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Tulare County Association of Governments	Date: Monday, September 19, 2022 Time: 1:00 PM Place: Lindsay Wellness Center 860 N. Sequoia Lindsay, CA 93247.
Technical Advisory Committee	Date: Thursday, September 15, 2022 Time: 1:30 PM Place: Tulare County Association of Governments 210 N. Church Street, Suite B (Sequoia Conference Room) Visalia, CA 93291
<p>NOTE: This meeting will allow Board Members and the public to participate in the meeting via Teleconference, pursuant to Assembly Bill 361, available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB361</p> <p>Zoom Meeting Direct Link: https://bit.ly/2Zt4BQY Toll Free Call in: 1(888) 475-4499 Meeting ID: 744 710 0343 Passcode: 82243742 Call in only instructions: Enter your meeting ID followed by #, Enter # for participant ID, Enter the passcode followed by #.</p>	

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, including auxiliary aids, translation requests, or other accommodations, or to be able to access this agenda and documents in the agenda packet, please contact the TCAG office at 559-623-0450 at least 3 days prior to the meeting. If information is needed in another language, contact (559) 623-0450. Si se necesita esta información en español, llame (559) 623-0450. Kung ang kailangang impormasyon ay sa Tagalog, tawagan ang (559) 623-0450

Any staff reports and supporting materials provided to the board after the distribution of the agenda packet are available for public inspection at the TCAG office.

- I. CALL TO ORDER & WELCOME**
- II. PLEDGE OF ALLEGIANCE**
- III. PUBLIC COMMENTS**

**NOTICE TO THE PUBLIC
 PUBLIC COMMENT PERIOD**

At this time, members of the public may comment on any item of interest to the public and within the subject matter jurisdiction of TCAG but not appearing on this agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Board consideration. Any person addressing the Board will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak with a total of fifteen (15) minutes allotted for the Public Comment Period. Speakers are requested to state their name(s) and address(es) for the record.

Convene as the Transportation Policy Advisory Committee

All items on the Consent Agenda are considered to be routine and non-controversial by TCAG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. Items pulled from the Calendar will be considered separately.

IV. TRANSPORTATION CONSENT CALENDAR –INFORMATION ITEMS

Request Approval of the Transportation Consent Calendar Action Items V-A through V-D.

- A. Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings (Pages 01 - 02)
- B. Action: Adoption of Resolution: Approve the 2022/23 Senate Bill 1 (SB-1) State of Good Repair Project List (Pages 03 - 06)
- C. Action: Adoption of Resolution: Reaffirm 2021 Federal Transportation Improvement Program (FTIP) Amendment No. 17 (Type 3-Formal Amendment) (Pages 07 - 10)
- D. Action: Adoption of Resolution: Approve Amendment No. 2 to Tulare County Association of Governments (TCAG) Agreement No. 2022-019 (Pages 11 - 38)
- E. Information: Status of State Transportation Improvement Program (STIP) Allocations and California Transportation Commission (CTC) Update (Pages 39 - 40)

V. TRANSPORTATION ACTION/DISCUSSION ITEMS

- A. Information: Senate Bill 1 (SB 1) Competitive Programs Update (Pages 41 - 42)
- B. Information: Implementation Status of Federal Projects (Pages 43 - 44)
- C. Information: Caltrans Monthly Report (No Page)

Adjourn as the Transportation Policy Advisory Committee and Convene as the Tulare County Association of Governments

VI. REQUEST TO REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY ADVISORY COMMITTEE

All items on the Consent Agenda are considered to be routine and non-controversial by TCAG staff and will be approved by one motion if no member of the TCAG Board or public wishes to comment or ask questions. Items pulled from the Calendar will be considered separately. The TCAG/Transportation Authority Board may provide guidance and/or direction to staff on any item listed as information.

VII. ASSOCIATION CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

Request Approval of the Association Consent Calendar Action Items VII-A through VII-D.

- A. Action: Minutes of August 15, 2022 TCAG Board Meeting (Pages 45 - 50)
- B. Action: Minutes of August 11, 2022 Technical Advisory Committee Meeting (Pages 51 - 54)
- C. Action: Adoption of Resolution: Approval of Amendment No. 3 to the FY 2022/2023 Overall Work Plan (OWP) (Pages 55 - 56)
- D. Action: Adoption of Resolution: Approve Position Amendment and Reclassification for TCAG Administrative Clerk I/II (Pages 57 - 68)
- E. Action: Reaffirm September as Rail Safety Month (Pages 69 - 70)

VIII. ASSOCIATION ACTION/DISCUSSION ITEMS

- A. Information: Legislative Update (Pages 71 - 88)
- B. Presentation: Report from Congresswoman Conway's Office (No Page)
- C. Presentation: Report from Congressman Valadao's Office (No Page)
- D. Presentation: Report from Assemblyman Mathis' Office (No Page)
- E. Presentation: Report from Senator Grove's Office (No Page)
- F. Presentation: Report from Senator Hurtado's Office (No Page)
- G. Information: California Department of Public Health (CDPH) Kids' Plates Grant Outreach Update (Pages 89 - 94)
- H. Information: Notice of Updated Conflict of Interest Code Designations (Pages 95 - 98)
- I. Information: Save the Dates: Caltrans Training, Board Training, and Board Retreat (Pages 99 - 102)

IX. CORRESPONDENCE

A. None

X. OTHER BUSINESS

A. Information: Items from Staff:

1. TCAG Director's Report

B. Information: Items from Board Members

1. Tulare County Water Commission Update

2. San Joaquin Valley Policy Council Update

3. San Joaquin Joint Powers Authority (SJJPA) - Amtrak Update

4. San Joaquin Valley Housing Task Force Update

5. TCAG Transit Report

C. Request from Board Members for Future Agenda Items

XI. ADJOURN

The next scheduled Tulare County Association of Governments (TCAG) Board meeting will be held on **Monday, October 17, 2022 at 1:00 p.m.** at the **Porterville Fire Department Training Facility, 500 N. Newcomb Street, Porterville, CA 93257.** The Technical Advisory Committee (TAC) will meet on **Thursday, October 13, 2021 at 1:30 p.m.** at the **Tulare County Association of Governments (TCAG), 210 N. Church Street, Suite B, Sequoia Conference Room, Visalia, CA 93291.**

TULARE COUNTY ASSOCIATION OF GOVERNMENTS
REGIONAL TRANSPORTATION PLANNING AGENCY
METROPOLITAN PLANNING ORGANIZATION

BOARD OF GOVERNORS	AGENCY	ALTERNATE
Larry Micari	Tulare County-District 1	Paula Clark
Pete Vander Poel, III	Tulare County-District 2	William Cushing
Amy Shuklian - Chair	Tulare County-District 3	Bill Whitlatch
Eddie Valero	Tulare County-District 4	Derek Williams
Dennis Townsend	Tulare County-District 5	<i>Vacant</i>
Maribel Reynosa	City of Dinuba	Linda Launer
Frankie Alves	City of Exeter	Steve Garver
Paul Boyer	City of Farmersville	Ruben Macareno
Ramona Caudillo	City of Lindsay	Hipolito Cerros
Martha A. Flores – Vice-Chair	City of Porterville	Milt Stowe
Terry Sayre	City of Tulare	Jose Sigala
Brian Poochigian	City of Visalia	<i>Vacant</i>
Rudy Mendoza	City of Woodlake	Jose Martinez
Kellie Carrillo	Public Transit Provider*	Hipolito Cerros
Tyrone Holscher	Member-at-Large*	Shea Gowin
Vicki Riddle	Member-at-Large*	Davis Ward
Pamela K. Whitmire	Member-at-Large*	Julie Allen
Diana Gomez	Caltrans*	Michael Navarro

* Caltrans serves as an ex-officio member of the TCAG Policy Advisory Committee. At-large TCAG members and the Public Transit Provider representative are not members of the Tulare County Transportation Authority or Abandoned Vehicle Abatement Authority.

TCAG STAFF

Ted Smalley, Executive Director
 Ben Kimball, Deputy Executive Director
 Ben Giuliani, Executive Officer- LAFCO
 Leslie Davis, Finance Director
 Roberto Brady, Principal Regional Planner
 Derek Winning, Senior Regional Planner
 Gabriel Gutierrez, Senior Regional Planner
 Kasia Poleszczuk, Senior Regional Planner
 Steven Ingoldsby, Senior Regional Planner
 Giancarlo Bruno, Regional Planner
 Sheela Bhongir, Regional Planner
 Gail Miller, Associate Regional Planner-EH
 Maria Garza, Associate Regional Planner-EH
 Jennifer Miller, Associate Regional Planner-EH
 Michele Boling, TCAG Accountant III
 Brideget Moore, TCAG Staff Services Analyst III
 Amie Kane, TCAG Administrative Clerk II
 Servando Quintanilla, TCAG Administrative Clerk II
 Holly Gallo, Office Assistant III

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TCRTA STAFF

Richard Tree, Executive Director – TCRTA

Tulare County Association of Governments

AGENDA ITEM IV-A

September 19, 2022

Prepared by Jeff Kuhn, Chief Deputy County Counsel

SUBJECT:

Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings

BACKGROUND:

In response to the COVID-19 pandemic, the Governor suspended part of the Brown Act concerning the requirements for allowing Governing Board members to remotely participate in Board meetings. The suspended provisions require that (1) Governing Board meeting agendas allowing remote Board Member participation list each of the specific locations from which Board members will be remotely participating, (2) such agendas be posted at each such location, and (3) members of the general public must be allowed to remotely participate in the meeting from each of the listed locations. The suspension was done to promote social distancing and so to help limit the spread of COVID-19.

DISCUSSION:

The Governor’s suspension of these Brown Act provisions expired as of September 30 and was replaced by new AB 361, an urgency statute that became effective as of September 30. Under AB 361, Governing Boards can continue to allow remote Board members participation in Brown Act public meetings if several conditions are met:

1. The meeting is held during a declared State of Emergency (Like the Governor’s COVID-19 pandemic State of Emergency that’s still in effect in California);
2. The Governing Board adopts findings to the effect that allowing remote meeting participation by Governing Board members promotes social distancing, which in turn helps prevent the spread of COVID-19;
3. The Governing Board confirms these conditions continue to be met every 30 days.

The Tulare County Association of Governments Board of Governors passed a resolution adopting a policy of remote attendance pursuant to AB 361 on October 18, 2021.

RECOMMENDATION:

Reaffirm the decision to continue allowing the option to participate in its governing board meetings remotely through the use of the teleconferencing provisions of AB 361.

FISCAL IMPACT:

None

ATTACHMENT:

None

Work Element 601.02 TCAG Administration

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AGENDA ITEM IV-B

September 19, 2022

Prepared by Giancarlo Bruno, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Approve the 2022/23 Senate Bill 1 (SB-1) State of Good Repair Project List

BACKGROUND:

The California State of Good Repair (SGR) Program was authorized as a part of Senate Bill 1 signed into law on April 28, 2017. The program provides approximately \$105 million annually to transit operators for qualifying transit maintenance, rehabilitation, modernization, and capital projects. The additional funds are sourced from the Transportation Improvement Fee (TIF) on motor vehicle registrations which was introduced on January 1, 2018. The program will be allocated under the State Transit Assistance (STA) Program formula. Half of the available funds are allocated according to regional population and half according to transit operator revenue.

For local agencies to receive funding through the SGR Program, TCAG must approve and submit their project lists to Caltrans. After project lists are submitted annually and approved, funds are disbursed quarterly from the State Controller's Office (SCO). The funds are allocated per Public Utility Code 99313 and 99314 for projects deemed eligible by Caltrans that are on the submitted project list.

It should be noted that STA funds are allocated annually by the State Controller, and SGR funds are a result of the new TIF revenues; the available amount of SGR funding available for 2022/23 is an estimate. Claim amounts exceeding actual receipts will not be paid out; conversely, excess revenues can be claimed via a claim amendment or in the following fiscal year.

DISCUSSION:

To be eligible for FY 2022/23 funding, transit agencies must submit a project list to the Regional Transportation Planning Agency (RTPA). As RTPA for Tulare County, TCAG must submit its proposed list of projects along with a resolution of approval from its governing board. Attached is the list of proposed projects that were submitted by Tulare County transit agencies for SB-1 State of Good Repair funds.

RECOMMENDATION:

Approve the 2022/23 SB-1 State of Good Repair project list. Authorize staff to make technical changes as may be required for submittal.

FISCAL IMPACT:

There is no fiscal impact to TCAG.

ATTACHMENTS:

1. Resolution approving the SB-1 State of Good Repair Project List
2. 2022/23 Tulare County Regionwide SGR Project List

BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVAL OF THE SB-1 STATE OF GOOD)
REPAIR PROJECT LIST FOR FISCAL) Resolution No 2022-xxx
YEAR 2022/23)

WHEREAS, the California State of Good Repair (SGR) Program was authorized under Senate Bill 1 signed into law on April 28, 2017 to fund eligible transit maintenance, rehabilitation, and capital projects in order to maintain the public transit system in a state of good repair; and

WHEREAS, TCAG is an eligible project sponsor and may receive and distribute SGR funds to eligible local agencies for eligible projects; and

WHEREAS, to be eligible for FY 2022/23 funding, transit agencies within Tulare County must submit a project list to TCAG.

NOW, THEREFORE, BE IT RESOLVED that the 2022/23 SGR Project List, as attached, is approved for the SGR Program funds.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Directors of the Tulare County Association of Governments that each fund recipient shall comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all SGR funded transit projects.

The foregoing Resolution was adopted upon motion of Member , seconded by Member , at a regular meeting held on the 19th day of September, 2022 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Amy Shuklian
Chair, TCAG

Ted Smalley
Executive Director, TCAG

State of Good Repair Project Information	Sub-Recipient/Operator <i>Dropdown Selection</i>		County of Tulare	City of Visalia
	Project Title <i>Project Titles must match if appearing on a previous list Max 75 Characters</i>		FY 2022-23 Transit Fleet Expansion; Project CIP#2022- 06	Purchase of one (1) Battery Electric Fixed-Route Bus with Charger
	Project Description <i>Max 300 Characters If you need more space place additional information in Notes</i>		Purchase approximately nine (9) five-pax ADA accessible minivans for on-demand transit service.	Purchase of one (1) Battery Electric Fixed-Route Replacement Bus with Charger
	Asset Type <i>Dropdown Selection</i>		Rolling Stock/Fleet	Rolling Stock/Fleet
	Project Category <i>Dropdown Selection</i>		Modernization	Replacement
	Current Condition of Asset <i>Dropdown Selection</i>		N/A	Poor
	Useful Life If applicable <i>In Years</i>		8	12
	Project Dates	Project Start Date <i>MM/DD/YYYY</i>	10/1/2022	7/1/2022
		Project Completion Date <i>MM/DD/YYYY</i>	10/31/2023	12/31/2023
	Project Location City		Dinuba, Exeter, Farmersville, Lindsay, Porterville, Woodlake	Visalia
	Project Location County		Tulare	Tulare
Existing State of Good Repair Project		No	Yes	
SGR Costs	<u>2022-23</u> SGR Costs 99313		\$ 517,623	\$ 220,920
	<u>2022-23</u> SGR Costs 99314		\$ 30,983	\$ 46,646
	<u>Total</u> SGR Costs 99313		\$ 517,623	\$ 572,789
	<u>Total</u> SGR Costs 99314		\$ 30,983	\$ 46,646
	<u>Total</u> Other SB1 Costs <i>Please Identify Program in Notes</i>			
	<u>Total</u> STA Costs <i>Not Including SGR</i>			
	<u>Total</u> All Other Funds			
Total Project		\$ 548,606	\$ 1,106,834	
Legislative Districts	Congressional		21, 22, 23 (before redistricting)	22
	Senate		8, 14, 16	16
	Assembly		23, 26	26

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AGENDA ITEM IV-C

September 19, 2022

Prepared by Gabriel Gutierrez, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Reaffirm 2021 Federal Transportation Improvement Program (FTIP) Amendment No. 17 (Type 3-Formal Amendment)

BACKGROUND:

The Federal Transportation Improvement Program (FTIP) is the four-year capital improvement program that details project funding and allows the approval to expend the funds. From time to time, project details change (e.g., scope, cost, or schedule) or new projects need to be added. In these cases, the FTIP must be amended to reflect the project changes and additions. Different types of amendments depend on the type of change requested. The FTIP is subject to federal air quality conformity rules established by the Environmental Protection Agency (EPA).

DISCUSSION:

The project changes from this amendment have been determined to be exempt from the requirement that a conformity determination and/or regional emissions analysis be performed. The summary of changes (see Attachment 2) provides a detailed description of the project changes as a result of Amendment No. 17.

Per TCAG's adopted 2022 Public Participation Plan (PPP), a 14-day public review period was held and no comments were received during the public review period. The Executive Director has delegated authority to approve Type 3 formal amendments with reaffirmation by the TCAG Board. Amendment No. 17 was approved by the Executive Director on July 13, 2022. Caltrans approved the amendment on July 14, 2022, followed by approval by FHWA and FTA on August 26, 2022.

FISCAL IMPACT:

There is no fiscal impact to TCAG. Any fiscal changes to TCAG agencies are listed in the attached project summary.

ATTACHMENTS:

- 1) Resolution Reaffirming Delegated Action by the Director
- 2) Summary of Changes for Amendment No. 17

BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

REAFFIRMING DELEGATED ACTION BY)
THE TCAG EXECUTIVE DIRECTOR ON)
AMENDMENT NO. 17 TO THE 2021) Resolution No. 2022-xxx
FEDERAL TRANSPORTATION)
IMPROVEMENT PROGRAM)

WHEREAS, the Tulare County Association of Governments (TCAG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization (MPO), pursuant to State and Federal designation; and

WHEREAS, federal planning regulations require the MPO to prepare and adopt a long range Regional Transportation Plan (RTP) for their region; and

WHEREAS, federal planning regulations require the MPO to prepare and adopt a Federal Transportation Improvement Program (FTIP) for their region; and

WHEREAS, Amendment No. 17 to the 2021 FTIP has been prepared to comply with Federal and State requirements for local projects and through a cooperative process between the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the State Department of Transportation (Caltrans), principal elected officials of general purpose local governments and their staff, and public owner operators of mass transportation services acting through the Tulare County Association of Governments forum and general public involvement; and

WHEREAS, Amendment No. 17 to the 2021 FTIP program listing is consistent with: 1) the 2018 Regional Transportation Plan; and 2) the 2022 State Transportation Improvement Program (STIP); and 3) the Corresponding Conformity Analysis: and

WHEREAS, Amendment No. 17 to the 2021 FTIP contains the MPO’s certification of the transportation planning process assuring that all federal requirements have been fulfilled; and

WHEREAS, Amendment No. 17 to the 2021 FTIP meets all applicable transportation planning requirements per 23 CFR Part 450; and

WHEREAS, Amendment No. 17 to the 2021 FTIP includes funding changes and additions and deletions of projects exempt from air quality conformity; and

WHEREAS, projects submitted in Amendment No. 17 to the 2021 FTIP must be financially constrained and the financial plan affirms that funding is available; and

WHEREAS, Amendment No. 17 to the 2021 FTIP does not interfere with the timely implementation of the Transportation Control Measures; and

WHEREAS, Amendment No. 17 to the 2021 FTIP conforms to the applicable State Implementation Plan (SIP); and

WHEREAS, the documents have been widely circulated and reviewed by TCAG’s advisory committees representing the technical and management staffs of the member agencies; representatives of other governmental agencies, including State and Federal; representatives of special interest groups; representatives of the private business sector; and residents of Tulare County consistent with the Public Participation Plan (PPP) adopted by TCAG; and

WHEREAS, a 14-day interagency consultation and public comment period was held between Thursday, June 30, 2022 and Wednesday, July 13, 2022; and

WHEREAS, on April 20, 2009, TCAG approved the 2009 PPP, delegating authority to the TCAG Executive Director to approve Type 2 and 3 Amendments to the FTIP and on September 15, 2011, TCAG approved Amendment No. 1 to the PPP which delegated final approval authority for Type 1 administrative modifications to the FTIP to the TCAG Executive Director and TCAG Chair.

NOW, THEREFORE, BE IT RESOLVED, that the Tulare County Association of Governments reaffirms the Tulare County Association of Governments Executive Director’s approval of Amendment No. 17 to the 2021 FTIP.

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 19th day of September, 2022, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Amy Shuklian, Chair
TCAG

Ted Smalley, Executive Director
TCAG

Summary of Changes TCAG 2021 FTIP Amendment No. 17 (Type 3 - Formal Amendment) (Dollars rounded to thousands)														
Existing / New	CTIPS ID	Implementing Agency	Project Title	Phase	Prior CTIPS Amt.	Current CTIPS Amt.	FFY	Financial Table Fund Source Category	Net Change	Prior Total Project Cost	Current Total Project Cost	Total Project Cost Change	% Change	Comments
New	215-0000-0789	County of Tulare	Terra Bella Avenue Farm 2 Market Project	PE	\$0	\$175,000	21/22	Local County Funds	\$175,000	\$0	\$6,650,000	\$6,650,000	N/A New Project	Adds new 2022 federal earmark project to the 2021 FTIP.
				CON	\$0	\$3,000,000	21/22	2022EAR	\$3,000,000					
					\$0	\$3,475,000	21/22	Local County Funds	\$3,475,000					
New	215-0000-0790	Visalia	Visalia City Transit Mobility Management (Using Toll Credits)	CON	\$0	\$63,000	21/22	FTA 5310	\$63,000	\$0	\$63,000	\$63,000	N/A New Project	Adds new project from FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities 2021 Program of Projects
New	215-0000-0791	Visalia	Visalia City Transit Mobility Management (Using Toll Credits)	CON	\$0	\$177,000	21/22	FTA 5310	\$177,000	\$0	\$177,000	\$177,000	N/A New Project	Adds new project from FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities 2021 Program of Projects
Total									\$6,890,000					

Summary of Net Increases and Decreases by FFY					
Fund Type	20/21	21/22	22/23	23/24	Total
2022EAR	\$0	\$3,000,000	\$0	\$0	\$3,000,000
FTA 5310	\$0	\$240,000	\$0	\$0	\$240,000
Local County Funds	\$0	\$3,650,000	\$0	\$0	\$3,650,000
Total	\$0	\$6,890,000	\$0	\$0	\$6,890,000

AGENDA ITEM IV-C

September 19, 2022

Prepared by Sheela Bhongir, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Approve Amendment 2 to Tulare County Association of Governments (TCAG) Agreement No. 2022-019

BACKGROUND:

On January 24, 2022, with Resolution No. 2022-103 the Board approved staff recommendation to engage 4 Creeks to prepare the Tule River Tribe Active Transportation Plan with the use of SB1 funding and local contributions for an amount not to exceed \$50,340 and an expiration date of June 30, 2022.

