTP.

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

The next meeting was tentatively scheduled for Monday, January 30, 2023. Items for review will include the FY2021-22 COC/2022 TAM Annual Report.

The meeting was adjourned at 6:25 p.m.

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DATE: February 21, 2023

TO: Transportation Authority of Marin Citizens' Oversight Committee

FROM: Anne Richman, Executive Director
Li Zhang, Deputy Executive Director/Chief Financial Officer

SUBJECT: Marin Transit 2023 Update and Review of the Short-Range Transit Plan (Discussion), Agenda Item No. 4

RECOMMENDATION

Information Item.

BACKGROUND/DISCUSSION

As the agency that receives the most funding under both the Measure A and Measure AA Expenditure Plans for its operational and capital needs, Marin Transit has been providing periodic updates to the Citizens' Oversight Committee (COC) over the years. The COC also assigns a member, currently Member Kate Powers, to monitor and report regularly on Marin Transit's activities. Both the Measure A and Measure AA Expenditure Plans also require that Marin Transit prepare a Short-Range Transit Plan (SRTP) periodically, or as directed by the Metropolitan Transportation Commission (MTC), through a planning process that includes extensive public input from all areas of the county.

Marin Transit staff will be presenting its 2023-2028 SRTP and an update of the agency's operation at the February 21, 2023 COC meeting.

FISCAL CONSIDERATION

N/A

NEXT STEPS

Staff will bring regular Marin Transit update and the next Short Range Transit Plan for the COC's review and input in the future.

ATTACHMENT

Attachment A – Marin Transit PowerPoint Presentation

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Marin Transit Update

TAM CITIZENS' OVERSIGHT COMMITTEE



Agenda

- 01** 2022 Short Range Transit Plan
- 02** Opportunities & Challenges
- 03** Ridership Update
- 04** 2023 Service Change Proposal
- 05** 2023 Planning & Project Development
- 06** Fare Policy Updates & Activities

Marin Transit 2022 Short Range Transit Plan

Background

- The Short Range Transit Plan (SRTP) must be updated every 2 years
- Previous SRTP approved in 2020
- This update is a “mini” SRTP
 - As a “mini” SRTP, this update only looks 5 years into the future (FY 2023-2028)
 - This SRTP only looks at and financial planning, not capital planning

