

**San Mateo County Express Lanes Joint Powers Authority
(SMCEL-JPA)
Board of Directors Meeting Notice**

Meeting No. 30

Date: Friday, December 10, 2021 Time: 9:00 A.M.	Join by Zoom: https://us02web.zoom.us/j/83712787709?pwd=bU1ycXB4b0dNMVg3blBET1BNck93dz09 Meeting ID: 837 1278 7709 Password: 121021 Join by Phone: (669) 900-6833 Meeting ID: 837 1278 7709 Password: 121021
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Board of Directors: Diane Papan (Chair), Rico Medina (Vice Chair), Alicia Aguirre, Emily Beach, Maryann Moise Derwin, and Don Horsley

On September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings remotely via telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), the C/CAG Board meeting will be conducted via remote conferencing. Members of the public may observe or participate in the meeting remotely via one of the options above.

Persons who wish to address the SMCEL-JPA Board on an item to be considered at this meeting, or on items not on this agenda, are asked to submit written comments to mcrume@smcgov.org. Spoken public comments will also be accepted during the meeting through Zoom. Please see instructions for written and spoken public comments at the end of this agenda.

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES
- 3.0 PUBLIC COMMENT

Note: Public comment is limited to two minutes per speaker. Public comment permitted on both items on the agenda and items not on the agenda.

- 4.0 APPROVAL OF CONSENT AGENDA

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action.

There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

- 4.1 Approval of the minutes of Board of Directors regular business meeting No. 29 dated November 12, 2021. ACTION p. 1
- 4.2 Accept the Sources and Uses of Funds for the FY22 Period Ending October 31, 2021. ACTION p. 7
- 4.3 Review and approval of Resolution 21-22 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person for meetings of the SMCEL-JPA Board of Directors would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors to meet safely in person. ACTION p. 9

5.0 REGULAR AGENDA

- 5.1 Review and approval of the 2022 Calendar of SMCEL-JPA Board of Directors Meetings. ACTION p. 14
- 5.2 Receive an update on the US101 Express Lanes Southern Segment Opening Public Education and Marketing efforts. INFORMATION p. 15
- 5.3 Approval of Resolution SMCEL 21-23 on the Amendment of the Fiscal Year (FY) 2022 SMCEL-JPA Revised Budget. ACTION p. 21
- 5.4 Review and approval of Resolution SMCEL 21-24 authorizing the SMCEL-JPA Chair to execute an Agreement with Samaritan House for San Mateo 101 Express Lanes Equity Program administration for an amount not to exceed \$108,000. ACTION p. 28

6.0 CLOSED SESSION

- 6.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Cal. Gov't Code § 54956.8)
Property: No. 1 lanes on US 101 N/S from Santa Clara/San Mateo County Line to I-380 interchange
Agency Negotiator: SMCEL-JPA Executive Council
Negotiating Parties: SMCEL-JPA; California Department of Transportation
Under Negotiation: Price and terms of payment for leasehold interest

7.0 REPORTS

- a) Chairperson Report.
- b) Member Communication.
- c) Executive Council Report - Executive Council Verbal Report.
- d) Policy/Program Manager Report.

8.0 WRITTEN COMMUNICATIONS

None.

9.0 NEXT REGULAR MEETING

January 14, 2022

10.0 ADJOURNMENT

PUBLIC NOTICING: All notices of San Mateo County Express Lanes Joint Powers Authority Regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular Board meeting, standing committee meeting, or special meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to a regular Board meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members, of the Board. The Board has designated the location of 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making public records available for inspection. Please note this location is temporarily closed to the public; please contact Mima Crume at mcrume@smcgov.org to arrange for inspection of public records.

PUBLIC PARTICIPATION: Please refer to the first page of this agenda for instructions on how to participate in the meeting. Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Mima Crume at (650) 599-1406, five working days prior to the meeting date.

Written comments should be emailed in advance of the meeting. Please read the following instructions carefully:

1. Your written comment should be emailed to mcrume@smcgov.org.
2. Your email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
3. Members of the public are limited to one comment per agenda item.
4. The length of the emailed comment should be commensurate with the two minutes customarily allowed for verbal comments, which is approximately 250-300 words.
5. If your emailed comment is received at least 2 hours prior to the meeting, it will be provided to the SMCELJPA Board members, made publicly available on the Express Lanes website along with the agenda. We cannot guarantee that emails received less than 2 hours before the meeting will be read during the meeting, but such emails will be included in the administrative record of the meeting.

Spoken comments will be accepted during the meeting through Zoom. Please read the following instructions carefully:

1. The SMCEL-JPA Board meeting may be accessed through Zoom at the online location indicated at the top of this agenda.
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
3. You will be asked to enter an email address and name. We request that you identify yourself by your name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When the SMCEL-JPA Clerk or Chair call for the item on which you wish to speak, click on “raise hand” and if you joined the meeting by phone, dial *9 to raise your hand. The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called on to speak.

5. When called, please limit your remarks to the time allotted.

If you have any questions about this agenda, please contact:
Mima Crume, Secretary - (650) 599-1406

San Mateo County Express Lanes Joint Powers Authority Board of Directors Meeting Minutes

Meeting No. 29
November 12, 2021

In compliance with Governor’s Executive Order N-29-20, and pursuant to the Shelter-in-Place Order issued by the San Mateo County Health Officer, this meeting was conducted via remote conferencing.

Board of Directors: Diane Papan (Chair), Rico Medina (Vice Chair), Alicia Aguirre, Emily Beach, Maryann Moise Derwin, and Don Horsley

1.0 CALL TO ORDER/ ROLL CALL

Chair Papan called the meeting to order at 9:00 a.m. Roll call was taken.

Members Present:

C/CAG Members:

Diane Papan, Maryann Moise Derwin (arrive 9:03 a.m.), Alicia Aguirre (departed 10:02 a.m.)

SMCTA Members:

Rico Medina, Emily Beach, Don Horsley

Members Absent:

None.

