

San Mateo County Transportation Authority
1250 San Carlos Avenue, San Carlos, California
Minutes of January 5, 2023

Members Present: E. Beach, N. Corzo, J. Mates, R. Medina, R. Mueller, M. Nagales, C. Romero
(Via Teleconference)

Members Absent: None

Staff Present: A. Chan, J. Cassman, P. Gilster, P. Skinner, C. Fromson, H. El-Guindy,
K. Kelly, J. Brook, D. Seamans

1. Call to Order

Chair Rico Medina called the meeting to order at 5:02 pm.

2. Swearing-in:

2.a. Julia Mates for a term ending 12-31-2024 (Cities – Central County Representative)

2.b. Carlos Romero for a term ending 12-31-2024 (Cities – Southern County Representative)

2.c. Board of Supervisors Representative(s)

Dora Seamans, Authority Secretary, administered the Oath of Office to continuing Directors Julia Mates and Carlos Romero, and new Directors Noelia Corzo and Ray Mueller for terms expiring December 31, 2024.

3. Roll Call/Pledge of Allegiance

Ms. Seamans confirmed that a quorum was present. Chair Medina requested that Director Emily Beach lead the Pledge of Allegiance.

4. Election of 2023 Officers

Vice Chair Carlos Romero said he wished to renominate Director Medina as Chair and Romero as Vice Chair for another year.

Motion/Second: Romero/Mates

Ayes: Beach, Corzo, Mates, Medina, Mueller, Nagales, Romero

Noes: None

Absent: None

5. Public Comment for Items Not on the Agenda

There were no comments.

6. Report of the Citizens Advisory Committee

Chair Medina noted that the report was posted on the website.

7. Consent Calendar

- 7.a. Adoption of Resolution Making Findings that the Proclaimed State of Emergency for COVID-19 Continues to Impact the Board’s and Committees’ Ability to Meet Safely in Person, and Authorizing Remote Teleconference Board and Committee Meetings to Continue – Approved by Resolution No. 2023-1**
- 7.b. Approval of Minutes of the Board of Directors Meeting of December 1, 2022**
- 7.c. Acceptance of Statement of Revenues and Expenditures for the Period Ending November 30, 2022**
- 7.d. Authorize the Reassignment of TA Measure Fund Source for Projects Already Awarded Highway, Grade Separation, and Bicycle and Pedestrian Program Category Funds – Approved by Resolution No. 2023-2**

Director Beach asked regarding Item 7d if there is any conflict with eligibility between the fund sources. Ms. Chan stated they would only reassign funds to projects that are eligible under their respective funding categories to ensure there is no conflict with eligibility.

Motion/Second: Romero/Beach

Ayes: Beach, Corzo, Mates, Medina, Mueller, Nagales, Romero

Noes: None

Absent: None

8. Report of the Chair

- 8.a. Appointment of Representative to the San Mateo County Express Lanes Joint Powers Authority**

Chair Medina made a motion to recommend Vice Chair Carlos Romero represent the TA on the SMCEL-JPA.

Motion/Second: Medina/Nagales

Ayes: Beach, Corzo, Mates, Medina, Mueller, Nagales, Romero

Noes: None

Absent: None

9. San Mateo County Transit District Liaison Report

- 9.a. Meeting of December 7, 2022**
- 9.b. Meeting of January 4, 2023**

Chair Medina said that the reports were in the packet and posted on the website.

10. Joint Powers Board Liaison Report

April Chan, Executive Director, said that the report was posted on the website. She welcomed the continuing members Directors Mates and Romero and new members Directors Corzo and Mueller.

She noted that the TA was one of the partners that fund the Caltrain Electrification Project and they are seeking outside funding to close the \$410 million funding gap so that the partners do not need to contribute. She reported that \$43 million in federal funding was recently secured, bringing the funding gap to \$367 million.

Vice Chair Romero asked where the TA's contribution, if need be, would come from. Ms. Chan said up to \$50 million would come out of the Measure A Caltrain category.

11. Report of the Executive Director

11.a. Executive Director Report – December 29, 2022

Ms. Chan said the report was in the packet. She noted that Kathleen Kelly would be filling in as Interim Chief Financial Officer (CFO) following the retirement of Acting CFO Grace Martinez.

11.b. Update on Policy Regarding New Brown Act Remote Meetings Exceptions and Potential Legislative Positions Related to Remote Meeting Exceptions

Joan Cassman, Legal Counsel, introduced the item and Shayna van Hoften, Legal Counsel, provided the presentation.