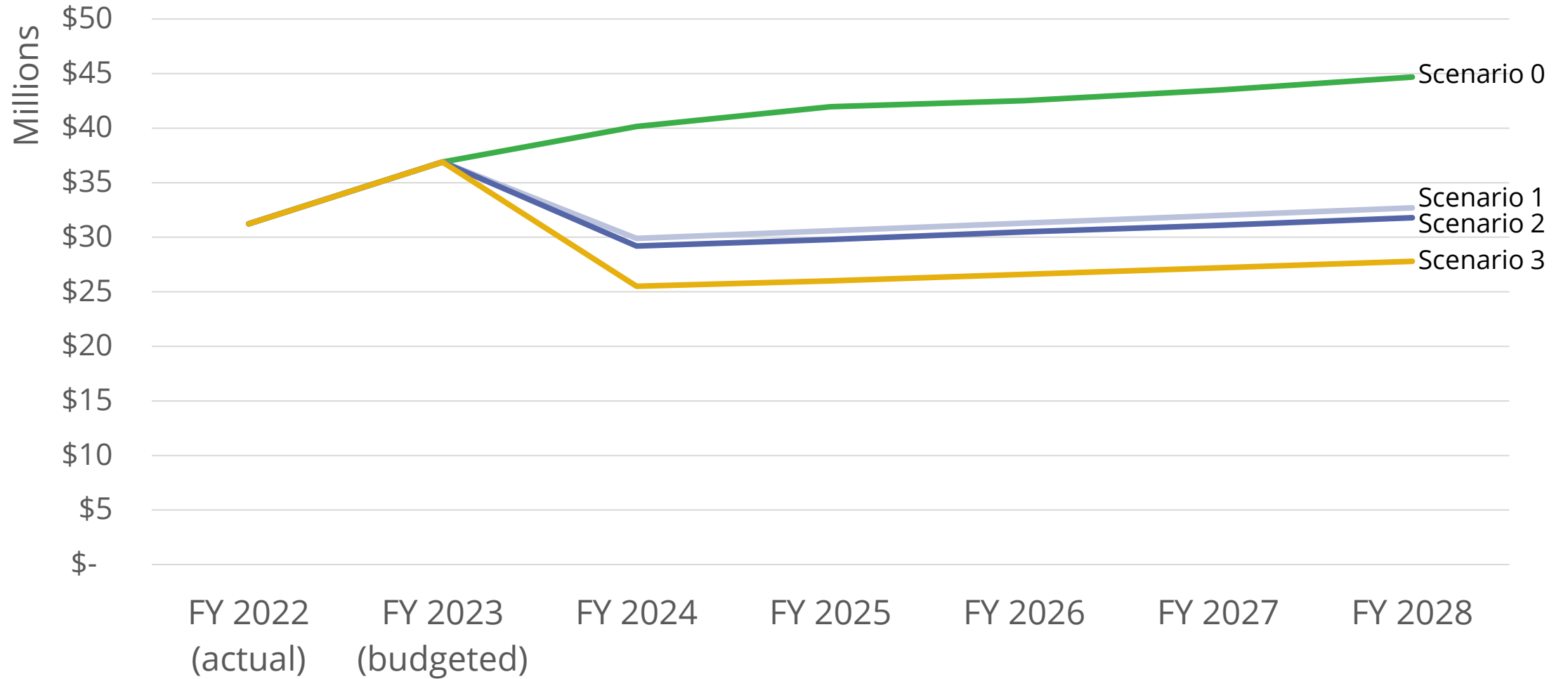
Financial & Service Planning Scenarios

- **MTC Scenario 1:** Revenue drops to pre-COVID levels
- **MTC Scenario 2:** Revenue drops to pre-COVID levels and fare revenue drops further to 80% of pre-COVID levels
- **MTC Scenario 3:** Revenue drops to 85% of pre-COVID levels

Marin Transit added:

- **Scenario 0:** Revenue matches projections approved in the FY 2023 budget

Financial Projections by Scenario



S RTP Takeaways

- Marin Transit's near-term financial picture is stable; staff do not anticipate major service cuts in the next 5 years
- There are uncertainties which are difficult to predict
- The S RTP is a high-level planning document; service changes are discussed with Board
- More comprehensive S RTP update in 2024 will more accurately capture the future direction of the District