Staff Present:

Sean Charpentier – Executive Council

Carter Mau – Executive Council

Mima Guilles – Clerk

Tim Fox – Legal Counsel

Van Ocampo – C/CAG staff supporting SMCEL-JPA

April Chan, Derek Hansel, Robert Casumbal – SMCTA staff supporting SMCEL-JPA

Lacy Vong, Matt Click – HNTB

Leo Scott – Gray-Bowen-Scott

Lisa Klein – Bay Area Metro

Other members of staff and the public were in attendance.

2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES

Mima Guilles, Clerk of the Board, provided an overview of the teleconference meeting

procedures.

- 3.0 Review and approval of Resolution 21-19 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees. APPROVED

Director Medina MOVED to approve item 3.0. Director Aguirre SECONDED. Roll call was taken. **MOTION CARRIED 5-0-0** (Director Moise Derwin absent)

4.0 PUBLIC COMMENT

Note: Public comment is limited to two minutes per speaker. Public comment permitted on both items on the agenda and items not on the agenda.

Mima Crume reported there was no public comment submitted before the meeting. There was no public comment.

5.0 APPROVAL OF CONSENT AGENDA

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

- 5.1 Approval of the minutes of Board of Directors regular business meeting No. 28 dated October 8, 2021. APPROVED

- 5.2 Accept the Sources and Uses of Funds for the FY22 Period Ending September 30, 2021. APPROVED

- 5.3 Review and approval of Resolution SMCEL 21-20 approving the License Agreement with the City of Redwood City for Express Lanes Toll facilities within City Rights of Way. APPROVED

- 5.4 Accept the Annual Financial Report for the Fiscal Year Ended June 30, 2021. APPROVED

Director Aguirre MOVED to approve the consent agenda. Director Medina SECONDED. Roll call was taken. **MOTION CARRIED 6-0-0**

6.0 REGULAR AGENDA

- 6.1 Authorize the Executive Council to sign the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding (MOU). APPROVED

The Board received a joint presentation from Sean Charpentier and April Chan on the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding (MOU).

Sean Charpentier gave some context on the Executive Steering Committee MOU. One of the recommendations of the Bay Area Infrastructure Financing Authority (BAIFA) Managed Lanes Strategic Plan is to formally create an Executive Steering Committee (ESC) with MTC and the regional express lanes partners and operators to have a formal process to maintain operational consistency throughout the express lanes network. The ESC MOU does not bind member agencies to ESC recommendations that would require policy direction or actions from the respective boards. As noted in MOU Article II Membership, “ESC membership is voluntary, and the ESC shall not and cannot require compliance with any actions that are inconsistent with policies, procedures, and board actions of any Member Agency.”

April Chan then gave examples of recent actions taken at the regional level and whether those would be subject to ESC and SMCEL JPA board discussion and action in the future. Some examples, such as Bay Area Toll Authority (BATA) action to reduce toll tag deposits, reduced initial balance for cash/check customers, elimination of cash payment network fees for cash/check customers, these would not be subject to discussion at the ESC in the future. These BATA actions are not the operational policies that are envisioned that require ESC discussion to achieve consistency. However, there are other items that will likely be discussed in the future by the ESC that may require consistency amongst the express lanes operators to ensure a more seamless customer experience. One example provided is whether violation penalties should be consistent across the board amongst the express lanes operators, which is currently being actively discussed at the ESC level.

Chair Papan asked if there’s a duration of the MOU agreement. Ms. Chan said there is no expiration to the ESC agreement.

Director Beach asked if Sean Charpentier and April Chan will be the representatives for ESC and both confirmed that they will be.

Gina Papan, MTC Commissioner, says the Fastrak is a benefit to everyone and in hopes Fastrak will be a part of everyone's life and make it easier and not penalize those most in need.

Lisa Klein, Director Field Operations and Asset Management for MTC and BAIFA Express Lanes thanked the Board for considering the MOU item. She noted that this is an important step to formalize the vetting process where staff from all the different Express Lanes agencies, bridge toll agency and BATA be able to review operating policies and bring recommendations to their Board for discussion and action.

There were no other comments or questions and the Chair has closed public comments.

Director Beach MOVED to approve item 6.1. Director Aguirre SECONDED.
Roll call was taken. **MOTION CARRIED 6-0-0**

6.2 Receive a Presentation and update on the construction and schedule of the San Mateo 101 Express Lanes Project. INFORMATION

The Board received a presentation update from Leo Scott on the construction and schedule of the San Mateo 101 Express Lanes Project. Both SMCEL-JPA and VTA staff have discussed the updated project schedule which projects the new opening date of the Express Lanes to be January 28, 2022. This date has been coordinated with VTA and Caltrans to ensure a smooth joint opening of the San Mateo and Santa Clara Express Lanes as well as the information rollout to the broader public. The new opening date will not impact the scheduled opening of the northern segment (Whipple Ave. to I-380), which is still scheduled at the end of 2022.

Director Beach asked for clarification that before January 28th we'll still have the HOV-2 signs up in the southern segment. Question posed was: during this transitional time, is a transponder required or does it operate just like an HOV-2 carpool lane around Whipple, and does one need a transponder.

Leo Scott responded that you don't actually have to have the transponder present in the vehicle to be able to drive legally in the lane, but you will need to have that transponder in the car starting on the 28th of January.

Chair Papan asked will there be any information as to how to obtain a transponder anywhere along the corridor.

Leo said yes, the construction team will continue to communicate 1) Express Lanes are opening soon (begin tolling) 2) Follow the signs on the road 3) Get a FasTrak, Flex or CAV Toll Tag now. People can also go to 511.org link to the FasTrak customer service center.

Director Horsley commented on the HOV violation of \$490 being a steep fine. He has asked if there is any move to reduce the fine.

Leo responded that he has not heard any movement and may not be the qualified person to answer this question. Although he's added that there are two types of violations. A violation associated with someone who is in the lane and assess the toll but fails to pay that toll and a violation for someone who's in the lane claiming to be a carpool but isn't and when somebody is deceiving or attempting to deceive the system or the CHP and indicates that they are carpool when they're a single occupant, that's when the \$490 plus the toll fee would be assessed.

