





Date: October 4, 2012

To: GCT Board of Directors

From: Helene Buchman  
Director of Planning and Marketing

A handwritten signature in black ink, appearing to be "HB", is written over the name and title of Helene Buchman.

Subject: Recap of Ad Hoc Working Committee for the Proposed Gold Coast Transit District and Strategic Planning Workshop.

## I. EXECUTIVE SUMMARY

On June 22, 2012, the GCT Board of Directors conducted its annual strategic planning workshop at the Ventura County Government Center in Ventura. The workshop focused primarily on beginning the development of a proposed Gold Coast Transit District as per the recommendations of the Regional Transit Study adopted by the Ventura County Transportation Commission in May. At its July meeting the Board directed staff to convene an Ad Hoc Working Committee that would work with staff to further define the characteristics and functions of a proposed GCTD and begin the drafting of necessary legislation. Board members Jon Sharkey from Port Hueneme and Bryan MacDonald from Oxnard were appointed to the Ad Hoc Working Group. The Board also directed staff to invite representatives from the Heritage Valley communities to provide input to the Committee.

The Ad Hoc Working Committee held four productive meetings and its members came to consensus on key concepts for inclusion in the legislation as well as a draft outline of items to be included in by-laws for the proposed District.

Now that the Ad Hoc Working Committee has reached consensus on most of the legislative language, it is time for the full Board of Directors to hear from the Working Committee and discuss some of the major elements of the draft.

**It is recommended that the GCT Board of Directors hear recommendations of the Ad Hoc Working Committee relative to establishing a Gold Coast Transit District, review draft legislative language, and provide direction for developing final draft legislation for the proposed District.**

## II. BACKGROUND

After the Board of Directors appointed Councilmember MacDonald from Oxnard and Councilmember Sharkey from Port Hueneme to the Ad Hoc Working Group (AHWG), three meeting dates were confirmed. The goal is to be prepared with final legislative language ready for submission in January, 2013.

In addition to AHCW Directors Sharkey and MacDonald, representatives from the Heritage Valley (Michael Powers, Consultant for the City of Santa Paula and Supervisor Kathy Long) attended the meetings and provided valuable input for our consideration.

The AHCW met on July 25<sup>th</sup>, August 13<sup>th</sup> and August 27<sup>th</sup>. At the August 27<sup>th</sup> meeting, the members directed staff to have our attorney, Nancy Kierstyn Schreiner, review what had been drafted to date. Upon consultation with Ms. Schreiner, it was agreed to hold a fourth AHCW meeting to follow up on a few issues that had as yet been unresolved. This additional meeting of the AHCW took place on September 21<sup>st</sup>. At this meeting, the AHCW members discussed these issues and agreed that the full Board of Directors should weigh in on all of the draft legislation.

Copies of the notes from the AHCW meetings are attached. The draft legislation with inputs from September will be presented at the strategic planning session.

Despite having an additional AHCW meeting, we are still on schedule to finalize our legislation and have it prepared for submission to the legislature in January, 2013. As part of their discussion at the last AHCW meeting, there was general agreement that it is desirable to have bipartisan sponsorship of our bill. Staff will keep this in mind as we prepare for the January submission.

### **Key Points of Consensus**

With input from staff and representatives of Ventura County, the Heritage Valley communities, and CSUCI, the members of the GCT Ad Hoc Working Committee achieved consensus on several key components to be incorporated into the language of the draft enabling legislation:

- Enabling legislative language should be as succinct as possible, giving the Board flexibility to make any necessary future changes via the by-laws.
- Make membership in the District attractive and perceived to be beneficial.
- Enable the District to avail itself of a range of sources of funding for its operations and programs.