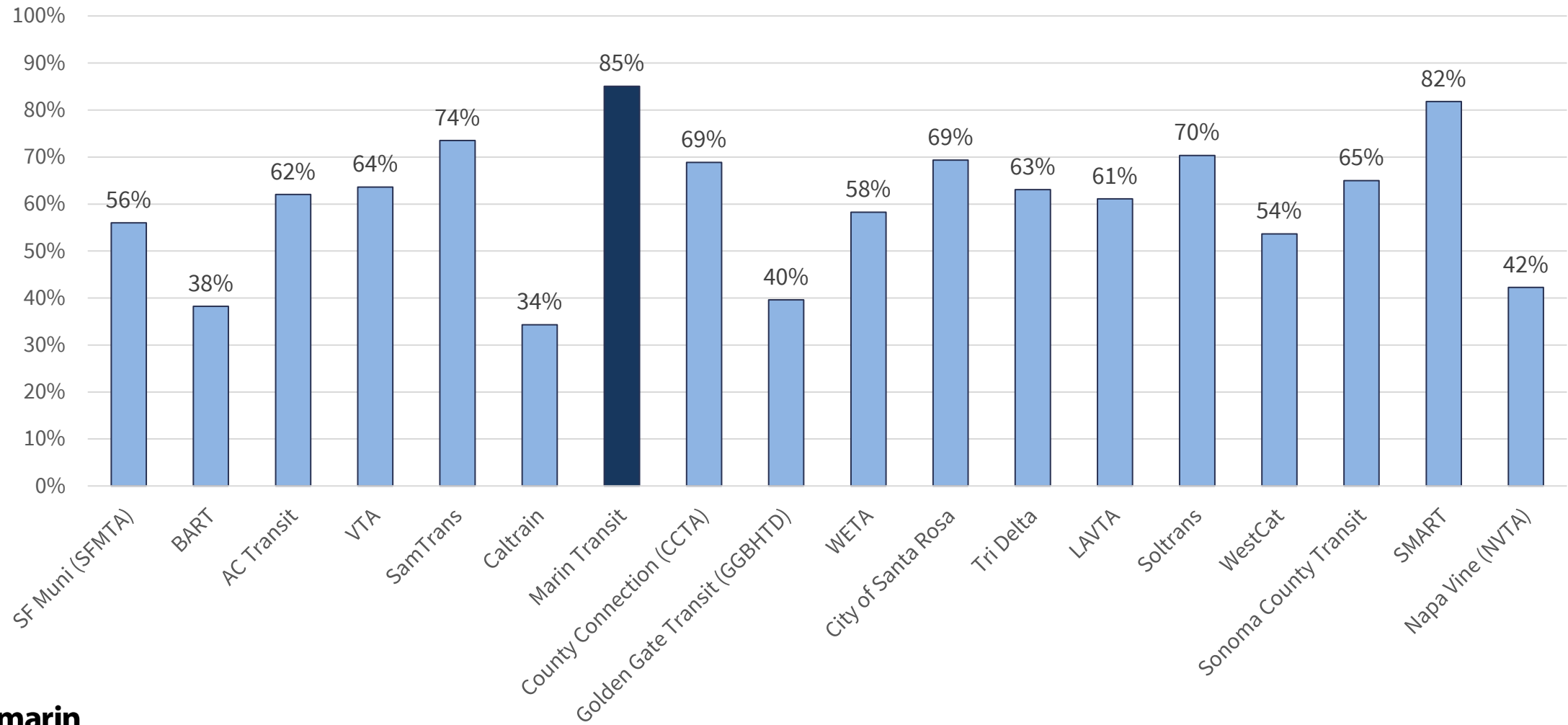
Overview of Opportunities & Challenges

- Strong fixed route ridership trends:
~90% pre-COVID conditions
- Marin Access ridership:
~50% pre-COVID conditions
- Relocation of San Rafael Transit Center
- Potential for transit priority on roads
- Fixed route and Marin Access service changes in 2023
- Decreasing reliability
 - Traffic
 - Driver Shortages
- Service contracts expiring June 2023
 - Lack of operations and maintenance facility
 - Cost increases
- Fleet electrification and required infrastructure
- Siting additional O&M facilities