Director Beach commented on the fiber optic line that was discussed last week in the TA meeting and has asked Leo to discuss to the JPA Board, so they are aware.

Leo responded that the issue of fiber optic line was not previously reflected in the

risk assessment for the project. The project team had encountered some challenges getting the fiber optic line to function per the standard requirements which is at a very high level of accuracy because we're dealing with a system that requires accuracy to be close to 99% or better. This means that when you connect all the equipment to the fiber and the fiber to itself to make that long run through the corridor and then over to the customer service center and to the data center everything has to be in tip-top shape. The project team found that it hasn't been and have had to fix it which has cost some money.

Director Beach asked whether we're confident that we don't need additional contingency at this time. Leo answered yes that it is a reasonable characterization.

Gina Papan, MTC Commissioner, suggested that drivers should update their FasTrak transponders to ensure accurate contact information; and noted that the ESC could discuss the violations for penalties; and that the SMCEL-JPA should have access to the operational data from the toll lanes.

Chair Papan announced Closed Session will now take place. Tim Fox, Legal Counsel made sure there were no public comments for closed session. Chair Papan confirmed that there were no public comments for closed session.

April Chan commented that they may bring back an item on how they will be doing the public outreach and the public education marketing effort. Can discuss about the transponder and bring it back next month.

7.0 CLOSED SESSION

- 7.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Cal. Gov't Code § 54956.8)
Property: No. 1 lanes on US 101 N/S from Santa Clara/San Mateo County Line to I-380 interchange
Agency Negotiator: SMCEL-JPA Executive Council
Negotiating Parties: SMCEL-JPA; California Department of Transportation
Under Negotiation: Price and terms of payment for leasehold interest

Chair Papan reported out from closed session and staff was giving directions to proceed pursuant to the instructions from the Board of Directors.

8.0 REPORTS

- a) Chairperson Report.
None.
- b) Member Communication.

Director Beach reminded everyone to join the Transit District in an Autonomous

Vehicle workshop on Wednesday the 17th from 9am – 12pm. Elected staff and the public are welcome join. You can pre-register if not you can join the webinar.

c) Executive Council Report - Executive Council Verbal Report.

None.

d) Policy/Program Manager Report.

Matt Click has let the Board know that they continue to make good progress on the negotiations with Samaritan House regarding implementing the equity program and they will be coming before the Board at the next board meeting December 10th.

9.0 WRITTEN COMMUNICATIONS

None.

10.0 NEXT REGULAR MEETING

December 10, 2021

11.0 ADJOURNMENT – 10:29 a.m.

San Mateo County Express Lanes Joint Powers Authority AGENDA REPORT

Date: December 10, 2021

To: San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board of Directors

From: Executive Council

Subject: Accept the Sources and Uses of Funds for the FY22 Period Ending October 31, 2021
(For further information, contact Derek Hansel, CFO, at 650-508-6466)

RECOMMENDATION

That the SMCEL-JPA Board accept and enter into the record the Sources and Uses of Funds for the FY22 Period Ending October 31, 2021.

The statement columns have been designed to provide year to date current actuals for the current fiscal year and the annual budget for the current fiscal year.

BACKGROUND

Year to Date Sources of Funds: As of October year-to-date, the Total Sources of Funds are \$164,276, which represent the loan advances for FY22 under the two operating loan agreements between the SMCEL-JPA, the San Mateo County Transportation Authority, and the City/County Association of Governments.

Year to Date Uses of Funds: As of October year-to-date, the Total Uses of Funds are \$485,030. Major expenses are in Staff Support \$162,261, Insurance \$137,275, and Consultant \$135,125.

Budget Amendment:

There are no budget amendments for the month of October 2021.

Other Information:

Loan payables represent loan advance payments received since the formation of the SMCEL-JPA from the San Mateo County Transportation Authority and the City/County Association of Governments. Loan advances will be repaid on a monthly basis and no later than five years after the San Mateo County 101 Express Lanes Project begins operations and receives toll revenues.

ATTACHMENT

1. Sources and Uses of Funds Fiscal Year 2022 (October 2021)

SAN MATEO COUNTY EXPRESS LANE JPA
SOURCES AND USES OF FUNDS
Fiscal Year 2022
October 2021

	ACTUAL		BUDGET	
	As of 10/31/2021		Annual	
SOURCES OF FUNDS:				
1 Advance from the City/County Association of Governments of San Mateo County	\$	52,080	\$	1,314,045
2 Advance from the San Mateo County Transportation Authority		112,196		1,407,115
3 TOTAL SOURCES OF FUNDS		164,276		2,721,160
USES OF FUNDS:				
4 Staff Support		162,261		689,030
5 Administrative Overhead		26,172		53,415
6 Business Travel		821		10,000
7 Audit and Related Service		-		16,160
8 Office Supplies		-		3,000
9 Printing and Information Svcs		-		5,000
10 Legal Services		9,583		60,000
11 Consultant		135,125		1,614,707
12 Insurance		137,275		186,648
13 Miscellaneous		13,793		83,200
14 TOTAL USES OF FUNDS		485,030		2,721,160
15 EXCESS (DEFICIT)	\$	(320,754)	Note 1	\$ -

Note 1: Majority of FY22 Deficit as of October 2021 will be covered by the FY21 advance surplus.

The remaining deficit will be covered by the new FY22 contract funding which is currently in progress.

FY22 Excess (Deficit)	(320,754)
FY21 Advance Surplus	311,214
FY22 Advances to be billed	<u>(9,540)</u>

Additional Information:

Loan payables to the City/County Association of Governments of San Mateo County	\$ 1,449,589
Loan payables to the San Mateo County Transportation Authority	\$ 1,891,875

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: December 10, 2021

To: San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board of Directors

From: Executive Council

Subject: Review and approval of Resolution 21-22 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person for meetings of the SMCEL-JPA Board of Directors would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors to meet safely in person.