Director Mates asked how the Brown Act exceptions apply to the CAC. Ms. van Hoften said the TA CAC also received the presentation and there were concerns that it would dissuade members from participating.

Director Nagales asked about when a member would have to notify the Authority Secretary of an emergency exception under Assembly Bill 2449. Ms. van Hoften said there was not a required timeframe as long as the Authority Secretary was notified, but the Board would need to vote to approve the exception. She added that if the Board was counting on that Board member's presence to have a quorum, however, the meeting would need to be cancelled.

Ms. Cassman noted that having a set of guidelines would be less restrictive than creating a policy for applying the new laws.

Chair Medina asked if there was an avenue for putting forth a letter to legislators requesting amendments to the law. Ms. van Hoften said they had added Brown Act amendments to the 2023 TA Legislative Program.

Director Mates said she thought it was not necessary to make the law any more restrictive and supported requesting amendments in the legislative program.

Director Nagales said he was concerned with the TA CAC losing membership due to overly restrictive participation rules and advocated sending a letter to legislators.

Director Beach concurred with the other members' comments and said that protocols should be as protective of people's privacy as possible. She said Brown Act subcommittees should also be covered by amended rules as well as providing flexibility for all types of travel, not just official Board business. Ms. van Hoften noted that the TA did not have standing subcommittees and the Brown Act would not apply to ad-hoc committees.

Director Mueller said he supported building in flexibility while building in safeguards to uphold the spirit of transparency of the Brown Act.

Director Mates said she supported sending a letter but wanted the Board to review whatever was sent. She suggested taking into consideration privacy concerns with having adults in the room at remote locations.

Director Beach noted the City of Burlingame developed a City Council policy for digital communications, including the use of tablets and cell phones, and suggested the Board look into adopting a similar policy.

Director Corzo said it was important to follow the Brown Act while allowing flexibility, particularly with cell phones as regards members who are caretakers or who need to respond to local emergencies.

Vice Chair Romero noted the Brown Act was developed to protect the public and thought showing up in person, if possible, was important.

Director Mates suggested having a cheat sheet for the Board in addition to producing a letter. Ms. Cassman said they would prepare a cheat sheet and a letter.

12. Adoption of 2023 Legislative Program

Casey Fromson, Chief Communications Officer, noted the updates made to the program to support changes to the Brown Act, and said that any official positions on specific legislation would be brought back to the Board for consideration.

Motion/Second: Romero/Nagales

Ayes: Beach, Corzo, Mates, Medina, Mueller, Nagales, Romero

Noes: None

Absent: None

13. State and Federal Legislative Update

Ms. Fromson introduced TA federal lobbyists Ben Miller and Chris Kierig, Kadesh & Associates, LLC. Mr. Kierig provided an update on federal legislators and legislation.

Director Beach said the projects most in need of funding are grade separations and Caltrain. Mr. Kierig noted TA staff speaks with their firm frequently about grade separation funding as well as funding for other projects such as US 101/SR 92. Ms. Fromson said she was pleased that a door had been opened for new sources of grade separation funding through the Bipartisan Infrastructure Law.

14. Program

14.a. Program Report: Transit - Shuttles

Patrick Gilster, Manager, Planning and Fund Management, provided the presentation.

Director Nagales said that remote work has affected shuttle use and suggested giving shuttle sponsors more time to meeting the ridership performance metrics. Mr. Gilster said they are looking closely at shuttle ridership, but the program does consider other evaluation factors besides ridership when selecting shuttles for funding.

Chair Beach asked if the average benchmark number was the same as the cost per passenger per shuttle. Mr. Gilster said the average benchmark was the average of all of shuttle costs per

passenger to see how the overall network is performing as opposed to the performance of individual routes.

14.b. Amend the Strategic Plan 2020-2024 Measure A Local Shuttle Program Match Requirements and Evaluation Criteria to Reflect Recommendations from the Peninsula Shuttle Study – Approved by Resolution No. 2023-3

Mr. Gilster provided the presentation.

Director Beach asked what the average match amount provided by shuttle sponsors is. Mr. Gilster indicated it is about \$75,000-\$80,000. Ms. Beach asked if staff could ask shuttle sponsors if the 25 percent match requirement created any issues in terms of coming up with the funds. Director Beach also asked if the bikes on board requirement was new, which Mr. Gilster confirmed. She also suggested shuttle sponsors survey riders to find how many students are using the shuttles. Mr. Gilster said current surveys ask if riders are using the shuttles for school, so it was possible to provide that statistic.

