



Tulare County Transportation Authority

210 N. Church Street, Suite B
Visalia, California 93291
Phone (559) 623-0450
Fax (559) 733-6720
www.tularecog.org

Tulare County Transportation Authority	Date: Monday, October 18, 2021 Time: 1:00 p.m. Place: Tulare County Human Resources & Development 2500 W. Burrell Avenue Visalia, CA 93291
Technical Advisory Committee	Date: Thursday October 14, 2021 Time: 1:30 p.m. 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. PUBLIC COMMENTS-TIMED ITEM

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 Tulare County Transportation Authority

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

III. AUTHORITY CONSENT CALENDAR – ACTION AND INFORMATION ITEMS

Request approval of the Authority Consent Calendar Action Items III-A through III-E.

- A. Action: Minutes of August 16, 2021 Authority Meeting (Pages 1-2)
- B. Action: Minutes of August 12, 2021 Technical Advisory Committee Meeting (Pages 3-4)
- C. Action: Cancel the November and Reschedule the December 2021 Tulare County Transportation Authority (TCTA) and the Technical Advisory Committee (TAC) Meetings (Pages 5-6)
- D. Action: Adoption of Resolution: Affirm Citizens' Oversight Committee Members (Pages 7-8)
- E. Action: Adoption of Resolution: Measure R Arbitrage Rebate Consultant Services (Pages 9-14)

IV. AUTHORITY ACTION/DISCUSSION ITEMS

- A. Action: Adoption of Resolution: Approve Remote Attendance at Public Meetings Pursuant to State Assembly 361 (Pages 15-20)
- B. Action: Adoption of Resolution: Measure R Policies and Procedures Agency Cooperative Agreement with Tulare County Regional Transit Agency (Pages 21-24)
- C. Action: Adoption of Resolution: 2020 Measure R Strategic Work Plan – Amendment No. 5 (Pages 25-28)
- D. Information: Measure R Revenues for September 2021 (Pages 29-30)

V. OTHER BUSINESS

- A. Information: Item from Staff
- B. Information: Item from Board Members
- C. Information: Other Items
- D. Request from Board Members for Future Agenda Items

VI. ADJOURN

(Pending approved cancellation of the November & reschedule of December 2021 meetings)

The next scheduled Tulare County Association of Governments (TCAG) Board meeting will be held on **Monday, December 6, 2021 at 1:00 p.m.** at the **Tulare County Human Resources & Development, 2500 W. Burrell Avenue, Visalia, CA 93291.** The Technical Advisory Committee (TAC) will meet on Thursday, **December 2, 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.**

(If the cancellation of the November 2020 TCAG Board Meeting is not approved)

The next scheduled Tulare County Association of Governments (TCAG) Board meeting will be held on Monday, **November 15, 2021 at 1:00 p.m.** at the **Tulare County Human Resources & Development, 2500 W. Burrell Avenue, Visalia, CA 93291.** The Technical Advisory Committee will meet on Thursday, **November 11, 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 TRANSPORTATION AUTHORITY

BOARD OF GOVERNORS	AGENCY	ALTERNATE
Larry Micari	Tulare County-District 1	*
Pete Vander Poel – Chair	Tulare County-District 2	*
Amy Shuklian	Tulare County-District 3	*
Eddie Valero	Tulare County-District 4	*
Dennis Townsend	Tulare County-District 5	*
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	Florencio Guerra Jr

***No Alternate (Required to be an elected official)**

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TCAG STAFF

Ted Smalley, Executive Director
 Ben Kimball, Deputy Executive Director
 Ben Giuliani, Executive Officer- LAFCO
 Leslie Davis, Finance Director
 Elizabeth Forte, Principal Regional Planner
 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
 Barbara Pilegard, 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
 Holly Gallo, Office Assistant III

Office Address

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 210 N. Church, Suite B
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www.tcmeasurer.com

TCRTA STAFF

Richard Tree, Executive Director - TCRTA

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AGENDA ITEM: III-A
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
TULARE COUNTY TRANSPORTATION AUTHORITY

Executive Minutes September 20, 2021

Board Members	Alternates	Member/Alternate	Agency
Larry Micari	*	M	Tulare County-Dist. 1
Pete Vander Poel, Chair	*	M	Tulare County-Dist. 2
Amy Shuklian	*	M	Tulare County-Dist. 3
Eddie Valero	*	M	Tulare County-Dist. 4
Dennis Townsend	*	M	Tulare County-Dist. 5
Maribel Reynosa	Linda Launer	M/A	City of Dinuba
Frankie Alves	Dave Hails	M	City of Exeter
Paul Boyer	Ruben Macareno	M	City of Farmersville
Ramona Caudillo	Hipolito Cerros	M	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	Emmanuel Llamas	M	City of Woodlake

Counsel and TCAG Staff Present (X)

X Jeff Kuhn, Tulare Co. Deputy Counsel
X Ted Smalley, Executive Director
X Benjamin Kimball, Deputy Executive Director
X Benjamin Giuliani, Executive Officer-LAFCO
X Leslie Davis, Finance Director
X Elizabeth Forte, Principal Regional Planner
X Roberto Brady, Principal Regional Planner
 Derek Winning, Senior Regional Planner
 Gabriel Gutierrez, Senior Regional Planner
 Kasia Poleszczuk, Associate Regional Planner
X Jennie Miller, Associate Regional Planner EH

