



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: <b>Monday, January 24, 2022</b> Time: <b>1:00 p.m.</b> Place: Tulare County Human Resources & Development 2500 W. Burrel Avenue   Visalia, CA 93291
Technical Advisory Committee	Date: <b>Thursday January 20, 2022</b> Time: <b>1:30 p.m.</b> 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 <a href="https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB361">https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB361</a></p> <p><b>Zoom Meeting   Direct Link:</b> <a href="https://bit.ly/2Zt4BQY">https://bit.ly/2Zt4BQY</a>  <b>Toll Free Call in:</b> 1(888) 475-4499   <b>Meeting ID:</b> 744 710 0343   <b>Passcode:</b> 82243742  <b>Call in only instructions:</b>  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-D.**

- A. Action: Minutes of December 6, 2021 Authority Meeting (Pages 01-02)
- B. Action: Minutes of December 2, 2021 Technical Advisory Committee Meeting (Pages 03-04)
- C. Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings (Pages 05-06)
- D. Action: Adoption of Resolution: Affirm Citizens' Oversight Committee Members (Pages 07-08)

### **IV. AUTHORITY ACTION/DISCUSSION ITEMS**

- A. Action: Adoption of Resolution: Update No. 2 to Measure R Sales Tax Data Access (Pages 09-14)
- B. Information: Measure R Update and Revenues for October, November and December 2021 (Pages 15-17)

### **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**

The next scheduled Tulare County Transportation Authority (TCTA) Board meeting will be held on **Monday, February 28, 2022 at 1:00 p.m.** at the **Tulare County Human Resources & Development, 2500 W. Burrel Avenue, Visalia, CA 93291.** The Technical Advisory Committee will meet on **Thursday, February 24, 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.**

TULARE COUNTY TRANSPORTATION AUTHORITY

<b>BOARD OF GOVERNORS</b>	<b>AGENCY</b>	<b>ALTERNATE</b>
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)**

**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**

Tulare County Association of Governments  
 210 N. Church, Suite B  
 Visalia, CA 93291  
 P: (559) 623-0450  
 F: (559) 733-6720  
[www.tularecog.org](http://www.tularecog.org)  
[www.tcmeasurer.com](http://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**  
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**Executive Minutes December 6, 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		City of Dinuba
Frankie Alves	Dave Hails	M	City of Exeter
Paul Boyer	Ruben Macareno	M	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		City of Tulare
Brian Poochigian	<i>Vacant</i>	M	City of Visalia
Rudy Mendoza	Emmanuel Llamas		City of Woodlake

<b>Counsel and TCAG Staff Present (X)</b>	
<input checked="" type="checkbox"/> Jeff Kuhn, Tulare Co. Deputy Counsel	<input checked="" type="checkbox"/> Steven Ingoldsby, Associate Regional Planner
<input checked="" type="checkbox"/> Ted Smalley, Executive Director	<input checked="" type="checkbox"/> Giancarlo Bruno, Regional Planner
<input checked="" type="checkbox"/> Benjamin Kimball, Deputy Executive Director	<input checked="" type="checkbox"/> Sheela Bhongir, Regional Planner
<input checked="" type="checkbox"/> Benjamin Giuliani, Executive Officer-LAFCO	<input checked="" type="checkbox"/> Gail Miller, Associate Regional Planner/EH
<input type="checkbox"/> Leslie Davis, Finance Director	<input type="checkbox"/> Maria Garza, Associate Regional Planner/EH
<input checked="" type="checkbox"/> Elizabeth Forte, Principal Regional Planner	<input checked="" type="checkbox"/> Barbara Pilegard, Associate Regional Planner/EH
<input checked="" type="checkbox"/> Roberto Brady, Principal Regional Planner	<input checked="" type="checkbox"/> Michele Boling, Accountant III
<input type="checkbox"/> Derek Winning, Senior Regional Planner	<input checked="" type="checkbox"/> Brideget Moore, Staff Services Analyst III
<input checked="" type="checkbox"/> Gabriel Gutierrez, Senior Regional Planner	<input checked="" type="checkbox"/> Amie Kane, TCAG Administrative Clerk II
<input type="checkbox"/> Kasia Poleszczuk, Associate Regional Planner	<input checked="" type="checkbox"/> Servando Quintanilla, TCAG Administrative Clerk II
<input type="checkbox"/> Jennie Miller, Associate Regional Planner EH	<input checked="" type="checkbox"/> Holly Gallo, Office Assistant III

**I. CALL TO ORDER & WELCOME**

The Tulare County Transportation Authority was called to order by Chair Vander Poel at 2:03 p.m. on December 6, 2021 at the Tulare Ag Auditorium, 4437 S. Laspina, Tulare, CA 93274.