On August 15, 2022, with Resolution No. 2022-137 the Board approved staff recommendation to extend the agreement by 12 months to June 30, 2023. This extension allowed the consultant to use the current findings and observations from the Tule River Active Transportation Plan to take advantage of an opportunity to submit an application for the Active Transportation Program Grant - Cycle 6 funding (ATP Cycle 6). If awarded, funds would allow for construction of high-priority safety improvements that have been longstanding issues on the Tule River Reservation.

To pursue this opportunity the consultant had to produce expedited cost estimates, preliminary exhibits, designs and supporting documents for the ATP Cycle 6 grant application submitted on June 15, 2022. Many of the same exhibits, designs and findings cross over between the ATP Cycle 6 grant application and the Tule River Active Transportation Plan.

DISCUSSION:

Amendment 2 allows for an increase in funds to pay for the tasks outlined in Exhibit F of agreement #2022-019. The first task will help pay for the expedited services (such as cost estimates, preliminary exhibits, designs, and support documents) produced by 4 Creeks to help the Tule River Tribe compete for an opportunity for ATP Cycle 6 grant funds. Applications from ATP Cycle 6 are currently being evaluated and final selections of the awardees will be announced in October 2022.

The second task as outlined in Exhibit F allows for more detailed drawings and renderings required for the Tule River Active Transportation Plan. The drawings and renderings can be produced in a 3D high quality format which can significantly help enhance the visual imagery and proposals showcasing transformative, safe, and reliable active transportation countermeasures. Some of the proposals include a pedestrian bridge allowing passage over the Tule River from South Reservation Road to North Reservation Road. Another proposal would showcase the preservation and replication of the pedestrian Swinging Bringing built in the 1950s. Other proposals include Class I bicycle and pedestrian facilities along Reservation Road with various traffic calming measures and complete streets enhancements.

Current cost estimates, including construction and labor, for the two pedestrian bridges described above and complete street enhancements along Reservation Road amounts

to a total \$7 million. Given the high cost of these safety improvements, TCAG expedited the opportunity to receive funding by competing in the current ATP Cycle 6 instead of waiting for Cycle 7 in 2024.

The Tule River Tribe continues to seek funding opportunities to implement these important safety measures. The detailed renderings in 3D would serve as visual aids of these projects and would be displayed in the Tribal Administration building and accessible for Tribal Members to come see and participate in conversations to help influence the final design of these projects before they go for construction.

In total Amendment 2 as outlined in Exhibit F would increase the original agreement by \$20,500 including a contingency of \$2000. The total agreement amount if approved would therefore be \$70,840.

RECOMMENDATIONS:

Authorize Amendment 2 to TCAG Agreement #2022-019 by an increase of \$20,500 for a revised total amount of \$70,840.

FISCAL IMPACT:

The FY 2022-2023 Overall Work Plan reflects the funding for the project.

ATTACHMENTS:

1. Resolution to approve Amendment 2 to TCAG Agreement #2022-019.
2. TCAG Agreement #2022-019.

BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVE AMENDMENT NO. 2 TO TULARE)	
COUNTY ASSOCIATION OF)	
GOVERNMENTS (TCAG) AGREEMENT)	Resolution No. 2022-xxx
NO. 2022-019)	

WHEREAS, On January 24, 2022, with Resolution No. 2022-103, 4 Creeks was awarded a contract to prepare the Tule River Tribe Active Transportation Plan for an amount not to exceed \$ 50,340 with the use of SB1 funding and local contributions; and

WHEREAS, On August 15, 2022, with Resolution No. 2022-137 approved Amendment 1 to the original Agreement #2022-019 to grant a time extension to June 30, 2023 to assist in preparing application materials to compete in the Active Transportation Program Grant Cycle 6 funding to help implement some of the high-priority and immediate infrastructure changes and improvements as directed by the findings and observations from the Tule River Active Transportation Plan; and

WHEREAS, TCAG tasked 4 Creeks with preparing cost estimates, detailed exhibits and preliminary designs in support of the grant application submitted on June 15, 2022 to compete in the Active Transportation Program Cycle 6 grant funding; and the Tule River Active Transportation Plan requires more detailed drawings and renderings of the proposals recommended in the Tule River Active Transportation Plan to serve as aids for community feedback and engagement; and

WHEREAS, the Tule River Tribe is continuing to apply for more opportunities and chances to implement and fund active transportation infrastructure improvements; and

WHEREAS, the additional tasks in Exhibit F are an increase of the original agreement by \$20,500 which includes a contingency of \$2,000; and

WHEREAS, the original agreement amount of \$50,340 is amended to include the tasks in Exhibit F. The amended agreement would result in a revised total amount of \$70,840.

NOW, THEREFORE, BE IT RESOLVED that the TCAG Board of Governors Chairman is hereby authorized to amend the Agreement # 2022-019 to include Exhibit F for a total agreement amount of \$70,840.

The foregoing Resolution was adopted upon motion of _____, seconded by Member _____, at a regular meeting held on the 19th day of September, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Amy Shuklian
Chair, TCAG

Ted Smalley
Executive Director, TCAG

**TULARE COUNTY ASSOCIATION OF GOVERNMENTS
SERVICES AGREEMENT
FOR PREPARATION OF THE TULE RIVER ACTIVE TRANSPORTATION PLAN**

THIS AGREEMENT (“Agreement”) is entered into as of February 3, 2022, between the **TULARE COUNTY ASSOCIATION OF GOVERNMENTS**, a joint powers authority established under the laws of the State of California (“TCAG”), and **4Creeks, Inc.** (“CONTRACTOR”). TCAG and CONTRACTOR are each a “Party” and together are the “Parties” to this Agreement, which is made with reference to the following:

- A. WHEREAS, TCAG obtained a SB1 Grant for the preparation of the Tule River Active Transportation Plan (ATP); and
- B. WHEREAS, TCAG requested proposals from qualified firms to prepare the ATP; and
- C. WHEREAS, proposals were received and evaluated per TCAG’s adopted procurement process; and
- D. WHEREAS, TCAG selected 4Creeks, Inc. for the preparation of the ATP.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. TERM: This Agreement becomes effective as of February 3, 2022 and expires at 11:59 PM on June 30, 2022 unless earlier terminated as provided below. If more time is required, an extension of up to three months is allowed upon a written and signed agreement between TCAG Executive Director and CONTRACTOR.

2. SERVICES: See attached **Exhibit A**.

3. PAYMENT FOR SERVICES & BUDGET: See attached **Exhibit B**.

TCAG may request at any time, amendments to this contract and will notify the CONTRACTOR in writing regarding changes. Upon a minimum of ten (10) days’ notice, the CONTRACTOR shall determine the impact on both time and compensation of such changes and notify TCAG in writing. Upon agreement between TCAG and CONTRACTOR as to the extent of these impacts on time and compensation, an amendment to this contract shall be prepared describing such changes. Such amendment shall be valid effective the date of the amending document.

4. INSURANCE: Before approval of this Agreement by TCAG, CONTRACTOR must file with the Clerk of the Board of Governors of TCAG evidence of the required insurance as set forth in the attached **Exhibit C**.

5. SCHEDULE & DELIVERABLES: See attached **Exhibit D**.

6. PROJECT STAFF: David Duda shall be the Project Manager performing the service under this Agreement. The Project Manager shall not be replaced without prior written approval from the Executive Director of TCAG.

7. GENERAL AGREEMENT TERMS AND CONDITIONS: TCAG’S “General Agreement Terms and Conditions” are hereby incorporated by reference and made a part of this Agreement as if fully set forth herein. TCAG’S “General Agreement Terms and Conditions” are attached as **Exhibit E**.

**TULARE COUNTY ASSOCIATION OF GOVERNMENTS
SERVICES AGREEMENT
FOR PREPARATION OF THE TULE RIVER ACTIVE TRANSPORTATION PLAN**

7. NOTICES: (a) Except as may be otherwise required by law, any notice to be given must be written and must be either personally delivered, sent by facsimile transmission or sent by first class mail, postage pre-paid and addressed as follows:

TCAG:

Attn: Ted Smalley
210 N. Church Street, Suite B
Visalia, CA 93291
Phone No.: (559) 623-0450

4Creeks, INC.:

David Duda
324 S. Santa Fe Street
Visalia, CA 93292
Phone No.: (559) 802-3052

(b) Notice personally delivered is effective when delivered. Notice sent by facsimile transmission is deemed to be received upon successful transmission. Notice sent by first class mail will be deemed received on the fifth calendar day after the date of mailing. Either Party may change the above address by giving written notice under this section.

8. SUBCONTRACTING: If this box is checked , CONTRACTOR has indicated it will utilize subcontractors to provide certain services related to this Agreement. CONTRACTOR has selected the following subcontractors ("Subcontractors") to provide the goods or services related to this Agreement: Peters Engineering Group. CONTRACTOR will supervise all Subcontractors, and ensure that Subcontractors comply with all applicable laws and regulations. CONTRACTOR will include all applicable provisions of this Agreement in its contracts with Subcontractors, and ensure compliance with those provisions. No other subcontractors shall be utilized without prior written approval from the Executive Director of TCAG.

9. FORCE MAJEURE: Neither party shall be in default by reason of any failure in performance of this AGREEMENT if such failure arises out of causes beyond their control and without the fault or negligence of said party, including, without limitation, the following: (1) Acts of God; (2) war; (3) terrorism or other acts of public enemy; (3) strikes and other labor difficulties. If the performance of any obligation hereunder is prevented or delayed due to a cause in the preceding sentence, the time for performance or observance will be extended for the period that the action is delayed or prevented by the cause.

10. AUTHORITY: CONTRACTOR represents and warrants to TCAG that the individual(s) signing this Agreement on its behalf are duly authorized and have legal capacity to sign this Agreement and bind CONTRACTOR to its terms. CONTRACTOR acknowledges that TCAG has relied upon this representation and warranty in entering into this Agreement.

11. COUNTERPARTS: The Parties may sign this Agreement in counterparts, each of which is an original and all of which taken together form one single document.

**TULARE COUNTY ASSOCIATION OF GOVERNMENTS
SERVICES AGREEMENT
FOR PREPARATION OF THE TULE RIVER ACTIVE TRANSPORTATION PLAN**

[THIS SPACE LEFT BLANK INTENTIONALLY; SIGNATURES FOLLOW ON NEXT PAGE]

**TULARE COUNTY ASSOCIATION OF GOVERNMENTS
SERVICES AGREEMENT
FOR PREPARATION OF THE TULE RIVER ACTIVE TRANSPORTATION PLAN**

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

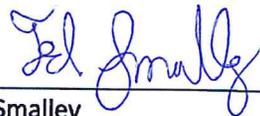
Date: 2/4/22

4Creeks INC.
By 
Print Name RANDY WASNICK
Title VP/SECRETARY

[Pursuant to Corporations Code section 313, TCAG policy requires that contracts with a **Corporation** be signed by both (1) the chairman of the Board of Directors, the president or any vice-president (or another officer having general, operational responsibilities), and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer (or another officer having recordkeeping or financial responsibilities), unless the contract is accompanied by a certified copy of a resolution of the corporation's Board of Directors authorizing the execution of the contract. Similarly, pursuant to California Corporations Code section 17703.01, TCAG policy requires that contracts with a **Limited Liability Company** be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.]

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Date: 2/7/22

By 
Ted Smalley
Executive Director

Scope of Work



Study Development

Task 1.1: Review of Existing Studies, Plans, and Maps

4Creeks, Inc. will act as the consultant and provide project management in collaboration with the TCAG staff. Upon contract authorization, the 4Creeks project team will work together with TCAG staff to prepare a final scope of work, schedule, and budget parameters for the project. All budget parameters will reflect the current 4-Creeks Inc. fee schedule.

4Creeks Team will utilize all existing studies available that have data and analysis and determine strategies based off the existing documents and walking audit with TCAG staff, Tule River residents, Tule River youth, and other various stakeholders. Our job is not to come to your communities and just tell you what needs to be done, but it is to come to your community and listen, ask questions, evaluate existing conditions, help the community visualize possibilities, and then apply our experience and expertise to help the community decide how the multimodal improvement plan is developed. This will not be the consultant's vision; rather it will be the vision of Tule River residents, staff, and stakeholders in accordance with existing plans and studies.

The Team will incorporate policies that are consistent with the 2018 Sustainable Transportation/Circulation Element developed for the Tule River Comprehensive Master Plan.

Development of a Comprehensive Work Plan: 4Creeks and its team members pride themselves on establishing a comprehensive work plan upon project conception and maintaining that plan throughout the project. Upon project initiation, 4Creeks will deliver a work plan that clearly reflects the tasks, work product deliverables, and overall schedule.

Project Team Kick-off Site Visit: An initial kick-off meeting within the project areas with County staff and any Tribal representative will be scheduled to establish lines of communication; identify project management procedures, discuss TCAG's expectation of our services, and to finalize a project timeline with key target dates established. Following this kickoff meeting the Consultant will prepare meeting minutes. Additionally we will create a regularly scheduled meeting with the project team, representatives in order to keep the project on schedule.



Project Communications: 4-Creeks management approach involves staying accountable and owning the project at hand. Having the required disciplines within the same company allows for quick response time for any needed communication between the different areas of expertise and will keep the project from becoming stagnant. To embrace this approach, David Duda, (Project Manager) will provide direct communication with City of Lindsay assigned staff on a regular basis. This will allow for the project to stay on task and on schedule as outlined in the approved agreements.

Task 1.2: High Injury & Level of Traffic Stress Network

Collect Data on Existing Conditions: 4-Creeks will conduct a thorough review of all available resources to assess the existing conditions of the areas. 4-Creeks will consult with a traffic engineer to model future traffic conditions within the study area so that future traffic volumes are accounted for in the proposed design concepts.

4-Creeks will provide aerial maps using drone technology. 4-Creeks will use this imagery to identify deficiencies and gaps in existing pedestrian and bicycle infrastructure, and to assess bicycle and pedestrian connections to schools, parks, homes, commercial points of interest, and Casino. 4-Creeks will also prepare an audit of the the Statewide Integrated Traffic Records System and Tribal resources to identify all reported collisions that occurred within the study area over a 10 year period (2010-2020). The location of each collision will be mapped to identify intersections and road segments that have a disproportionate number of collisions. This data will be used to identify potential improvement areas and to develop design features that improve public safety and increase bicycle and pedestrian mobility.

Prepare Base Maps: During this initial stage of the project, 4Creeks will gather geo-referenced aerial photography utilizing drone technology for a current and detailed map of the study area. The resolution of these aerial maps is less that 0.7" GSD (ground inches per pixel) which provide an almost-survey quality base map that can be used to identify pedestrian/bicycle impediments and prepare design concepts that fit into the existing transportation network.

4-Creeks will overlay these aerial maps with available data, including parcel lines, utilities, and other necessary data in CAD and GIS to prepare the final base maps for the project. The team will distill the information collected and studied from aerial photography, the literature review, and accident analysis into a series of maps that clearly illustrate the most pertinent opportunities and constraints to improve multimodal mobility.4-Creeks believes that input from the local community is a necessary component of effective planning. 4-Creeks will support TCAG and the Tule River Tribe as needed to develop a community engagement plan and develop and disseminate outreach materials.



Task 1.3: Trail Network

Trail Network Designs: 4-Creeks will review and document all information gathered during the Data Collection and Community Outreach phases and work collaboratively with the planning, engineering, and traffic engineering groups to refine and complete products for conceptual trail network design options. Coordinating with a traffic engineer will ensure that designs are practical, meet the needs of all road users, and exhibit safe and efficient design. 4-Creeks will utilize the designs to prepare high quality exhibits to showcase the proposed projects and to allow community members to envision what the improvements would look like in their community. Deliverables for this task would include cross section designs, an overview plan to illustrate the mobility connections, and realistic 3D renderings of proposed projects to allow the public to visualize the benefits of project implementation.

Conceptual landscaping design will also be provided if appropriate for various locations along the mobility connections. Our team will review the proposed locations for the trails and provide recommendations with the review of the environment and how to capitalize on the existing vegetation and landscaping materials.

The 4Creeks Team will review the entire existing network and close all the gaps and provide an overall base map that highlights all the trails being proposed within project areas. We will put a special focus on the youth safety, usability, and accessibility to active transportation infrastructure as we understand the community depends on non-motorized travel throughout the area.

Task 1.4: Active Transportation Recommendation for the newly relocated Eagle Mountain Casino

The 4Creeks team worked on all the civil engineering designs for the new Eagle Mountain Casino, and we will be reviewing all details that went into the original design and determine best proposed mobility options for the property considering an Active Transportation Plan. Our team will collaborate with the City of Porterville to include discussion around any other opportunities to connects with other sites in the area and encourage efficient and sage mobility in and around the project site.

The deliverables will include base mapping with overall design concepts within the project area and surrounding opportunities that our team discovers through the research, analysis, and outreach stages of the project.

Task 1.5: (Optional) Preliminary Designs & Renderings for up to 10 locations

Develop/Refine Design Alternatives: 4-Creeks will review and document all information gathered during the Data Collection and Community Outreach phases and provide designs/renderings at locations determined to be most suitable areas for improvements. Deliverables for this task would include cross section designs, an overview plan to illustrate the mobility connections, and realistic 3D renderings of proposed projects to allow the public to visualize the benefits of project implementation. Conceptual landscaping design will also be provided if appropriate for various locations along the mobility connections. Design Concepts will be presented to TCAG staff, City of Porterville, and other stakeholders as determined.

Our goal will be to illustrate how these future locations will work within the community and prepare high quality renderings to paint the picture of the proposed design options. We believe this is an important step in the process to review with the community, staff, and stakeholders to work out any fine details and create great designs based on the specific community.

Task 1.6: Funding and Project Implementation Plan

Develop Implementation Plan: The Tule River Active Transportation Plan prepared by 4-Creeks will have a comprehensive implementation plan that includes potential funding sources for the proposed projects.

Cost Estimates: Cost estimates will include construction and maintenance cost estimates for the proposed projects as determined during initial kickoff meetings with TCAG staff. The 4-Creeks team tracks costs on each project it undertakes to ensure that costs are quantified for future reference. We typically compile our cost estimates using the following sources:

- Historic cost data received by our team and the County for similar projects.
- Strong working relationships with public sector contractors.
- Track records of performance and cost data obtained from industry and manufacturers' representatives.

Funding Sources: The 4Creeks Consulting Team will work with TCAG and other grant resources to reach out to various funding agencies and prepare a detailed list of grant funding that would be available to complete the construction of this project. 4-Creeks has successfully worked with many agencies and jurisdictions to acquire funding and we are prepared to assist the City of Lindsay in pursuing funding if desired.

Permit/Plan Consistency Review: For the areas that are within the City of Porterville jurisdiction, 4Creeks Consultant team will meet with City of Porterville staff to review all adopted local, county, and statewide plans/ordinances to be sure the design process and design alternatives are consistent with the intent of all local, county, and statewide plans.

Task 1.7: Draft and Final Tule River Active Transportation Plan

Prepare and Distribute Draft Plan: The 4-Creeks planning team will prepare a comprehensive study that will review the analysis, methods and results of Data Collection and Community Outreach, and present the proposed implementation plan and community-identified design concepts. The Tule River Tribe Active Transportation Plan will include the following sections:

1. **Introduction:** The Introduction section will identify the purpose and objectives of the study, describe the physical and demographic context of the planning area, and review the regulatory context and case studies of similar projects.
2. **Existing Conditions and Needs Assessment:** The Existing Conditions and Needs Assessment will provide a detailed analysis of the existing infrastructure and how it either contributes to or inhibits multimodal mobility. This section will include an overview of the existing street system and an analysis of the collision history over a ten year period to identify proposed improvement areas.

1. **Community Outreach/Walking Audits:** The Community Outreach section will detail the ways in which the staff, stakeholders, Tule River Residents, and youth were involved throughout the planning process. This section will summarize what happened at each of the outreach meetings, discuss comments received throughout the planning process, and describe how community input helped to shape the development of proposed projects and design concepts. Copies of meeting minutes and attendance lists will also be provided in the appendices, which will be helpful if and when City staff seek grant funding for project implementation.
2. **Proposed Design Concepts:** The Proposed Design Concepts section will present our plan to provide complete streets and multimodal access in project areas. This section will include a list of the proposed projects with an overview plan to illustrate bicycle, pedestrian and public transit connectivity, as well as 2D and 3D exhibits of the proposed projects.
3. **Action Plan and Implementation:** The Action Plan and Implementation Section will provide an analysis of how the proposed projects meet community-identified goals and objectives, a preliminary cost analysis for the proposed projects, a discussion of possible funding opportunities, a review of project consistency with local, county and statewide plans/ordinances, and environmental compliance procedures.

Prepare Final Plan and Present to TCAG team: 4-Creeks will incorporate comments received from the Draft Plan Workshop to prepare the Final Tule River Tribe Active Transportation Plan. 4-Creeks will present the Final Plan to TCAG staff for final comments and approval. Once adopted, 4-Creeks will deliver the final plan to all interested parties, and will provide hard copies to TCAG staff.

Exhibit B -Budget



Tule River Indian Tribe ATP

Cost Estimate for Project

SB1 Funds and Local Contributions - Funding for Project Fee Breakdown (Specific Rates of Compensation)

By: David Duda, AICP: Project Manager
Dec. 15. 2021

SCHEDULE	WORK PLAN BY TASKS	GIS Specialist	Traffic Engineer	Admin.	Assistant Planner	Associate Planner	Planning Director (Project Mgr)	Civil Engineer	Prints, Mileage and Subs	TOTAL
		\$90	\$120	\$75	\$60	\$100	\$140	\$140		
Feb. - March 2022	Task 1.1: Review existing plans, studies, maps									
February/March	Kickoff Meeting			2	2	4	4			\$1,230
March	Walking Audits				4	4	4			\$1,200
March	Summary of findings				5	10				\$1,300
										\$3,730
March-April 2022	Task 1.2: High Injury & level of Traffic Stress Network									
March	Identify high injury networks				10	5				\$1,100
March	Research - Speed limits review				5	5			\$100	\$900
March	Preliminary Designs	5	2		5	5	2	2	\$200	\$2,250
March/April	Brief report of Section				15	5				\$1,400
									\$600	\$5,650
April 2022	Task 1.3: Trail Network on Reservation									
March	Research trail options				5	5	5	2		\$1,500
April	Mapping points of interest/connectivity	5			5	5				\$1,250
April	Conceptual mapping trail treatments-ranked		5		20	10	5	5		\$3,500
April	Brief Report of this section					10				\$1,000
									\$0	\$7,250
April 2022	Task 1.4: Active Transportatin on new Casino site									
April	Meet with Team and City of Porterville		2			2	2			\$720
April	Research site and surrounding area				5	5	5			\$1,500
April	Prepare Conceptual ATP for area		5		20	10	5		\$200	\$3,700
April	Prepare Summary report of this task					10	5			\$1,700
									\$200	\$7,620
April - May 2022	Task 1.5: (Optional) Preliminary Designs and Renderings									
April	Determine locations for improvements		5			5	5	5		\$1,800
April/May	Collaborate and collect feedback		4			4	4			\$1,440
May	Prepare preliminary designs and renderings	5	4		80	15	10	5	\$200	\$8,830
May	Brief summary of this task				10	15	5			\$2,800
									\$200	\$14,870
May 2022	Task 1.6: Funding and Project Implementation Plan									
May	Funding Plan Preparation/Research				2	8	4			\$1,480
May	Brief report and outline of plan					4	2		\$0	\$680
										\$2,160
April - June 2022	Task 1.7: Draft and Final Tule River ATP									
April -May	Prepare Draft ATP			4	25	20	10		\$200	\$5,400
May	Review with TCAG staff					2	2		\$0	\$480
June	Prepare Final ATP				10	5	5	2	\$400	\$2,480
June	QA/AC						5		\$0	\$700
									\$1,000	\$9,060

Total Hours:	15	27	4	217	155	81	21			
	HOURS								Total Cost:	\$50,340

* Schedule is subject to change if approved with the TCAG Project Manager.