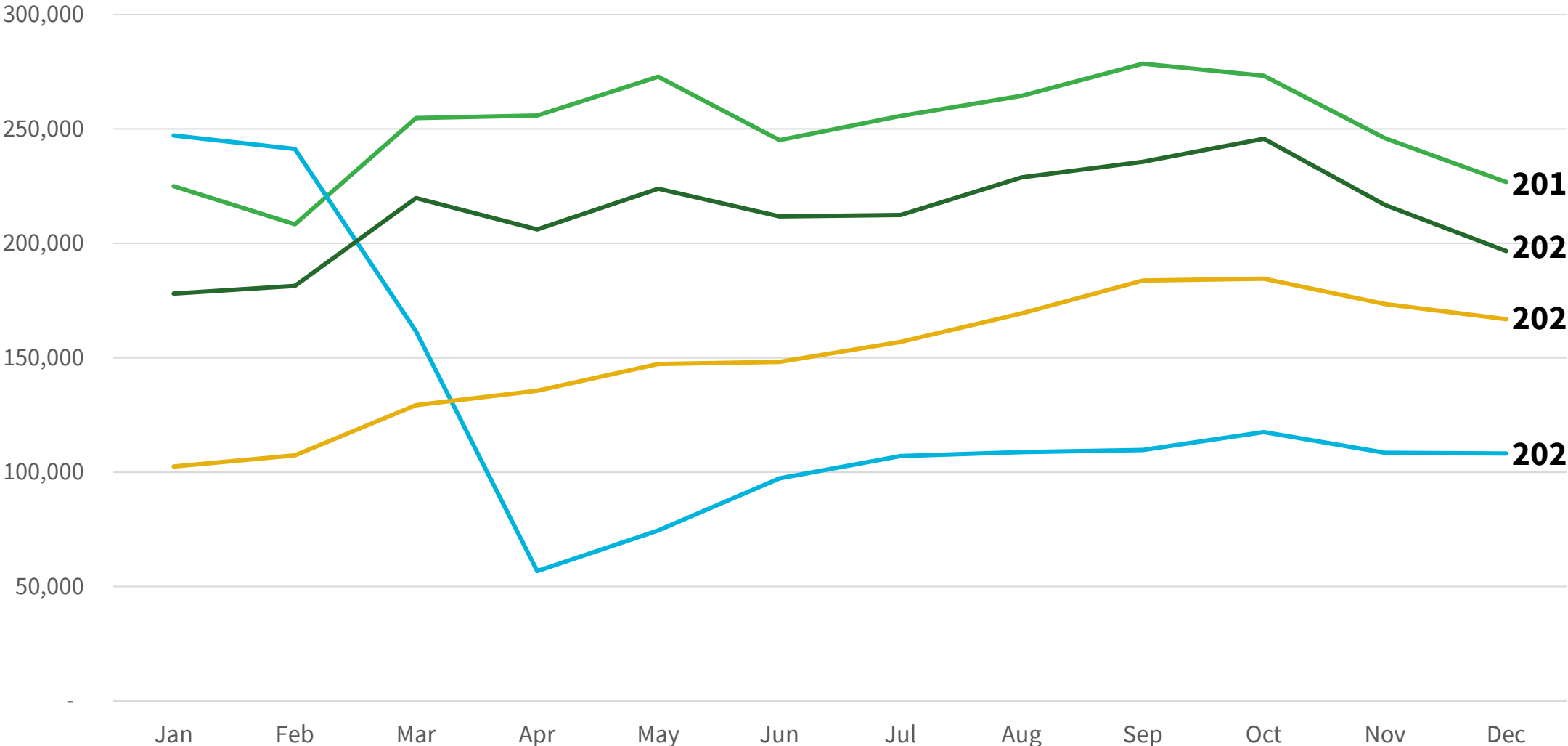


Ridership Update

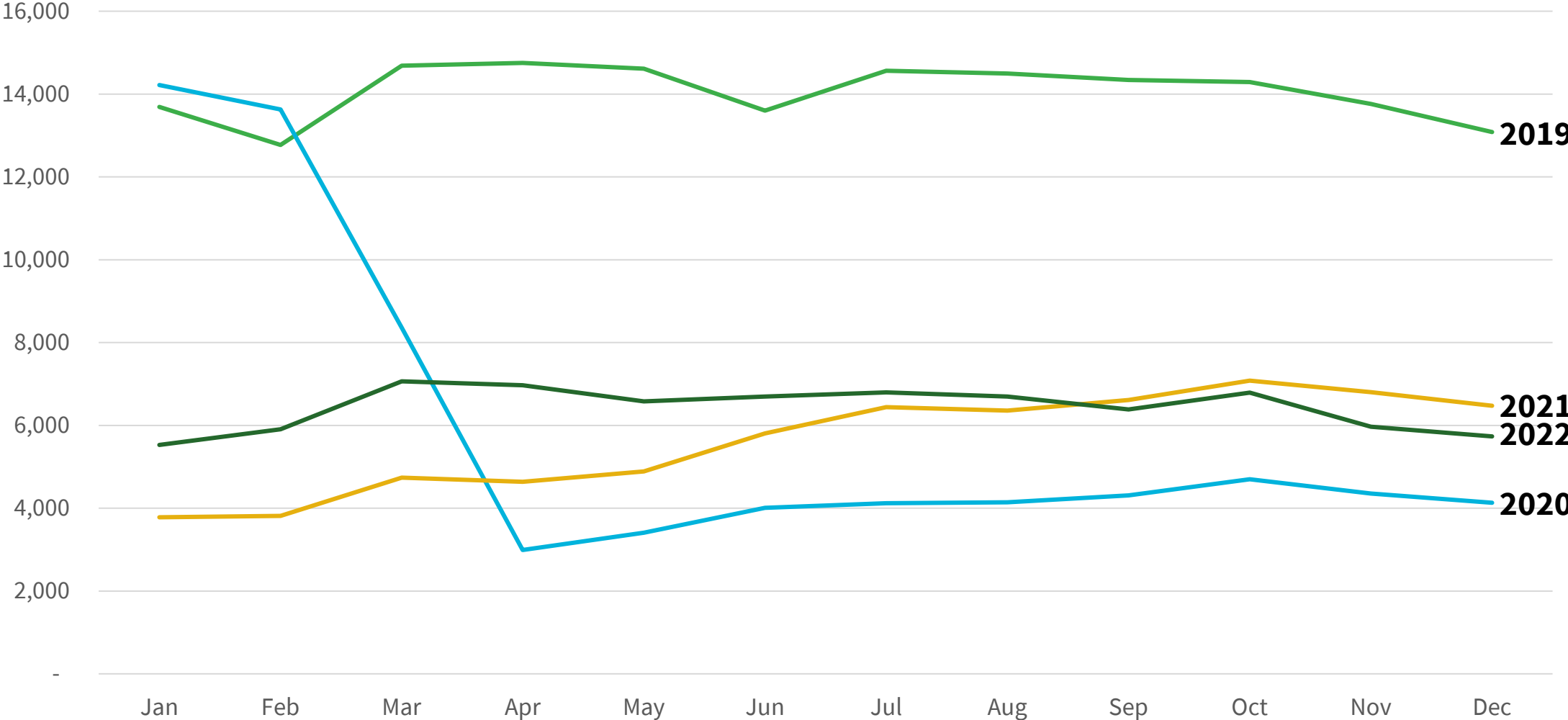
% Pre-COVID Ridership (Nov 2019 vs. Nov 2022)