X Steven Ingoldsby, Associate Regional Planner
X Giancarlo Bruno, Regional Planner
X Sheela Bhongir, Regional Planner
 Gail Miller, Associate Regional Planner/EH
 Maria Garza, Associate Regional Planner/EH
 Barbara Pilegard, Associate Regional Planner/EH
 Michele Boling, Accountant III
X Brideget Moore, Staff Services Analyst III
X Amie Kane, TCAG Administrative Clerk II
 Servando Quintanilla, TCAG Administrative Clerk II
X Holly Gallo, Office Assistant III

I. CALL TO ORDER & WELCOME

The Tulare County Transportation Authority was called to order by Chair Vander Poel at 2:02 p.m. on September 20, 2021 at the Tulare County Board of Supervisors, 2800 W. Burrel Avenue, Visalia, CA 93291.

II. PUBLIC COMMENTS

Public comments opened/closed at 2:03 p.m. No public comments received.

III. AUTHORITY CONSENT CALENDAR – ACTION/INFORMATION ITEMS

Request approval of the Authority Consent Calendar Action Items III-A through III-C.

A. Action: Minutes of August 16, 2021 Authority Meeting

B. Action: Minutes of August 12, 2021 Technical Advisory Committee Meeting

C. Action: Adoption of Resolution: 2020 Measure R Strategic Work Plan – Amendment No. 4

Upon a motion by Member Valero, and second by Member Micari, the Tulare County Transportation Authority unanimously approved the Authority Consent Calendar Action Items III-A through III-C. Absent: None.

IV. AUTHORITY ACTION/DISCUSSION ITEMS

A. Information: Measure R Revenues for August 2021

Ms. Davis shared that the Measure R revenues for August were \$4,048,626 compared to \$3,769,037 for the same period the previous year. The 21/22 fiscal year to date amount was \$8,933,164 compared to \$7,181,489 for the same period last year, representing a 24% increase for the fiscal year. Ms. Davis explained that often an increase is reflected at the beginning of the fiscal year but then smooths out over time and that the consultant review of the revenues would be presented once results were obtained.

V. OTHER BUSINESS

A. Information: Items from Staff

B. Information: Items from Board Members

C. Information: Other Items

D. Request from Board Members for Future Agenda Items

There were no items reported or comments noted for Other Business Items V-A through V-D.

VI. ADJOURN

The Tulare County Transportation Authority adjourned at 2:06 p.m.

Item III-B
TCTA Technical Advisory Committee Meeting
Tulare County Association of Governments - 210 N. Church Street, Suite B, Visalia, CA 93291
September 16, 2021 – Summary Meeting Minutes
ATTENDANCE LIST

City of Dinuba	George Avila
City of Exeter	Eddie Wendt
Cities of Farmersville, Woodlake	Lisa Wallis-Dutra
City of Lindsay	Ramona Caudillo
County of Tulare	Karla Artega
City of Porterville	Javier Sanchez
City of Tulare	<i>Absent</i>
City of Visalia	Dolores Verduzco
Tule River Indian Reservation	<i>Absent</i>
TCAG	Benjamin Kimball
Caltrans	Lorena Mendibles

Others Present: Josh McDonnell, City of Tulare

TCAG Staff Present: Benjamin Kimball, Ted Smalley, Leslie Davis, Steven Ingoldsby, Elizabeth Forte, Giancarlo Bruno, Sheela Bhongir, Holly Gallo, Brideget Moore Recording.

SUMMARY MEETING MINUTES

(Minutes reflect agenda items discussed only)

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- I. CALL TO ORDER:** The meeting convened as the Tulare County Transportation Authority Meeting and was called to order by Mr. Kimball at 2:09 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 Transportation Authority (TCTA) Board meeting, scheduled for September 20, 2021.
- III. AUTHORITY CONSENT CALENDAR- ACTION AND INFORMATION ITEMS**
- C. Action: Adoption of Resolution: 2020 Measure R Strategic Work Plan – Amendment No. 4**
Ms. Davis stated that there were two projects being added: The Linda Vista Loop Pedestrian Project and the City of Exeter Visalia Road Improvement Phase 1. She further provided a brief overview of each project.
- IV. AUTHORITY ACTION/DISCUSSION ITEMS**
- A. Information: Measure R Revenues for and Audit Engagement Information**
Ms. Davis shared that Measure R allocations had been received, payment request and distribution made through August 2021. The allocation for the month of August was \$4,048,626 compared to \$3,769,037 for the same period the previous year. The 21/22 fiscal year to date amount was \$8,933,164 compared to \$7,181,489 for the same period the previous year representing a 24% increase thus far for the new fiscal year. She further shared that it would start to get lower as the year goes on.
- VI. ADJOURN**
The TCAG Technical Advisory Committee adjourned at 2:13 p.m.
The next scheduled Tulare County Association of Governments (TCAG) Board meeting will be held on **Monday, September 20, 2021, 2021 at 1:00 p.m.**, at the **Tulare County Human Resources and Development 2500 W. Burrell Ave, Visalia, CA 93291**. The Technical Advisory Committee will meet on **Thursday, September 16, 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**.