- Enable members to directly receive their annual TDA subventions and maintain a portion of the funding for maintenance of transit centers, stops and facilities.
- Receiving TDA subventions directly gives member agencies control over decisions relating to the financing of local transportation programs.
- Base membership on population, but acknowledge that, regardless of size, all jurisdictions need to be heard and avoid having smaller jurisdictions feel overwhelmed
- Have a weighted vote, but only invoke the weighted vote for:
  - Adopting the annual budget
  - Adopting budget amendments or changes
  - Capital projects over an amount to be determined by the Board
  - Amendments to the District bylaws
- District members with less than 100,000 population would have one vote on the Board of Directors; those with more than 100,000 would have a maximum vote weight of two votes.
- District members with a vote weight of 2 would instill both of their votes in their single member.
- While a Board of Directors with many members may become unwieldy, it was agreed not to set a limit within the legislation and to leave it up to the District Board to decide if membership needs to be limited.
- Enable jurisdictions that don't join the District to directly purchase service from the District.
- Include language in the legislation that authorizes the Board to create one or more ex-officio positions, as determined by vote of the members.
- Through the bylaws, enable non-District members to participate on committees such as the Technical Advisory Committee or other committees.
- There should continue to be a Technical Advisory Committee as a standing committee, and the bylaws may specify other standing committees. Enable the Board to designate standing, ad hoc, special and other committees as necessary.

### **The VCTC Regional Transit Study and Transition of VISTA Service**

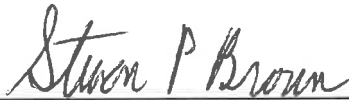
In April, 2012, the VCTC adopted the recommendations of the Regional Transit Study. In addition to support for the formation of a GCT District, the Study also recommended that authority for VISTA services in the western portion of Ventura County would be transitioned to Gold Coast Transit.

Throughout the time we have been meeting about our proposed GCT District, staff has also been working with our colleagues from the East County cities as well as Ventura County and the VCTC to prepare for this transition of VISTA operations.

It is important to note that the formation of a GCT District is a separate action from taking on the oversight of any VISTA route or service. Depending on the timing of the VISTA service transition, GCT can assume the oversight of contract arrangements for any or all VISTA services either as a JPA or a district.

## **RECOMMENDATION**

**It is recommended that the GCT Board of Directors hear recommendations of the Ad Hoc Working Committee relative to establishing a Gold Coast Transit District, review draft legislative language, and provide direction for developing final draft legislation for the proposed District.**



General Manager's Concurrence

Attachments:

Meeting recaps for four AHWC meetings



## GCT AD HOC COMMITTEE MEETING

### Meeting Summary

July 25, 2012

#### Attendees:

Bryan MacDonald, Ad Hoc committee	Michael Powers, representing Santa Paula
Jon Sharkey, Ad Hoc committee	Helene Buchman, staff
Kathy Connell, Ventura County TAC member	Steve Rosenberg, staff
Martin Erickson, Oxnard TAC member	Patricia Bluman, GCT consultant

The ad hoc committee met to discuss and provide direction regarding overall approach to preparation of enabling legislation to create the Gold Coast Transit District, other issues, and six questions that were outlined in supplemental material.

#### General discussion and direction from committee members:

- Use the existing GCT JPA agreement as the basis for the new District language; modify it to address specific issues as appropriate.
- When making recommendations and decisions regarding certain issues, such as membership and voting, keep in mind that being a part of the District should have benefits and something positive to offer potential members.
- Be sure the enabling legislation includes the option to sell transit service to non-member agencies, such as cities and other counties that may not wish to join the District.

#### Discussion and direction re: #1: *How will membership in the district be determined?*

The group discussed potential options regarding allocation of TDA funds to be a member, such as:

- Require allocation of 100% of TDA funds to the GCTD;
- Require 100% allocation to the GCTD, but including a provision in the by-laws that allows jurisdictions to request funds to be returned to them for service/operations and/or infrastructure. Concern was expressed that this would put cities and the county in the position of asking for "their own" funds back and might put GCTD in the position of having the ability to deny the request(s).

- Requiring all but a predetermined amount or a maximum amount based on a predetermined calculation of TDA funds to be allocated to GCTD via a provision in the by-laws. For example, the amount for each jurisdiction could be predetermined and fixed (a “base” amount), or it could allow a maximum percentage above the base. This option was seen as being preferable to b. (above), as it would not put jurisdictions in the position of having to request funds be returned and would provide GCTD and the member agencies more certainty in budgeting.
- Request was made to return the following information to the Ad Hoc Committee:
  - Confirm if existing statute requires all TDA funds to be allocated to the district. If so, cite the statute.
  - If not, identify what the exceptions are, if / how other districts handle exceptions, and provide a discussion of pros and cons.