PROFESSIONAL SERVICES CONTRACTS
INSURANCE REQUIREMENTS

CONTRACTOR shall provide and maintain insurance for the duration of this Agreement against claims for injuries to persons and damage to property which may arise from, or in connection with, performance under the Agreement by the CONTRACTOR, his agents, representatives, employees and subcontractors, if applicable.

A. Minimum Scope & Limits of Insurance

1. Coverage at least as broad as Commercial General Liability, insurance Services Office Commercial General Liability coverage occurrence form GC 00 01, with limits no less than \$1,000,000 per occurrence including products and completed operations, property damage, bodily injury and personal & advertising injury. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. Insurance Services Office Form Number CA 00 01 covering Automobile Liability of \$1,000,000 per occurrence including any auto or, if the CONTRACTOR has no owned autos, hired and non-owned auto coverage. If an annual aggregate applies it must be no less than \$2,000,000.
3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
4. Professional Liability (Errors and Omissions) insurance appropriate to the CONTRACTOR's profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

B. Specific Provisions of the Certificate

1. If the required insurance is written on a claims made form, the retroactive date must be before the date of the contract or the beginning of the contract work and must be maintained and evidence of insurance must be provided for at least one (1) year after completion of the contract work.
2. CONTRACTOR must submit endorsements to the General Liability reflecting the following provisions:
 - a. *The COUNTY, its officers, agents, officials, employees and volunteers are to be covered as additional insureds as respects; liability arising out of work or operations performed by or on behalf of the CONTRACTOR including material, parts, or equipment furnished in connection with such work or operations.*
 - b. *For any claims related to this project, the CONTRACTOR's insurance coverage shall be primary insurance as respects the COUNTY, its officers, agents, officials, employees and volunteers. Any insurance or self-insurance maintained by the COUNTY, its officers, agents, officials, employees or volunteers shall be excess of the CONTRACTOR's insurance and shall not contribute with it.*
 - c. *CONTRACTOR hereby grants to COUNTY a waiver of any right to subrogation which any insurer of CONTRACTPR may acquire against the county by virtue of the payment of any loss under such insurance. CONTRACTOR agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the COUNTY has received a waiver of subrogation endorsement from the insurer.*

Exhibit C

- d. Each insurance policy required by this agreement shall be endorsed to state that coverage shall not be canceled by either party, except after written notice has been provided to the County.*
3. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the COUNTY for all work performed by the CONTRACTOR, its employees, agents and subcontractors. CONTRACTOR waives all rights against the COUNTY and its officers, agents, officials, employees and volunteers for recovery of damages to the extent these damages are covered by the workers compensation and employers liability.
- C. Deductibles and Self-Insured Retentions
Self-insured retentions must be declared and the COUNTY Risk Manager must approve any deductible or self-insured retention that exceeds \$100,000.
- D. Acceptability of Insurance
Insurance must be placed with insurers with a current rating given by A.M. Best and Company of no less than A-:VII and a Standard & Poor's Rating (if rated) of at least BBB and from a company approved by the Department of Insurance to conduct business in California. Any waiver of these standards is subject to approval by the County Risk Manager.
- E. Verification of Coverage
Prior to approval of this Agreement by the COUNTY, the CONTRACTOR shall file with the submitting department, certificates of insurance with original endorsements effecting coverage in a form acceptable to the COUNTY. Endorsements must be signed by persons authorized to bind coverage on behalf of the insurer. The COUNTY reserves the right to require certified copies of all required insurance policies at any time.

Exhibit D - Schedule



Tule River Indian Tribe ATP

Cost Estimate for Project

**SB1 Funds and Local Contributions - Funding for Project
Fee Breakdown (Specific Rates of Compensation)**

By: David Duda, AICP: Project Manager
Dec. 15. 2021

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HOURS										
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Total Cost:										\$50,340

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EXHIBIT E

TULARE COUNTY ASSOCIATION OF GOVERNMENTS'
GENERAL AGREEMENT TERMS AND CONDITIONS
(Revised 05/10/2018)

- 1. COMPLIANCE WITH LAW:** CONTRACTOR must provide services in accordance with applicable Federal, State, and local laws, regulations and directives. With respect to CONTRACTOR'S employees, CONTRACTOR must comply with all laws and regulations pertaining to wages and hours, state and federal income tax, unemployment insurance, Social Security, disability insurance, workers' compensation insurance, and discrimination in employment.
- 2. PAYMENT DOES NOT IMPLY ACCEPTANCE OF WORK:** CONTRACTOR is not entitled to any payments under this Agreement until TCAG confirms that services provided, including any furnished deliverables, satisfy all of the requirements of this Agreement. Payments to CONTRACTOR by TCAG shall not excuse CONTRACTOR from its obligation to replace unsatisfactory deliverables, including equipment, components, materials, or services even if the unsatisfactory character of such deliverables, equipment, components, materials, or services may not have been apparent or detected at the time such payment was made. Deliverables, equipment, components, materials and services that do not conform to the requirements of this Agreement may be rejected by TCAG and in such case must be replaced by CONTRACTOR without delay and at no cost to the TCAG.
- 3. DISALLOWANCE:** If CONTRACTOR requests or receives payment from TCAG for services hereunder, reimbursement for which is later disallowed by the State of California or United States Government, CONTRACTOR shall promptly refund the disallowed amount to TCAG upon TCAG'S request. At its option, TCAG may offset the amount disallowed from any payment due or to become due to CONTRACTOR under this Agreement or any other Agreement between CONTRACTOR and TCAG. CONTRACTOR'S obligations under this section 2 will survive the expiration or termination of this Agreement.
- 4. LIABILITY OF TCAG:** TCAG'S payment obligations under this Agreement shall be limited to the payment of the compensation provided for in section 3, "PAYMENT FOR SERVICES," of this Agreement. Notwithstanding any other provision of this Agreement, in no event shall TCAG be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect, or incidental damages, including, but not limited to, lost profits, arising out of or in connection with this Agreement or the services performed in connection with this Agreement.
- 5. QUALIFIED PERSONNEL:** CONTRACTOR shall utilize only competent personnel under the supervision of, and in the employment of, CONTRACTOR (or CONTRACTOR'S authorized subcontractors) to perform the services. CONTRACTOR will comply with TCAG'S reasonable requests regarding assignment and/or removal of personnel, but all personnel, including those assigned at TCAG'S request, must be supervised by CONTRACTOR. CONTRACTOR shall commit adequate resources to allow timely completion within the project schedule specified in this Agreement.
- 6. INDEPENDENT CONTRACTOR STATUS:** The Parties enter into this Agreement with the express understanding that CONTRACTOR will perform all services required under this Agreement as an independent contractor. The Parties agree that CONTRACTOR and any of its agents, employees, or officers cannot be considered agents, employees, or officers of TCAG.

CONTRACTOR agrees to advise everyone it assigns or hires to perform any duty under this Agreement that they are not employees of TCAG. Subject to any performance criteria contained in this Agreement, CONTRACTOR will be solely responsible for determining the means and methods of performing the specified services and TCAG will have no right to control or exercise any supervision over CONTRACTOR as to how CONTRACTOR will perform the

TULARE COUNTY ASSOCIATION OF GOVERNMENTS'
GENERAL AGREEMENT TERMS AND CONDITIONS
(Revised 05/10/2018)

services. As CONTRACTOR is not TCAG'S employee, CONTRACTOR is responsible for paying all required state and federal taxes. In particular, TCAG will not:

- (1) Withhold FICA (Social Security) from CONTRACTOR'S payments.
- (2) Make state or federal unemployment insurance contributions on CONTRACTOR'S behalf.
- (3) Withhold state or federal income tax from payments to CONTRACTOR.
- (4) Make disability insurance contributions on behalf of CONTRACTOR.
- (5) Obtain unemployment compensation insurance on behalf of CONTRACTOR.

Notwithstanding this independent contractor relationship, TCAG will have the right to monitor and evaluate the performance of CONTRACTOR to assure compliance with this Agreement.

7. LICENSES AND PERMITS: CONTRACTOR represents and warrants that it possesses and will maintain during the term of this Agreement all licenses and permits required for its performance of the services required under this Agreement.

8. GOVERNING LAW: The laws of the State of California, without reference to California conflict of laws principles, govern this Agreement and its interpretation. The Parties agree that this Agreement is made in and will be performed in Tulare County, California.

9. RECORDS AND AUDIT: CONTRACTOR must maintain complete and accurate records with respect to the services rendered and the costs incurred under this Agreement. In addition, CONTRACTOR must maintain complete and accurate records with respect to any payments to employees or subcontractors. All of the records must be prepared in accordance with generally accepted accounting procedures, must be clearly identified, and must be kept readily accessible. Upon request, CONTRACTOR must make the records available within Tulare County to the Auditor of Tulare County and to his or her agents and representatives, for the purpose of auditing and/or copying the records for a period of five (5) years from the date of final payment under this Agreement. Additional record-keeping requirements may be located in Exhibit F or G (related to federally-funded contracts generally, or FTA-funded contracts specifically).

10. CONFLICT OF INTEREST:

(a) At all times during the performance of this Agreement, CONTRACTOR must comply with the law of the State of California regarding conflicts of interests and appearance of conflicts of interests, including, but not limited to, Government Code Section 1090 *et seq.*, and the Political Reform Act, Government Code Section 81000 *et seq.*, and regulations promulgated by the California Fair Political Practices Commission. The statutes, regulations, and laws previously referenced include, but are not limited to, prohibitions against any public officer or employee, including CONTRACTOR for this purpose, from making any decision on behalf of TCAG in which the officer, employee, or consultant/contractor has a direct or indirect financial interest. A violation can occur if the public officer, employee, or consultant/contractor participates in or influences any TCAG decision that has the potential to confer any pecuniary benefit on CONTRACTOR or any business firm in which CONTRACTOR has an interest, with certain narrow exceptions.

(b) CONTRACTOR agrees that if any facts come to its attention that raise any questions as to the applicability of conflicts of interests laws, then it will immediately inform TCAG and provide all information needed for resolution of this question.

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11. INSURANCE: The attached **Exhibit C** outlines the minimum scope, specifications, and limits of insurance required under this Agreement. Additional insured endorsements required as outlined in **Exhibit C** cannot be used to reduce limits available to TCAG as an additional insured from CONTRACTOR'S full policy limits. Insurance policies cannot be used to limit liability or to limit the indemnification provisions and requirements of this Agreement or act in any way to reduce the policy coverage and limits available from the insurer(s). If CONTRACTOR fails to maintain or renew coverage, or to provide evidence of renewal, then TCAG may consider that failure a material breach of this Agreement. TCAG may also withhold any payment otherwise due to CONTRACTOR for failure to provide evidence of renewal until CONTRACTOR provides such evidence.

12. INDEMNIFICATION AND DEFENSE:

(a) To the fullest extent permitted by law, CONTRACTOR must indemnify, defend (at CONTRACTOR'S sole cost and expense and with legal counsel approved by TCAG, which approval may not be unreasonably withheld), protect and hold harmless TCAG, all subsidiaries, divisions, committee, and affiliated agencies of TCAG, and all of their representatives, partners, designees, officers, directors, employees, consultants, agents, successors, and assigns, (each, an "Indemnified Party" and collectively, the "Indemnified Parties"), from and against all claims (including, without limitation, claims for bodily injury, death or damage to property), demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including, without limitation, attorneys' fees, disbursements, and court costs, and all other professional expert or consultants' fees and costs and TCAG general and administrative expenses) of every kind and nature whatsoever (individually, a "Claim"; collectively, "Claims") which may arise out of, pertain to, or relate (directly or indirectly) to the negligence, recklessness, or misconduct of CONTRACTOR with respect to any work performed or services provided under this Agreement (including, without limitation, the acts, errors, and/or omissions of CONTRACTOR, its principals, officers, agents, employees, vendors, suppliers, consultants, sub-consultants, contractors, and anyone employed directly or indirectly by any of them, or for whose acts they may be liable, or any or all of them). CONTRACTOR'S obligation to indemnify applies unless it is finally adjudicated that the liability was caused by the sole active negligence or sole willful misconduct of an Indemnified Party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an Indemnified Party, then CONTRACTOR'S indemnification obligation shall be reduced in proportion to the established comparative liability.

(b) The duty to defend is a separate and distinct obligation from CONTRACTOR'S duty to indemnify. CONTRACTOR shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, the Indemnified Parties immediately upon tender to CONTRACTOR of the Claim in any form or at any stage of an action or proceeding, whether or not liability is established. Payment to CONTRACTOR by any Indemnified Party or the payment or advance of defense costs by any Indemnified Party cannot be a condition precedent to enforcing the Indemnified Party's rights to indemnification under this Agreement. An allegation or determination that persons other than CONTRACTOR are responsible for the Claim does not relieve CONTRACTOR from its separate and distinct obligation to defend under this section. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if CONTRACTOR asserts that liability is caused in whole or in part by the negligence or willful misconduct of an Indemnified Party. If it is finally adjudicated that liability was caused by the comparative active negligence or willful misconduct of an Indemnified Party, then CONTRACTOR may submit a claim to the TCAG for reimbursement of reasonable attorneys' fees and defense costs in proportion to the established comparative liability of the Indemnified Party. CONTRACTOR'S indemnification obligations under this Agreement will survive the expiration or earlier termination of this Agreement until action against the Indemnified Parties for the matter indemnified is fully and finally barred by the applicable statute of limitations or statute of repose. CONTRACTOR'S liability for indemnification under this Agreement is in addition to any liability CONTRACTOR may have to TCAG for a breach by CONTRACTOR of any of the provisions of this Agreement. Under no circumstances may the insurance re-

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quirements and limits set forth in this Agreement be construed to limit CONTRACTOR'S indemnification obligation or other liability under this Agreement. The terms of this Agreement are contractual and the result of negotiation between the Parties.

(c) CONTRACTOR must indemnify and hold TCAG harmless from all loss and liability, including attorneys' fees, court costs and all other litigation expenses, for any infringement of the patent rights, copyright, trade secret or any other proprietary right or trademark, and all other intellectual property claims of any person or persons in consequence of the use by TCAG, or any of its officers or agents, of articles or services to be supplied in the performance of this Agreement.

13. TERMINATION:

(a) **Without Cause:** TCAG may terminate this Agreement without cause by giving thirty (30) days' prior written notice to CONTRACTOR of its intention to terminate under this provision, specifying the date of termination. TCAG will pay to CONTRACTOR the compensation earned for work satisfactorily performed and not previously paid for to the date of termination. TCAG will not pay lost anticipated profits or other economic loss. The payment of any compensation is subject to the restrictions on payment of compensation otherwise provided in this Agreement, and is conditioned upon receipt from CONTRACTOR of all plans, specifications and estimates, and other documents prepared by CONTRACTOR in accordance with this Agreement. TCAG will not impose sanctions on CONTRACTOR under these circumstances.

(b) **With Cause:** Either Party may terminate this Agreement immediately, by written notice to the other Party, should the other Party:

- (1) Be adjudged a bankrupt, or
- (2) Become insolvent or have a receiver appointed, or
- (3) Make a general assignment for the benefit of creditors, or
- (4) Suffer any judgment that remains unsatisfied for 30 days, and that would substantively impair the ability of the judgment debtor to perform under this Agreement, or
- (5) Materially breach this Agreement.

In addition, TCAG may terminate this Agreement based on:

- (6) Material misrepresentation, either by CONTRACTOR or anyone acting on CONTRACTOR'S behalf, as to any matter related in any way to TCAG'S retention of CONTRACTOR, or
- (7) Other misconduct or circumstances that, in the sole discretion of TCAG, either impairs the ability of CONTRACTOR to competently provide the services under this Agreement, or exposes TCAG to an unreasonable risk of liability.

For any of the occurrences except item (5) above, termination may be effected upon written notice by the terminating Party specifying the date of the termination. If CONTRACTOR fails to perform according to the terms and conditions of this Agreement, then TCAG may, in addition to any other remedy it may have, issue a declaration of default after 10 days' written notice to CONTRACTOR.

Upon a material breach, the Agreement may be terminated after the failure of the defaulting Party to remedy the breach to the satisfaction of the non-defaulting Party within 5 days of written notice specifying the breach. If the breach is not remedied within that 5-day period, then the non-defaulting Party may terminate this Agree-

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ment on further written notice specifying the date of termination. If the nature of the breach is such that it cannot be cured within a 5-day period, then the defaulting Party may submit a written proposal within that period which sets forth a specific means to resolve the default. If the non-defaulting Party consents to that proposal in writing, which consent may not be unreasonably withheld, then the defaulting Party must immediately embark on its plan to cure the default or breach. If the default or breach is not cured within the time agreed, then the non-defaulting Party may terminate this Agreement upon written notice specifying the date of termination.

TCAG will pay to CONTRACTOR the compensation earned for work satisfactorily performed and not previously paid for to the date of termination. The payment of such compensation is subject to the restrictions on payment of compensation otherwise provided in this Agreement, and is conditioned upon receipt from CONTRACTOR of all plans, specifications and estimates, and other documents prepared by CONTRACTOR by the date of termination in accordance with this Agreement. TCAG will not pay lost anticipated profits or other economic loss, nor will TCAG pay compensation or make reimbursement to cure a breach arising out of or resulting from such termination. TCAG may impose sanctions under these circumstances, which may include possible rejection of future proposals based on specific causes of CONTRACTOR’S non-performance.

(c) **Effects of Expiration or Termination:** Expiration or termination of this Agreement will not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination contract activities. Where TCAG terminates CONTRACTOR’S services, that termination will not affect any rights of TCAG to recover damages against CONTRACTOR.

(d) **Suspension of Performance:** Independent of any right to terminate this Agreement, the Executive Director of TCAG may immediately suspend performance by CONTRACTOR, in whole or in part, in response to health, safety or financial emergency, or a failure or refusal by CONTRACTOR to comply with the provisions of this Agreement, until such time as the cause for suspension is resolved, or a notice of termination becomes effective.

14. LOSS OF FUNDING: It is understood and agreed that if TCAG’S funding is either discontinued or reduced for the services to be provided hereunder, then TCAG will have the right to terminate this Agreement under section 13 (a) (“Termination Without Cause”) as of the end of the term for which funds are appropriated. Such termination shall be without penalty, liability, or expense to TCAG of any kind, provided that TCAG shall pay CONTRACTOR in accordance with section 13 (a) for services satisfactorily performed prior to the date of such termination and to the extent funds have been appropriated for such payment.

15. SUBMITTING FALSE CLAIMS; MONETARY PENALTIES: Under applicable federal and state law, if CONTRACTOR submits a false claim to TCAG under this Agreement, then CONTRACTOR will be liable to TCAG for the statutory penalties set forth in those statutes, including but not limited to statutory fines, treble damages, costs, and attorneys’ fees. CONTRACTOR will be deemed to have submitted a false claim to TCAG if CONTRACTOR:

- (a) Knowingly presents or causes to be presented to TCAG a false claim or request for payment or approval;
- (b) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by TCAG;
- (c) Conspires to defraud TCAG by getting a false claim allowed or paid by TCAG;

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(d) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to TCAG; or

(e) Is a beneficiary of an inadvertent submission of a false claim to TCAG, later discovers the falsity of the claim, and fails to disclose the false claim to TCAG within a reasonable time after discovery of the false claim.

16. FORM DE-542: If CONTRACTOR is an individual, CONTRACTOR acknowledges that this Agreement is subject to filing obligations under Unemployment Insurance Code Section 1088.8. Accordingly, TCAG has an obligation to file a report with the Employment Development Department, which report will include CONTRACTOR'S full name, social security number, address, the date this Agreement was executed, the total amount of the Agreement, its expiration date or whether it is ongoing. CONTRACTOR agrees to cooperate with TCAG to make that information available and to complete Form DE- 542. Failure to provide the required information may, at TCAG'S option, prevent approval of this Agreement, or be grounds for termination by TCAG.

17. WORKS FOR HIRE: CONTRACTOR acknowledges that all work(s) under this Agreement are "work(s) for hire" within the meaning of the United States Copyright Act (Title 17 United States Code) and hereby assigns to TCAG all rights and interests CONTRACTOR may have in the work(s) it prepares under this Agreement, including any right to derivative use of the work(s). All software and related materials developed by CONTRACTOR in performance of this Agreement for TCAG will be the sole property of TCAG, and CONTRACTOR hereby assigns and transfers all its right, title, and interest therein to TCAG. CONTRACTOR will execute all necessary documents to enable TCAG to protect TCAG'S intellectual property rights under this section.

18. WORK PRODUCT: All work product, equipment, or materials created for TCAG or purchased by TCAG under this Agreement belong to TCAG and CONTRACTOR must immediately deliver them to TCAG at TCAG'S request upon termination or completion of this Agreement.

19. TIME OF ESSENCE: The Parties agree that time is of the essence under this Agreement, unless they agree otherwise in writing.