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Tulare County Association of Governments
Sitting as the Tulare County Transportation Authority

AGENDA ITEM III-C

October 18, 2021

Prepared by Amie Kane, TCAG Staff

SUBJECT:

Action: Cancel the November and Reschedule the December 2021 Tulare County Transportation Authority (TCTA) and the Technical Advisory Committee (TAC) Meetings

BACKGROUND:

The 2021 Tulare County Transportation Authority (TCTA) and Technical Advisory Committee (TAC) meeting schedule was approved by the Governing Board on December 14, 2020. Generally, the TCAG Board meeting is held on the third Monday of each month, with a few exceptions. The TAC meeting is held the Thursday prior to the TCAG Board meeting. Due to occasional conflicts, meetings are subject to change with notice. The Chair in consultation with the Executive Director may cancel or reschedule a meeting.

DISCUSSION:

TCAG staff is requesting to cancel both the November 10, 2021, Technical Advisory Committee (TAC) Meeting and the November 15, 2021 Tulare County Transportation Authority (TCTA) Meeting.

TCAG staff is requesting to reschedule the December 9, 2021 Technical Advisory Committee (TAC) meeting to December 2, 2021 and the December 13, 2021 Tulare County Transportation Authority (TCTA) Meeting to December 6, 2019.

RECOMMENDATION:

Approve to cancel the November 2021 Technical Advisory Committee (TAC) and Tulare County Transportation Authority (TCTA) Meeting.

Approve to reschedule the December 2021 Technical Advisory Committee (TAC) and Tulare County Transportation Authority (TCTA) Meeting.

FISCAL IMPACT:

None

ATTACHMENTS:

None

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Tulare County Association of Governments
Sitting as the Tulare County Transportation Authority

AGENDA ITEM III-D

October 18, 2021

Prepared by Leslie Davis, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Affirm Citizens' Oversight Committee Members

BACKGROUND:

The Measure R Expenditure Plan provides guidelines for the Citizens' Oversight Committee, including the requirements for membership and the agencies responsible for nominations to the Oversight Committee. All selections to the Oversight Committee require confirmation from the Tulare County Transportation Authority (TCTA).

DISCUSSION:

The City of Exeter has re-appointed Robyn Stearns as representative for July 1, 2021 through June 30, 2023. The City of Tulare has appointed Craig Vejvoda as representative for July 1, 2020 through June 30, 2022. The City of Lindsay has re-appointed Gary Meling as representative for July 1, 2021 through June 30, 2023. Environmental representative consideration is Courtney Barnes for July 1, 2021 through June 30, 2023.

RECOMMENDATION:

Affirm the selection of Robyn Stearns, City of Exeter, Craig Vejvoda, City of Tulare, Gary Meling, City of Lindsay as COC representative, and Environmental representative Courtney Barnes.

FISCAL IMPACT:

No fiscal impact.

ATTACHMENT:

1. Resolution for Approval of Citizens' Oversight Committee Member Appointments

BEFORE THE
TULARE COUNTY TRANSPORTATION AUTHORITY
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

AFFIRMATION OF MEASURE R CITIZENS')
OVERSIGHT COMMITTEE MEMBERS) Resolution No. 2021-xxx

WHEREAS, on November 7, 2006 the citizens of Tulare County approved Measure R;
and

WHEREAS, Measure R included an Expenditure Plan that provides the guidance for the formation of a Citizens' Oversight Committee, including the agencies that will provide nominations and the terms which they will serve; and

WHEREAS, the City of Exeter has re-appointed Robyn Stearns as representative for July 1, 2021 through June 30, 2023. The City of Tulare has appointed Craig Vejvoda as representative for July 1, 2020 through June 30, 2022. The City of Lindsay has re-appointed Gary Meling as representative for July 1, 2021 through June 30, 2023. Environmental representative consideration is Courtney Barnes for July 1, 2021 through June 30, 2023; and

WHEREAS, An Oversight Committee member may serve up to eight years, and is reappointed every two years; and

WHEREAS, the Expenditure Plan outlines that the Transportation Authority Board has responsibility of final approval of all appointments.

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Transportation Authority affirms that the following nominations are approved to serve on the Tulare County Measure R Citizens' Oversight Committee: City of Exeter Robyn Stearns, City of Tulare Craig Vejvoda, the City of Lindsay Gary Meling and the Environmental representative, Courtney Barnes.