**II. PUBLIC COMMENTS**

Public comments opened/closed at 2:04 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-D.

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

**B. Action: Minutes of October 18, 2021 Authority Meeting**

**C. Action: Minutes of October 14, 2021 Technical Advisory Committee Meeting**

**D. Action: Approve the 2022 Tulare County Transportation Authority (TCTA), and Technical Advisory Committee (TAC) Meeting Calendar and Reconfirm the Cancellation Policy**

Upon a motion by Member Valero, and second by Member Townsend, the Tulare County Transportation Authority unanimously approved the Authority Consent Calendar Action Items III-A through III-D. Absent: Reynosa, Caudillo, Sayre, and Mendoza.

**III. AUTHORITY ACTION/DISCUSSION ITEMS**

**A. Information: Measure R Revenues for October 2021**

Mr. Smalley shared that the Measure R allocations for October were \$4,442,594 compared to \$3,669,963 for the same period the previous year. The 21/22 fiscal year to date amount was \$16,976,353 compared to \$13,918,359 for the same period last year, representing a 22% increase for the fiscal year. Mr. Smalley explained that increases to the cost of goods and services could affect revenues and staff would continue to provide monthly updates.

**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 2:08 p.m.

Item III-B

**TCTA Technical Advisory Committee Meeting**

Tulare County Association of Governments - 210 N. Church Street, Suite B, Visalia, CA 93291

**December 2, 2021 – Summary Meeting Minutes**

**ATTENDANCE LIST**

City of Dinuba	<i>Absent</i>
City of Exeter	Eddie Wendt
Cities of Farmersville, Woodlake	<i>Absent</i>
City of Lindsay	<i>Absent</i>
County of Tulare	Karla Arteaga
City of Porterville	Rich Tree
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:** Jamaica Gentry, Caltrans

**TCAG Staff Present:** Ted Smalley, Steven Ingoldsby, Benjamin Giuliani, Elizabeth Forte, Giancarlo Bruno, Sheela Bhongir, Roberto Brady, Amie Kane, Brideget Moore, Holly Gallo and Servando Quintanilla Jr. 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 1:48 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 December 6, 2021.
- III. **AUTHORITY CONSENT CALENDAR – ACTION AND INFORMATION ITEMS**
- A. **Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings**  
Mr. Smalley stated that the item was a repeat of the same item in the TCAG agenda.
- D. **Action: Approve the 2022 Tulare County Transportation Authority (TCTA), and Technical Advisory Committee (TAC) Meeting Calendar and Reconfirm the Cancellation Policy**  
Ms. Kane stated that the item was a repeat of the same item in the TCAG agenda.
- IV. **AUTHORITY ACTION/DISCUSSION ITEMS**
- A. **Information: Measure R Revenues for October 2021**  
Mr. Smalley gave an update on the Measure R Revenues for October with the allocation for the month of October being \$4,442,594 compared to \$3,669,963 for the same period last year and the 21/22 fiscal year to date amount was \$16,976,353 compared to \$13,918,359 for the same period last year representing a 22% increase thus far for the new fiscal year.
- VI. **ADJOURN**  
The TCTA Technical Advisory Committee adjourned at 1:50 p.m.  
The next scheduled Tulare County Association of Governments (TCAG) Board meeting will be held on **Monday, January 24, 2021, at 1:00 p.m., at the Tulare County Human Resources and Development 2500 W. Burrel Avenue Visalia, CA 93291.** The Technical Advisory Committee will meet on **Thursday, January 20, 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**

January 24, 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 Transportation Authority 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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Tulare County Association of Governments  
Sitting as the Tulare County Transportation Authority

**AGENDA ITEM III-D**

January 24, 2022

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 Tulare Kings Hispanic Chamber of Commerce has appointed Gil Jaramillo as representative for July 1, 2021 through June 30, 2023.

**RECOMMENDATION:**

Affirm the selection of Gil Jaramillo as representative for the Tulare Kings Hispanic Chamber of Commerce on the Citizens Oversight Committee.