(For further information please contact Timothy Fox at tfox@smcgov.org)

RECOMMENDATION

Review and approval of Resolution 21-22 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

FISCAL IMPACT

There is no Fiscal Impact associated with this item.

SOURCE OF FUNDS

None.

BACKGROUND

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers fully sunset on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's

Executive Orders addressing Brown Act compliance during the COVID-19 emergency. AB 361 allows a local agency legislative body to continue to use teleconferencing under the same basic rules as provided in the Executive Orders when certain circumstances occur or when certain findings have been made and adopted by the legislative body.

AB 361 provides that Brown Act legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings because a specific declaration of a state or local health emergency is appropriately made. AB 361 allows legislative bodies to continue to conduct virtual meetings as long as there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present an imminent risk to health or safety. AB 361 is effective immediately as urgency legislation and will sunset on January 1, 2024.

AB 361 also requires that, if the state of emergency remains active for more than 30 days, the legislative body must make findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. Specifically, the legislative body must find that the need for teleconferencing persists due to risks posed by the ongoing state of emergency. Effectively, this means that local agencies must either agendaize a Brown Act meeting once every thirty days to make these findings, or, if a local agency has not made such findings within the prior 30 days, the local agency must re-adopt the initial findings if it wishes to conduct a remote meeting.

Public Agencies that want to continue with the option for remote meetings due to the COVID-19 emergency are preparing to bring findings to their elective bodies. The San Mateo County Board of Supervisors approved a similar resolution at its September 28, 2021 meeting, and has continued to renew the findings since then.

On October 8, 2021, the SMCEL-JPA approved resolution 21-15 making the findings necessary for remote meetings; the Board adopted Resolution 21-19 at its November 12, 2021 meeting making the findings necessary to continue remote meetings for an additional 30 days.

DISCUSSION

The County's high vaccination rate, successfully implemented local health measures (such as indoor masking), and best practices by the public (such as voluntary social distancing) have proven effective, in combination, at controlling the local spread of COVID-19.

However, the California Department of Public Health and the federal Centers for Disease Control and Prevention have cautioned that the Delta variant of COVID-19, currently the dominant strain in the country, is more transmissible than prior variants of the virus, that it may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others, resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>>).

Reducing the circumstances under which people come into close contact remains a vital component of the County's COVID-19 response strategy. While local agency public meetings are an essential government function, the last 18 months have demonstrated that conducting such meetings virtually is feasible.

Public meetings pose high risks for COVID-19 spread for several reasons. These meetings bring together people from throughout a geographic region, increasing the opportunity for COVID-19

transmission. Further, the open nature of public meetings makes it is difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures. Moreover, some of the safety measures used by private businesses to control these risks may be less effective for public agencies.

These factors combine to make in-person public meetings imminently risky to health and safety.

We therefore recommend that the Board adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect, and directing staff to take other such necessary or appropriate actions to implement the intent and purposes of the resolution, is attached hereto.

Because local rates of transmission of COVID-19 are still in the “moderate” tier as measured by the Centers for Disease Control as of the date of this report, we recommend that the Board avail itself of the provisions of AB 361 allowing continuation of remote meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health and safety of attendees and that the state of emergency continues to directly impact the ability of members to meet safely in person. A resolution to that effect, and directing staff to take such other necessary or appropriate actions to implement the intent and purposes of the resolution, is attached hereto.

ATTACHMENTS

1. Resolution SMCEL 21-22

RESOLUTION SMCEL 21-22

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO COUNTY EXPRESS LANES JOINT POWERS AUTHORITY (SMCEL-JPA) FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY, MEETING IN PERSON FOR MEETINGS OF THE SMCEL-JPA BOARD OF DIRECTORS WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES. AND THAT THE STATE OF EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF MEMBERS OF THE BOARD OF DIRECTORS TO MEET SAFELY IN PERSON.

RESOLVED, by the Board of Directors of the San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) that,

WHEREAS, on March 4, 2020, pursuant to California Government Code section 8550, *et seq.*, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus, and subsequently, the San Mateo County Board of Supervisors declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by the Board of Supervisors remain in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting law, Government Code section 54950 *et seq.* (the “Brown Act”), related to teleconferencing by local agency legislative bodies, provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended provisions of Executive Order N-29-20 that waive otherwise-applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 into law, and AB 361 that provides that a local agency legislative body subject to the Brown Act may continue to meet without complying with the otherwise-applicable requirements in the Brown Act related to remote/teleconference meetings by local agency legislative bodies, provided that a state of emergency has been declared and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and provided that the legislative body makes such findings at least every thirty (30) days during the term of the declared emergency; and

WHEREAS, the SMCEL-JPA Board of Directors concludes that there is a continuing threat of COVID-19 to the community, and that Board meetings have characteristics that give rise to risks to health and safety of meeting participants (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 participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings); and

WHEREAS, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

WHEREAS, the CDC has established a “Community Transmission” metric with 4 tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and

WHEREAS, the County of San Mateo currently has a Community Transmission metric of “substantial” which is the second most serious of the tiers; and

WHEREAS, the SMCEL-JPA Board of Directors has an important governmental interest in protecting the health and safety of those who participate in its meetings; and

WHEREAS, on October 8, 2021, the SMCEL-JPA Board of Directors approved Resolution 21-15; and on November 12, 2021, approved Resolution 21-19 making the findings necessary to continue remote meetings and invoked the provisions of AB 361; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the SMCEL-JPA Board of Directors deems it necessary to find that meeting in person would present imminent risks to the health or safety of attendees, and that the COVID-19 state of emergency continues to directly impact the ability of members of the Board of Directors to meet safely in person, and thus intends to continue to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.
2. The SMCEL-JPA Board of Directors has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19.
3. The SMCEL-JPA Board of Directors finds that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of members of the Board of Directors to meet safely in person.
4. The SMCEL-JPA Board of Directors further finds that meeting in person would present imminent risks to the health or safety of attendees.
5. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF DECEMBER 2021.