20. CONFIDENTIALITY: CONTRACTOR may not use or disclose any information it receives from TCAG under this Agreement that TCAG has previously identified as confidential or exempt from mandatory public disclosure except as necessary to carry out the purposes of this Agreement or as authorized in advance by TCAG. Unless required to do so by law, including, but not limited to, the Ralph M. Brown Act or the California Public Records Act, TCAG may not disclose to third parties any information it receives from CONTRACTOR that CONTRACTOR has previously identified as confidential. If TCAG determines that it must disclose any information that CONTRACTOR previously identified as confidential, then it shall promptly give CONTRACTOR written notice of its intention to disclose such information and the authority for such disclosure. CONTRACTOR shall have period of five (5) calendar days thereafter within which to seek a protective court order to prevent such disclosure or to notify TCAG that it will not seek such an order. TCAG shall cooperate with CONTRACTOR in any efforts to seek such a court order. TCAG shall not disclose the information until the five (5) day period has expired without a response from CONTRACTOR, or CONTRACTOR has notified TCAG that it will not seek such an order, or CONTRACTOR has sought and a court has declined to issue a protective order for such information. If CONTRACTOR seeks a protective order for such information, CONTRACTOR shall defend and indemnify TCAG from any and all loss, injury, or claim arising from TCAG'S withholding of the information from the requestor. This includes any attorney's fees awarded to the requestor. The duty of TCAG and CONTRACTOR to maintain confidentiality of information under this section continues beyond the term of this Agreement.

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21. ASSIGNMENT/SUBCONTRACTING: Unless otherwise provided in this Agreement, TCAG is relying on the personal skill, expertise, training and experience of CONTRACTOR and CONTRACTOR'S employees and no part of this Agreement may be assigned or subcontracted by CONTRACTOR without the prior written consent of TCAG, which consent TCAG may grant, delay, deny, or condition in its absolute discretion.

22. DISPUTES AND DISPUTE RESOLUTION: CONTRACTOR shall continue with its responsibilities under this Agreement during any dispute. If a dispute arises out of or relating to this Agreement, or the breach of the Agreement, and if the dispute cannot be settled through negotiation, then the Parties agree first to try in good faith to settle the dispute by non-binding mediation, to be held in Tulare County, California, before resorting to litigation or some other dispute resolution procedure, unless the Parties mutually agree otherwise. The Parties must mutually select the mediator, but in case of disagreement, then the Parties will select the mediator by lot from among two nominations provided by each Party. The Parties will split equally all costs and fees required by the mediator; otherwise each Party will bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, then either Party may pursue litigation to resolve the dispute.

23. PROPERTY TAXES: Under the terms of California Revenue and Taxation Code section 107.6 (possessory interest tax), CONTRACTOR'S possession or use of any TCAG-owned real property under this Agreement may create a “possessory interest” in the real property. If a possessory interest is created, then it may be subject to property taxation and CONTRACTOR may be subject to the payment of property taxes on that possessory interest.

24. FURTHER ASSURANCES: Each Party will execute any additional documents and perform any further acts that may be reasonably required to effect the purposes of this Agreement.

25. CONSTRUCTION: This Agreement reflects the contributions of all Parties and so the provisions of Civil Code section 1654 will not apply to address and interpret any alleged uncertainty or ambiguity.

26. HEADINGS: Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning, or intent of the provisions under the headings.

27. NO THIRD-PARTY BENEFICIARIES INTENDED: Unless specifically set forth, the Parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

28. WAIVERS: The failure of either Party to insist on strict compliance with any provision of this Agreement will not be considered a waiver of any right to do so, whether for that breach or any later breach. The acceptance by either Party of either performance or payment will not be considered a waiver of any preceding breach of the Agreement by the other Party.

29. ORDER OF PRECEDENCE: In the event of any conflict or inconsistency between or among the body of the Agreement (which includes these “General Agreement Terms and Conditions”) and any Exhibit, Schedule, or Attachment, then the terms and conditions of the body of the Agreement shall prevail.

30. CONFLICT WITH LAWS OR REGULATIONS/ SEVERABILITY: This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the Parties to be, in conflict with any code or regulation governing its subject matter, only the conflicting provision will be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either Party is lost, then the Agreement may be terminated at the option of the affected Party. In all other cases, the remainder of the Agreement will continue in full force and effect.

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31. ENTIRE AGREEMENT: This Agreement represents the entire agreement between CONTRACTOR and TCAG as to its subject matter and no prior oral or written understanding will be of any force or effect. No part of this Agreement may be modified without the written consent of both Parties.

32. ASSURANCES OF NON-DISCRIMINATION: CONTRACTOR must not discriminate in employment or in the provision of services based any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation. The Parties recognize that both CONTRACTOR and TCAG have the responsibility to protect TCAG employees and clients from unlawful activities, including discrimination and sexual harassment in the workplace. Accordingly, CONTRACTOR agrees to provide appropriate training to its employees regarding discrimination and sexual harassment issues, and to promptly and appropriately investigate any allegations that any of its employees may have engaged in improper discrimination or harassment activities. TCAG, in its sole discretion, has the right to require CONTRACTOR to replace any employee who provides services of any kind to TCAG under this Agreement with other employees where TCAG is concerned that its employees or clients may have been or may be the subjects of discrimination or harassment by such employees. TCAG'S right to require replacement of employees under this section does not preclude TCAG from terminating this Agreement with or without cause as provided for under this Agreement. Additional nondiscrimination requirements may be located in Exhibit F or G (related to federally-funded contracts generally, or FTA-funded contracts specifically).

33. DRUG-FREE WORKPLACE POLICY: CONTRACTOR acknowledges that under the Federal Drug-Free Workplace Act of 1989 and the California Drug-Free Workplace Act of 1990, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on TCAG premises. CONTRACTOR agrees that any violation of this prohibition by CONTRACTOR, its employees, agents, or assigns will be deemed a material breach of this Agreement.

34. RECYCLED PAPER CONTENT: To the extent CONTRACTOR'S services under this Agreement include printing services, pursuant to Public Contract Code section 22153, CONTRACTOR shall use paper that meets the recycled content requirements of Public Contract Code section 12209.

TCAG AGR# 2022-019

AMENDMENT 2 EXHIBIT F

EXHIBIT F: SCOPE OF WORK FOR TULE RIVER TRIBE ATP

Task Overview

1) Grant Application Project list and Coordination

4Creeks, Inc. will provide a report and supporting documents for the requested grant applications.

- Prepare portions of the grant application with supporting documents to describe the work to be completed. Working closely with TCAG staff and Tule River Tribe to get the full scope of work.
- Prepare necessary exhibits for the report.
- Prepare various cost estimates with supporting details for the Grant application.
- Prepare detailed exhibits and designs to provide for a complete grant application.
- Attend any meetings with TCAG staff and Tule River Tribe and other agencies that would be involved to provide for a completed grant application with project details.
- Work through several design alternatives with the team to determine best approaches to the proposed projects.

The above described Task 1 services will be provided for a **fixed fee amount of \$8,500 (not to exceed without approval)**.

2) 3D Renderings for Project Designs (Enhancements)

4Creeks will provide the additional renderings to provide for a high level visual aides in the overall ATP being prepared for future grant funding.

- Prepare high quality exhibits and renderings for projects within the proposed Tule River Tribe ATP.
- Correspondence and project discussions with Tribe/TCAG staff to understand requirements and maintain communications;
- Utilize ACAD, Adobe products, and Sketchup software to enhance project realistic visuals within the report and provide an ease of understanding details of the proposed projects.
- Highlight views throughout the village area to visually describe the traffic calming measures being proposed.
- Work through several concepts and alternatives with the team for final designs.

The above described Task 2 services will be provided for a **fixed fee amount of \$10,000 (not to exceed without approval)**.

Project Communications: 4-Creeks management approach involves staying accountable and owning the project at hand. Having the required disciplines within the same company allows for quick response time for any needed communication between the different areas of expertise and will keep the project from becoming stagnant at times.

Quality Assurance & Control: The ultimate success of any project hinges on the solid foundation of its leadership and management methodologies and procedures. Quality assurance and control are paramount on every project we undertake.

EXHIBIT F: 4CREEKS, INC. FEE SCHEDULE

Effective May 1, 2022

4Creeks, Inc. Fee Schedule – Professional

Fees are based on the median hourly pay rate for employees in each classification, plus indirect costs, overhead, and profit. Fee schedules for the various billing categories are:



Classification	Charges Per Hour	Classification	Charges Per Hour
Civil Engineering Services		Architectural Services	
Associate Engineer	\$125	Architectural Designer	\$105
Engineer	\$145	Architect	\$145
Senior Engineer	\$175		
Principal Engineer	\$200		
Planning Services		Construction Inspection (Non-Prevailing Wage)	
Assistant Planner	\$90	Associate Construction Inspector	\$110
Associate Planner	\$115	Construction Inspector	\$130
Planner	\$135	Senior Construction Inspector	\$150
Senior Planner	\$165		
Principal Planner	\$185		
Structural Engineering Services		Construction Management	
Associate Structural Engineer	\$145	Associate Construction Manager	\$125
Structural Engineer	\$160	Construction Manager	\$145
Senior Structural Engineer	\$180	Senior Construction Manager	\$175
GIS Services		Technical Services	
Associate GIS Technician	\$90	Project Technician I	\$85
GIS Technician	\$100	Project Technician II	\$95
Senior GIS Technician	\$120	Project Technician III	\$105
		Project Technician IV	\$120
Utility Design Services		Public Outreach Coordination	
Associate Designer	\$105	Associate Outreach Coordinator	\$105
Designer	\$130	Outreach Coordinator	\$125
Senior Designer	\$160		
Land Surveying Services		Water Consulting Services	
Assistant Surveyor	\$110	Associate Water Consultant	\$115
Land Surveyor	\$135	Water Consultant	\$135
Senior Surveyor	\$155	Senior Water Consultant	\$165
Principal Land Surveyor	\$180		
1-Man Survey Crew *	\$150	Executive Staff	
2-Man Survey Crew *	\$220	Associate Executive	\$120
3-Man Survey Crew*	\$275	Executive	\$145
Drone Pilot	\$155	Senior Executive	\$165
Software Engineering Services		Expert Witness	
Assistant Software Engineer	\$75	Expert Witness	\$300
Associate Software Engineer	\$90		
Software Engineer	\$135		
Senior Software Engineer	\$165		

Direct Charges

At cost plus fifteen percent (15%):

- Transportation and per-diem expenses (auto mileage @ current IRS rate, off-road charges \$50.00/day)
- Printing and reproduction: \$0.03 per b/w copy, \$0.12 per color copy, \$0.80 per sq. ft. large printing
- Equipment rentals, subcontractors, laboratory analyses
- Website Hosting Fees: \$15/mo. | \$150/annual

*Prevailing wage rates by separate schedule – Varies by County

AGENDA ITEM IV-E

September 19th by Benjamin Giuliani, TCAG Staff

SUBJECT:

Information: Status of State Transportation Improvement Program (STIP) Allocations and California Transportation Commission (CTC) Update

BACKGROUND:

The CTC is responsible for the programming and allocating of funds for the construction of highway, passenger rail and transit improvements throughout California. The CTC met in San Jose on August 17th-18th. The next regular CTC meeting will be in Santa Barbara on October 12th-13th. The STIP is a biennial document, which covers five years of programming for transportation projects in California. The STIP is comprised of Regional Transportation Improvement Programs (RTIPs) from each of the counties in California and the Interregional Transportation Improvement Program (ITIP) that is developed by Caltrans. The RTIPs account for 75% and the ITIP accounts for 25% of the total STIP funding.

DISCUSSION:

August CTC Meeting

Local Partnership Program (LPP) and STIP:

- Allocation of \$9 million of competitive LPP funding and \$7.4 million of STIP funding to the SR99/International Agri-Center Way (Commercial) interchange project.

Regional LPP Fund Estimate:

- Adopted the LPP local funding distribution. \$1.356m per year FY23/24 & 24/25 for TCAG. This compares to \$1.328m in 21/22 and \$1.258m in 22/23.

Regional Active Transportation Program (ATP) Fund Estimate

- Amended ATP fund estimate to account for the additional \$1b from the Governor's budget. For TCAG's share, \$8.847m total for FY23/24 thru FY26/27. The original share was \$3.373m.

June CTC Meeting

Caltrans State Highway Operation and Protection (SHOPP):

- Add \$500k SHOPP funding for construction support and \$4 million for construction for the SR-216/Lovers Ln rehab project (new total project cost, \$30.8 million)
- \$815k for design of centerline rumble strips, replacing Transportation Management System (TMS) elements, upgrading striping, pavement markers and signs on SR-201 near Kingsburg from east of Madsen Ave to Road 56

FTA 5310 Transit

- 2021 Program of Projects for Section 5310 transit funding, 2 buses for Porterville Sheltered Workshop, \$184k of 5310 funding

2022 RTIP/STIP

The 2022 STIP was adopted by the CTC at the March 16th meeting. There were no changes to TCAG's proposed RTIP. The 2022 STIP runs from FY 22/23 through FY 26/27.

2022 RTIP/STIP

Project	Agency	Phase	FY 21/22 (2020 STIP)	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27
SR-65 Realignment and operational improvements	Caltrans	PS&E Con			\$2.5m			\$1.9m
SR-99/Caldwell Interchange	Caltrans	R/W Con		\$4.6m	\$7.0m			
SR-99/Commercial Interchange	Caltrans	R/W Con	\$7.4 m ¹					
SR-99 Widening (Tagus-Prosperity)	Caltrans	Con						
SR-99 Widening (City of Tulare)	Caltrans	E&P PS&E	\$6.37 m ²					

¹Additionally, \$29.4 million from Measure R and \$16 million from BUILD

²\$4.3 million from ITIP and \$2.07 million from Prop 1b savings

PS&E = Plans, Specifications & Estimate, R/W = Right of Way, E&P = Environmental Studies and Permits

ATTACHMENTS:

None

AGENDA ITEM V-A

September 19, 2022

Prepared by Gabriel Gutierrez, TCAG Staff

SUBJECT:

Information: Senate Bill 1 (SB 1) Competitive Programs Update

BACKGROUND:

On April 28, 2017, Governor Brown signed Senate Bill 1 (SB1) (Beall, Chapter 5, Statutes of 2017), which is also known as the Road Repair and Accountability Act (RMRA) of 2017. This Act provides the first significant, stable, and ongoing increase in state transportation funding in more than two decades. In providing this funding, the Legislature has provided additional funding for transportation infrastructure, increased the role of the California Transportation Commission (CTC) in a number of existing programs, and created new transportation funding programs for the CTC to oversee.

The purpose and intention of the Act is to address basic road maintenance, rehabilitation, and critical safety needs on both the state highway and local streets and road systems as well as provide transit assistance. SB1 affected eight different transportation funding programs including the Local Partnership Program (LPP), Trade Corridor Enhancement Program (TCEP), Solution for Congested Corridors Program (SCCP), and the Active Transportation Program (ATP).

DISCUSSION:

Summary of SB1 Funding Programs

Solutions for Congested Corridors Program (SCCP)

The purpose of the Solutions for Congested Corridors Program is to provide funding to achieve a balanced set of transportation, environmental, and community access improvements to reduce congestion throughout the state. This statewide, competitive program makes \$250 million available annually for projects that implement specific transportation performance improvements and are part of a comprehensive corridor plan by providing more transportation choices while preserving the character of local communities and creating opportunities for neighborhood enhancement.

Trade Corridor Enhancement Program (TCEP)

The Trade Corridor Enhancement Program provides an ongoing source of state funding dedicated to freight-related projects by establishing the new Trade Corridor Enhancement Account (TCEA). The TCEA will provide approximately \$300 million per year in state funding for projects which more efficiently enhance the movement of goods along corridors that have a high freight volume. Subsequent legislation (SB 103) combined the Trade Corridor Enhancement Program funds with existing federal freight funding.

In partnership with TCAG, Caltrans will be preparing a TCEP application requesting funds for the right-of-way phase for the Tulare City Widening project on State Route 99. Project nominations are due to the CTC on November 18, 2022 and staff recommendations will be released on June 8, 2023.

Local Streets and Roads Program (LSRP)

The Local Streets and Roads Program dedicates approximately \$1.5 billion per year in new formula revenues apportioned by the State Controller to cities and counties for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.

Local Partnership Program (LPP)

The Local Partnership Program provides local and regional transportation agencies that have passed sales tax measures, developer fees, or other imposed transportation fees with a continuous appropriation of \$200 million annually to fund road maintenance and rehabilitation, sound walls, and other transportation improvement projects.

In partnership with Caltrans, TCAG will be pursuing an LPP competitive grant funding for the construction phase of the SR99/Caldwell Avenue Interchange Project. Project nominations are due to the CTC on November 29, 2022 and staff funding recommendations will be released on June 8, 2023.

SB 1 Augmented Funding Programs

State Highway Operation and Protection Program (SHOPP)

The additional SB 1 SHOPP investment, estimated at approximately \$1.5 billion annually to improve the condition of the State Highway System, and \$400 million annually for bridges and culverts will also have a positive impact on the State's economy. SB 1 requires the Commission to adopt and manage the SHOPP in a transparent and accountable manner.

State Transportation Improvement Program (STIP)

The STIP is the biennial five-year plan adopted by the Commission for future allocations of certain state transportation funds for state highway improvements, intercity rail, and regional highway and transit improvements. State law requires the Commission to update the STIP biennially, in even-numbered years, with each new STIP adding two new years to prior programming commitments. Tulare County's 2022 STIP proposal was approved by the CTC on March 16, 2022.

Active Transportation Program (ATP)

The Legislature created the ATP in 2013 to encourage increased use of active modes of transportation, such as biking and walking. SB 1 directs \$100 million annually the ATP, Applications for ATP Cycle 6 were due to the Commission on June 15, 2022. The scoring process has concluded. Staff recommendations for Statewide and Small Urban and Rural components of the program will be announced on October 21, 2022. In the TCAG region, projects not selected for funding in the Statewide component will be eligible for funding in the MPO component.

RECOMMENDATION:

Information item only. No action needed at this time.

ATTACHMENTS:

None

AGENDA ITEM V-B

September 19, 2022

Prepared by Gabriel Gutierrez, TCAG Staff

SUBJECT:

Information: Implementation Status of Federally Funded Projects

BACKGROUND:

The **Surface Transportation Block Grant Program (STBGP)**, formerly known as STP, is a major source of funds that may be used by local agencies for projects to preserve and improve the transportation system consistent with regional priorities. The funds may be utilized on any Federal-aid highway, including the National Highway System (NHS), bridge projects on any public road, transit capital projects, and intracity and intercity bus terminals and facilities. In Tulare County, these funds have been primarily used for street and highway construction, reconstruction, rehabilitation, resurfacing, and operational improvements. Local agencies navigate a sometimes-complicated federal aid funding process to request and spend these funds in a timely manner. However, through our partnership with Caltrans, TCAG has helped local agencies with the timely and efficient delivery of their projects.

The **Congestion Mitigation and Air Quality (CMAQ) Program** has been a longstanding source of funding for TCAG’s member agencies. Tulare County agencies qualify for funding due to the region being in a non-attainment area for meeting federal air quality standards for Particulate Matter (PM) and Ozone. The program exists under federal law and is implemented via guidance issued by the Federal Highway Administration and carried out by Caltrans. TCAG received estimates for the receipt of approximately \$6.2 million per year for the next four-year cycle. Project examples include roundabouts, signal coordination, compressed natural gas and electric facilities and vehicles, transit route expansion and bus purchases, etc.

DISCUSSION:

STBGP

As the Metropolitan Planning Organization for the Tulare County region, TCAG is responsible for soliciting projects from eligible agencies for programming in the FTIP and ensuring that the funds are being utilized appropriately and are obligated in a timely manner. The status of current fiscal year STBGP funded projects is shown in the table below:

STBGP				
Agency	Project	Amount	Status	Date
Visalia	Goshen Avenue Rehab	\$1,200,000	Obligated	4/28/2022
TCRTA	Zero Emission Shuttle Van Purchases	\$3,086,000	Obligated	6/9/2022
Visalia	Tulare Avenue Rehab (Demaree to Roeben)	\$3,086,000	Submitted. On hold pending RW Cert	

CMAQ

The status of current fiscal year CMAQ funded projects is shown in the table below:

CMAQ				
Agency	Project	Amount	Status	Date
TCRTA	Microtransit Service	\$2,500,000	Obligated	6/14/2022
Dinuba	Alta & Kamm Roundabout	\$1,800,000	Delayed	
Visalia	Battery Electric Transit Bus Purchases	\$1,750,000	Obligated	4/13/2022
TCRTA	Battery Electric Transit Bus Purchases	\$1,750,000	Obligated	6/9/2022

In addition to the projects shown in the above table, the City of Woodlake was able to convert \$250k of advance construction funds to CMAQ funds this fiscal year, a process that was scheduled to occur next fiscal year. This was made possible given the large CMAQ OA balance that is remaining statewide.

ATTACHMENT:

None

AGENDA ITEM VIII-A
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
REGIONAL TRANSPORTATION PLANNING AGENCY
METROPOLITAN PLANNING ORGANIZATION

Executive Minutes August 15, 2022

Board Members	Alternates	Present (M)ember/(A)lternate	Agency
Larry Micari	Paula Clark	M	Tulare County-Dist. 1
Pete Vander Poel (Chair)	William Cushing	M	Tulare County-Dist. 2
Amy Shuklian	Bill Whitlatch	M	Tulare County-Dist. 3
Eddie Valero	Derek Williams	M	Tulare County-Dist. 4
Dennis Townsend	Terren Brown	M	Tulare County-Dist. 5
Maribel Reynosa	Linda Launer	-	City of Dinuba
Frankie Alves	Dave Hails	M	City of Exeter
Paul Boyer	Ruben Macareno	-	City of Farmersville
Ramona Caudillo	Hipolito Cerros	-	City of Lindsay
Martha A. Flores (Vice-Chair)	Milt Stowe	M	City of Porterville
Terry Sayre	Jose Sigala	M	City of Tulare
Brian Poochigian	<i>Vacant</i>	M	City of Visalia
Rudy Mendoza	Jose Martinez	A	City of Woodlake
Kellie Carrillo	<i>Vacant</i>	M	Rep. from Public Transit
Tyrone Holscher	Shea Gowin	M	Member-At-Large*
Vicki Riddle	Davis Ward	M	Member-At-Large*
Pamela Whitmire	Julie Allen	M/A	Member-At-Large*
Diana Gomez	Michael Navarro	A	Caltrans*

* Caltrans serves as an ex-officio member of the TCAG Policy Advisory Committee. At-large TCAG members and the Public Transit Provider representative are not members of the Tulare County Transportation Authority or Abandoned Vehicle Abatement Authority.