**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. 2022-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 Tulare Kings Hispanic Chamber of Commerce has appointed Gil  
Jaramillo as representative for July 1, 2021 through June 30, 2023.

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: Gil Jaramillo , Tulare Kings Hispanic Chamber of Commerce

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

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

TULARE COUNTY TRANSPORTATION AUTHORITY

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Pete Vander Poel III  
Chair, TCTA

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Ted Smalley  
Executive Director, TCTA

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

**AGENDA ITEM IV-A**

January 24, 2022

Prepared by Leslie Davis, TCAG Staff

**SUBJECT:**

**Adoption of Resolution:** Update No. 2 to Measure R Sales Tax Data Access

**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 2018 Strategic Work Plan was approved by the Authority on June 18, 2018 with Resolution No. 2018-102. The Work Plan serves as a guide for the delivery of Measure R projects in the upcoming five-year period. The 2018 Strategic Work Plan was amended on March 18, 2019 with Resolution No. 2019-104 and on April 15, 2019 with Resolution No. 2019-105.

The Measure R Sales Tax Data Access was updated on September 21, 2020 with Resolution No. 2020-116 to include access for our tax consultant, MuniServices, LLC (AVENU/MuniServices) and specific TCAG positions, i.e. Executive Director, Deputy Executive Director, Finance Director.

**DISCUSSION:**

Pursuant to Resolution No. 2010-0315 dated April 27, 2010, the employees in the following positions are authorized to have access to state database: Deputy Executive Director, Measure R Coordinator, and Executive Secretary. A general update to the individuals authorized to have access and give access to the sales tax information of TCTA is applicable at this time. This is to allow the Finance Director, who is the Measure R Coordinator, to have access. Currently when access requests are made by the Finance Director to CDTFA there is confusion on the title, the Measure R Coordinator is not included in the official Human Resources Title of Finance Director and therefore hinders access. It is also timely to add our tax consultant, MuniServices, LLC (Avenu/MuniServices). Whereas this is consistent with previous authorizations.

California Department of Tax and Fee Administration (CDTFA) has requested that in order to satisfy the requirements of section 7056, the original updated agreement should be amended, this requires that the TCTA governing body adopt a resolution requesting that persons duly authorized by TCTA and/or identified in the resolution (i.e., MuniServices LLC) be permitted to examine all of the sales tax records held by the SBE/CDTA pertaining to the collection of the Measure R sales tax. The resolution shall certify that any person designated by the resolution, other than an officer or employee of TCTA, meets all of the following conditions:

- (A) Has an existing contract with TCTA to examine those sales and use tax records;
- (B) Is required by that contract to disclose information contained in, or derived from, those sales or transactions and use tax records only to an officer or employee of TCTA who is authorized by the resolution to examine the information;
- (C) Is prohibited by that contract from performing consulting services for a retailer during the term of that contract; and
- (D) Is prohibited by that contract from retaining the information contained in, or derived from, those sales or transactions and use tax records, after that contract has expired.

TCAG staff conferred with legal and the attached document is a reflection of the approved language to be included in the agreement.

**RECOMMENDATION:**

It is staffs' recommendation to update the attached resolution to include appropriate staff to have access and designate, and to allow access to the newly appointed tax consultant.

**FISCAL IMPACT:**

None

**ATTACHMENT:**

1. A Resolution Authorizing the Examination of Transactions (Sales) and Use Tax Records

## RESOLUTION NO. \_\_\_\_\_

### A Resolution of the Tulare County Transportation Authority Authorizing the Examination of Sales or Transactions and Use Tax Records

**WHEREAS**, pursuant to Tulare County Transportation Authority (“TCTA”) Ordinance No. 2006-01, (TCTA entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of TCTA’s Measure R Transactions and Use Tax Ordinances and the local sales and use taxes; and

**WHEREAS**, TCTA deems it necessary for authorized representatives of TCTA to examine confidential sales and transactions and use tax records of the Board or its successor agency, the California Department of Tax and Fee Administration, (collectively, or in the alternative, the “Agency”) pertaining to Measure R sales and transactions and use taxes collected for TCTA by the Agency; and

**WHEREAS**, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Agency records and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from sales or transactions and use tax records of the Agency; and

**WHEREAS**, Section 7056(b) of the California Revenue and Taxation Code requires that any person designated by TCTA to examine TCTA’s sales and transactions and use tax records and who is not an officer or employee of TCTA must (1) have an existing contract to examine such records; must be required by that contract to disclose information contained in, or derived from, those sales or transactions and use tax records only to an officer or employee of TCTA who is authorized by the resolution to examine the information; (3) must be prohibited by that contract from performing consulting services for a retailer during the term of that contract; and (4) must be prohibited by that contract from retaining the information contained in, or derived from, those sales or transactions and use tax records, after that contract has expired.