Diane Papan, Chair

San Mateo County Express Lanes Joint Powers Authority
AGENDA REPORT

Date: December 10, 2021
To: San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board of Directors
From: Executive Council
Subject: Review and approval of the 2022 Calendar of SMCEL-JPA Board of Directors Meetings
(For further information, contact Mima Crume mcrume@smcgov.org)

RECOMMENDATION

That the SMCEL-JPA Board of Directors review and approve the 2022 Calendar of SMCEL-JPA Board of Directors Meetings.

FISCAL IMPACT

None.

BACKGROUND

The following schedule for the 2022 Board meetings is proposed. All meetings start at 9:00 a.m. unless otherwise noted. With the exception of September 16th, and November 18th, all meetings are on the 2nd Friday of the month. The 2022 California League of Cities Annual Conference is from September 7th-9th, so staff recommend moving the meeting to September 16th. November 11th is Veteran’s Day, which is a holiday.

- January 14th
- February 11th
- March 11th
- April 8th
- May 13th
- June 10th
- July 8th
- August 12th
- September 16th**
- October 14th
- November 18th**
- December 9th

ATTACHMENT

None.

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: December 10, 2021

To: San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board of Directors

From: Executive Council

Subject: Receive an update on the US101 Express Lanes Southern Segment Opening Public Education and Marketing efforts.

(For further information please contact April Chan, Chief Officer, Planning, Grants & TA, San Mateo County Transportation Authority Program at chana@samtrans.com)

RECOMMENDATION

That the SMCEL-JPA Board receive an update on the US101 Express Lanes public education and marketing efforts at the December 10, 2021 meeting.

FISCAL IMPACT

This is an informational item. There is no fiscal impact related to receiving this information.

SOURCE OF FUNDS

N/A

BACKGROUND

At the December 10, 2021 SMCEL-JPA Board Meeting, staff will provide an update on latest staff efforts on the preparation of a public education and marketing campaign for the opening of the US101 Express Lanes southern segment – Whipple to San Mateo/Santa Clara county border – in conjunction with VTA’s opening of their lanes in the early 2022 timeframe.

ATTACHMENT

Public Education and Marketing Presentation PowerPoint



101 Express Lanes Public Education and Marketing Southern Segment Opening



Marketing Strategy

- Prepare for official Southern Segment opening early 2022
- Coordinate with 511.org, FasTrak, Caltrans and VTA
- Focused messaging: Awareness and Education
- Simple key messages: Be Prepared, New Rules, Get FasTrak
- Maximize Frequency and Reach
 - Geo-targeted in SF, SM and SC Counties and along 101 corridor



Timeline and Tactics

- Launch January 3, 2022
 - Press Release, News Media Communications
 - Billboards along 101 corridor (digital and static)
 - Terrestrial Radio (traffic, news, sports, entertainment)
 - Digital streaming services (Pandora, XM/Sirius)
 - Digital Ads (websites, social channels, email blast)
 - Print and online news (SF Chronicle, Daily Journal, Bay Area News Group)
 - Multi-lingual media (Univision, El Observador, Sing Tao, News for Chinese)
 - Bus Shelter Ads in San Mateo County
 - Bus Side Ads on SamTrans buses
 - Communication to CBOs and cities

Getting the word out

EXPRESS LANES
NEW RULES

FasTrak Required on 101 Express Lanes

The San Mateo 101 Express Lanes Project is a multi-year, multi-agency project initiated to reduce traffic congestion and encourage carpooling and transit use on U.S. 101 in San Mateo County.

[Learn More >>](#)



Resolve Toll Violations

For assistance with toll violations.



Get a FasTrak Account

Sign up for FasTrak account and order a FasTrak Flex® or FasTrak Clean Air Vehicle transponder.



Questions

A list of frequently asked questions.

US 101 EXPRESS LANES

Carpool with FasTrak Flex®

2 HALF-PRICE
3+ FREE

US 101 EXPRESS LANES

Clean Air Vehicles pay half-price tolls

FASTRAK Flex CAV
SET BEFORE DRIVING
1 PERSON 2 PEOPLE 3+ PEOPLE

US 101 EXPRESS LANES

Transit + Express Lanes = Get There Faster

Connecting the Peninsula



Next Steps

- Finalize media plan with 511.org, FasTrak, Caltrans and VTA
- Track advertising performance: Impressions and engagement
- Adjust messaging as needed (amplify or retarget)
- Prepare for ribbon cutting event with Caltrans and VTA
- Prepare for Northern Segment opening in late Fall 2022

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: December 10, 2021

To: San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA)
Board of Directors

From: Derek Hansel
Chief Financial Officer

Subject: Approval of Resolution SMCEL 21-23 on the Amendment of the Fiscal Year
(FY) 2022 SMCEL-JPA Revised Budget

(For further information or questions, contact Derek Hansel at 650-508-6466)

Recommendation

Staff recommends the Board approve an amendment to increase the adopted FY2022 SMCEL-JPA by \$3,850,025, as presented as Attachment A, for a new total of \$6,571,185.

Fiscal Impact

Approval of an amendment to the FY2022 Budget will provide the SMCEL-JPA sufficient budget authority for anticipated expenditures for the opening of the southern segment of the new express lanes through the end of FY 2022.

Background

The FY2022 Budget was previously approved by the Board to provide for continued staff work to prepare for the opening of the southern segment of US101 in San Mateo County. As staff have finalized operations and maintenance (O&M) estimates for the opening of the southern segment, and that the southern segment is slated to open for operations in early 2022, staff is requesting the Board approve an amendment to the FY2022 Budget.

FY2022 Revised Budget

Please refer to Attachment A showing a comparative schedule of the FY2022 Adopted Budget and the FY2022 Revised Budget. The line numbers for each revenue and expense item detailed below refer to the corresponding line numbers on Attachment A.

Sources of Funds

Total revenues for FY2022 are projected at \$8,525,160, an increase of \$5,804,000 over the FY2022 adopted budget.