Fixed Route Ridership (2019-2022)



Demand Response Ridership (2019 -2022)



2023 Service Change Proposal

- Considered “major service change” per MCTD service change policy
- Includes 12 of the 24 fixed route services
- Estimated decrease of 2.8% of all fixed route service (revenue hours)
- Estimated decrease of 7.5% of peak vehicle pullouts (# of vehicle used)
- Public Hearing (requested): March 6, 2023
- Implement Changes: June 11, 2023

Service Changes: Routes Impacted

- **Route 22** – San Rafael-San Anselmo-Corte Madera-Marin City
- **Route 23/23x** – San Rafael-Fairfax
- **Route 29** – San Rafael-Larkspur-Kentfield
- **Route 35** – Canal-San Rafael-Novato
- **Route 49** – San Rafael-Novato
- **Route 71** – Novato-San Rafael-Marin City
- **Route 219** – Strawberry-Tiburon
- **Route 251 / 257** – Novato, Novato-San Rafael
- **Route 645 / 651** – Terra Linda HS, Novato HS, San Marin HS

Next Steps for Service Changes

- Outreach and Education
 - Digital
 - www.marintransit.org/2023servicechanges
 - Social Media + email distribution
 - Online videos
 - Print
 - In-vehicle notices
 - Bus stops notices
 - In person
 - Staff “in the field”
 - Stakeholder meetings
 - Public Hearing: March 6, 10 a.m.



Proposed Service Changes
These changes would align our service with current ridership demands and improve service reliability. Marin Transit wants to hear from you. Your feedback is important to ensure that our services meet the needs of our community.

Cambios propuestos en el servicio
Estos cambios alinearían nuestro servicio con las demandas actuales de los pasajeros y mejorarían la confiabilidad del servicio. Marin Transit desea escuchar de usted. Sus comentarios son importantes para asegurar que nuestros servicios satisfagan las necesidades de nuestra comunidad.

