



Date: November 7, 2012

To: GCT Board of Directors

From: Helene Buchman
Director of Planning and Marketing

Subject: Receive and File an Update on Efforts to Establish the Proposed Gold Coast Transit District and the Final Draft Language for the Proposed Legislation.

I. EXECUTIVE SUMMARY

On October 10th, the GCT Board of Directors conducted an update strategic planning workshop to hear recommendations of the Ad Hoc Working Committee regarding proposed legislation to create the Gold Coast Transit District.

After hearing a presentation regarding proposed language for the legislation as well as what is being proposed for inclusion in prospective by-laws, the Board directed staff to receive input from city managers/County Executive and city and county attorneys on the draft.

It is recommended that the GCT Board of Directors receive an update on efforts to establish the proposed Gold Coast Transit District and approve of final draft language for the proposed legislation.

II. BACKGROUND

On October 10th, the GCT Board of Directors conducted an update strategic planning workshop to hear recommendations of the Ad Hoc Working Committee regarding proposed legislation to create the Gold Coast Transit District. In addition to the GCT Board members, Supervisor Kathy Long was also in attendance, representing the communities of the Heritage Valley. The audience included TAC members, VCTC Executive Director Darren Kettle, Sherrie Fisher from Santa Barbara Metropolitan Transit District, Scott Spaulding from the Santa Barbara County Association of Governments, and representatives from East County municipal transit operators and CSUCI. Additional attendees from the public included representatives of CAUSE and

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Mobility Management Partners (MMP), the consultants who conduct the ADA certification program for VCTC.

Our strategic planning facilitator, Patricia Bluman and I presented an overview of the Ad Hoc Working Committee's meetings, including the basic considerations and assumptions the members utilized to build their recommendations. These include:

- SB 716 is assumed to be the prevailing legislation regarding use of local transportation funds.
- Membership in a GCT District would be completely voluntary and it should be desirable, with tangible benefits for all.
- The existing JPA would form the basis of the legislation to create the District.
- Members would maintain control and oversight of locally-owned supporting capital facilities, such as the OTC, VTC, and bus stops.
- Entities would not be required to join the District to receive transit service. Contracting for specific services would be available to nonmembers.

A copy of the presentation from the special strategic planning workshop is Attachment 1.

Issues still under consideration:

Much of the discussion at the workshop revolved around the definition of the proposed District's boundaries. As drafted, the proposed legislation identified the District as inclusive of "... the cities of Oxnard, San Buenaventura (Ventura), Port Hueneme and Ojai as well as the unincorporated areas of the County of Ventura and other cities that subsequently qualify as members pursuant to the requirements set forth ...". The actual membership of the District would not extend from county boundary to county boundary and no jurisdiction would be forced to be in the District unless it pursued this option. Attorney Nancy Kierstyn Schreiner felt that even if the District only operated in its members' areas, if it contracted to provide service to a non-member, that locality would still have to be in the District's jurisdictional areas.

However, Vic Kamhi of the VCTC brought up an issue relating to state law and distribution of TDA funds that called into question the definition of the proposed District as set forth in the draft language.

Mr. Kamhi indicated that according to the California Transportation Development Act, in a county where a district exists and its boundaries are defined as the entire county, all of that county's TDA funds are directly subvented to the district. Therefore, if, as the proposed GCT District

legislation is currently drafted, all of Ventura County defines the District boundaries, then all of the county's TDA would go to the district. This has caused some consternation among some of the jurisdictions that are not currently members of the JPA. The primary concerns are:

- If the District is defined as countywide, what happens to non-members' TDA allocations? Would this mean a lack of direct control over their funds?
- What happens if the District opts to conduct a ballot issue for a potential tax or assessment? Where would the voting occur? Would the tax or assessment be incumbent on all residents/properties in the County regardless of whether they are in or out of the District?
- How would the County of Ventura divide up the unincorporated areas within the District and outside of it?

The importance of answering the questions inferred by this interpretation of state TDA law has taken priority at this point. Staff is contacting experts in TDA law and its interpretation to understand and try to answer the questions regarding this issue. Given the importance of clarifying the dictates of state TDA law and the concerns voiced by several jurisdictions, we will not distribute another draft of the legislation until we have language that everyone can live with. We hope to bring this to the Board for adoption of the final draft language in December or January.

Study Sessions and City Managers' Briefing

Staff has been invited to make presentations and get input on the proposed GCT District and the draft legislation:

- September 25th – Steve Brown was on hand to answer questions and provide information at a City Council study session in Oxnard.
- October 18th – Steve Brown and Nancy Kierstyn Schreiner gave a brief update on the proposed legislation and received feedback from the City Managers in Ventura County and the Ventura County Executive.
- Staff is scheduled to present briefings and receive input from the City Council of Ojai on November 13th and the City Council of Ventura on December 3rd.
- Staff has also been invited to answer questions for the representatives of the East County cities that are in the process of developing a Memorandum of Agreement to jointly provide transit services in Camarillo, Simi Valley, Moorpark, Thousand Oaks and the unincorporated areas surrounding those jurisdictions.