**Discussion and direction re: #2: *How many members should the district board contain?***

- The group agreed that it would be important to allow for the possibility of expansion to accommodate new members.
- Maximum number of board members should be 11.
- A recommendation was not made regarding the final number of members until question #5 (see below) is discussed in greater detail at a subsequent ad hoc committee meeting.

**Discussion and direction re: #3: *How will board members be selected?***

- The group agreed that it should continue to be up to each member jurisdiction to appoint its board representative.
- The group also agreed that board members should be current elected officials.

**Discussion and direction re: #4: *Should there be ex officio / non-voting members?***

- The group would like the district language to give the GCTD board authority to create one or more ex officio members, as determined by the majority.

**Discussion and direction re: #5: *Should voting / membership be equal or weighted?***

- GCT currently has weighted voting. However, rather than carrying the existing formula into the new GCTD language, the group requested staff to explore several potential options tailored specifically for GCTD, including:
  - One board member per member agency, with a weighted vote based on a new formula, such as population.
  - One board member per member agency, with a weighted vote based on a new formula, such as population, but the weighted vote would only be used for specific types of votes, such as budget.

- One board member per member agency, with a weighted vote based on a new formula, such as population, but the weighted vote would only be used when called for.
- Weighted membership, such as two board members for larger jurisdictions and one board member for all other jurisdictions.
- The various options will be considered at the next ad hoc committee meeting.

**Discussion and direction re: #6: *Terms of office.***

- The group agreed that the board members should serve at the pleasure of their member agencies and does not recommend limiting the GCTD board members to specific terms.



# GCT AD HOC COMMITTEE MEETING

## Meeting Summary

August 13, 2012

### Attendees:

Councilmember Bryan MacDonald, Oxnard  
Councilmember Jon Sharkey,  
Port Hueneme  
Supervisor Kathy Long  
Martin Hernandez, Supervisor Long's Office  
Kathy Connell, County of Ventura  
Michael Powers – City of Santa Paula

Ray Porras – CSUCI  
Danny Haws - CSUCI  
Steve Brown  
Helene Buchman  
Steve Rosenberg  
Andrew Mikkelson  
Patricia Bluman

### Recap of July 25, 2012 Ad Hoc Committee meeting:

- Helene provided an overview of items discussed at the July 25, 2012 meeting pursuant to the meeting summary that was provided to the participants. She also reviewed the action items the group asked be returned to the August 13, 2012 meeting and provided other supplemental information.

### Follow up on issues relating to TDA funds, membership, and weighted vote:

- Helene provided hand-outs regarding possible options for weighted membership and weighted voting. This was in addition to the supplemental information that was sent out to the participants on August 10, 2012, which included selected TDA statutes, exceptions to the use of TDA funds by various transit districts, pros and cons regarding the use of TDA funds for non-transit purposes and a first cut at turning the language of the existing GCT JPA into legislation to create the GCT District.

### Discussion and direction re: membership (weighted membership and voting):

- The group reviewed the hand-outs of potential options for weighted membership and voting. Pros and cons were discussed. Concern was expressed that having a calculation that could result in more than two members per jurisdiction could get unwieldy and could result in problems such as Brown Act violations and members from the same jurisdiction that had differing views. Another possible option for weighted membership without having multiple members from the same jurisdiction would be to have 1 member with multiple votes based on weighted membership.
- Supervisor Long indicated that Santa Paula and Fillmore would be supportive of one-member, one-vote representation should they decide to join the Gold Coast Transit District.
- Steve Brown clarified that although the GCT JPA has weighted voting currently, it is based on the amount of funding contributed (which is calculated by the miles of service). He recommended that if the decision is made to continue to have weighted voting, it should be based on population.