Counsel and TCAG Staff Present (X)

<u> X </u> Jeff Kuhn, Tulare County Deputy Counsel	<u> </u> Giancarlo Bruno, Regional Planner
<u> X </u> Ted Smalley, Executive Director	<u> X </u> Sheela Bhongir, Regional Planner
<u> X </u> Benjamin Kimball, Deputy Executive Director	<u> </u> Gail Miller, Associate Regional Planner/EH
<u> X </u> Benjamin Giuliani, Executive Officer-LAFCO	<u> </u> Maria Garza, Associate Regional Planner/EH
<u> X </u> Leslie Davis, Finance Director	<u> X </u> Jennie Miller, Associate Regional Planner EH
<u> X </u> Roberto Brady, Principal Regional Planner	<u> X </u> Michele Boling, TCAG Accountant III
<u> X </u> Derek Winning, Senior Regional Planner	<u> X </u> Brideget Moore, TCAG Analyst III
<u> X </u> Gabriel Gutierrez, Senior Regional Planner	<u> X </u> Amie Kane, Administrative Clerk II
<u> </u> Kasia Thompson, Associate Regional Planner	<u> X </u> Servando Quintanilla, Administrative Clerk II
<u> X </u> Steven Ingoldsby, Associate Regional Planner	<u> X </u> Holly Gallo, Office Assistant III

I. WELCOME

The Tulare County Association of Governments Board Meeting was called to order by Chair Shuklian at 1:00 p.m. on August 15, 2022, at the Woodlake Community Center, 145 N. Magnolia Street, Woodlake, CA 93286.

Chair Shuklian welcomed Kellie Carrillo who will be serving as the Board Representative from Public Transit.

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENTS

Public comments opened/closed at 1:04 p.m. No public comments received

Convene as the Transportation Policy Advisory Committee

IV. TRANSPORTATION CONSENT CALENDAR – ACTION AND INFORMATION ITEMS

Request Approval of the Transportation Consent Calendar Action Items IV-A through V-B.

A. Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings

B. Action: Adoption of Resolution: Approve Extension of 4 Creeks Contract to June 30, 2023

Mr. Smalley announced that action Item IV-B was pulled so that he could excuse himself given his son is working with 4 Creeks and this presented a conflict of interest.

Upon Motion by Member Micari, and seconded by Member Valero, The Transportation Policy Advisory Committee unanimously approved the Transportation Consent Calendar Action Items IV-A through IV-B. Absent

C. Information: Senate Bill 1 (SB 1) Competitive Program Update

V. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Information: Status of State Transportation Improvement Program (STIP) Allocations and California Transportation Commission (CTC) Update

Mr. Giuliani discussed that the CTC meeting had been held in Sacramento on June 29th-30th and that the next meeting was scheduled for August 17th-18th. He explained that although an agenda was not yet released for the August meeting that funds designated for the Agri-Center commercial interchange would be discussed. Mr. Giuliani outlined ATP funding increases and regional STIP projects.

B. Information: Implementation Status of Federal Projects.

Mr. Gutierrez outlined projects withing the surface transportation block grant program (STBGP) and congestion mitigation and air quality (CMAQ) program. Mr. Gutierrez noted that TCAG received estimates for the receipt of approximately 6.2 million per year for the next four-year CMAQ cycle.

C. Information: Caltrans Monthly Report

Mr. Navarro highlighted current grant opportunities and deadlines for applications. Mr. Navarro discussed regional projects providing status updates of the work ongoing throughout the County of Tulare.

Adjourn as the Transportation Policy Advisory Committee and Convene as the Tulare County Association of Governments

VI. REQUEST TO REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY ADVISORY COMMITTEE

Upon a Motion by Member Vander Poel, and seconded by Member Shuklian, the Transportation Policy Advisory Committee unanimously reaffirmed all actions while sitting as the Transportation Policy Advisory Committee. Absent: Reynosa, Boyer, and Caudillo

VII. ASSOCIATION CONSENT CALENDAR-ACTION AND INFORMATION ITEMS

Request Approval of the Association Consent Calendar Action Items VII-A through VII-E

A. Action: Minutes of June 27, 2022 TCAG Board Meeting

B. Action: Minutes of June 23, 2022 Technical Advisory Committee Meeting

C. Action: Local Clearinghouse review (LCR) 2023-01: Self-Help Enterprises United States Grant Application

D. Action: Adoption of Resolution: Reaffirm Consultant Selection for Tulare County Regional Transit Agency (TCRTA) Branding and Communications Plan

E. Action: Adoption of Resolution Approval of amendment No. 2 to the FY 2022/2023 Overall Work Plan (OWP)

Upon a motion by Member Flores, and seconded by Member Townsend, the Association unanimously approved the Association Consent Calendar Items VII-A through VII-E. Absent: Reynosa, Boyer, and Caudillo.

F. Information: Member Agency Transit Development Act (TDA) Fund Audit Year Ending June 30, 2021

VIII. ASSOCIATION ACTION/DISCUSSION ITEMS

A. Action: Adoption of Resolution: Certifying the 2022 Regional Transportation Plan/Sustainable Communities strategy (RTP/SCS) Environmental impact Report; Adopting California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations for the 2022 RTP/SCS; and Adopting the Mitigation Monitoring and Reporting Program (MMRP) for the 2022 RTP/SCS

Mr. Gutierrez discussed the background, preparation, and review of the RTP/SCS subject to CEQA and the accompanying EIR.

The public hearing was opened and closed at 1:22 given no comments were received in person or via Zoom.

Mr. Gutierrez further explained the review period and process that had been completed. He outlined the recommendation to adopt the certifying EIR prepared for the 2022 RTP/SCS and adopting findings of fact pursuant to CEQA.

Upon motion by Member Valero, seconded by Member Micari the Association unanimously adopted the recommendations as presented. Absent: Reynosa, Boyer, and Caudillo.

B. Action: Adopting of Resolution: Reaffirm Adopting the 2022 Regional Transportation plan/Sustainable Communities Strategy (RTP/SCS), the 2023 Federal Transportation improvement plan (FTIP), and the Corresponding Air Quality Conformity Analysis

Mr. Kimball explained that the RTP is a 20-year planning document that TCAG must update at least once every four years and outlined what is included in this important document. Mr. Kimball highlighted the comment period for review of the RTP/SCS and noted that two letters were attached along with TCAG's response.

Chair Shuklian opened the public comment period at 1:25 p.m.

Ms. Julie Allen spoke in support of the RTP and recognized all the hard work that TCAG staff had done to bring the plan together.

Chair Shuklian closed the public comment period at 1:27 p.m.

Upon motion by Member Flores, seconded by Member Whitmire the Association unanimously approved the 2022 RTP/SCS, the FTIP, and the Air Quality Conformity Analysis as presented. Absent: Reynosa, Boyer, and Caudillo.

C. Action: Adopt the Final Regional housing Needs Plan

Mr. Ingoldsby discussed the adoption of the final Regional Housing Needs Plan (RHNP) and provided background on the RHNA methodology that had been incorporated. Mr. Ingoldsby outlined the public comment period and announced that no public comments had been received. Recommendations to adopt the final RHNP was requested.

Upon motion by Member Valero, seconded by Micari the Association unanimously adopted the RHNP. Absent: Reynosa, Boyer, and Caudillo.

D. Information: Legislative update

Mr. Smalley introduced Scott Lane and Kevin Eastman with PACE Government Relations to provide a presentation.

Mr. Lane and Mr. Eastman presented a detailed report on several legislative items including but not limited to Valadao's community project funding requests, future funding opportunities, and plans for TCAG to travel to Washington D.C. to bring key topics to discuss with leaders.

Mr. Smalley noted that along with the trip to Washington D.C. the Finish the 99 Coalition would be meeting to continue efforts to complete highway 99 projects.

E. Presentation: Report from Congresswoman Conway's office

No report given

F. Presentation: Report from Congressman Valadao's office

No report given

G. Presentation: Report from Assemblyman Mathis' office

Rosalinda Alexander, Field Representative for Assemblyman Mathis' office provided a legislative update highlighting AB 1879: Regional Water Quality Control Boards, AB 1899: regarding laws against impersonating peace officers, and AB 1763: regarding housing density.

H. Presentation: Report from Senator Grove's office

No report given

I. Presentation: Report from Senator Hurtado's office

No report given

J. Information: September is Rail Safety Month

Ms. Moore provided a brief history on how several member agencies along with TCAG in partnership with Operation Lifesaver proclaimed September as Railroad Safety Month. Ms. Moore stated that each year TCAG along with member agencies reaffirm this proclamation to bring awareness to rail safety and outlined 2022 year to date trespassing casualties. Some discussion was had and clarification of the trespassing casualties for California was asked to which Ms. Moore stated she would provide additional information at a future meeting.

Adjourn as the Tulare County Association of Governments and Convene as the Abandoned Vehicle Abatement Authority

IX. Abandoned Vehicle Abatement Authority – Action/Discussion items

A. Information: Abandoned Vehicle Abatement (AVA) 2021/2022 Third Quarter Report

Ms. Boling provided a review of the allocations and distributions for the third quarter of fiscal year 2021/2022 and stated that for the third quarter the amount received totaled \$103,768.93.

Adjourn as the Abandoned Vehicle Abatement Authority and Convene as the Tulare County Association of Governments

X. CORRESPONDENCE

A. None

XI. OTHER BUSINESS

A. Information: Items from Staff

1. TCAG Director's Report

Mr. Smalley took the opportunity to thank the Board in the action taken on the RTP. He announced that goals for the coming year would include training in partnership with Caltrans and a Board retreat.

B. Information: Items from Board Members

1. Tulare County Water Commission Update

Member Flores provided a detailed report from the latest meeting of the Water Commission, highlighting program goals, land management, and a presentation on land conservation.

2. San Joaquin Valley Policy Council Update

Member Townsend discussed the upcoming legislative trip to Washington D.C. scheduled to take place this coming September.

3. San Joaquin Joint Powers Authority (SJJPA) – Amtrak Update.

Member Shuklian announced that the last meeting was held in July and discussion was had regarding web design and that a very successful Juneteenth event had been held in Allensworth. The next meeting is scheduled for September 23, 2022.

4. San Joaquin Valley Housing Task Force Update

None

5. TCAG Transit Report

None

6. Other Items

None

C. Request from Board Members for Future Agenda Items

None

XII. ADJOURN

The TCAG Meeting was adjourned at approximately 2:22 p.m.

**ADJOURN AS THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS AND CONVENE
AS THE TULARE COUNTY TRANSPORTATION AUTHORITY**

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Item VII-B
TCAG Technical Advisory Committee Meeting
Tulare County Association of Governments - 210 N. Church Street, Suite B, Visalia, CA 93291
August 11, 2022 – Summary Meeting Minutes
ATTENDANCE LIST

City of Dinuba	<i>Absent</i>
City of Exeter	Eddie Wendt
City of Farmersville	<i>Absent</i>
City of Lindsay	<i>Absent</i>
County of Tulare	Karla Arteaga
City of Porterville	Javier Sanchez
City of Tulare	<i>Absent</i>
City of Woodlake	<i>Absent</i>
City of Visalia	Dolores Verduzco
Tule River Indian Reservation	<i>Absent</i>
TCAG	Benjamin Kimball
Caltrans	Lorena Mendibles

Others Present:

TCAG Staff Present: Leslie Davis, Ted Smalley, Giancarlo Bruno, Roberto Brady, Steven Ingoldsby, Ben Giuliani, Sheela Bhongir, Holly Gallo, Brideget Moore Recording.

SUMMARY MEETING MINUTES

(Minutes reflect agenda items discussed only)

I. CALL TO ORDER & WELCOME:

The meeting was called to order by Mr. Kimball at 1:33 p.m.

All action and informational documents were distributed for review and discussion. All actionable items would be voted on at the next Tulare County Association of Governments (TCAG) Board meeting, scheduled for August 15, 2022.

III. PUBLIC COMMENTS

Public comments opened 1:33pm.

IV. TRANSPORTATION CONSENT CALENDAR –INFORMATION ITEMS

A. Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings

Mr. Kimball cited reaffirmation of remote meetings.

B. Action: Adoption of Resolution: Approve Extension of 4 Creeks Contract to June 30, 2023

Ms. Davis gave an update on 4 creeks contract and extending for 12 months to help with ATP goal for the Tule River Tribal council.

C. Information: Senate Bill 1 (SB 1) Competitive Programs Update

Mr. Gutierrez gave an update on SB1 programs draft guidelines presented at the June meetings and call for projects coming next down the pipeline.

V. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Information: Status of State Transportation Improvement Program (STIP) Allocations and California Transportation Commission (CTC) Update

Mr. Giuliani gave an update on the CTC meeting next week. Adopting MPO shares for the ATP program. He shared that the MPO portion would be 8.8 million a year which is an increase. The CTC was adopting a local portion of local partnership program, and 16.4 million for Ag center way project.

B. Information: Implementation Status of Federal Projects

Mr. Gutierrez discussed CMAQ projects and shared the status of obligated projects.

C. Information: Caltrans Monthly Report

Mr. Deel discussed letters of support for call for projects and notice for funding availability.

VII. ASSOCIATION CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

C. Action: Local Clearinghouse Review (LCR) 2023-01: Self-Help Enterprises United States Department of Agriculture (USDA) Rural Housing Preservation Grant Application

Ms. Gallo discussed the project target areas are communities identified by Rural Development with a population of fewer than 10,000 in the following counties: Fresno, Kern, Kings, Madera, Mariposa, Stanislaus, and Tulare. \$200,000 in federal assistance will benefit at least eight households in the FY 2022 Rural Housing Preservation Grant (HPG) target areas, complimenting CalHome, Community Development Block Grant (CDBG) Programs, HOME, Household Water Well Grant (HWWS) Programs, and State Water Resources Control Board (SWRCB) grant funds already committed.

D. Action: Adoption of Resolution: Reaffirm Consultant Selection for Tulare County Regional Transit Agency (TCRTA) Branding and Communications Plan

Mr. Winning shared that the item was to reaffirm the branding and communications consultant.

E. Action: Adoption of Resolution: Approval of Amendment No. 2 to the FY 2022/2023 Overall Work Plan (OWP)

Ms. Davis described the proposed plan to set aside 2.5% for ATP funds, bus roll out plan, Regional Housing Element, and other funding moves for the amendment,

F. Information: Member Agency Transit Development Act (TDA) Fund Audit Year Ending June 30, 2021

Ms. Davis discussed the final FY ending audits received from Lindsay and Dinuba with no significant findings.

VIII. ASSOCIATION ACTION/DISCUSSION ITEMS

A. Action: Adoption of Resolution: Certifying the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Environmental Impact Report; Adopting California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations for the 2022 RTP/SCS; and Adopting the Mitigation Monitoring and Reporting Program (MMRP) for the 2022 RTP/SCS

Mr. Kimball discussed the 45-day review period with no comments received and discussed the EIR reporting details and that the Board would be requested to approve.

B. Action: Adoption of Resolution: Adopting the 2022 Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS), the 2023 Federal Transportation Improvement Program (FTIP), and the Corresponding Air Quality Conformity Analysis

Mr. Smalley discussed the RTP that would be going for adoption and further discussed the process and air quality conformity.

C. Action: Adopt the Final Regional Housing Needs Plan

Mr. Ingoldsby shared that the final plan was being brought before the board.

D. Information: Legislative update

Mr. Smalley shared that a trip to Sacramento was coming up to discuss a trade corridor grant and local partnership grant. Also effort continued on the 99 and wanted to keep the message going of importance of the 99. Mr. Smalley discussed 743 mitigation that was being reviewed on the federal side, the valley will be going to DC to discuss several issues,

and a staff trip would be planned in January where conference /lobbying would take place and would look at ear marks that congressional reps would support.

J. Information: September is Rail Safety Month

Ms. Moore discussed that the month of September is Rail Safety month and would like for all cities to reaffirm their proclamation to Rail Safety month.

IX. ABANDONED VEHICLE ABATEMENT AUTHORITY – ACTION/DISCUSSION ITEMS

A. Information: Abandoned Vehicle Abatement (AVA) 2021/2022 Third Quarter Report

Ms. Boling discussed the AVA third quarter reports.

XI. ADJOURN

The TCAG Technical Advisory Committee adjourned at 1:55 p.m.

The next scheduled Tulare County Association of Governments (TCAG) Board meeting will be held on **Monday, September 19, 2022, at 1:00 p.m.**, at the **Lindsay Wellness Center, 860 N. Sequoia, Lindsay CA 93247**. The Technical Advisory Committee will meet on **Thursday, September 15, 2022, at 1:30 p.m. at the Tulare County Association of Governments (TCAG), 210 N. Church Street, Suite B, Sequoia Conference Room, Visalia, CA 93291**.

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AGENDA ITEM VII-D

September 19, 2022

Prepared by Leslie Davis, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Approval of Amendment No. 3 to the FY 2022/2023 Overall Work Plan (OWP)

BACKGROUND:

On April 18, 2022, the Tulare County Association of Governments (TCAG) FY 2022/2023 Overall Work Plan (OWP) was adopted through Resolution No. 2022-118. Amendments throughout the year are necessary to allow TCAG to deliver services as requested by its member agencies and to effectively spend state and federal funds.

DISCUSSION:

Amendment No.3 to the FY 2022/2023 OWP is necessary to allow TCAG to deliver services as requested by its member agencies.

1. Increase Work Element No 602.03 Active Transportation Planning in the amount of \$20,536. TCAG tasked 4 Creeks with preparing cost estimates, detailed exhibits and preliminary designs in support of the grant application submitted on June 15, 2022 to compete in the Cycle 6 Active Transportation Program; and Tule River Active Transportation Plan requires more detailed drawings and renderings of the proposals recommended in the Tule River Active Transportation Plan to serve as aids for community feedback and engagement;
2. Therefore, approving the funding would allow TCAG to pay for the expedited services already performed by 4Creeks to help produce the Cycle 6 Active Transportation Program grant application in addition to funding detailed visual drawings and renderings required for the final version of the Tule River Active Transportation Plan.

RECOMMENDATIONS:

Staff recommends the approval of Amendment No. 3 to the OWP.

FISCAL IMPACT:

Funding is currently provided by TCAG reserves, however, it is PL eligible and will be re-evaluated when carryover funding is reconciled with Caltrans

ATTACHMENTS:

1. Resolution approving FY 2021/2022 OWP Amendment No. 3

BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVING FY 2022/2023 OVERALL)
WORK PLAN (OWP) AMENDMENT NO. 3) Resolution No. 2022-XXX

WHEREAS, the Regional Transportation Planning Agency Board of Governors adopted the FY 2022/2023 Overall Work Program (OWP) on April 18, 2022, with approval of Resolution 2022-118; and

WHEREAS, Amendment No. 3 to the FY 2022/2023 OWP is necessary to increase Work Element 602.03, Active Transportation Planning in the amount of \$20,536 for 4 Creeks to prepare cost estimates, detailed exhibits and preliminary designs in support of the grant application submitted on June 15, 2022 to compete in the Cycle 6 Active Transportation Program; and Tule River Active Transportation Plan detailed drawings and renderings of the proposals recommended in the Tule River Active Transportation Plan to serve as aids for community feedback and engagement.

NOW, THEREFORE, BE IT RESOLVED that the TCAG FY 2022/2023 Overall Work Program (OWP) is amended as shown in Attachment “3” and is herein referenced as Amendment No. 3.

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 19th day of September, 2022 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Amy Shuklian
Chair, TCAG

Ted Smalley
Executive Director, TCAG

AGENDA ITEM VII-D

September 19, 2022

Prepared by Brideget Moore, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Approve Position Amendment and Reclassification for TCAG Administrative Clerk I/II

BACKGROUND:

Annual review of the performance of the TCAG agency was done and the following is provided as a conceptual position recommendation. Recommendations are then provided to the TCAG Board for consideration followed by submission to County BOS for approval and implementation.

DISCUSSION:

An Annual review of the TCAG agency was conducted and recommendations were made in order, to meet the growing needs of TCAG and provide ongoing services commensurate with expectations and new additional federal and state requirements for planning. Current position number 10672 for Office Assistant is recommended to be amended and reclassified to a TCAG Administrative Clerk I/II.

1. Consider approval of amendment of Office Assistant position to a TCAG Administrative Clerk I/II.

Office Assistant

Salary Range	Step 1	Step 2	Step 3	Step 4	Step 5
Hourly	16.5774	17.4178	18.3008	19.2286	20.2034
Annually	34,481.00	36,229.02	38,065.66	39,995.49	42,023.00

TCAG Administrative Clerk I/II

TCAG Administrative Clerk I

Salary Range	Step 1	Step 2	Step 3	Step 4	Step 5
Hourly	20.7731	21.8262	22.9327	24.0953	25.3168
Annually	43,208.00	45,398.50	47,700.02	50,118.22	52,659.00

TCAG Administrative Clerk II

Salary Range	Step 1	Step 2	Step 3	Step 4	Step 5
Hourly	22.8501	24.0085	25.2256	26.5044	27.8481
Annually	47,528.00	49,937.68	52,469.25	55,129.15	57,924.00

2. Authorize the Executive Director to approve minor changes as necessary to implement the action.

ALTERNATIVES:

1. Approve recommendation as presented
2. Amend with recommendations

3. Delay action or do not approve

FISCAL IMPACT:

The potential financial impact for FY 22/23 starting at step 1 of the flex position up to step 5 of the flex position is a difference of \$1,185 and a maximum of \$15,901 not including benefits from the previous position. This position is primarily funded with state and federal planning funds.

ATTACHMENTS:

1. Resolution to Approve the Amended Position
2. TCAG Administrative Clerk I/II Job Description and Compensation Details

BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVING TCAG POSITION)
 AMENDMENT AND RECLASSIFICATION) Resolution No. 2022-xxx
 FOR A TCAG ADMINISTRATIVE CLERK I/II)

WHEREAS, an annual review of the TCAG agency was conducted and along with additional funding provide by federal planning funds as well as ongoing state funding; and

WHEREAS, in order to meet the growing needs of TCAG and provide administrative, outreach and other planning related services commensurate with expectations and new additional federal and state requirements for planning, an adjustment in staff is needed; and

WHEREAS, it is proposed that TCAG amend and reclassify position number 10672 from Office Assistant to a TCAG Administrative Clerk I/II in consultation with Tulare County Administrative Office and Tulare County Human Resources and Development with the following compensation.

TCAG Administrative Clerk I/II

TCAG Administrative Clerk I

Salary Range	Step 1	Step 2	Step 3	Step 4	Step 5
Hourly	20.7731	21.8262	22.9327	24.0953	25.3168
Annually	43,208.00	45,398.50	47,700.02	50,118.22	52,659.00

TCAG Administrative Clerk II

Salary Range	Step 1	Step 2	Step 3	Step 4	Step 5
Hourly	22.8501	24.0085	25.2256	26.5044	27.8481
Annually	47,528.00	49,937.68	52,469.25	55,129.15	57,924.00

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Association of Governments hereby approves the position amendment and reclassification as specified to provide the necessary staffing needed to handle the volume of administrative, outreach and related work.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to make minor changes as necessary to implement the action.