It is recommended that the GCT Board of Directors receive an update on efforts to establish the proposed Gold Coast Transit District and approve of final draft language for the proposed legislation.

A handwritten signature in cursive script, reading "Steven P. Brown", is written over a horizontal line.

General Manager's Concurrence

Attachment:

PowerPoint from the October 22nd Strategic Planning Workshop

Gold Coast Transit Board of Directors Special Strategic Planning Workshop



October 10, 2012

Agenda

- ▶ **Welcome**
- ▶ **Outcomes from the last strategic planning workshop**
- ▶ **Ad Hoc Working Group comments**
- ▶ **Draft District Legislation**
- ▶ **Update on Transitioning VISTA service to GCT**
- ▶ **Time Line & Key Actions through July 1, 2013**

Summary of Actions

June 22, 2012 - GCT Board directed staff to:

- ▶ **Pursue development of draft legislation to create the GCT District.**

July 11, 2012 - Board appointed an ad hoc working group to draft language for the district.

- ▶ **Directors MacDonald and Sharkey were named to the ad hoc working group.**
- ▶ **Representatives of the Heritage Valley, CSUCI & Ventura County came to share ideas.**

July 25 - September 21, 2012: Ad hoc working group met four times to discuss issues and develop draft language.

Considerations & Assumptions

- ▶ **Establishment of a GCTD:**
 - ▶ **Provides a better structure for generating funding and enhances our ability to meet transit demand.**
 - ▶ **Is a distinct action and not directly related to transition of VISTA service from VCTC.**
- ▶ **Membership in a GCTD would be completely voluntary.**
- ▶ **SB 716 is assumed to be the prevailing legislation regarding use of local transportation funds.**

Discussion Starting Points

- ▶ **Existing GCT JPA formed the basis of the draft district legislation.**
- ▶ **Considered language from other districts, especially those that are most similar to the circumstances in Ventura County.**
- ▶ **Agreed that membership in the District should have tangible benefits and something positive to offer.**
- ▶ **Members maintain control/oversight of related capital facilities (e.g.; OTC, VTC).**

Highlights of Draft GCTD Legislation

- ▶ **Assumes existing JPA members will be part of new GCTD and that other municipalities may join later, if desired.**
- ▶ **Entities would not have to be a member of the District to receive service.**
- ▶ **Authorizes the Board to create one or more ex-officio and/or at-large members, as determined by vote of the members.**

Highlights of Draft GCTD Legislation

- ▶ **Membership not weighted – each member agency appoints 1 Board member & 1 alternate.**
- ▶ **Weighted vote formula:**
 - **Members with <100,000 population receive 1 vote.**
 - **Members with population of ≥100,00 receive 2 votes (instilled in single member).**
- ▶ **Voting weighted only for key issues:**
 - **Annual budget**
 - **Mid-year budget changes & amendments**
 - **Capital expenditures ≥ \$5 million**

Highlights of Draft GCTD Legislation

- ▶ **Enables members to directly receive their annual TDA subventions and maintain a portion for maintenance of transit centers, stops, and facilities.**
- ▶ **By-laws will include a formula for determining allocation of funding to the GCTD by member agencies. This assumes that members may retain funds as appropriate pursuant to SB 716.**

Highlights of Draft GCTD Legislation

- ▶ **Board may establish standing and ad hoc committees pursuant to process established in bylaws.**
 - **Recommend retaining Technical Advisory Committee, creating VISTA Oversight Committee, possibly others.**
 - **Through bylaws, enable non-District members to participate on standing and ad hoc committees.**
- ▶ **Flexibility in revenue generation.**
- ▶ **Draft language written so as to not unreasonably constrain future actions.**

Proposed By-Laws

- ▶ **By-laws will be developed after the legislation is submitted.**
- ▶ **By-laws will allow District to be responsive to member issues and allow flexibility to address changing external circumstances.**
- ▶ **By-laws will be easier to amend; will not need legislative action to do so.**

Proposed By-Laws

► Topics cover:

- **Composition of the Board of Directors**
- **Appointment of the Executive Director**
- **Appointment of Legal Counsel**
- **Meetings**
- **Voting**
- **Committees**
- **Budget Process**
- **Resolutions**
- **Appeals**
- **Amendment of By-Laws**
- **Formula for allocation of funds for membership**

Status of Transition of VISTA Service