Review Changes & Provide Comment in February
Infórmese y comente en febrero
www.marintransit.org/2023servicechanges

Routes Impacted Rutas afectadas
22 23 23X 29 35 49
71 219 251 257 645 651

Effective Date for Proposed Changes
Fecha de efectividad para los cambios propuestos
June 11, 2023 11 de junio de 2023

Public Hearing *Audliencia Pública*
Monday, March 6, 2023 - 10:00 AM
lunes, 6 de marzo de 2023 - 10:00 AM
Marin County Civic Center
3501 Civic Center Drive, Room/Sala 330
San Rafael, CA
<https://www.zoom.us/j/87972683373>



2023 Planning and Project Development

- Transit Priority Corridors grant (OBAG)
- Title VI Program Update
- Exploring how to best serve growing population of older adults
- Regional transit coordination
 - Transit Transformation Action Plan
 - Regional Network Management
- Countywide Transportation Plan
- San Rafael Transit Center design



Electric Bus Maintenance Facility and Yard

Goals

- Meet fleet electrification requirements
- Increase competition for future service operation contracts
- Reduce long term risks

Needs

- Electric charging and parking for 40 larger buses
- 3 – 5 bus bay maintenance facility
- Employee parking
- 4 – 5 acre site
- Good access to US-101



Fare Policy Updates and Activities

- Tested three free fare promotions in 2021-2022 for youth, seniors/ADA, and low-income families
 - They generally had a larger equity impact than ridership impact
- Regional Fare Coordination – standardize transfer discounts between operators



In 2023, we will:

- Conduct Fare Collection Study to prepare for Clipper 2.0
- Integrate regional fare coordination recommendations
- Offer free rides for youth again during summer 2023
- Improve promotion of existing discount programs; partner with CBOs and HSAs
- Determine best options for another low-income fare promotion

Questions?

Cathleen Sullivan

csullivan@marintransit.org

(415) 226-0878





DATE: February 21, 2023

TO: Transportation Authority of Marin Citizens' Oversight Committee

FROM: Anne Richman, Executive Director

SUBJECT: Return to In-Person Meetings in Compliance with AB 2449 (Discussion), Agenda Item No. 5

RECOMMENDATION

This is a discussion item.

Staff would also like to receive input from the Citizens' Oversight Committee (COC) regarding whether a remote meeting participation option should be provided to the public if no COC member/alternate is requesting to join the COC meeting remotely starting in March.

BACKGROUND

Prior to the Covid-19 pandemic, TAM conducted all public meetings, subject to the Ralph M. Brown Act (Brown Act), in-person, including the COC meetings, which were held in the TAM conference room. Pursuant to the legislation outlined below, from April 2020 to March 2022, the COC meetings were held virtually via Zoom. From May 2022 to the present, the COC meetings have been held in a hybrid format, whereby members of the public and members/alternates of the COC had the option of participating in-person in the TAM conference room or remotely via Zoom.

On March 4, 2020, Governor Newsom declared a State of Emergency to help the State prepare for a broader spread of COVID-19. In response to the COVID-19 pandemic, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place. Executive Order N-29-20 expired on September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361, which became effective immediately upon approval. AB 361 provides local government bodies that are subject to the Brown Act the ability to continue to use video and/or teleconferencing through December 31, 2023 under certain conditions, including when state or local officials have recommended social distancing during a proclaimed state of emergency.

On September 13, 2022, Governor Gavin Newsom signed into law AB 2449, which provides a remote participation option for members of a legislative body of a local agency under specific and limited circumstances when no state of emergency is in effect, through January 1, 2026.

On October 17, 2022, Governor Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023, thereby nullifying the conditions of AB 361, and allowing legislative bodies to conduct meetings in accordance with the rules of AB 2449.

DISCUSSION

In general, once the State of Emergency ends, members/alternates must be physically present in the same location for a meeting of the COC with certain exceptions allowed, which are discussed below.

Option 1 - Longstanding Teleconference Provision of the Ralph M. Brown Act

A member/alternate may attend meetings by teleconference in accordance with the Brown Act. The longstanding teleconference provision, which requires public access to all teleconference locations, including a member's home, is generally not well suited for remote attendance by members, especially those who want to attend meetings from their home.

The requirements for teleconferencing under this option are as follows:

- Meeting agenda must be posted at each teleconference location.
- Meeting agenda must identify each teleconference location.
- Each teleconference location must be accessible to the public.
- Members of the public must have an opportunity at each teleconference location to directly address members of the COC.
- A quorum of the COC must participate in the meeting from teleconference locations within the jurisdiction.
- All votes taken must be by roll call.
- The technology used for the teleconference may be audio only, or both audio and visual.