Vice Chair Romero asked if shuttle sponsors had to provide a minimum 25% match and the one-time exemption being proposed by staff would just be for those shuttles who did not meet performance metrics and would ordinarily be required to provide an additional 25% match. Mr. Gilster confirmed that was correct as staff did not want to penalize shuttle sponsors for not meeting the performance metrics during the pandemic. Vice Chair Romero also asked how the first/last-mile requirement for the evaluation criteria was defined. Mr. Gilster noted that the criteria was developed through the shuttle study and is geared toward the commuter shuttles serving major transit stations or regional bus routes. Conversely, the equity criteria balances out the first/last mile need for community shuttles. He also asked if the Coastside would qualify for any first/last mile shuttles. Peter Skinner, Executive Officer, Transportation Authority, noted Route 17 serves the Coastside and is considered a regional bus route for the purposes of establishing shuttle eligibility.

Director Mueller asked what constitutes the definition of a shuttle route. Mr. Gilster said there is no minimum or maximum length or number of stops, but shuttle sponsors are required to develop a shuttle service plan that is reviewed by SamTrans operations planning staff. Director Mueller said there was a need on the Coastside to connect to academic centers.

Motion/Second: Romero/Mates

Ayes: Beach, Corzo, Mates, Medina, Mueller, Nagales, Romero

Noes: None

Absent: None

15. Finance

15.a US 101 Express Lanes: Quarterly Update on Variable Rate Bond and Phase 1 Operations

Ms. Chan provided a brief overview of the Express Lanes project for the benefit of the new Board members.

Connie Mobley-Ritter, Director, Treasury, provided the initial presentation on TA bonds. Vice Chair Romero asked if the average of the basis points was for the last month or the last year. She explained the basis points were for the last month and there is a strong market for municipal bonds, but interest rates have seen considerable fluctuations due to changes in the market. Vice Chair Romero asked if there is still a high demand for California municipal bonds, which Ms. Mobley-Ritter confirmed.

Director Beach noted this is one of the most important and complicated issues the Board has to deal with and it is important for the Board to have a deep dive into this issue at least once a year. She said that the changes to interest rates could impact important policy decisions the TA will have to make in the upcoming year about funding equity programs for the Express Lanes. Director Beach also asked staff to develop a vocabulary sheet to help Board members understand the financial terms presented by staff. Ms. Mobley-Ritter stated that staff will develop a cheat sheet as well as a primer on investments and noted that the TA CAC had made a similar request.

Director Mates concurred that a cheat sheet and a list of acronyms would be helpful.

Lacy Vong, HNTB, provided the presentation on the Express Lanes update.

Director Beach thanked Ms. Vong for her clear presentation of complex issues.

Vice Chair Romero commented he could not find the presentation in the packet and Jean Brook, Assistant District Secretary, noted the presentation was posted on the website.

15.b Amending the Fiscal Year 2023 Budget to Increase Total Expenditures from \$166,776,919 to \$184,642,920 – Approved by Resolution No. 2023-4

Ladi Millard-Olmeda, Director of Budgets, presented the staff report.

Motion/Second: Beach/Nagales

Ayes: Beach, Corzo, Mates, Medina, Mueller, Nagales, Romero

Noes: None

Absent: None

16. Requests from the Authority

There were no requests.

17. Written Communications to the Authority

Chair Medina noted that the correspondence was available on the website.

18. Date/Time of Next Regular Meeting

Chair Medina announced the next meeting would be on Thursday, February 2, 2023, 5:00 pm in person at the SamTrans Auditorium and via Zoom teleconference.

19. Report of Legal Counsel

- 19.a Closed Session: Public Employee Performance Evaluation – Annual Goal-setting Pursuant to Government Code Section 54957(b)**
Title: Executive Director

19.b. Closed Session: Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8

Property: 50-foot-wide Property Located Directly West of the Caltrain Corridor from 20th Avenue to Approximately 1,000 Feet Past 25th Avenue, City of San Mateo (Portion of APN 035-320-999)

Negotiators: April Chan and Joan Cassman

Negotiating Party: Peninsula Corridor Joint Powers Board

Under Negotiation: Price and Terms of Transfer

Ms. Cassman said that Item 19b would be continued to a future Board meeting. She announced the closed session for Item 19a and noted that since no reportable actions were expected, the open session of the meeting could be adjourned and a report-out provided at the next regular Board meeting.

The Board recessed to closed session at 7:16 pm.

20. Adjourn

The meeting adjourned at 7:33 pm.

An audio/video recording of this meeting is available online at <https://www.smcta.com/about-us/board-directors/video-board-directors-cac-and-smcel-jpa>. Questions may be referred to the Authority Secretary's office by phone at 650.508.6242 or by email to board@smcta.com.