- Participants reiterated their preference expressed at the July 25, 2012 meeting to retain membership and voting as it is with the existing JPA—one member per jurisdiction, with weighted voting. The group requested options for language that would trigger the weighted vote, such as:
  - Adopting the annual budget or any budget amendments or changes
  - Capital projects over \$10,000,000
  - Amendments to the by-laws

**Discussion and direction re: having at-large member(s) and/or ex officio members:**

- Participants discussed staff's option to include an at-large member on the Board, as SBTD has done. If the decision is made to include an at-large member, staff recommended developing specific membership and application criteria.
- Another option the group discussed was to have one or more ex officio members rather than voting board members, especially if the criterion to have a position on the board is to contribute TDA funds.
- Possible at-large and/or ex officio members member(s) could include:
  - CSUCI
  - Caltrans
  - Business community
  - Resident
  - VCTC
  - Rider group
- In lieu of having community members serve on the board in either a voting or ex officio capacity, a suggestion was made to consider creating a citizen's advisory committee.
- The Committee reiterated an option discussed at the July 25, 2012 meeting to include language in the legislation that gives the GCTD board authority to create one or more ex officio members, as determined by the majority.
- This discussion led into the group confirming that the TAC should be retained.

**Discussion and direction re: TDA funds:**

- A question was asked regarding state statute as it relates to funding for rail. Steve B. noted that rail has a higher priority than transit and the TDA funds for rail "come off the top" before the transit allocations are calculated.
- Staff confirmed that existing state statutes regarding TDA funds do not appear to require that the funds go directly to a district to then distribute to jurisdictions.
- The key issue for the group regarding TDA funds remains the mechanism for determining how the TDA funds get to the GCTD. The participants reiterated their preference that the funds go to the jurisdictions first, who would forward a specified allocation to the district. This approach is seen as preferable because they would retain more control as noted by Director Sharkey. However, if SB 716 requires that all funds go directly to GCTD, could a process be put into place whereby GCTD forwards all the funds to the member jurisdictions, who would allocate a portion back to GCTD?
- The group acknowledged that GCTD would need to be able to have an expectation that it would receive enough funding from the member agencies to fund the district

operations and capital needs, as well as have a contingency fund for unexpected needs. This means the "reallocation" from the agencies back to the district could not fluctuate significantly from year to year. To ensure this, the suggestion was made to develop an annual minimum baseline contribution, but include a process that allows jurisdictions to retain a certain amount based on their own identified needs (for capital projects and operations). This process also could include an annual reconciliation.

**General discussion, clarification, and direction:**

- The group provided general direction/consensus re: the following:
  - Design flexibility into the legislation to allow the district to expand over time.
  - Make the District attractive for others to join.
  - Include language to allow municipalities and others to buy service even if they are not members.

**Next Steps/Time Line:**

- Steve B. and Helene will continue to modify the existing JPA language to capture the Ad Hoc Committee's consensus on items. The intent is to use it as the basis for the draft legislation.
- Next Ad Hoc Committee meeting: August 27, 2012, at 10:00 a.m.
- GCT Board meeting on September 12, 2012 — present an overview of the draft recommended concepts (not actual language) for input and direction by the Board.
- GCT Board meeting on October 10, 2012 — include a strategic planning work session regarding the district legislation.
- Note: Oxnard desires to have a study session regarding draft recommendations, ideally between the September and October GCT Board meetings, so they have both the benefit of knowing the GCT Board's thoughts (from the September Board meeting) and can inform the final recommendations that are presented at the October Board meeting/strategic planning session.

# GCT AD HOC WORKING COMMITTEE

## Summary of August 27, 2012 Meeting

### Attendees:

Bryan MacDonald

Jon Sharkey

Martin Hernandez (for Supervisor Long)

Kathy Connell

Danny Haws (for CSUCI)

Michael Powers (for Santa Paula)

Steve Brown

Helene Buchman

Patricia Bluman

### Recap of August 13, 2012 Ad Hoc Working Committee (AHWC) meeting:

- Helene provided an overview of items discussed at the August 13, 2012 meeting.