The foregoing Resolution was adopted upon motion of Member , seconded by Member , at a regular meeting held on the 18th day of October, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY TRANSPORTATION AUTHORITY

Pete Vander Poel III
Chair, TCTA

Ted Smalley
Executive Director, TCTA

Tulare County Association of Governments
Sitting as the Tulare County Transportation Authority

AGENDA ITEM III-E

October 18, 2021

Prepared by Leslie Davis TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Measure R Arbitrage Rebate Consultant Services

BACKGROUND:

On November 7, 2006, the voters of Tulare County approved Measure R, imposing a ½-cent sales tax for transportation within the incorporated and unincorporated area of Tulare County through 2037. The transportation sales tax funds are spent in accordance with the Expenditure Plan that resulted from a joint effort among all the cities and the County of Tulare. The Expenditure Plan reflects the transportation needs of the residents of Tulare County. The plan includes funding for Regional Projects, Local Programs, Transit/Bike/Environmental Programs and Administration. The funds are distributed as follows:

1. Regional Projects (50%)
2. Local Programs (35%)
3. Transit/Bike/Environmental (14%)
4. Administration and Planning Program (1%)

Measure R revenues began to be collected on April 1, 2007. Monthly Measure R advancements are received by TCAG from the State Board of Equalization followed by quarterly clean-up disbursements. In total TCAG receives eight advancements and four clean-up disbursements throughout a fiscal year.

Authorization to proceed with draft related bond documents was approved by the Board on January 21, 2014 with Resolution No. 2014-101 and The Tulare County Transportation Authority Sales Tax Revenue Bonds (Limited Tax Bonds), Series 2014 (the "Series 2014 Bonds") were issued by the Tulare County Transportation Authority (the "Authority") pursuant to Section 180000 et seq. of the Public Utilities Code of the State of California (as amended, the "Act"), Ordinance No. 2006-01 entitled the 2006 Half-Cent Transportation Sales Tax Measure Expenditure Plan and Use Tax Ordinance (the "Ordinance"), as approved by the Authority and more than two-thirds of the electors voting on the related ballot measure at the general election held in the County of Tulare (the "County") on November 7, 2006, and the Indenture, dated as of July 1, 2014 (the "Master Indenture"), as supplemented by the First Supplemental Indenture, dated as of July 1, 2014 (the "Supplemental Indenture" and, together with the Master Indenture, the "Indenture"), each by and between the Authority and Zions First National Bank, as trustee thereunder (the "Trustee"). The proceeds of the Series 2014 Bonds will be used to (i) finance the cost of certain capital projects authorized in the Expenditure Plan adopted pursuant to the Act, (ii) refinance all or a portion of the loan from the County Treasury of the County of Tulare (the "County"), (iii) fund a bond reserve fund and (iv) finance the costs of issuance incurred in connection with the Series 2014 Bonds.

The Measure R 2016 Strategic Work Plan was approved by the Authority on June 20, 2016 with Resolution No. 2016-102. The Work Plan serves as a guide for the delivery of Measure R projects in the upcoming five-year period.

DISCUSSION:

Arbitrage is the ability to obtain tax-exempt bond proceeds and invest the funds in higher yielding taxable securities, resulting in a profit. The hierarchy of these laws are: the Internal Revenue Code of 1986 as amended (the "Code"), Treasury Regulations, Revenue Procedures and Private Letter Rulings. To minimize the benefit of investing tax-exempt bond proceeds the arbitrage rebate requirements were imposed by Section 148(f)(2) of the Code. Generally, tax-exempt bond issues which were issued on or after September 1, 1986 are subject to the arbitrage rebate requirements. The arbitrage rebate requirements require that any profit or "arbitrage" be "rebated" to the Federal Government.

The rebate amount due to the Federal Government is equal to the excess of the amount earned on all non-purpose investments purchased with gross proceeds of the bonds over the amount which would have been earned if such non-purpose investments were invested at a rate equal to the yield on the bonds. A rebate computation and payment to the Federal Government, if applicable, is required to be made at least every five years or each "Rebate Installment Computation Date" and upon final redemption or maturity of the bonds "Final Rebate Computation Date". The payment is due to the Federal Government within 60 days from either each Rebate Installment Computation Date or Final Rebate Computation Date. Failure to comply with these Federal Rebate Requirements could lead to substantial late filing penalties and interest and or, potentially the loss of tax-exempt status for the bonds. In addition to the many intricacies of the Code and the Regulations, there are various exceptions to rebate which an Issuer may qualify for, and there are various elections that can be made by the Issuer which will have an impact on the rebate calculation and the timing of any payments due to the Federal Government.

The federal arbitrage restrictions are among the most complex aspects of the U.S. tax code and the arbitrage rebate requirement is perhaps the most costly provision of the 1986 Tax Reform Act for state and local governments. To comply with various arbitrage rebate rules, municipal bond issuers are required to perform numerous tests and calculations for each of their outstanding bond issues. Staff resources may be diverted from important governmental activities. Municipalities often undertake significant ongoing expenditures for legal and investment advice, computer and accounting support, records storage, and management oversight.

The obligation is to make any positive arbitrage rebate payment every 5 years throughout the life of the transaction to the US Treasury, including a payment at final maturity, or any full redemption. The only way to know if TCAG owes any positive arbitrage back to the Treasury is to have a report prepared by a firm that specializes in Arbitrage Rebate calculations. The 2014 Bonds have a cash funded debt service reserve fund, therefore we concur that it would probably be a good idea to have a report prepared to see if any positive arbitrage has accrued to date. If there is positive arbitrage to date, then TCTA can start to budget and prepare for the actual payment which is due five (5) years from the issuance of the bonds, July 1, 2019. The initial review was conducted by BLX Group LLC on March 27, 2018 that reviewed the period of July 29, 2014 through July 29, 2017. An interim arbitrage rebate analysis report confirmed that our cumulative rebate liability amount was zero.