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 19th day of September 2022 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Amy Shuklian
Chair, TCAG

Ted Smalley
Executive Director, TCAG



**HUMAN RESOURCES
& DEVELOPMENT**
TULARE COUNTY

TCAG Administrative Clerk I

Class Code:
081510

COUNTY OF TULARE

Established Date: Jan 1, 2019

Revision Date: May 29, 2020

SALARY RANGE

\$20.77 - \$25.32 Hourly
\$1,661.85 - \$2,025.35 Biweekly
\$3,600.67 - \$4,388.25 Monthly
\$43,208.00 - \$52,659.00 Annually

DEFINITION:

To provide administrative clerical support to the Tulare County Association of Governments (TCAG); to take and prepare official minutes of various and multiple board and committee meetings; Update and keep official TCAG records.

SUPERVISION RECEIVED AND EXERCISED

General supervision is provided by TCAG Analyst III, higher level supervisor or executive staff.

TYPICAL DUTIES:

Prepares or assists in the preparation of minutes for TCAG and related commissions and committee meetings.

Prepares, distributes and places legal notices and publications before and after TCAG Board, commissions and committee meetings.

Reviews, prepares, types, indexes and files TCAG Board, commission, and committee minutes, resolutions, agreements, contracts and other documents.

Anticipates the need for reference or presentation materials to be used in meetings or conferences and assembles materials for distribution.

May act as administrative support to one or more boards, commissions or committees.

Schedules meetings, workshops or conferences, including arrangement for rooms, equipment and related needs.

Prepares and distributes meeting agendas, attends and takes minutes of meetings.

Summarizes and types minutes of meetings from electronic recording devices or handwritten notes and distributes minutes as appropriate.

Prepares and disseminates public meeting announcements or notices.

Responsible for the organization, maintenance and disposition of files or records, correspondence, official information or documents.

Act as receptionist and answer inquiries concerning TCAG actions and procedures by phone, mail, computer or in person.

Interprets county, state and federal information related to TCAG functions, procedures and programs as appropriate and authorized.

Assists in planning events and coordinating catering, ticket sales, sponsorships and related items.

Participates during on and off site special events, including the coverage for, set up of and dismantling of TCAG booths.

Operates a variety of office-equipment including an office computer, audio-visual equipment and recorder.

Logs and secures incoming checks and monies.

Verifies check payments to accounts.

Assists in purchasing office supplies, scheduling office equipment maintenance, and computer IT repairs.

Makes travel and lodging arrangements for TCAG staff, including registering staff for conferences.

Processes and distributes incoming and outgoing mail, including large quantity mail-outs.

Assists with implementation of new software, programs, policies, and procedures.

Prepares reports, graphs, charts, spreadsheets, digital media or various visual aids for presentations to boards, commissions or the public.

Acts as a liaison for various other county departments, community groups or agencies.

Essential job duties may be assigned that are not listed above but are relative to this job classification. (Reasonable accommodation will be made when requested and determined by the County to be appropriate under applicable law.)

EMPLOYMENT STANDARDS:

MINIMUM QUALIFICATIONS

Minimum qualifications are used as a guide for establishing the education, training, experience, special skills and/or license which are required and equivalent to the following.

Knowledge of:

- Office procedures including filing and indexing.
- Receptionist and telephone techniques.
- Note taking sufficient to take accurate minutes of meetings.
- Basic mathematical computations.
- Office and personal computer equipment and software.

Skill/Ability to:

- Work and communicate effectively with people of various education and socioeconomic backgrounds by respecting beliefs, interpersonal styles and behaviors of both clients and co-workers.
- Operate contemporary office equipment inclusive of computer, keyboard, and all applicable electronic equipment.

- Communicate with people from various educational and socioeconomic backgrounds.
- Remain flexible under pressure of meeting deadlines.
- Type 45 wpm.
- Take dictation sufficient to cover TCAG Board, commission, and committee meetings.
- Maintain cooperative working relationships with others.
- Work tactfully and courteously with members of boards, commissions, and committees.

Education:

- Equivalent to completion of the twelfth (12th) grade.

Experience:

- Three (3) years of progressively responsible clerical or administrative support experience, preferably including experience in a public agency providing responsible clerical support for an elected board, appointed commission or committee.

License or Certificate:

- Possession of, or ability to obtain, an appropriate, valid California driver's license.

SUPPLEMENTAL INFORMATION:

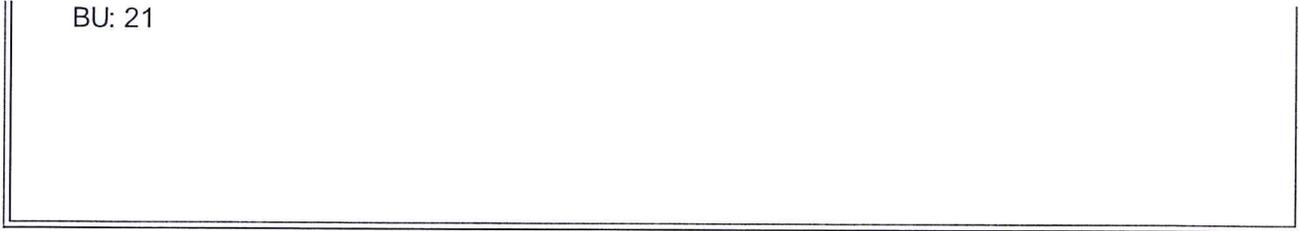
[TCAG Administrative Clerk] Job Code: 081510, Res: xx-xxx; Approved: xx/xx/xx

Supplemental Information

Overtime Status: Eligible

Probation: Six (6) Months

BU: 21





**HUMAN RESOURCES
& DEVELOPMENT**
TULARE COUNTY

TCAG Administrative Clerk II

Class Code:
081520

COUNTY OF TULARE
Established Date: Jul 17, 2019
Revision Date: Jan 10, 2020

SALARY RANGE

\$22.85 - \$27.85 Hourly
\$1,828.00 - \$2,227.85 Biweekly
\$3,960.67 - \$4,827.00 Monthly
\$47,528.00 - \$57,924.00 Annually

DEFINITION:

Perform more complex TCAG administrative functions and act in a lead capacity to maintain the day-to-day clerical and administrative duties of the office.

SUPERVISION RECEIVED AND EXERCISED

General supervision is provided by TCAG Analyst III, higher level supervisor or executive staff.

TYPICAL DUTIES:

Perform as a personal and confidential clerical support to the TCAG Executive Director, including managing calendars and scheduling appointments as requested.

Solicit input and collaboration for securing office management systems, overall office organization, filing systems of physical and electronic records, etc.

Assist in a lead capacity in the development and documentation of administrative policies, programs and procedures.

Perform varied and difficult clerical duties with considerable independent judgement.

Analyze workflow and make recommendations to improve efficiency (i.e. research filing systems and clerical procedures; recommend methods for improvements.)

Update and maintain various TCAG information databases.

Update and maintain special databases for LAFCo.

Assist with the procurement process and scoring of proposals received for a variety of projects as requested.

Maintain a current roster of TCAG Boards and Commissions.

Complete TCAG and TCTA Board Agenda and Minutes with a high level of autonomy and quality control measures.

Maintain frequent contact with TCAG Board Members and Member agencies to coordinate

various meetings.

Act as a filing clerk for Form 700s received annually from various public committee members, report to Board of Supervisors and oversees compliance.

Assist with Public Record Requests and monitor the process to ensure compliance and timeliness.

Assist with Local Clearinghouse Review, including drafting staff reports to the Board.

Keep various financial or statistical records which require the use of independent judgement.

Assist in completion and filing of contracts for various services.

Complete monthly reconciliation of departmental bank and credit card statements.

Oversee office supply ordering and estimate supply and equipment requirements for budgetary purposes.

Research and assist with securing vendors or service providers and prepare documents for senior staff's review and signature.

Act as office manager in the TCAG Analyst III's absence at the request of the Deputy or Executive Director.

Assist with requested pre-employment tasks for hiring new personnel.

Train new personnel as requested on TCAG administrative procedures and techniques.

May act in a lead capacity with subordinate administrative positions as requested.

Essential job duties may be assigned that are not listed above but are relative to this job classification. (Reasonable accommodation will be made when requested and determined by the County to be appropriate under applicable law.)

EMPLOYMENT STANDARDS:

Minimum qualifications are used as a guide for establishing the education, training, experience, special skills and/or license which are required and equivalent to the following.

Knowledge of:

- Office procedures including filing and indexing.
- Receptionist and telephone techniques.
- Note taking sufficient to take accurate minutes of meetings.
- Basic mathematical computations.
- Office and personal computer equipment and software.

Skill/Ability to:

- Work and communicate effectively with people of various education and socioeconomic backgrounds by respecting beliefs, interpersonal styles and behaviors of both clients and co-workers.
- Operate contemporary office equipment inclusive of computer, keyboard, and all applicable electronic equipment.
- Communicate with people from various educational and socioeconomic backgrounds.
- Remain flexible under pressure of meeting deadlines.
- Type 45 wpm.
- Take dictation sufficient to cover TCAG Board, commission, and committee meetings.

- Maintain cooperative working relationships with others.
- Work tactfully and courteously with members of boards, commissions, and committees.

Education:

- Equivalent to completion of the twelfth (12th) grade.

Experience:

- One-year experience as a TCAG Administrative Clerk I or four (4) years of progressively responsible clerical or administrative support experience, preferably including experience in a public agency providing responsible clerical support for an elected board, appointed commission or committee.

License or Certificate:

- Possession of, or ability to obtain, an appropriate, valid California driver's license.

SUPPLEMENTAL INFORMATION:

[TCAG Administrative Clerk II] Job Code: 081520, Res: xx-xxxx, Approved: xx/xx/xx

Supplemental Information

Overtime Status: Eligible

Probation: Six (6) Months

BU: 21

AGENDA ITEM VII-E

September 19, 2022

Prepared by Brideget Moore, TCAG Staff

SUBJECT:

Action: Reaffirm September as Railroad Safety Month

BACKGROUND:

California leads the nation in rail related fatalities, some of which could have been prevented by increased public awareness of the dangers associated with railroad crossings.

In 2016, several member agencies joined TCAG in drafting a proclamation to bring awareness to Railroad Safety. In August 2017, TCAG requested that the additional member agencies join the cities of Exeter, Lindsay, Farmersville and Dinuba in declaring September as Railroad Safety Month with a goal that all member agencies have proclamations in order to have a united effort in significantly reducing rail related death and injury.

DISCUSSION:

In Tulare County, there has seen a significant increase in pedestrian related fatalities. TCAG continues to promote these types of safety concepts to those we encounter in our outreach endeavors. However, a more united approach can create greater awareness, impact and ultimately a culture shift as we work to navigate our communities safely.

TCAG partners with Operation Lifesaver, a nationwide railroad safety organization, to increase crossing danger awareness. Operation Lifesaver typically provides an annual presentation to the Active Transportation Advisory Committee to educate on our local rail safety issues and to share ideas to increase public awareness. For rail safety month, TCAG will be active on social media supporting safety concepts promoted by Union Pacific and Operation Lifesaver. One life lost is too many, and therefore TCAG would like all member agencies to join the effort this month, in solidarity, to proclaim September as Railroad Safety Month and reaffirm each September thereafter.

Follow Up Item:

At the August 2022 meeting, the table below contained typos regarding the California Casualties by State figures. These have been updated for review by the board and 2021 figures have been included as well for comparison.

2022 YTD Trespassing Casualties by State (through April 2022):

RANK	STATE	TOTAL CASUALTIES	DEATHS	INJURIES
1.	California	102	65	37
2.	Texas	50	30	20
3.	Florida	45	25	20

Source: Federal Railroad Administration Office of Safety Analysis, Trespasser Casualties by State/Railroad Report. Accident/Incident data current through April 30, 2022. Accessed 7/28/22.

2021 Trespassing Casualties by State

RANK	STATE	TOTAL CASUALTIES	DEATHS	INJURIES
1.	California	242	141	101
2.	Texas	119	57	62
3.	Florida	58	36	21

ACTION:

Reaffirm September is Railroad Safety Month

ATTACHMENTS:

None

Tulare County Association of Governments

AGENDA ITEM VIII-A

September 19, 2022

Prepared by Benjamin Kimball, TCAG Staff

SUBJECT:

Information: Legislative Update

BACKGROUND:

Prior to Covid 19, TCAG conducted one or more One Voice trips to Washington, D.C. to collaborate with administration and legislative bodies on matters of federal policy and financing. TCAG also participated in legislative efforts and Valley Voice trips conducted by the San Joaquin Valley Policy Council, both to Washington, D.C. for federal matters and Sacramento for state matters.

In addition, TCAG works with the California Councils of Government (CalCOG), the Self Help Counties Coalition (Self Help), the American Planning Association (APA) and the National Association of Regional Councils (NARC) to advance the regional agenda and get additional support from the federal and state government.

Assisting TCAG staff in these efforts is our federal lobbyist, Pace Government Solutions, and our State Lobbyist the Politico Group.

DISCUSSION:

STATE LEGISLATION

At the August 15 Board meeting, staff will provide an update ongoing legislation and various issues.

FINISH 99 EFFORT

TCAG is working with Madera and Merced on a “Finish the 99” campaign. A significant number of agencies, local businesses or organizations, and statewide advocates have provided support. As presented in prior meetings, Senator Hurtado led an effort to get the valley assembly and senate representatives to all sign a letter of support to Finish 99.

FEDERAL LEGISLATION

At the August 15 Board meeting, the TCAG federal lobbyist firm, Pace Government Relations firm provided an update of ongoing legislation, funding and other issues.

As a result of the recent infrastructure bill TCAG continues to work with our consultant to review and comment as Federal Highway Administration develops implementation plans (called rule making). TCAG staff will also work to identify funding opportunities for our member agencies.

TCAG staff with the help of federal government relations firms continues to monitor the conditions back in DC, including the next round of appropriations requests. At the time of the Board Meeting, TCAG Board and Staff representatives will be in Washington DC as part of the Valley Voice trip being put on by the San Joaquin Valley Policy Council. Discussion topics are described in Attachments 1 and 2.

ATTACHMENT(S):

- 1 – San Joaquin Valley Regional Planning Agencies Policy Council Valley Voice 2022 Legislative Context.
- 2 – San Joaquin Valley Regional Planning Agencies Policy Council Valley Voice 2022 Brochure.

**SAN JOAQUIN VALLEY REGIONAL PLANNING AGENCIES POLICY COUNCIL
VALLEY VOICE 2022**

LEGISLATIVE CONTEXT

About California's San Joaquin Valley

California's San Joaquin Valley lies between the Sierra Nevada Mountain range to the east, the Tehachapi mountains to the south, the coastal ranges to the west and the Sacramento Valley to the north. The region is comprised of eight counties (San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern) and 62 cities. Most of the Valley is rural and economically driven by agriculture and goods movement, with 25 percent of the nation's food supply coming from the region. However, a significant proportion of its residents reside in urban areas, most of which are along the major transportation corridors. The Valley is also home to 23 of the 30 most disadvantaged communities in California. The Valley is currently home to more than four million people, which is about 10 percent of the state's population. However, by 2060, it is estimated that the region will be home to 5.7 million people, a 44 percent increase in population compared to 21 percent for California during the same time period. These growth projections promise to challenge an already stressed regional transportation network, but also provide tremendous opportunity for state and federal investments.

About the San Joaquin Valley Regional Policy Council

The San Joaquin Valley Regional Policy Council is a partnership that exemplifies the regional transportation planning agencies' commitment to working collaboratively to address regional issues, challenges, and opportunities. The Policy Council was established to build regional consensus and provide a forum for the Valley to organize, coordinate, and communicate as a region. The Policy Council consists of two elected officials from each of the eight regional planning agencies' policy boards, as well as the Executive Director of the San Joaquin Valley Air Pollution Control District and the San Joaquin Joint Powers Authority (SJJPA).

Valley Voice is the Policy Council's advocacy program that communicates the region's priorities to policymakers and agency staff in Sacramento and Washington, DC. Each year for over a decade, a coalition of elected officials and COG staff from throughout the region travel to Sacramento and Washington, DC to advocate on behalf of the Valley with a unified voice.

Introduction / Background

President Joseph R. Biden culminated an ambitious legislative agenda in the 117th Congress with the enactment of the *Inflation Reduction Act of 2022*, *Chips and Science Act of 2022* (P.L. 117-167), and *Bipartisan Infrastructure Law* (P.L. 117-58). As the Biden-Harris Administration implements these historic pieces of legislation, this document outlines priority policies and projects from the San Joaquin Valley. This document also highlights Community Project Funding (CPF) and Congressionally Directed Spending (CDS) proposals of regional significance under consideration in Congress through the Fiscal Year (FY) 2023 budget and appropriations process.

Inflation Reduction Act of 2022

Following a year-long process, President Biden recently signed the *Inflation Reduction Act of 2022* into law. The climate, healthcare, and tax package passed by Democratic lawmakers in the House and Senate will generate \$737 billion in new revenue and provide \$437 billion worth of new investments and incentives, including \$369 billion to address climate change and enhance our energy security and \$4 billion to address drought in the western United States. The Finance Committee title includes a provision that makes many of the tax credits in the law refundable for local governments and certain other entities. Noteworthy new discretionary and competitive programs include the Neighborhood Access and Equity Grant Program and programs to facilitate environmental reviews and the use of low-carbon transportation materials administered by the Federal Highway Administration (FHWA), programs to address air pollution and

greenhouse gas emissions administered by the U.S. Environmental Protection Agency (EPA), and loan and grant programs administered by the U.S. Department of Energy (DOE) to support electric transmission. The package is expected to reduce the deficit by \$300 billion.

CHIPS and Science Act of 2022

President Biden signed the *Chips and Science Act of 2022* (P.L. 117-167) into law on August 9, 2022. The \$280 billion innovation and competitiveness package provides over \$170 billion for workforce development, economic development, and other research and development programs. The law authorizes a variety of federal resources that will be accessible to local and regional governmental entities and their partners through new discretionary and competitive grant programs.

Water Resources Development Act of 2022

Lawmakers in the House of Representatives and the Senate are negotiating the final contours of the *Water Resources Development Act of 2022* (WRDA 2022). The House passed its WRDA 2022 legislation in June that would update national water infrastructure policy and authorize the U.S. Army Corps of Engineers (USACE) to conduct 72 new feasibility studies, expedite the completion of 15 feasibility studies, and construct 16 new water infrastructure projects. In late July, the Senate passed its WRDA 2022 legislation (H.R. 7776) as a Substitute Amendment to the House bill. The bill now heads back to the lower chamber for a final vote to accept the Senate's changes or begin conference discussions to reconcile differences before it can be sent to President Biden for signature.

Bipartisan Infrastructure Law

President Biden signed the *Bipartisan Infrastructure Law* (P.L. 117-58), also known as the *Infrastructure Investment and Jobs Act*, into law back on November 15, 2022, authorizing \$1.2 trillion over Fiscal Years (FY) 2022 through FY 2026 for transportation, climate and resiliency, energy, broadband, and water infrastructure programs. As of July 2022, federal agencies have announced \$9.2 billion in funding from the law for the State of California. This includes \$8 billion for roads, bridges, public transit, ports, and airports; over \$609 million for clean water infrastructure; and \$34 million for grid resiliency. Agencies have also identified at least 250 specific projects for funding, such as the BF Sisk Dam Safety project in the Central Valley. The Administration is approaching the one-year mark following enactment this November.

We thank the Biden-Harris Administration and lawmakers on Capitol Hill for their leadership in passing the BIL. We look forward to working with federal partners to leverage these resources to make meaningful investments in our community. In follow-up to our 2021 Valley Voice efforts, we were heartened by robust investments in the law for goods movement, electric vehicles, and emissions reduction efforts. We are working with our partners in the State of California as they administer the following formula programs at the local level for Fiscal Year (FY) 2022:

- \$106.7 million for the Carbon Reduction Program (CRP) and sub-allocations from the program to local governments;
- \$121.3 million for the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program to enhance transportation resiliency;
- \$56.8 million for the National Electric Vehicle Infrastructure (NEVI) Formula Program;
- \$574.8 billion for the Bridge Formula Program (BFP) and set-asides for off-system bridges; and
- \$4.6 billion for existing Federal-Aid Highway Programs (FAHP), such as the Surface Transportation Block Grant (STBG) Program and Congestion Mitigation and Air Quality (CMAQ) Improvement Program.

Our member agencies, such as the Tulare County Association of Governments, also plan to seek funding through the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF) that were enhanced with new funding from the BIL. Local governments within our region such as the City of Lindsay are also considering various federal funding streams for water source, surface water,

groundwater, and well projects. We continue to work with our partners in the State of California to implement the following new water infrastructure investments in FY 2022:

- \$158.7 million for the DWSRF General Fund;
- \$250.1 million for the DWSRF Lead Service Line (LSL) Replacement set-aside;
- \$66.6 million for the DWSRF Emerging Contaminants set-aside;
- \$127.2 million for the CWSRF General Fund; and
- \$6.7 million for the CWSRF Emerging Contaminants set-aside.

Fiscal Year 2023 Budget and Appropriations

Bipartisan and bicameral appropriators in the House and Senate continue to negotiate a Fiscal Year (FY) 2023 budget agreement before funding for the federal government expires on September 30, 2022. Lawmakers are negotiating topline spending levels for all twelve annual spending bills that support annual discretionary programs. The appropriations measures also include Community Project Funding (CPF) and Congressionally Directed Spending (CDS) items under consideration for surface transportation in the FY 2023 Transportation, and Housing and Urban Development spending bill and water infrastructure in the Related Agencies and Interior, Environment, and Related Agencies spending bill. Given the fact that workforce development and job training investments were largely excluded from the *Bipartisan Infrastructure Law* and the *Inflation Reduction Act*, we encourage lawmakers to increase levels of funding through the FY 2023 budget and appropriations process to address the multitude of needs for our workforce in the Central Valley.

Implementation of the Inflation Reduction Act

We appreciate robust investments in climate and resiliency included in the *Inflation Reduction Act of 2022* recently passed by Democratic lawmakers in the House and Senate and signed by President Joseph R. Biden into law. The law recognizes the need to reduce greenhouse gas (GHG) emissions stemming from transportation infrastructure and other sources in the Central Valley. We look forward to working with the Biden-Administration as federal agencies implement new programs to mitigate air pollution, address drought, increase the use of sustainable fuels and materials, strengthen the electric grid, and expedite permitting for key projects.

State Route 99

Due to its location in the center of the State with 31,000 road miles, more than the San Francisco Bay Area and Sacramento region combined, the San Joaquin Valley is a major generator of economic activity and transportation corridor between large California cities to and from western seaports. Goods movement has become an increasingly important transportation, economic, and environment issue for the eight counties in the San Joaquin Valley. The region's dominant industries include agriculture, food production, and energy and construction, among many others. The critical role that the San Joaquin Valley plays in California and the nation's food supply will continue to require an effective goods movement system to distribute and export products quickly and efficiently.