Toll Revenues (Line 2) – increase of \$5,300,000

The toll revenue projection assumes 5 months of operation and toll collection. The revenue estimates are based on the San Mateo 101 Toll and Revenue study that was conducted in 2018. Modeling of the SM 101 southern segment indicates estimated annual gross revenue between

\$24.2M and \$33.5M prior to adjustments, as shown below.

After estimating the annual toll revenues, two adjustments were made to the revenue projections.

1. Toll Evasion: This adjustment reflects scenarios where motorists could set the toll tag to an HOV3+ setting to avoid toll payment. The range for toll evasion is 35% to 40% of revenues and based on data from the 880 corridor. Staff is projecting a loss of 40% of revenues for the purposes of the budget projection.
2. Forecast adjustments: This includes an estimate for toll evaders, an estimate for potential discrepancies between what the toll model generated versus the actual receipts of the express lanes, as well as unforeseen economic conditions.

Tolling Objectives:	2022 Dollars (in \$M)
Estimated average of the two objectives	\$ 28.4
Less: Adjustments to Revenue Projection	
Toll evaders (\$9.9M-\$11.3M)	\$ (11.3)
Modelling uncertainties (15% of revenues)	\$ (4.3)
Annual Projected Revenues	\$ 12.8
5 Months of Projected Revenues	\$ 5.3

Allocated Bond Funds (Line 3) \$504,000, a new item.

The bond funds reflect the \$100 million loan made to the SMCEL-JPA by the San Mateo County Transportation Authority in 2020. This line item is specifically funding Line 21, Equity Program Administration Costs.

Uses of Funds

Total expenses for FY2022 are projected at \$6,571,185, an increase of \$3,850,025 over the FY2022 adopted budget.

Administrative Overhead: (Line 9) \$45,540, a decrease of \$7,875, from the FY2022 adopted budget.

- The administrative overhead expense reflects the cost of financial system support and other agency overhead. Earlier this year, the District worked with a consultant to develop its internal cost allocation plan (ICAP). The ICAP is prepared using methodologies deemed acceptable by federal cognizant agencies and consistent with the best practices utilized in the development of cost allocation plans for state agencies across the country. The District’s cost allocation methodologies are subject to the cost principles promulgated in 2 CFR Part 200 (formerly OMB Circular A-87). According to the

Uniform Guidance, local governments are allowed to be reimbursed for overhead and departmental administrative costs as long as these costs are documented by a cost allocation plan.

- The revised amount reflects the estimate as calculated in the ICAP which has been provisionally approved by the Federal Transportation Administration.

Consultant: (Line 16) \$1,779,707, an increase of \$165,000 over the FY22 adopted budget

- The increase is related to services provided by GBS for supporting the SMCEL-JPA with the development and negotiations of several agreements that include; the Toll Facility Agreement and Backhaul Operation and Maintenance Agreements both with Caltrans. They are also facilitating licensing agreements with all the local jurisdictions along the 101 corridor where toll facility equipment is being installed.
- This line item includes consulting services, such as those provided by the HNTB PPM, as well as technical studies, advocacy and lobbying, and fiscal agent services.

Maintenance: (Line 17) \$222,400, a new line item in revised FY22 budget.

- This budget request reflects the effort of Caltrans Maintenance and Maintenance Oversight for the duration of January 1st through June 30th for 7 miles of the southern segment. The estimate is based on historic data of actual maintenance work and operation cost of various Express Lanes.

Maintenance effort including Labor, Equipment, Material & Misc.	\$ 175,000
Operation Effort including Operation Monitor (TMC), Incident Management Support, Traffic Investigation, Highway operation analyses oversight & Misc	<u>47,400</u>
	\$ 222,400

Toll Operations and Maintenance (Line 18) \$2,161,500, a new line item.

- The budget requested reflects the Bay Area Infrastructure Financial Authority’s operation of the Express Lanes toll system, including the collection of toll transactions and traffic data; sending information to the Bay Area Toll Authority customer service center, monitoring system performance, providing roadway operations, and the maintenance of toll system equipment and software. This estimate assumes the highest amount of traffic expected. The purpose of this higher estimate is to provide sufficient budgetary authority for possible traffic outcomes.

Year 1 (FY21/22) - Southern Segment	
Scope Area	Estimate
Program Management	\$ 500,000
Toll Systems	920,000
Regional Operations Center (ROC) 511 Monitoring	100,000
Other Costs not covered by Caltrans	375,000
AT&T Host Costs & Fiber Costs	70,000
Contingency (10%)	196,500
Total	\$ 2,161,500

FasTrak Customer Service (Line 19) \$680,000, new line item.

- To provide customer service for FasTrak® accounts and trips taken on the US 101 Express Lanes in San Mateo County, processing customer payments, and issuing toll evasion violation notices. As above, the estimate assumes high levels of traffic to provide sufficient budgetary authority.

Year 1 (FY21/22) - Southern Segment	
Scope Area	Estimate
FasTrak Maintenance & Accounting	\$20,000
Customer Service Center	\$500,000
Credit Card and Banking Fees	\$120,000
Direct Costs	\$40,000
Total	\$680,000

Express Lane Enhanced Enforcement (Line 20) \$125,000, a new line item.

- The line item is for the California Highway Patrol to provide enforcement services.

Equity Program Administration and Costs (Line 21) \$504,000, a new line item.

This line item reflects the agreement with Samaritan House for San Mateo 101 Express Lanes Equity Program administration services and costs. Samaritan House will provide eligible residents with Clipper Cards and FasTrak® toll tag/transponders projected to cost \$450,000. The annual administration cost is \$108,000; however, only 6 months, or \$54,000 is included in the revised budget for services from January through June 2022.

Projected sources over uses

Any balance of the sources over uses would remain with the SMCEL-JPA.