Pursuant to the above, if COC members/alternates were to attend the meeting electronically from their homes, the home addresses would have to be published on the agenda, their homes would have to be accessible to disabled persons, and the public would be entitled to enter the homes to observe the members at the meeting and offer public comment from those locations.

Option 2 - Remote Attendance for Just Cause or Emergency Circumstances Under AB 2449

AB 2449 allows the legislative body of a local agency to use teleconferencing without complying with the traditional Brown Act teleconferencing rules or the modified AB 361 rules in certain circumstances. To do so, at least a quorum of the members of the legislative body must participate in person from a singular physical location identified on the agenda, which location will be open to the public and within the boundaries of the local agency. The legislative body must also provide either a two-way audiovisual platform or two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting, and remotely address the legislative body. The agenda must identify and include an opportunity for all persons to attend via a call-in option, internet-based service option, and at the in-person location of the meeting.

This second teleconference option under AB 2449 allows COC members/alternates to attend meetings remotely, without having to make the locations from which they attend known or accessible to the public. However, the option is limited to two situations, both of which are significantly circumscribed by regulation: "just cause" and "emergency circumstances."

AB 2449 defines "just cause" exclusively to mean one of the following:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, or spouse, as those terms are defined in California Government Code Section 12945.2, or domestic partner, that requires the COC member to remotely attend the meeting.
- A contagious illness that prevents the COC members/alternates from attending the meeting in person.
- A need related to a physical or mental disability as defined in California Government Code Sections 12926 and 12926.1, the state disability law, if not otherwise accommodated under federal disability law.

- Travel while on official business of the COC, or of another state or local agency.

To teleconference on the basis of "just cause," these requirements apply:

- Members/alternates must notify staff as soon as possible, including at the start of a meeting, of their needs to attend the meeting remotely, including a general description of the circumstances relating to the need.
- Member/alternates may use this option no more than two meetings per calendar year.

AB 2449 defines "emergency circumstances," exclusively to mean "a physical or family medical emergency that prevents a member from attending in person." (Cal. Gov. Code § 549530)(1).

To teleconference on the basis of "emergency circumstances," these requirements apply:

- As soon as possible, the member must request approval of the COC, and must make a separate request for each meeting in which remote attendance is sought.
- The member must provide to the COC a general description of the circumstances relating to the need to attend the meeting remotely; the description generally need not exceed 20 words and the COC may not require the member to disclose any medical diagnosis or disability, or any personal medical information that is exempt under existing law.
- The COC must approve the request and should approve it at the earliest opportunity; if the request does not allow sufficient time to place this proposed action on the meeting agenda, the policy body may take action at the beginning of the meeting.

In addition to the requirements outlined above, the following requirements apply regardless of whether the COC member's remote attendance is based on "just cause" or "emergency circumstances":

- A COC member/alternate may not attend meetings remotely for more than three consecutive months or more than 20% of the meetings during the calendar year (or more than two meetings during the calendar year if the COC meets fewer than 10 times per calendar year).
- The COC member/alternate must disclose at the meeting, before any action is taken, whether any other individual 18 years of age or older is in the room at the remote location with the member, and the general nature of the member's relationship with any such individual.
- The COC member/alternate must attend the meeting through both audio and visual technology.
- At least a quorum of the COC must attend the meeting in person from a single physical location clearly identified on the agenda; the location must be open to the public and situated within the jurisdiction.

Staff is seeking the COC's feedback on whether to continue to allow public participation via zoom, especially in the event that the COC member/alternates wish to invoke the provisions of Option 1 or Option 2 to participate remotely themselves. If no COC members/alternates are participating remotely, then staff recommends that public participation be solely in person in order to streamline the meeting production. It is worth noting that under any of the above scenarios, public comments can be submitted in advance of a meeting through various methods as well, as is current practice.

If members/alternates wish to make use of either the Option 1 or the Option 2 provisions at future meetings, staff urges them to contact staff and the COC Chairperson as early as possible so that appropriate information and arrangements can be made.