State Route (SR) 99, also known as the backbone of California—is a major goods movement state highway connecting southern California to northern California through the major cities of the San Joaquin Valley. SR 99 is on the National Primary Freight Network and has higher than average truck volumes. Lack of capacity for SR 99 results in congestion, fatal accidents, and poor air quality. The Valley Voice delegation encourages Congress and the Administration to support robust federal investments for this critical corridor.

We are providing a map showing key segments and connections to SR 99 that have been identified as priorities for the Policy Council in the year ahead.

Passenger Rail

California is making significant investments in intercity passenger and commuter rail, and the Valley Voice delegation supports new federal investments for rail included in the *Bipartisan Infrastructure Law* (P.L. 1117-58). Modernizing the state's passenger rail system will reduce emissions by enabling more Californians to switch from driving and flying to traveling by clean, fast, and efficient rail service; open freight capacity to enhance the flow of goods from our fields and ports; connect regional economies (e.g., the Central Valley and the Coast), and sustain an innovative state economy that will help drive America's economic competitiveness. The Valley Voice delegation encourages Congress and the Administration to support federal investments that will enhance intercity passenger rail in the Central Valley, maintain short line rail corridors, and improve last-mile connectivity. We also support federal investments in our region's new inland ports to keep up with demand for goods movement. These include the following pending federal grant applications and Community Project Funding (CPF)/Congressionally Directed Spending (CDS) requests from the Central Valley:

Federal Grants

- 1) The Kern Council of Government's applications for funding through the U.S. Department of Transportation (DOT) Multimodal Project Discretionary Grant (MPDG) Program for the Southwest U.S. Goods Movement Freeway Connector through Bakersfield on State Routes 58 & 99 project. This project would construct a connector from eastbound State Route 58 to northbound State Route 99, adding a ramp movement where none currently exists and building two bridges.
- 2) The San Joaquin Regional Rail Commission's application for \$66.7 million in MPDG funding for the \$133.4 million Union Pacific (Fresno Subdivision) Ceres to Turlock Double Tracking Project. This project will construct a new, second mainline track and complete track upgrades on a portion of the Union Pacific Railroad (UPRR) Fresno Subdivision between milepost (MP) 1117.4 in Ceres and MP 128.2 in Turlock, including culvert, under crossing, and at-grade crossing improvements.
- 3) The California Department of Transportation and San Joaquin Joint Powers Authority's application for \$87.6 million in MPDG funding for the \$146 million Madera High-Speed Rail Station project. This project will improve and expand the size of the previously-relocated Madera passenger rail station and provide a high-speed rail (HSR) station for California HSR Interim Service to serve Madera County and Northern Fresno County.

Community Project Funding/Congressionally Directed Spending Requests

- 1) San Joaquin Regional Rail Commission seeking \$1.5 million for the Rail Academy of Central California – Rail/Transit Workforce Development Program (McNerney – CA-09); and
- 2) San Joaquin Joint Powers Authority seeking \$2.1 million for the Amtrak Hanford Station project (Padilla).

Budget and Appropriations

Community Project Funding Requests

The Valley Voice delegation welcomes the restoration of Community Project Funding (CPF) and Congressionally Directed Spending (CDS) through the annual budget and appropriations process. We are grateful that lawmakers provided funding for projects of regional significance from the Valley in the *Consolidated Appropriations Act, 2022* (P.L. 117-103).

We appreciate that the House and Senate Appropriations Committees have also agreed to consider CPF and CDS requests submitted by Members of Congress in the FY 2023 appropriations cycle. We urge lawmakers to ensure that the following surface transportation proposals from the Valley are ultimately funded in any final FY 2023 Transportation, and Housing and Urban Development, and Related Agencies spending bill agreed to by both chambers of Congress:

- 1) San Joaquin Regional Rail Commission seeking \$1.5 million for the Rail Academy of Central California – Rail/Transit Workforce Development Program (McNerney – CA-09);
- 2) San Joaquin Council of Governments seeking \$7 million for the State Route 99/120 Connector Project Phase 1B (McNerney – CA-09 / Harder – CA-10);

- 3) Stanislaus Council of Government seeking \$7 million for the State Route 132 West Project Phase 2 project (Harder – CA-10);
- 4) Merced County Association of Governments seeking \$3.86 million for the Yosemite Area Regional Transportation System (YARTS) Fleet Replacement Project (Costa – CA-16);
- 5) Madera County seeking \$1.95 million for the State Route 41 Expressway project (Costa – CA-16); and
- 6) City of Fresno – Airports Division seeking \$4.4 million for the FAT Runway 11L-29R Reconstruction Project (Costa – CA-16);
- 7) Kings County Area Public Transit Agency seeking \$5 million for the Kings County Regional Multi-Modal Transit Center project (Valadao – CA-21); and
- 8) San Joaquin Joint Powers Authority seeking \$2.1 million for the Amtrak Hanford Station project (Padilla).

We also urge lawmakers to ensure that the following water infrastructure projects from the Valley are ultimately funded in any final FY 2023 Interior, Environment, and Related Agencies spending bill:

- 1) Stanislaus County seeking \$3.5 million for the Crows Landing Water Wells project (Harder – CA10);
- 2) City of Ripon seeking \$3.5 million for the SSJID Surface Water Connection Project (Harder – CA-10);
- 3) City of Atwater seeking \$3 million for the Buhach Road and Gurr Road Utility Expansion project (Costa – CA-16);
- 4) City of McFarland seeking \$5 million for the McFarland Wastewater Treatment Plant Expansion Project (Valadao – CA-21);
- 5) City of Fowler seeking \$3 million for the Fowler New Well and System Interconnection for Drought Resiliency Project (Valadao – CA-21);
- 6) Allensworth Community Services District seeking \$150,000 for the Allensworth Well Solar Array project (Feinstein/Padilla)
- 7) City of Modesto seeking \$1.75 million for the Grayson Well and Tank Replacement project (Feinstein/Padilla);
- 8) City of Tulare seeking \$500,000 for the Water Delivery System project (Feinstein/Padilla);
- 9) Tulare County seeking \$200,000 for the Drinking Water Kiosks project (Feinstein/Padilla);
- 10) Woodville Public Utility District seeking \$1.15 million for the Woodville PUD Well No. 4 Replacement project (Feinstein/Padilla); and
- 11) City of Dinuba seeking \$1.5 million for the Well 21 Construction project (Padilla).

Pending Federal Grant Applications

The Valley Voice delegation encourages Congress and the Administration’s support for the following projects seeking federal grant assistance through the Multimodal Project Discretionary Grant (MPDG) Program administered by the U.S. Department of Transportation (DOT):

- 1) The Kern Council of Government’s applications for the Southwest U.S. Goods Movement Freeway Connector through Bakersfield on State Routes 58 & 99 project. This project would construct a connector from eastbound State Route 58 to northbound State Route 99, adding a ramp movement where none currently exists and building two bridges.
- 2) The San Joaquin Regional Rail Commission’s application for \$66.7 million in funding for the \$133.4 million Union Pacific (Fresno Subdivision) Ceres to Turlock Double Tracking Project. This project will construct a new, second mainline track and complete track upgrades on a portion of the Union Pacific Railroad (UPRR) Fresno Subdivision between milepost (MP) 1117.4 in Ceres and MP 128.2 in Turlock, including culvert, under crossing, and at-grade crossing improvements.
- 3) The California Department of Transportation and San Joaquin Joint Powers Authority’s application for \$87.6 million in funding for the \$146 million Madera High-Speed Rail Station project. This project will improve and expand the size of the previously-relocated Madera passenger rail station and provide a high-speed rail (HSR) station for California HSR Interim Service to serve Madera County and Northern Fresno County.

- 4) Madera County's application for \$39 million in funding for the Madera 41 Expressway project. This project proposes to improve 6.1 miles of State Route 41 to a four-lane expressway from 0.8 mile south of the Avenue 11 undercrossing to 1.4 miles north of Avenue 15 (post miles R1.5 to 7.6) in Madera County.

Buy America Waivers

The Buy America provisions of the *Bipartisan Infrastructure Law* (P.L. 117-58) state that the head of each federal agency must ensure that "none of the funds made available for a Federal financial assistance program for infrastructure...may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States." While the San Joaquin Valley supports the tenets of the *Build America, Buy America Act*, a common-sense application of the provisions in regulation is needed to ensure project delivery is not delayed.

For example, necessary components of electric vehicles such as refuse trucks are often not manufactured domestically due to the production costs or resource availability. As a result, recipients such as the Tulare County Association of Governments are unable to deliver electrification projects on time under programs such as the Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) program without a Buy America waiver to receive funds for the purchase of certain vehicles or materials. The Madera County Transportation Commission has also not been able to authorize new vehicle projects under the CMAQ program without additional Buy America Vehicle Waivers from FHWA. Additionally, the Fresno Council of Governments has been unable to complete eight compressed natural gas (CNG) school bus and street sweeper projects under the CMAQ program totaling \$3.3 million, with some projects pending since 2015.

Therefore, the San Joaquin Valley recommends that (1) FHWA and the Federal Transit Administration (FTA) are consistent in the implementation of agency waivers to the *Build America, Buy America Act* as outlined in recent guidance issued by the White House Office of Management and Budget (OMB) to ensure transportation projects are progressing without significant delays; and (2) these agencies develop clear guidelines on exceptions to create a consistent nationwide application of rules at the federal level. We support the temporary waiver of Buy America requirements for construction materials issued by FHWA to reduce the burden, delays, and resources expended over small percentages of materials.

We encourage FHWA and FTA to expedite the review and approval of Buy America waiver requests from the San Joaquin Valley as quickly as possible. If Buy America waivers are not reviewed or approved in a timely manner, grant recipients may be forced to forfeit their awards and be unable to leverage federal funding toward their projects. We request that FHWA and FTA review the following Buy America waiver requests that have been submitted from the San Joaquin Valley, and that the determinations be published for notice and comment in the *Federal Register* as soon as possible.

Water Infrastructure

The San Joaquin Valley's growing population and expanding economy demands a safe, reliable, and consistent drinking water supply. The Valley's growth rate is projected to be 65 percent higher than the state average. Many residents of the Central Valley continue to lack access to safe, affordable, and drought-resilient drinking water, and a growing number are drawing water from contaminated or depleted aquifers. Our nation's food supply and security also stem in large part from agriculture in the Central Valley and will be impacted significantly as a result of a result of minimal and inconsistent availability of water. It is critical that we work together with our federal partners to ensure adequate water supplies to support regional economic growth, retain a world-class agricultural economy, and maintain a reliable and high-quality water supply for our residents.

The Tulare County Association of Governments intends to seek funding from the U.S. Environmental Protection Agency (EPA) for the Tooleville Emergency Consolidation with the City of Exeter project through the Drinking Water State Revolving Fund (DWSRF). The project proposes a new well, tank, and appurtenances in Exeter with a connecting pipeline to Tooleville. We are working with our partners in the

State of California to access new resources from the *Bipartisan Infrastructure Law* (P.L. 117-58) to support this project. Additionally, local governments within our region such as the City of Lindsay are also considering various federal funding streams for water source, surface water, groundwater, and well projects.

We also urge lawmakers in Congress to ensure that the following water infrastructure projects from the Central Valley are ultimately funded in any final FY 2023 Interior, Environment, and Related Agencies spending bill:

- 1) Stanislaus County seeking \$3.5 million for the Crows Landing Water Wells project (Harder – CA-10);
- 2) City of Ripon seeking \$3.5 million for the SSJID Surface Water Connection Project (Harder – CA-10);
- 3) City of Atwater seeking \$3 million for the Buhach Road and Gurr Road Utility Expansion project (Costa – CA-16);
- 4) City of McFarland seeking \$5 million for the McFarland Wastewater Treatment Plant Expansion Project (Valadao – CA-21);
- 5) City of Fowler seeking \$3 million for the Fowler New Well and System Interconnection for Drought Resiliency Project (Valadao – CA-21);
- 6) Allensworth Community Services District seeking \$150,000 for the Allensworth Well Solar Array project (Feinstein/Padilla)
- 7) City of Modesto seeking \$1.75 million for the Grayson Well and Tank Replacement project (Feinstein/Padilla);
- 8) City of Tulare seeking \$500,000 for the Water Delivery System project (Feinstein/Padilla);
- 9) Tulare County seeking \$200,000 for the Drinking Water Kiosks project (Feinstein/Padilla);
- 10) Woodville Public Utility District seeking \$1.15 million for the Woodville PUD Well No. 4 Replacement project (Feinstein/Padilla); and
- 11) City of Dinuba seeking \$1.5 million for the Well 21 Construction project (Padilla).

Project Level Conformity and Hot-Spot Analyses

In October 2021, the U.S. Environmental Protection Agency (EPA) published final guidance on how state and local agencies should conduct hot-spot analyses to model the air quality impacts of certain highway and transit projects in PM_{2.5} and PM₁₀ (PM) nonattainment and maintenance areas. The guidance describes how agencies should estimate project emissions using the Motor Vehicle Emission Simulator (MOVES) model, California's Emission Factor (EMFAC) model, the Compilation of Air Pollutant Emissions Factors (AP-42), and other methods in PM hot-spot analyses to achieve conformity with state air quality implementation plans (SIPs). The guidance also provides instructions on the application of the AERMOD modeling system.

The Valley Voice delegation is deeply concerned that new standards under the guidance will impede the delivery of critical infrastructure projects in the Central Valley. Under these standards, a quantitative analysis of nearly any new facility in a PM nonattainment area will result in a failure to achieve conformity. The standards have already resulted in the termination of the expansion of a critical artery in Southern California and have blocked a key transportation project in Merced County from moving forward. We are opposed to additional regulation-driven, time-consuming, and technical solutions that impede the delivery of climate-resilient infrastructure for our residents.



SAN JOAQUIN VALLEY
REGIONAL PLANNING AGENCIES



VALLEY VOICE

2022

REGIONAL / LOCAL PROJECTS

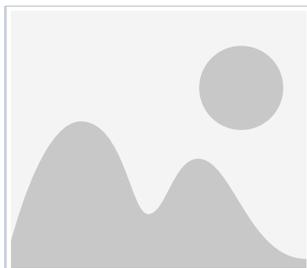
The Valley Voice delegation urges Congress and the Administration's support for the following surface transportation projects under consideration for grant assistance through the U.S. Department of Transportation (DOT) Multimodal Project Discretionary Grant (MPDG) Program or Community Project Funding/Congressionally Directed Spending through the Fiscal Year (FY) 2023 Transportation, and Housing and Urban Development, and Related Agencies (T-HUD) spending bill:

Pending Federal Grant Applications

- Southwest U.S. Goods Movement Freeway Connector through Bakersfield on State Routes 58 & 99, Kern Council of Governments, \$64 million
- Union Pacific (Fresno Subdivision) Ceres to Turlock Double Tracking Project, San Joaquin Regional Rail Commission, \$66.7 million
- Madera High-Speed Rail Station, California Department of Transportation and San Joaquin Joint Powers Authority, \$87.6 million
- Madera 41 Expressway, Madera County \$39 million

Community Project Funding / Congressionally Directed Spending Requests

- Rail Academy of Central California – Rail/Transit Workforce Development Program, San Joaquin Regional Rail Commission, \$1.5 million (McNerney – CA-09)
- State Route 99/120 Connector Project Phase 1B, San Joaquin Council of Governments, \$7 million (McNerney – CA-09 / Harder – CA-10)
- State Route 132 West Project Phase 2, Stanislaus Council of Governments, \$7 million (Harder – CA-10)
- YARTS Fleet Replacement Project, Merced County Association of Governments, \$3.86 million (Costa – CA-16)
- State Route 41 Expressway, Madera County, \$1.95 million (Rep. Costa – CA-16)
- FAT Runway 11L-29R Reconstruction Project, City of Fresno – Airports Division, \$4.4 million (Costa – CA-16)
- Kings County Regional Multi-Modal Transit Center, Kings County Area Public Transit Agency, \$5 million (Valadao – CA-21)
- Amtrak Hanford Station, San Joaquin Joint Powers Authority, \$2.1 million (Padilla)



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STATE ROUTE 99 CORRIDOR PRIORITY PROJECTS

The Valley Voice delegation requests robust assistance from our federal partners to strengthen the State Route (SR) 99 corridor in the Central Valley. We ask for support for the following key segments and connections to SR 99 that have been identified as priorities for the Policy Council in the year ahead:

- Tulare County, Tulare City SR 99 Safety and Goods Movement and Paige Ave Interchange and Multi-modal Improvements, \$137 million

San Joaquin County, SR-99/120 Interchange (phase 1a and 1b), \$450 million

Kern County, SR 99/58 Southwest U.S. Goods Movement Freeway Connector through Bakersfield, \$80 million

Fresno County, South Fresno SR 99 Corridor Project Interchange, \$80 million

PASSENGER RAIL

The Valley Voice delegation supports new federal investments that will enhance passenger rail service in the Central Valley. We encourage lawmakers and the Administration to support the following projects seeking federal grant assistance through the Multimodal Project Discretionary Grant Program or Community Project Funding/Congressionally Directed Spending in the FY 2023 T-HUD spending bill:

Pending Federal Grant Applications

- Southwest U.S. Goods Movement Freeway Connector through Bakersfield on State Routes 58 & 99, Kern Council of Governments, \$64 million
- Union Pacific (Fresno Subdivision) Ceres to Turlock Double Tracking Project, San Joaquin Regional Rail Commission, \$66.7 million
- Madera High-Speed Rail Station, California Department of Transportation and San Joaquin Joint Powers Authority, \$87.6 million

Community Project Funding / Congressionally Directed Spending Requests

- Rail Academy of Central California – Rail/Transit Workforce Development Program, San Joaquin Regional Rail Commission, \$1.5 million (Rep. McNerney – CA-09)
- Amtrak Hanford Station, San Joaquin Joint Powers Authority, \$2.1 million (Sen. Padilla)



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BUY AMERICA

The San Joaquin Valley recommends that the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are consistent in the implementation of agency waivers to the **Build America, Buy America Act**. We encourage FHWA and FTA to expedite the review and approval of Buy America waiver requests from the Central Valley and that those determinations be published for notice and comment in the Federal Register as soon as possible.

WATER INFRASTRUCTURE

Local governments within the Central Valley are considering various federal funding streams for projects to enhance the safety, reliable, and consistency of our regional water supply. We urge lawmakers to ensure that the following water infrastructure projects are ultimately funded in any final Fiscal Year (FY) 2023 Interior, Environment, and Related Agencies spending bill:

- Crows Landing Water Wells, Stanislaus County, \$3.5 million (Harder – CA10)
- SSJID Surface Water Connection Project, City of Ripon, \$3.5 million (Harder – CA-10)
- Buhach Road and Gurr Road Utility Expansion, City of Atwater, \$3 million (Costa – CA-16)
- McFarland Wastewater Treatment Plant Expansion Project, City of McFarland, \$5 million (Valadao – CA-21)
- Fowler New Well and System Interconnection for Drought Resiliency Project, City of Fowler, \$3 million (Valadao – CA-21)
- Allensworth Well Solar Array, Allensworth Community Services District, \$150,000 (Feinstein/Padilla)
- Grayson Well and Tank Replacement, City of Modesto, \$1.75 million (Feinstein/Padilla)
- Water Delivery System, City of Tulare, \$500,000 (Feinstein/Padilla)
- Drinking Water Kiosks, Tulare County, \$200,000 (Feinstein/Padilla)
- Woodville PUD Well No. 4 Replacement, Woodville Public Utility District, \$1.15 million (Feinstein/Padilla)
- Well 21 Construction, City of Dinuba, \$1.5 million (Padilla)

AIR QUALITY

The Valley Voice delegation is deeply concerned about updated standards for hot-spot analyses issued by the U.S. Environmental Protection Agency (EPA) to model the air quality impacts of certain highway and transit projects in PM2.5 and PM10 (PM) non-attainment and maintenance areas.

San Joaquin Valley Regional Policy Council

The San Joaquin Valley Regional Policy Council is a partnership that exemplifies the regional transportation planning agencies' commitment to working collaboratively to address regional issues, challenges and opportunities. The 17-member Policy Council was established to build regional consensus and provide a forum for the Valley to organize, coordinate and communicate as a region. The Policy Council consists of two elected officials from each of the eight regional planning agencies' policy boards, and the Executive Director of the San Joaquin Valley Air Pollution Control District.

Valley Voice is the Policy Council's advocacy program that communicates the region's priorities to policy makers and agency staff in Sacramento and Washington, DC. Each year, a coalition of elected officials and COG staff from throughout the region travel to Sacramento and Washington, DC to advocate on behalf of the valley with a unified voice.

The San Joaquin Valley Regional Policy Council is led by Chair Robert Poythress, Supervisor of District 3, Madera County.