ATTACHMENTS:

1. Resolution SMCEL- 21-23 Budget
2. Attachment A: FY2022 SMCEL-JPA Revised Budget

RESOLUTION SMCEL 21-23

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO
COUNTY EXPRESS LANES JOINT POWERS AUTHORITY (SMCEL-JPA)
ADOPTING THE SMCEL-JPA REVISED BUDGET FOR FISCAL YEAR 2022 IN
THE AMOUNT OF \$6,571,185**

RESOLVED by the Board of Directors of the Express Lanes Joint Powers Authority (SMCEL-JPA); that

WHEREAS, Section 131265(a) of the California Public Utilities Code requires the SMCEL-JPA Board of Directors to adopt an annual budget; and

WHEREAS, in accordance with Section 131266 of the California Public Utilities Code, the Authority conducted a public hearing concerning the annual budget at its meeting on June 11, 2021; and

WHEREAS, the Board of Directors had been presented for its consideration and approval a budget of \$2,721,160 for fiscal year 2022; and

WHEREAS, the Board of Directors has been presented for its consideration and a revised budget of \$6,571,185 for fiscal year 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the SMCEL-JPA adopts the revised budget for Fiscal Year 2022, a copy of which is attached and incorporated herein as Attachment A.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF DECEMBER 2021.

Diane Papan, Chair

**San Mateo County Express Lanes JPA
FY2022 Revised Budget**

	FY2021 Audited Actuals	FY2022 Adopted Budget	FY2022 Revised Budget	\$ Increase/(Decrease) over FY2022 Adopted Budget	% Increase/(Decrease) over FY2022 Adopted Budget	
1 SOURCES OF FUNDS						1
2 Toll Revenues	-	-	5,300,000	5,300,000	100%	2
3 Allocated Bond Funds	-	-	504,000	504,000	100%	3
4 Advance from SMCTA and CCAG	2,160,008	2,721,160	2,721,160	-	-	4
5 TOTAL SOURCES OF FUNDS	2,160,008	2,721,160	8,525,160	5,804,000		5
6						6
7						7
8 USES OF FUNDS						8
9 Staff Support	590,255	689,030	689,030	-	-	9
10 Administrative Overhead	53,415	53,415	45,540	(7,875)	-15%	10
11 Seminar/Training & Business Travel	-	10,000	10,000	-	-	11
12 Audit and Related Service	16,160	16,160	16,160	-	-	12
13 Office Supplies		3,000	3,000	-	-	13
14 Printing and Information Svcs		5,000	5,000	-	-	14
15 Legal Services	57,860	60,000	60,000	-	-	15
16 Consultant	1,020,317	1,614,707	1,779,707	165,000	10%	16
17 Maintenance	-	-	222,400	222,400	100%	17
18 Toll Operations and Maintenance	-	-	2,161,500	2,161,500	100%	18
19 Fastrak Customer Service	-	-	680,000	680,000	100%	19
20 Express Lane Enhanced Enforcement			125,000	125,000	100%	20
21 Equity Program Administration and Costs			504,000	504,000	100%	21
22 Insurance	72,983	186,648	186,648	-	-	22
23 Miscellaneous	67,704	83,200	83,200	-	-	23
24 TOTAL USES OF FUNDS	1,878,694	2,721,160	6,571,185	3,850,025		24

San Mateo County Express Lanes Joint Powers Authority Agenda Report

Date: December 10, 2021

To: San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board of Directors

From: Matthew Click, Policy and Program Manager (PPM)

Subject: Review and approval of Resolution SMCEL 21-24 authorizing the SMCEL-JPA Chair to execute an Agreement with Samaritan House for San Mateo 101 Express Lanes Equity Program administration for an amount not to exceed \$108,000.

(For further information please contact Matthew Click at mclick@hntb.com)

RECOMMENDATION

That the San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) Board review and approve Resolution SMCEL 21-24 authorizing the execution of an Agreement with Samaritan House for San Mateo 101 Express Lanes Equity Program administration services for an amount not to exceed \$108,000.

FISCAL IMPACT

The annual administrative cost of \$108,000 will cover approximately from the third quarter of FY 2022 through to the third quarter of FY 2023 with the potential for continued services after that time if desired by both parties. The current Fiscal Year 2022 Budget will include \$54,000 to cover the administrative costs through the end of the fiscal year, with additional funds needed for the following year be included in the Fiscal Year 2023 Budget. The \$108,000 will be funded from \$1 million set aside for SMCEL-JPA equity programs that was included in the \$100 million loan made to the SMCEL-JPA by the San Mateo County Transportation Authority in 2020.

In addition to the Equity Program administration cost, the initial phase of the program will incur administrative cost for the procurement of pre-loaded FasTrak® toll tag/transponders and Clipper Cards to be distributed through the Core Service Agencies network to eligible program participants.

SOURCE OF FUNDS

San Mateo County Transportation Authority bond/loan proceeds.

BACKGROUND

In May 2021, the SMCEL-JPA Board approved by motion a Recommended Equity Program (Program) that was developed through the San Mateo US 101 Express Lanes Equity Study project and directed the PPM to develop an implementation plan. The goal of the Program is to provide meaningful transportation benefits to eligible San Mateo residents to help address inequities. In October 2021, the

PPM presented an update on the Program implementation, including the proposal for the initial pilot phase of benefits, eligibility requirements, and contracting with Samaritan House to distribute benefits through the Core Service Agencies Network. The initial phase of the Program consists of providing eligible residents¹ with:

- 1) Clipper card with a value of \$100; or
- 2) FasTrak® toll tag/transponder with a value of up to \$100.

Eligible individuals will be given a choice between benefits that best meet their transportation needs.

The proposed contract with Samaritan House is to administer the Program as an established and trusted service provider working on-the-ground with the Program's target population. Samaritan House shall provide services in this scope of work in collaboration with the Core Service Agencies Network. Samaritan House will be the lead agency and administrator for the Program. In their role as Program administrator, Samaritan House will promote to and educate their clients about the Program, enroll individuals in the Program, train the other Core Agencies on Program intake processes, and send regular reports to the SMCEL-JPA/PPM on Program enrollment, consolidated across the Core Agencies. They will also solicit qualitative feedback about the Program from their clients and share that feedback with the PPM to inform future Program iterations in an effort to ensure the Program meet the needs of those who need support the most in the County. This is the first of its kind program in San Mateo County and the implementation will be iterative and it is anticipated that it will take time to fully integrate the program into the social service network.