A second and third review was conducted to include the review through July 29, 2019 and through July 29, 2020. The arbitrage rebate analysis report confirmed that our cumulative rebate liability amount again was zero for each of these additional periods. If the results of the computation results in a positive arbitrage, 90% of the amount must be paid by September 27th of the current 5-year period. Since, BLX Group LLC is familiar and has already reviewed for the first five years it would be cost effective to use the sole source policy and continue the reporting for the future years' as well as include the 2020 bond review through our Sole Source process. BLX Group LLC has submitted a quote in the amount of \$1,250 per report and \$250 for computation periods in excess of 12 months (per additional year or fraction thereof) to perform the services.

RECOMMENDATIONS:

Staff recommends the approval of BLX Group LLC to provide Arbitrage Rebate Compliance Services for the 2014 and 2020 bond.

FISCAL IMPACT:

The additional cost of \$1,500 for services for the 2020 bond will be added to the 2021/2022 Overall Work Plan (OWP) and will be offset by Measure R Administration.

ATTACHMENTS:

1. Resolution: Approve Arbitrage Rebate Consultant
2. Sole Source Contract Justification Form (**under separate cover**)

BEFORE THE
TULARE COUNTY TRANSPORTATION AUTHORITY
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVE MEASURE R ARBITRAGE)	
CONSULTANT THROUGH SOLE)	Resolution No. 2021-xxx
SOURCE PROCESS)	

WHEREAS, on November 7, 2006, the citizens of Tulare County approved Measure R and the Measure R Expenditure Plan; and

WHEREAS, the Measure R Expenditure Plan serves as a guide for the use of transportation funds that will be generated through the Tulare County half-cent transportation sales tax over the next thirty years; and

WHEREAS, the Measure R Strategic Work Plan is the master plan for the delivery of Measure R Projects in the upcoming five-year period; and

WHEREAS, the Measure R Bond was approved on June 16, 2014 with Resolution No. 2014-110 to allow TCTA to fund several large regional projects ready for construction in the summer of 2014; and

WHEREAS, it is recommended by the Financial Advisor, KNN, that we hire a firm that specializes in Arbitrage Rebate calculations to calculate the potential positive arbitrage; and

WHEREAS, the 2014 Bonds have a cash funded debt service reserve fund, therefore we concur that it would probably be a good idea to have a report prepared to see if any positive arbitrage has accrued to date. If there is positive arbitrage to date, then TCTA can start to budget and prepare for the actual payment which is due five (5) years from the issuance of the bonds, July 1, 2019. An interim arbitrage rebate analysis report confirmed that our cumulative rebate liability amount was zero; and

WHEREAS, a second and third review was conducted to include the review through July 29, 2019 and through July 29, 2020. The arbitrage rebate analysis report confirmed that our cumulative rebate liability amount again was zero for each of these additional periods. If the results of the computation results in a positive arbitrage, 90% of the amount must be paid by September 27th of the current 5-year period.; and

WHEREAS, BLX Group LLC is familiar and has the already reviewed for the first five years it would be cost effective to use the sole source policy and continue the reporting for the future years' as well as include the 2020 bond review through our Sole Source process. BLX Group LLC has submitted a quote in the amount of \$1,250 per report and \$250 for computation periods in excess of 12 months (per additional year or fraction thereof) to perform the services.

NOW, THEREFORE, BE IT RESOLVED that the Transportation Authority of the County of Tulare approves BLX Group LLC through the Sole Source Policy to provide Arbitrage Rebate Compliance Services.

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 18th day of October 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY TRANSPORTATION AUTHORITY

Pete Vander Poel III
Chair, TCTA

Ted Smalley
Executive Director, TCTA

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Tulare County Association of Governments
Sitting as the Tulare County Transportation Authority

AGENDA ITEM IV-A

October 18, 2021

Prepared by Jeff Kuhn, Chief Deputy County Counsel

SUBJECT:

Action: Adoption of Resolution: Approve Remote Attendance at Public Meetings
Pursuant to State Assembly Bill 361

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.

RECOMMENDATION:

Approve members to continue to have the option to participate in its governing board meetings remotely through the use of the teleconferencing provisions of AB 361.