CONTACT

San Joaquin Valley Regional Planning Agencies Policy Council

C/O Kings County Association of Governments
339 W. "D" Street, Suite B
Lemoore, CA 93245
Phone 559-266-6222

www.sjvcogs.org

VALLEY VOICE 2022 DELEGATES

Fresno Council of Governments (Fresno COG)

Mayor Gary Yep, City of Kerman
Kristine Cai, Deputy Director

Kern Council of Governments (Kern COG)

Ahron Hakimi, Executive Director

Kings County Association of Governments (KCAG)

Supervisor Doug Verboon, Kings County
Terri King, Executive Director

Madera County Transportation Commission (MCTC)

Supervisor Robert Poythress, Madera County – CHAIR
Patricia Taylor, Executive Director

Merced County Association of Governments (MCAG)

Supervisor Daron McDaniel, Merced County
Councilmember John Cale, City of Atwater
Elizabeth Forte, Deputy Director

San Joaquin Council of Governments (SJ COG)

Supervisor Chuck Winn, San Joaquin County
Councilmember Dan Wright, City of Stockton

Stanislaus Council of Governments (StanCOG)

Supervisor Vito Chiesa, Stanislaus County
Rosa Park, Executive Director

Tulare County Association of Governments (TCAG)

Supervisor Dennis Townsend, Tulare County
Ben Kimball, Deputy Director

San Joaquin Valley Air Pollution Control District

Samir Sheikh, Executive Director
Tom Jordan, Senior Policy Manager

San Joaquin Joint Powers Authority

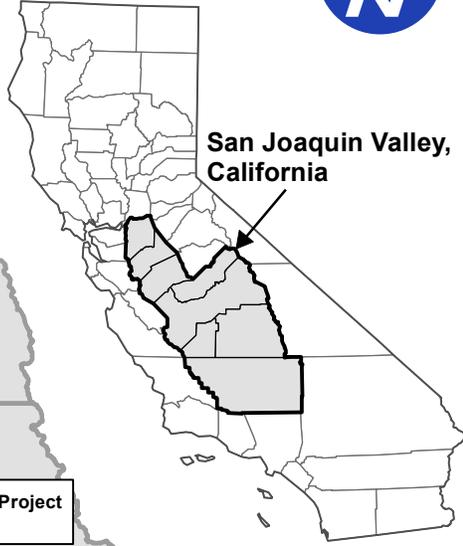
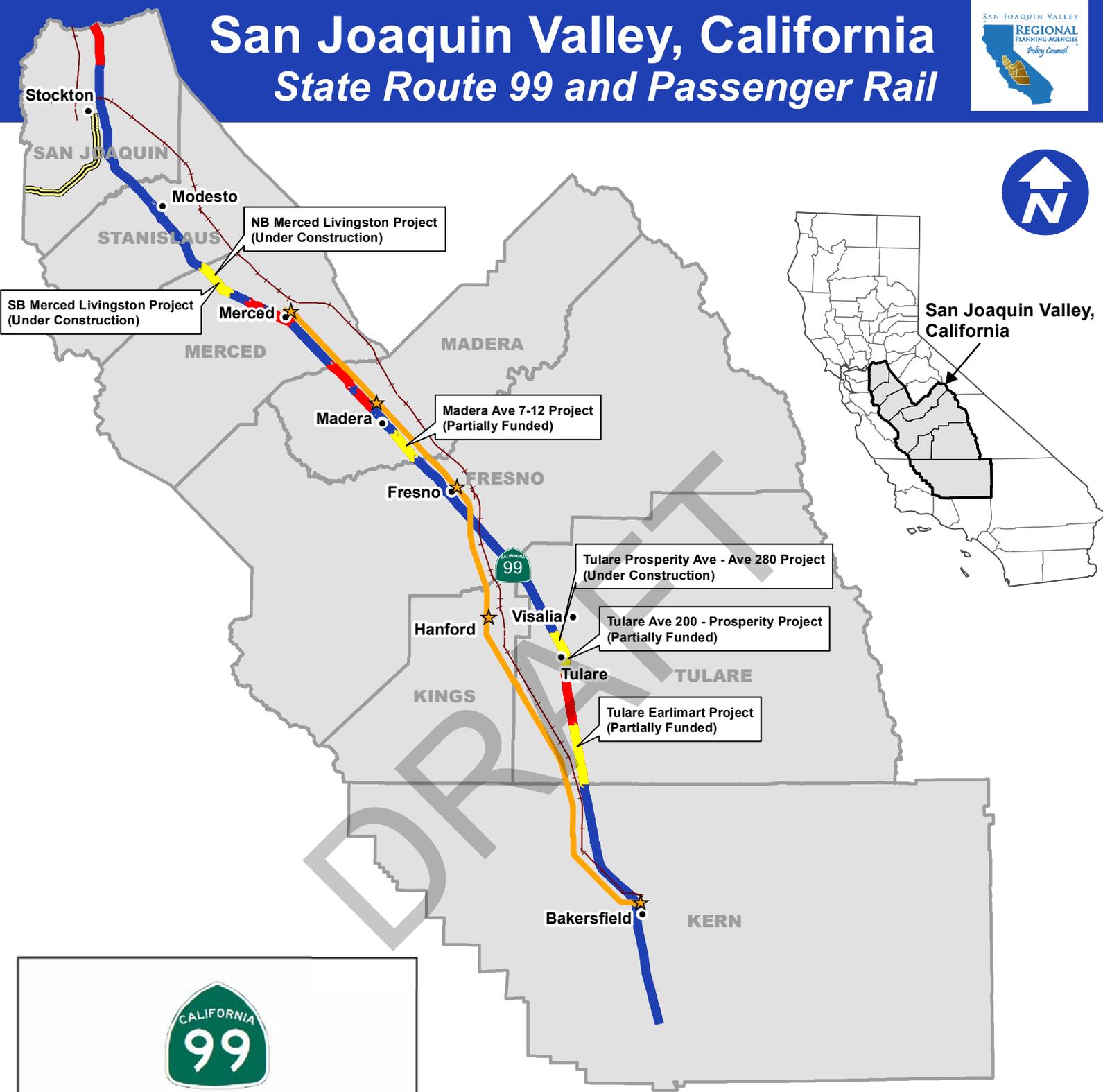
Represented by Supervisors Vito Chiesa and Doug Verboon

Additional Staff

Jen Covino, David Gellman, Aly Hernandez – Simon and Company
Michael Sigala - Valleywide Coordinator, Sigala Inc.

San Joaquin Valley, California

State Route 99 and Passenger Rail



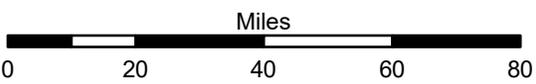


274 Total Miles
(San Joaquin County Line to South of Bakersfield I-5 Merge)

**82.3 Miles Partially Funded,
Under Construction or Incomplete**

**14 – Number of
Dangerous Bottlenecks**

- SR 99 Incomplete (4 Lanes) - 43.5 mi
- SR99 Partially Funded/Under Construction - 38.8 mi
- SR99 Complete (6 lanes or more) - 191.7 mi
- High Speed Rail (HSR) - 171 mi (Merced to Bakersfield)
- HSR Station
- Altamont Corridor Express (ACE)
- San Joaquin Amtrak



San Joaquin Valley Community Project Funding Requests and Pending Federal Grant Applications

Community Project Funding Requests

1. San Joaquin County, SR 99/120 Connector
2. Stanislaus County, State Route 132 West
3. Merced County, YARTS
4. Madera County, SR 41 Expressway
5. San Joaquin Regional Rail Commission/SJIPA
Rail Academy
Fresno Amtrak
Hanford Amtrak
Hydrogen Transit in San Joaquin County
6. City of Fresno, Airport Improvements
7. Kings County, Regional Multimodal Transit Center

Pending Federal Grant Applications

1. Kern COG SR 58/99
2. San Joaquin Regional Rail Commission Ceres to Turlock
Double Tracking
3. SJIPA Madera HSR Station
4. Madera County, SR 41 Expressway

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AGENDA ITEM VIII-G

September 19, 2022

Prepared by Brideget Moore & Holly Gallo, TCAG Staff

SUBJECT:

Information: California Department of Public Health (CDPH) Kids' Plates Grant Outreach Update

BACKGROUND:

In July 2021, TCAG administrative staff applied for the CDPH grant after California Kid's Plates program released the Request for Application (RFA) No. 21-10210 on June 15, 2021. TCAG staff informed the Board of intent to apply for the grant at the June 28, 2021 Board meeting.

Additionally, TCAG administrative staff informed the Board of the Kids' Plates Equipment Grant applied for and awarded to TCAG. This grant supplied TCAG with 100 bike/multisport helmets and 30 convertible vehicle safety seats.

On August 12, 2021, CDPH announced that TCAG had been awarded \$150,000 for the Kids' Plates Childhood Unintentional Injury Prevention grant. The grant provides two reimbursements of \$75,000 per grant year over a total grant period of 21 months from October 1, 2021, to June 30, 2023.

Per grant award guidelines, the TCAG work plan for the funding focuses on unintentional childhood injury prevention. Given TCAG's history of active participation in bike rodeos, active transportation awareness initiatives, and national safety campaign interventions such as Rail Safety Month and Safe Routes to School, implementation of grant projects has found effortless alignment with ongoing TCAG enterprises. Implemented projects include child safety seat community installation, training, and dissemination events; bike rodeos and multisport safety equipment dissemination and targeted safety training; bilingual multimedia safety campaigns; and promotion of national active transportation events.

Based on public health data for Tulare County, young TCAG constituents stand to gain considerable benefit from unintentional injury prevention interventions. Local youth face significantly higher statistical likelihood of unintentional injury and death based on demographic factors like the number of children living in rural communities; the extent to which children live in poverty; the number of households living without a person over the age of 14 who is comfortably fluent in English; the lack of access to medical professionals who speak languages other than English; and the relative lack of community resources in Tulare County compared to the rest of the state of California. In general, Tulare County also showed higher rates of childhood hospitalizations, emergency room visits, and deaths resulting from bike, pedestrian, and/or motor vehicle occupant-related injuries compared to the state.

Due to circumstances outside of TCAG's scope, the grant was not finalized by the specified start date of October 1, 2021. TCAG staff managed to find ways to schedule events, disseminate safety gear and car seats with the previous equipment grant and collaboration with other community partners.

The grant was received and finalized on February 24, 2022. TCAG staff mobilized quickly to set up more car seat safety checks, technician training for staff, coordination of pedestrian and bike safety sessions for kids and much more.

DISCUSSION:

Since the last Outreach update in April 2022, TCAG staff has been busy refining outreach strategies, securing much needed equipment and safety items to disseminate to Tulare County communities. While it’s been a challenge to keep up with the demand of events and public requests, TCAG staff have made every effort to reach as many communities as possible.

While disseminating equipment is helpful, it’s the educational components that really matter and make the difference. Properly fitted helmets, correctly installed car seats, lights, reflective gear, and safe active transportation behavior make a difference in Tulare County communities, and it is TCAG’s aim to make sure that kids retain the information that they learn through fun games and activities, memorable experiences and by continuing to return to their communities to keep solidifying the safety messages.

The table below contains events and activities staff engaged in with Department of Public Health Kids’ Plates Program grant funding since October 1, 2021.

Count	Date	Event	Description	Target Community
1	10/1/2021	Event Promotion	Flyer Distribution	London
2	10/2/2021	Event Promotion	Farmersville Fall Festival	Farmersville
3	10/5/2021	Planning Meeting	CPS Certification meeting with Sit Right CPS	Tulare County
4	10/5/2021	Event Promotion	Facebook Ads	Tulare County
5	10/5/2021	Event Promotion	Instagram Ads	Tulare County
6	10/14/2021	Event Promotion	Flyer Distribution	Tipton
7	10/14/2021	Event Promotion	Flyer Distribution	Farmersville
8	10/20/2021	Event Promotion	Flyer Distribution	Earlimart
9	10/21/2021	Event Promotion	Facebook Post	Tulare County
10	10/21/2021	Event Promotion	Flyer Distribution	Porterville
11	10/21/2021	Event Promotion	Flyer Distribution	Poplar
12	10/23/2021	Make A Difference Day- Mooney Grove Park	Distribution of flyers, safety information, regional transportation	Tulare County
13	10/26/2021	Event Promotion	Flyer Distribution	Exeter
14	10/27/2021	Event Promotion	Flyer Distribution	Goshen
15	11/9-13/2021	Child Passenger Safety Technician Training	CPS Certification Training	Tulare County
16	11/19/2021	School Pedestrian and Bike Safety Event	Elementary school assembly, helmet dissemination	Cutler
17	12/6/2021	Pedestrian and Bike Safety Event	TCAG Board meeting	Tulare County

18	12/6-10/2021	Child Passenger Safety Technician Training	CPS Certification Training	Tulare County
19	12/17/2021	Child Passenger Safety Check Up	Seat dissemination and training	Tulare County
20	2/14/2022	Crossing Guard Training Video	Planning Video Content to train local crossing guard	Lindsay
21	2/25/2022	Crossing Guard Training Video	Planning Video Content to train local crossing guard	Lindsay
22	3/2/2022	Rawhide Bike Safety Campaign Meeting	Meeting to discuss detail, sign contract and deliverables	Tulare County
23	3/18/2022	Bike & Pedestrian Safety Training	Dissemination of helmets, bike & ped safety concepts	Cutler
24	4/2/2022	Car Seat Safety Check Up	Seat Dissemination and Training	Three Rivers
25	4/9/2022	Southern Sierra Cyclist Community Bike Ride	Community Bike Ride, Helmet Dissemination, Safety Training	Woodlake
26	4/19/2022	Earth Day Family Resource Fair	Helmet Dissemination, Safety information	Cutler/ Orosi
27	4/23/2022	Earth Day Bike Ride	Helmet Dissemination, Safety Information	Tulare County
28	4/25/2022	CPS Technician Training	Safety Seat Installation Safety Training for Staff	Tulare County
29	5/3/2022	Woodlake Kiwanis Bike Rodeo	Lending of Supplies to Woodlake Kiwanis	Woodlake
30	5/10/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
31	5/11/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
32	5/12/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
33	5/13/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
34	5/14/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
35	5/14/2022	Three Rivers Bike Rodeo- PAL program	Bike Safety Course, helmet dissemination, safety info	Three Rivers
36	5/17/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County

37	5/18/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
38	5/19/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
39	5/20/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
40	5/21/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
41	5/22/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
42	5/28/2022	Woodville Car Seat Event	Car Seat Safety	Woodville Labor Camp
43	5/31/2022	Rawhide Stadium-Bike Month	Bike Month Campaign Booth	Tulare County
44	6/11/2022	Farmersville Car Seat Safety Event	Car Seat Safety	Farmersville
45	6/16/2022	San Joaquin Valley College Health Fair Car Seat Clinic	Car Seat Safety	Visalia
46	6/22/2022	Christian Reformed Church Bike Rodeo	Bike Safety Event (28 youth participants)	Visalia
47	7/22/2022	TCAG Kids Day	Bike Safety Themed Games and Activities	Visalia
48	7/30/2022	Pixley Youth Basketball Tournament-P.A.L.	Bike Safety, Bike Helmet fitting, Skateboard and safety gear raffle	Pixley
49	8/6/2022	Visalia Rescue Mission Back to School Event	Bike and Pedestrian Safety, Art contest	Visalia
50	8/6/2022	Visalia Mall Kids Expo	Bike and Pedestrian Safety, Art contest	Visalia

- Scheduled events for September 2022 include:

- ✓ Feria de Salud y Recursos (Health Fair) by Univision- September 10th
- ✓ Tulare County Fair September 14-18
- ✓ Tule River Bike Rodeo September 17th

- Follow Up Items:

Kaweah Delta Hospital- During our last update, an inquiry was made regarding reaching out to Kaweah Delta Hospital to assist with car seats for new parents. TCAG has reached out to the staff at Kaweah Delta. In the last few weeks, we have been in touch with staff responsible for car seat installation; supporting them in getting more car seat technicians trained with Sit Right CPS and have offered to assist them as needed since we are in close proximity to their location.

ADA Bike Rodeos- During our last update, an inquiry was made regarding hosting an ADA bike rodeo. TCAG staff attempted to reach out to agencies who conduct these types of rodeos in Fresno County but were unable to get a response. Additional research was done regarding these, and it was discovered that additional training and special equipment is needed to be able to host such events. TCAG does not currently have the resources or expertise to host this type of event but will continue to explore options and possibilities as inclusivity is a key element of outreach.

FISCAL IMPACT:

This grant does not require a match and staff time is built into the cost of outreach efforts.

What is the funding source?

Revenue from the Department of Motor Vehicles (DMV) sale of Kids' Plates- specialty license plates which contain an embossed heart, hand, star, or plus sign, goes into the Fund and is used to support three significant child health and safety issues in California:

- **Unintentional childhood injuries**
- Child abuse
- Childcare licensing and inspection.

For more information regarding the Kids' Plates program, visit

<https://www.dmv.ca.gov/portal/vehicle-registration/license-plates-decals-and-placards/california-license-plates/order-special-interest-and-personalized-license-plates/>

ATTACHMENTS:

None

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Tulare County Association of Governments

AGENDA ITEM VIII-H

September 19, 2022

Prepared by Brideget Moore, TCAG Staff

SUBJECT:

Information: Notice of Updated Conflict of Interest Code Designations

BACKGROUND:

The Tulare County Association of Governments is required to adopt and maintain a conflict of interest code. This code outlines who must disclose information on an annual basis, and what type of information must be disclosed. The original conflict of interest code was adopted in 1977 with the creation of TCAG and must be updated periodically.

DISCUSSION:

A review of the Conflict of Interest Code for the Tulare County Association of Governments resulted in no proposed changes to the code.

The required disclosure categories are attached in Appendix A. Appendix B outlines the disclosure categories. Form 700s are due April 1st every year for those who hold the designated positions.

Upon revision of Conflict of Interest Code designations, forty-five days of notice should be given to those governed by the code and members of the public and posted in three public places within the jurisdiction. This item will be brought back before the board in December for action.

FISCAL IMPACT

None

ATTACHMENTS:

1. Appendix A- TCAG Designated Employees
2. Appendix B- Disclosure Categories

**APPENDIX A
(DESIGNATED EMPLOYEES)**

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
Members of TCAG Board	1, 2, 3
Alternate Members of TCAG Board	1, 2, 3
Executive Director	1, 2, 3
Deputy Executive Director	1, 2, 3
Fiscal Manager	1, 2, 3
Principal Planner	1, 2, 3
LAFCo Executive Officer	1, 2, 3
Consultant*	1

* Consultants are included as designated employees and shall disclose pursuant to the broadest disclosure category, subject to the following limitation:

The executive director/executive officer of this local agency may determine in writing whether a particular consultant is a “designated employee” or whether the consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements required by this Code. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the executive director/executive officer is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Work Element: 601.02-TCAG Administration
September 19, 2022

APPENDIX B
2022 CONFLICT OF INTEREST
CODE DISCLOSURE CATEGORIES

Designated persons in the following categories must disclose:

1. **Full Disclosure:**

All interests in real property located entirely or partly within this Agency's jurisdiction or boundaries, or within two miles of this Agency's jurisdiction or boundaries or of any land owned or used by this Agency. Such interests include any leasehold, ownership interest or option to acquire such interest in real property.

All investments, business positions, ownership and sources of income, including gifts, loans and travel payments.

2. **Full Disclosure (excluding interests in real property):**

All investments, business positions, ownership and sources of income, including gifts, loans and travel payments.

3. **Interests in Real Property (only):**

All interests in real property located entirely or partly within this Agency's jurisdiction or boundaries, or within two miles of this Agency's jurisdiction or boundaries or of any land owned or used by this Agency. Such interests include any leasehold, ownership interest or option to acquire such interest in real property.

4. **General Contracting (two options):**

A. All investments, business positions, ownership and sources of income, including gifts, loans and travel payments, from sources that provide, or have provided in the last two years, leased facilities, goods, supplies, materials, equipment, vehicles, machinery, services, or the like, including training or consulting services, of the type utilized by the Agency.

(Intended for employees whose duties and decisions involve contracting and purchasing for the entire Agency.)

B. All investments, business positions, ownership and sources of income, including gifts, loans and travel payments, from sources that provide, or have provided in the last two years, leased facilities, goods, supplies, materials, equipment, vehicles, machinery, services, or the like, including training or consulting services, of the type utilized by the employee's department or area of authority.

(Intended for employees whose duties and decisions involve contracting and purchasing for a specific department or area of authority.)

5. **Regulatory, Permit or Licensing Duties (two options):**

A. All investments, business positions, ownership and sources of income, including gifts, loans and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before this Agency.

(Intended for employees of agencies that license or regulate.)

B. All investments, business positions and income, including gifts, loans and travel payments, from sources that either contract to provide education or training required by the this Agency to qualify for or maintain a license, or entities that provide education or training services which courses or curricula are approved by this Agency.

(Intended for employees of agencies that license occupations or approve classes or curricula to obtain or maintain any occupational license.)

6. **Grant/Service Providers/Agencies that Oversee Programs (two options):**

A. All investments, business positions, ownership and sources of income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through this Agency.

(Intended for employees whose duties and decisions involve awards of monies or grants to organizations or individuals.)

B. All investments, business positions, ownership and sources of income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to offer or provide consulting, rehabilitative or educational services concerning the prevention, treatment or rehabilitation of persons.

(Intended for employees who also approves programs for rehabilitative services.)

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AGENDA ITEM VIII-I

September 19, 2022

Prepared by Ted Smalley, TCAG Executive Director

SUBJECT:

Information: Save the Dates: Caltrans Training, Board Training, and Board Retreat

BACKGROUND:

The Tulare County Association of Governments Board Retreats provide new board members and incumbent board members alike an opportunity to thoroughly review both substantive and procedural TCAG processes in the following areas:

- TCAG Administration
- Measure R
- State and National Legislative Advocacy
- Planning Applications
- Funding Applications

Additionally, Board Retreats allow comprehensive and intersectional discussion of department philosophies, goals, and visions; relationships between TCAG, Transit, and County departments; and roundtable conversations with elected officials. The last TCAG Board Retreat was held on Thursday, February 28, 2019.

TCAG also engages in broader training and networking endeavors, the most recent of which was the Tulare County Town Hall at the International Agri-Center on April 13, 2022. This event featured a panel of California Transportation Commission (CTC) members and presentations provided by TCAG partners in education, private enterprises, Caltrans, outreach efforts, regional agencies, and other Tulare County departments.

DISCUSSION:

TCAG and Caltrans are planning to hold an exclusive training event for member agencies on Tuesday, October 4, 2022. This training will provide insight on effective project management from planning to construction, as well as skill-building tips on transportation project implementation, funding acquisition, and more. Location and other event details will be provided as they become available.

In the Spring of 2023, TCAG will be hosting two Board training days. The first training will be on Thursday, February 2, and the second will be on Thursday, March 2. Finally, a Board Retreat will be held on Thursday, March 23. Details regarding the Board Retreats will be forthcoming; however, staff intends to secure a meeting room at Saint Anthony Retreat in Three Rivers for the March 23 meeting.

ATTACHMENTS:

1. Caltrans Training Save the Date Flyer
2. TCAG Board Trainings Save the Date Flyer
3. TCAG Board Retreat Save the Date Flyer

Work Element 601.02 TCAG Administration

Join the Tulare County Association
of Governments and California
Department of Transportation on

**Tuesday,
October 4**
9:00 AM - 3:00 PM

for an exclusive project
planning and development
training session for Local
Agencies, targeting specific

issues related to:

- Environmental
- Right of Way
- Utilities

RSVP to

TCAGinfo@tularecag.ca.gov

by September 21

Space is limited.
More information to follow.

Questions?
Call TCAG staff at
559.623.0450

**TRAINING
ZONE
AHEAD**

PRESENTED BY

**TCAG
&
CALTRANS**

Tulare County Association of Governments

SAVE THE DATES!



BOARD MEMBER TRAINING

Learn more about (or review!) the roles and responsibilities of TCAG Board Members, agency organization, and board structure and operations.

**THURSDAY, FEBRUARY 2, 2023
&
THURSDAY, MARCH 2, 2023**

More information to follow

Tulare County Association of Governments

Board Retreat

Saint Anthony Retreat

Three Rivers

Thursday, March 23, 2023

Join TCAG staff and fellow board members in an opportunity for comprehensive discussion of agency philosophies, goals, and visions.

**SAVE
THE
DATE**

More information to follow.

Questions? Call TCAG staff at 559.623.0450