**NOW, THEREFORE IT IS RESOLVED AND ORDERED AS FOLLOWS:**

**Section 1.** That TCTA’s Finance Director , or other officer or employee of TCTA designated in writing by the TCTA Finance Director to the Agency is hereby appointed to represent TCTA with authority to examine all of the sales and transactions and use tax records of the Agency pertaining to the Measure R sales and transactions and use taxes collected for TCTA by the Agency pursuant to the contract between TCTA and the Agency. The information obtained by examination of Agency records shall be used for purposes related to the collection of TCTA’s Measure R sales and transactions and use taxes by the Agency pursuant to the contract.

**Section 2.** That the TCTA Finance Director, or other officer or employee of TCTA designated in writing by the TCTA Finance Director to the Agency, is also hereby appointed to represent TCTA with the authority to examine those Measure R sales and transactions and use tax records of the Agency for purposes related to the following governmental functions of TCTA:

- a) tracking and economic development
- b) forecasting and budget related functions
- c) detection of misallocations and deficiencies

The information obtained by examination of Agency records shall be used only for those governmental functions of TCTA listed above.

**Section 3.** That MuniServices, LLC is hereby designated and authorized to examine all of the sales and transactions and use tax records of the Agency pertaining to all Measure R sales and use taxes collected for TCTA and any transaction and use taxes collected for TCTA under the following Transactions and Use Tax Ordinances and any future Transactions and Use Tax Ordinances that may be enacted, extended, or modified in TCTA:

***Tulare County Transportation Authority Retail Transactions and Use Tax for Transportation Purposes (Measure R) .50% – TAC 162***

MuniServices LLC meets all of the following conditions required by Revenue and Taxation Code section 7056(b) in that it:

- a) has an existing contract with TCTA to examine Measure R sales and transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those sales and transactions and use tax records only to an officer or employee of TCTA authorized under Section 1 (or Section 2) of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in or derived from those sales and transactions and use tax records after that contract has expired.

**BE IT FURTHER RESOLVED** that the information obtained by examination of Agency records shall be used only for purposes related to the collection of TCTA's Measure R sales and transactions and use taxes by the Agency pursuant to the contracts between TCTA and the Agency and for purposes relating to the governmental functions of TCTA listed in Section 2 of this resolution.

**Section 4.** This resolution supersedes all prior sales and transactions and use tax resolutions of TCTA adopted pursuant to subdivision (b) of Revenue and Taxation Code Section 7056.



The foregoing Resolution was introduced, approved and adopted upon motion of Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, at a regular meeting held on the 24<sup>th</sup> day of January, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY TRANSPORTATION AUTHORITY

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Pete Vander Poel III  
Chair, TCTA

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Ted Smalley  
Executive Director, TCTA

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

**AGENDA ITEM IV-B**

**January 24, 2022**

**Prepared by Leslie Davis, TCAG Staff**

**SUBJECT:**

**Information:** Measure R Update and Revenues for October, November and December 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**

**MEASURE R UPDATE**

Over the past year, the cost of construction continues to rise. There have been many reports in the news about the cost of inflation. Also, costs are likely to continue to rise. The increased costs have a direct impact on the number and timing of projects that can be built. Over the next few months, TCAG will be working with member agencies and Caltrans to review revised costs estimates and develop an action plan to continue delivering critical transportation projects throughout the county. One of the alternatives will be to evaluate dedicating a percentage of STGBG federal funds to regional projects.

**Status of Measure R Revenues**

Fiscal Year 2021-2022 Measure R allocations have been received, payment request and distribution made through December 2022. The allocation for the month of October is \$4,442,594, November is \$4,016,372 and December is \$3,492,613. The 21/22 fiscal

year to date amount is \$24,485,338 compared to \$20,207,977 for the same period last year representing a 21% increase thus far for the 21/22 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 December of Each Fiscal Year

Attachment 1