FISCAL IMPACT:

None

ATTACHMENT:

1. Resolution approving remote attendance at public meetings as outlined in AB 361.

BEFORE THE
TULARE COUNTY TRANSPORTATION AUTHORITY
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVAL OF REMOTE ATTENDANCE)
AT BROWN ACT PUBLIC MEETINGS)
PURSUANT TO STATE ASSEMBLY BILL 361)

Resolution No. 2021-xxx

WHEREAS, meetings of this Board are governed by the provisions of California's open meetings law known as the Ralph M. Brown Act, found at Government Code section 54950, *et seq.* (the "Brown Act"); and

WHEREAS, for many years the Brown Act has allowed local legislative bodies such as ours to conduct their meetings, at least in part, through the use of teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law; and

WHEREAS, as a condition of using teleconferencing in part or in whole for meetings of local legislative bodies, the Brown Act requires that such meeting agendas disclose the precise locations from which teleconferencing will occur, that notices and agendas of the teleconferencing meetings be posted at all of those locations, and that all of the locations be freely accessible by members of the general public during the meetings; and

WHEREAS, as part of his response to the COVID-19 pandemic, in March 2020 Governor Newsom issued his Executive Order N-29-20 suspending said posting, noticing, and public access conditions for teleconferencing in order to allow local legislative bodies to carry out their important work while promoting social distancing and combatting the spread of COVID-19; and

WHEREAS, Executive Order N-29-20 expired on September 30, 2021; and

WHEREAS, the newly-enacted AB 361 allows local legislative bodies to continue meeting remotely to the extent possible upon making certain findings; and

WHEREAS, a state of emergency, declared by the Governor pursuant to Government Code section 8625, remains in effect in the State of California due to the continued effects of the COVID-19 pandemic; and

WHEREAS, this Board wishes to allow its members to continue to have the option to participate in its governing board meetings remotely through the use of the teleconferencing provisions of AB 361.

NOW, THEREFORE, the Governing Board of the Tulare County Transportation Authority hereby finds and declares the following,

1. The above-listed recitals are adopted as being true and correct.

2. COVID-19 continues to threaten our community. The unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides is one means by which to reduce the risk of COVID-19 transmission.

3. Relaxing the requirements for remote meeting attendance by Board members through teleconferencing will promote social distancing and allow potential governing board meeting attendees to maintain the privacy of their vaccination status, which will reduce the health and safety risk inherent in personal attendance at public meetings.

4. Based on these findings and pursuant to Government Code section 54953 (e)(1)(A), members of the Board may use teleconferencing for meeting attendance without complying with the provisions of Government Code section 54953 (b)(3), so long as the requirements of AB 361 and this Resolution are met.

5. Pursuant to Government Code section 54953(e)(2), if meetings of this Board allow for remote participation by members through teleconferencing as described above, then all of the following shall apply to such meetings:

- (A) The Board shall give notice of the meeting and post agendas as otherwise required by the Brown Act.
- (B) The Board shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the Board directly pursuant to Government Code section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the Board shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the Board to provide a physical location from which the public may attend or comment.
- (C) The Board shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the Board.
- (D) In the event of a disruption which prevents the Board from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the Board's control which

prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the Board from broadcasting the meeting may be challenged pursuant to Government Code section 54960.1.

- (E) The Board shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the Board and offer comment in real time. This subparagraph shall not be construed to require the Board to provide a physical location from which the public may attend or comment.
- (F) Notwithstanding Government Code section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the Board, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.
- (G)
 - (i) If the Board provides a timed public comment period for each agenda item, then it shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.
 - (ii) If the Board does not provide a timed public comment period, but takes public comment separately on each agenda item, then it shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.
 - (iii) If the Board provides a timed general public comment period that does not correspond to a specific agenda item, then it shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

6. If a state of emergency remains active, then in order to continue to teleconference without compliance with Government Code section 54953 (b)(3), this Board shall, not later than 30 days after teleconferencing for the first time pursuant to this Resolution, and every 30 days thereafter, make the following findings by majority vote:

- (A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

7. If this Board does not meet within thirty days of this meeting, or any subsequent meeting where these findings are ratified, and a state of emergency pursuant to Government Code section 8625 remains in effect, then the Board will be deemed to have delegated to its Executive Director the authority to call a meeting pursuant to these provisions, provided that official also places on the agenda of that meeting an item calling for the Board to ratify that action and readopt this Resolution.

8. For purposes of this Resolution, a “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act found at Article 1 (commencing with § 8550) of Chapter 7 of Division 1 of Title 2 of the Government Code.

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 18th day of October 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT

TULARE COUNTY TRANSPORTATION AUTHORITY

Pete Vander Poel III
Chair, TCAG

Ted Smalley
Executive Director, TCAG

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Tulare County Association of Governments
Sitting as the Tulare County Transportation Authority

AGENDA ITEM IV-B

October 18, 2021

Prepared by Leslie Davis, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Measure R Policies and Procedures Agency Cooperative Agreement with Tulare County Regional Transit Agency

BACKGROUND:

On November 7, 2006, the voters of Tulare County approved Measure R, imposing a ½-cent sales tax for transportation within the incorporated and unincorporated area of Tulare County through 2037. The transportation sales tax funds are spent in accordance with the Expenditure Plan that resulted from a joint effort among all the cities and the County of Tulare. The Expenditure Plan reflects the transportation needs of the residents of Tulare County. The plan includes funding for Regional Projects, Local Programs, Transit/Bike/Environmental Programs and Administration. The funds are distributed as follows:

1. Regional Projects (50%)
2. Local Programs (35%)
3. Transit/Bike/Environmental (14%)
4. Administration and Planning Program (1%)

Measure R revenue collection began on April 1, 2007. Monthly Measure R advancements are received by TCAG from the State Board of Equalization followed by quarterly clean-up disbursements. In total, TCAG receives eight advancements and four clean-up disbursements throughout a fiscal year.