FISCAL IMPACTS

None.

NEXT STEPS

Effective March 1, 2023, TAM will conduct all public meetings, subject to the Ralph M. Brown Act (Brown Act), in-person under the rules of AB 2449. COC meetings will continue to be held in the TAM conference room, located at 900 Fifth Avenue, Suite 100, San Rafael, with an option for members of the public to participate remotely if decided by the COC, and to allow, if there is a need, members/alternates of the COC to participate in-person or remotely under the provisions of AB 2449.

ATTACHMENTS

None.



DATE: February 21, 2023

TO: Transportation Authority of Marin Citizens' Oversight Committee

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

SUBJECT: Review and Approval of the FY2021-22 COC/2022 TAM Annual Report (Action),
Agenda Item No. 7

RECOMMENDATION

Staff recommends that the Citizens' Oversight Committee (COC) reviews and approves the combined FY2021-22 COC/2022 TAM Annual Report and authorizes Chairperson Peter Pelham or his designee to present the report to the TAM Board for acceptance at its February 23, 2023 meeting.

Staff would like to thank the COC Annual Report Subcommittee for its invaluable review and input to create this draft report. The Annual Report Subcommittee Members are: Allan Bortel, Kay Noguchi, Kevin Hagerty and Kingston Cole. Staff would like to give additional thanks to Kay Noguchi for continuing to provide her dedicated proofreading support.

BACKGROUND

The Annual Report provides an overview of TAM's progress to deliver transportation projects and programs and it provides documentation that the Measure A/AA ½-Cent Transportation Sales Tax and the Measure B \$10 Vehicle Registration Fee funds are being spent in accordance with the voter-approved Expenditure Plans. The Annual Report also provides a status update of high priority transportation programs, projects and planning efforts that are paid for with regional, state and federal funds. The Annual Report is prepared in fulfillment of statutory and Expenditure Plan requirements.

DISCUSSION/ANALYSIS

The Annual Report provides a comprehensive overview of TAM's progress to deliver priority transportation projects, programs and planning initiatives in Marin County. The FY2021-22 COC/2022 TAM Annual Report highlights the key accomplishments achieved during the time period covered and contains a map of key capital improvement projects.

The following sections are presented in the FY2021-22 COC/2022 TAM Annual Report:

- Letter from the TAM Board Chairperson
- About the Transportation Authority of Marin
- Message from the COC Chairperson
- 2022 Key Updates and Highlights
- Funding

Projects
Programs
Planning and Coordination
Transit
Community Engagement
Featured COC Member of the Year, Nancy Okada
Financial Picture
Key Capital Improvement Projects Map

Distribution Plan

Below are the key distribution contacts for the Annual Report. We encourage COC members to provide additional contacts to ensure a comprehensive and growing distribution list.

The Annual Report will be available on TAM's website and electronically distributed through the TAM Traveler and various social media tools, including Facebook, Twitter, and LinkedIn.

Hard Copies of the Report will be distributed through various methods including:

- Libraries/Cities/Towns/County Civic Center
- TAM committees
- Local jurisdictions and various professional groups such as Marin Public Works Association
- School Districts
- Chambers of Commerce
- Transportation partner agencies in the County and in the region such as other congestion management agencies and transit operators
- Related agencies and advocacy groups such as Marin County Health & Human Services, Paratransit Coordinating Council, the Marin Center for Independent Living, Marin Conservation League and the Marin County Bicycle Coalition
- Public meetings and events

FISCAL CONSIDERATION

The budget amount needed for production of the report is included in the Document Reproduction line of the FY2022-23 TAM Annual Budget. The design cost of the report is estimated not to exceed \$6,000 and an additional \$2,000 is set aside for the production of hard copies.

NEXT STEPS

Upon approval of the COC, Chairperson Peter Pelham or his designee will present the draft report to the TAM Board for acceptance at its February 23, 2023 meeting. Staff will incorporate comments from the COC and the TAM Board to finalize and distribute the report per the distribution plan.

ATTACHMENTS

[Draft FY2021-22 COC/2022 TAM Annual Report \(Please click this hyperlink for the DRAFT Annual Report\)](#)