### Overview of potential draft By-Laws:

- Helene provided a draft outline of potential by-laws for the new GCT District. She noted that they are based on GCT's existing JPA by-laws. They also include topics that have been suggested at previous AHWC meetings.
- Discussion and direction from AHWC included the following:
  - Keep the by-laws simple and generic, as appropriate.
  - Don't reiterate things covered by state law. (For example, topic of "ethics" is already covered in state law and doesn't need to be included in by-laws.)
  - Include advisory committees in by-laws, not in legislation. What should the procedure be to create committees? Simple or super majority?
  - Clarify that advisory committees are advisory only; suggested using language from VCTC.
  - Group discussed having a VISTA advisory committee, but wanted language to be generic.
  - Suggested a simple majority to amend the by-laws.
  - Add an "if time is of the essence" clause to allow the general manager to apply for grants.
- The AHWC agreed that finalizing the District legislation should be the highest priority and that the by-laws can be worked on over the next 6 months. Helene mentioned that the Board may want to task the existing AHWC to work on the by-laws or appoint a new one.

### Discussion regarding current version of draft District legislation:

- The AHWC reviewed revisions to the draft District legislation based on input from the previous meeting.
- Question regarding eminent domain – is it necessary to include or is it already covered under transit PUC code? (Will ask Nancy Schreiner)
- Is a section regarding annexation needed? (Will ask Nancy Schreiner)

- Committee decided to delete having a maximum number of members.
- Kathy said she is working on how to estimate the split for unincorporated county (east and west) as it relates to the weighted vote.
- The AHCW continued discussion regarding the balance between the need for a guaranteed minimum amount of funds for the District with the assurance that small cities don't have to use all their TDA funds for transit.

**Next Steps/Time Line:**

- Staff will revise the draft District legislation based on today's input and will forward it to Nancy Schreiner for review, comments, and input regarding the outstanding questions.
- Staff noted that we may want to have an extra (fourth) AHCW meeting to consider Nancy's comments, but only if necessary.

# **GCT AD HOC WORKING COMMITTEE**

## **Summary of September 21, 2012 Meeting**

### **Attendees:**

Bryan MacDonald  
Jon Sharkey  
Martin Erickson  
Martin Hernandez  
Kathy Connell

Steve Brown  
Nancy Kierstyn Schreiner  
Helene Buchman  
Steve Rosenberg  
Patricia Bluman

### **Recap of August 27, 2012 Ad Hoc Working Committee (AHWC) meeting:**

- Helene provided an overview of items discussed at the August 27, 2012 meeting.

### **Review of draft legislation:**

- Helene reminded the Ad Hoc Working Committee that, at the August 27<sup>th</sup> meeting, the members directed staff to have GCT's attorney, Nancy Kierstyn Schreiner, review what had been drafted to date and provide input regarding the AHWC's questions regarding several sections. Upon consultation with Ms. Schreiner, it was agreed to hold a fourth AHWC meeting to follow up on a few issues that had as yet been unresolved.
- Nancy reviewed her recommended changes and additions to the draft legislation, as follows:
  - Added definitions
  - Added geographic description of district
  - Renumbered the draft legislation
  - Modified formatting
  - Revised and/or clarified existing draft language
  - Expanded the Powers section
  - Added a Claims section
- The AHWC provided Nancy with direction on adding and revising certain items for consideration by the Board at its October 10, 2012 strategic planning study session.
- It was agreed that, at some point in the future, the draft legislation should be presented to the city managers' group for their information and input and then forwarded to the local agencies' attorneys for review and comment.

### **Discussion regarding By-Laws:**

- The AHWC reiterated the importance of keeping the legislation focused on district requirements and put other topics in by-laws to retain flexibility by members.
- The AHWC identified other topics that should be included in the by-laws (in addition to the ones identified at the August 27 meeting), such as:
  - Method to join or leave the District (suggested approval of a resolution by both the joining/departing member and the District Board).

- How to determine what would happen if the District has funding that comes from a vote by the member agencies and one or more new members join subsequently – how does the District collect taxes from the new electorate?
- Employee relations

**General discussion, clarification, and direction:**

- The AHCW noted the importance and difficulty of keeping the discussion regarding the GCT District process and transition of VISTA service separate and distinct.
- Options for sponsorship of the GCT District legislation were discussed. The group supported the idea of trying to get bipartisan sponsorship.

**Next Steps/Time Line:**

- Nancy will revise the draft District language in preparation for the GCT Board's October 10, 2012 strategic planning study session.
- Staff will prepare a summary of the AHCW's work over the past several months to provide to the Board for the strategic planning study session.