The Measure R 2020 Strategic Work Plan was approved by the Authority on October 19, 2020 with Resolution No. 2020-119, amended on December 14, 2020 with Resolution No. 2020-120, amended on April 19, 2021 with Resolution No. 2021-100 and amended August 26, 2021 with Resolution No. 2021-106.

DISCUSSION:

Tulare County Transportation Authority (TCTA, "Authority") received the 2007 Measure R Agency Cooperative Agreement between the TCTA and Tulare County Regional Transit Agency (TCRTA, "Sponsor").

The Master Agreement will allow TCRTA to request funding through a Supplemental Agreement from the Authority for the transportation improvement projects that are specified in the Expenditure Plan. The Authority is authorized under the Expenditure Plan and Ordinance 2006-01 to issue Measure R funds to a sponsor in accordance with the Expenditure Plan, the Adopted Strategic Work Plan and the Policies and Procedures Agency Cooperative Agreement.

This agreement will not have any force or effect on Regional Projects, Bike Projects, or Transit Projects unless and until a project-specific Program Supplement to this Agreement has been fully executed by both the Authority and the Sponsor.

Along with the Policies and Procedures Agency Cooperative Agreement there will be Measure R Program Supplements to the Cooperative Agreement that will be entered into by the Tulare County Transportation Authority and TCRTA. The supplement will incorporate the "Measure R

Cooperative Agreement” for Measure R Expenditures that have been entered between the TCTA and TCRTA.

RECOMMENDATIONS:

Staff recommends the approval of the Measure R Cooperative Agreement with TCRT.

FISCAL IMPACT:

No fiscal impact

ATTACHMENT:

1. Resolution: Approve Measure R Policies and Procedures Agency Cooperative Agreement with Tulare County Regional Transit Agency
2. Measure R Cooperative Agreement with TCRTA (Under Separate Cover)

BEFORE THE
TULARE COUNTY TRANSPORTATION AUTHORITY
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

ADOPTING THE 2007 MEASURE R POLICIES)	
AND PROCEDURES COOPERATIVE)	Resolution No. 2021-xxx
AGREEMENT WITH TULARE COUNTY)	
REGIONAL TRANSIT AGENCY)	

WHEREAS, on November 7, 2006, the citizens of Tulare County approved Measure R and the Measure R Expenditure Plan; and

WHEREAS, the adopted 2007 Measure R Policies and Procedures contain a requirement for a Measure R Cooperative Agreement that will be entered between the Tulare County Association of Governments, acting as the Local Transportation Authority and its member agencies; and

WHEREAS, each individual member agency will have its own Measure R Cooperative Agreement; and

WHEREAS, the Tulare County Regional Transit Agency (TCRTA) entered into a Measure R Policies and Procedures Cooperative Agreement with the Tulare County Transportation Authority; and

WHEREAS, this agreement shall have no force or effect with respect to Regional Projects, Bike Projects, or Transit Projects unless and until a project-specific Program Supplemental to this Agreement hereinafter referred to as "Program Supplemental", has been fully executed by both the Authority and Sponsor.

NOW, THEREFORE, BE IT RESOLVED that the Transportation Authority of the County of Tulare adopts the attached, "Measure R Policies and Procedures Agency Cooperative Agreement, between the Local Transportation Authority and the TCRTA.

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 18th day of October 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY TRANSPORTATION AUTHORITY

Pete Vander Poel III
Chair, TCTA

Ted Smalley
Executive Director, TCTA

Tulare County Association of Governments
Sitting as the Tulare County Transportation Authority

AGENDA ITEM IV-C

October 18, 2021

Prepared by Leslie Davis and Ted Smalley, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: 2020 Measure R Strategic Work Plan – Amendment No. 5

BACKGROUND:

The Measure R Expenditure Plan serves as a guide for the use of transportation funds that will be generated through the Tulare County half-cent transportation sales tax through 2037. The Expenditure Plan was developed by the Tulare County Association of Governments and its nine member agencies (Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the County of Tulare) and approved by the voters in November 2006. The Expenditure Plan represents diverse community interests and addresses major regional transportation needs in Tulare County through the year 2037. The Plan provides a detailed blueprint that will allow for the leveraging of state and federal funds through the revenues that are received through Measure R. The Plan provides funds for regional road improvements, public transit, rehabilitation of existing roads, and other transportation programs that will improve mobility and air quality within the County and each of the cities.

The Measure R Strategic Work Plan is the master plan for the delivery of Measure R projects over a five-year period. The 2020 plan was approved with Resolution No. 2020-119 at the October 1, 2020 Board meeting and Amendment No.1 was approved with Resolution No. 2020-120 on December 14, 2020, Amendment No. 2 was approved with Resolution No. 2021-100 on April 19, 2021, Amendment No. 3 was approved on August 16, 2021 with Resolution No. 2021-106, Amendment No. 4 was approved September 20, 2021 with Resolution No. 2021-107. It details the revenue projections and possible financing tools needed to deliver Measure R projects. It takes into consideration the Measure R Expenditure Plan and the Measure R Policies and Procedures and gathers them into one document that will produce Measure R projects in a timely and efficient manner. The Strategic Work Plan is updated every two years and amended when there are financial changes that affect the member agencies.

DISCUSSION:

The City of Lindsay has proposed the Demolition and Design of the Lindsay Transit Center project. Phase I is the demolition. This phase will demolish the existing packing house building within the property purchased for the proposed Lindsay Transit Center. Phase II is the design. This phase will design and prepare plans and specifications for the proposed Lindsay Transit Center. Lindsay has requested funding set aside from their transit funding allocated within Measure R in the amount of \$500,000.

RECOMMENDATIONS:

Approve the funding set aside for the demolition and design of the Lindsay Transit Center from the Lindsay transit funding allocated within Measure R.

FISCAL IMPACT:

No fiscal impact, funding is already allocated within the expenditure plan.

ATTACHMENTS:

1. Resolution authorizing the 2020 Strategic Work Plan Amendment No. 5 as outlined above under recommendation.

BEFORE THE
TULARE COUNTY TRANSPORTATION AUTHORITY
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

APPROVE AMENDMENT NO. 5 TO THE)
MEASURE R 2020 STRATEGIC WORK PLAN)

Resolution No. 2021-XXX

WHEREAS, on November 7, 2006, the citizens of Tulare County approved Measure R and the Measure R Expenditure Plan; and

WHEREAS, on April 16, 2007, the Measure R Policies and Procedures were adopted; and

WHEREAS, the Measure R Expenditure Plan serves as a guide for the use of transportation funds that will be generated through the Tulare County half-cent transportation sales tax over the next thirty years; and

WHEREAS, the member agencies approved the Measure R Expenditure Plan Amendment No. 5 by their respective Boards during the months of July and August 2020; and

WHEREAS, the Measure R Expenditure Plan Amendment No. 5 was approved by the Board on August 17, 2020 with Resolution No. 2020-111 and is effective October 1, 2020; and

WHEREAS, the 2020 Strategic Work Plan was approved on October 19, 2020 with Resolution No. 2020-119; and

WHEREAS, The City of Lindsay has proposed the Demolition and Design of the Lindsay Transit Center project. Phase I is the demolition. This phase will demolish the existing packing house building within the property purchased for the proposed Lindsay Transit Center. Phase II is the design. This phase will design and prepare plans and specifications for the proposed Lindsay Transit Center. Lindsay has requested funding set aside from their transit funding allocated within Measure R in the amount of \$500,000; and

WHEREAS, there is no fiscal impact, funding is already allocated within the expenditure plan.

NOW, THEREFORE, BE IT RESOLVED that the Transportation Authority of the County of Tulare authorizes Amendment No. 5 to the 2020 Strategic Work Plan to approve setting aside funding for the Demolition and Design of the Lindsay Transit Center project from the Lindsay Transit funding allocation within Measure R in the amount of \$500,000.

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 18th day of October 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY TRANSPORTATION AUTHORITY

Pete Vander Poel III
Chair, TCTA

Ted Smalley
Executive Director, TCTA

Tulare County Association of Governments
Sitting as the Tulare County Transportation Authority

AGENDA ITEM IV-D

October 18, 2021

Prepared by Leslie Davis, TCAG Staff

SUBJECT:

Information: Measure R Revenues for September 2021

BACKGROUND:

On November 7, 2006, the voters of Tulare County approved Measure R, imposing a ½-cent sales tax for transportation within the incorporated and unincorporated area of Tulare County through 2037. The transportation sales tax funds are spent in accordance with the Expenditure Plan that resulted from a joint effort among all the cities and the County of Tulare. The Expenditure Plan reflects the transportation needs of the residents of Tulare County. The plan includes funding for Regional Projects, Local Programs, Transit/Bike/Environmental Programs and Administration. The funds are distributed as follows:

1. Regional Projects (50%)
2. Local Programs (35%)
3. Transit/Bike/Environmental (14%)
4. Administration and Planning Program (1%)

Measure R revenue collection began on April 1, 2007. Monthly Measure R advancements are received by TCAG from the State Board of Equalization followed by quarterly clean-up disbursements. In total, TCAG receives eight advancements and four clean-up disbursements throughout a fiscal year.

The Measure R 2020 Strategic Work Plan was approved by the Authority on October 19, 2020 with Resolution No. 2020-119, amended on December 14, 2020 with Resolution No. 2020-120, amended on April 19, 2021 with Resolution No. 2021-100 and amended August 26, 2021 with Resolution No. 2021-106.

DISCUSSION, 2021

Status of Measure R Revenues

Fiscal Year 2020/2021 and 2021/2022 - Measure R allocations have been received, payment request and distribution made through September 2021. The allocation for the month of September is \$3,600,596 compared to \$3,066,906 for the same period last year. The 21/22 fiscal year to date amount is \$12,533,760 compared to \$10,248,396 for the same period last year representing a 22% increase thus far for the new fiscal year.

See attached revenue chart covering fiscal years 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022 year to date.

ATTACHMENT:

1. Annual Revenue Comparison through September of Each Fiscal Year

Work Element: 700.01 Measure R Implementation