Additional details on Samaritan House's task are described in Attachment A - Scope of Work. The administrative expenses of \$108,000 are based on 12% of the estimated amount of distributed benefits over an estimated 12 month period.

Staff has negotiated the draft Agreement between SMCEL-JPA and Samaritan House. However, since the contract has not been completed, it is recommended that the Executive Council be authorized to make revisions prior to execution, subject to SMCEL-JPA Counsel approval.

ATTACHMENT

- 1) Resolution SMCEL 21-24
- 2) Draft Agreement with Samaritan House for US 101 Express Lanes Equity Program administration
- 3) Presentation

¹ Resident of San Mateo County; and age 18 or older; and eligible to receive at least one benefit provided through the Core Service Agencies Network; or Individual Income at or below 60% of the county AMI ~ \$76,740 for 2021.

RESOLUTION SMCEL 21-24

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MATEO COUNTY EXPRESS LANES
JOINT POWERS AUTHORITY (SMCEL-JPA) AUTHORIZING THE EXECUTION OF THE
CONTRACT BETWEEN SAMARITAN HOUSE AND THE SAN MATEO COUNTY EXPRESS LANES
JOINT POWERS AUTHORITY FOR THE ADMINISTRATION OF THE INITIAL PHASE OF SMCEL-
JPA EQUITY PROGRAMS FOR A PERIOD OF UP TO TWELVE (12) MONTHS FOR AN AMOUNT
NOT TO EXCEED \$108,000**

RESOLVED, by the Board of Directors of the San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) that,

WHEREAS, on May 14, 2021, the Board of the SMCEL-JPA approved an Equity Program for the San Mateo County Express Lanes hereinafter called the “Program” and directed the Policy/Program Manager (PPM) and staff to finalize the implementation of the Program; and

WHEREAS, on October 8, 2021, the PPM recommended to the Board of the SMCEL-JPA partnering with Samaritan House for the administration of the initial phase of the Program; and

WHEREAS, the SMCEL-JPA desires to retain Samaritan House to administer the Program for a period of up to twelve (12) months; and

WHEREAS, Samaritan House represents that it is able to provide said services as described in the scope of work for an amount not to exceed \$108,000; and

NOW THEREFORE BE IT RESOLVED, by the SMCEL-JPA Board of Directors that the Chair is authorized to execute an Agreement with Samaritan House for an amount not to exceed \$108,000 for an initial term of one year; and further authorize the Executive Council to make revisions prior to execution, subject to approval by the SMCEL-JPA Legal Counsel approval.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY DECEMBER 2021.

Diane Papan, Chair

**AGREEMENT
BETWEEN
SAN MATEO COUNTY EXPRESS LANES JOINT POWERS AUTHORITY AND
SAMARITAN HOUSE
FOR THE ADMINISTRATION OF THE SAN MATEO COUNTY EXPRESSLANES EQUITY
PROGRAM**

This Agreement entered this ___ day of _____ 2021, by and between the San Mateo County Express Lanes Joint Powers Authority hereinafter called "SMCEL-JPA" and Samaritan House, hereinafter called "Contractor".

WHEREAS, on May 14, 2021, the Board of the SMCEL-JPA approved an Equity Program for the San Mateo County Express Lanes hereinafter called the "Program" and directed the Policy/Program Manager (PPM) and staff to finalize the implementation of the Program; and

WHEREAS, on October 8, 2021, the PPM recommended to the Board of the SMCEL-JPA partnering with the Contractor for the administration of the first phase of the Program; and

WHEREAS, the SMCEL-JPA desires to retain a Contractor to perform the Scope of Work set forth in Attachment A and incorporated herein by this reference; and

WHEREAS, the Contractor represents that it is able to provide said services as described in Attachment A for an amount not to exceed \$108,000 for the first twelve (12) months of operations; and

WHEREAS, the parties hereto now wish to enter into this Agreement pursuant to which the Contractor will render professional services in connection with the Program as hereinafter provided.

NOW, THEREFORE, IT IS HEREBY AGREED by the parties as follows:

1. **Scope of Work.** Contractor shall provide the following services set forth in Attachment A (SCOPE of WORK).
2. **Compensation and Method of Payments.** Subject to duly executed amendments, the SMCEL-JPA will reimburse the Contractor for its services as described in the Attachment A at the rate of Twelve (12) percent of the amount in distributed benefits under the Program. However, at no point should the total compensation for all Tasks listed in the Attachment A be more than the Not to Exceed Amount of One Hundred Thousand Dollars (\$108,000) for the first twelve (12) months of operations.
Payments shall be made to the Contractor monthly, based on an invoice submitted by the Contractor that has been reviewed and approved by an Executive Council member. Contractor will provide a description of services performed in accordance with Attachment A. The SMCEL-JPA shall have the right to receive, upon request, documentation substantiating charges billed to the SMCEL-JPA.

All invoices and/or requests for payments shall be submitted to:

San Mateo County Express Lanes Joint Powers
Authority 555 County Center, 5th Floor
Redwood City, CA 94063
Attention: Van Dominic Ocampo

3. **Amendments.** SMCEL-JPA reserves the right to request changes in the services to be performed by the Contractor. All such changes shall be incorporated in written amendments that specify the changes in work to be performed and any adjustments in compensation and schedule. All amendments shall be executed by the SMCEL-JPA and Contractor, and specifically identified as amendments to this Agreement.
4. **Relationship of the Parties.** It is understood that Contractor is an Independent Contractor and this Agreement is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor. Contractor has no authority to contract or enter into any agreement without the prior approval of the SMCEL-JPA Board. Contractor has, and hereby retains, full control over the employment, direction, compensation and discharge of all persons employed by Contractor who are assisting in the performance of services under this Agreement. Contractor shall be fully responsible for all matters relating to the payment of its employees, including compliance with social security, withholding tax and all other laws and regulations governing such matters. Contractor shall be responsible for its own acts and those of its agents and employees during the term of this Agreement.
5. **Non-Assignability.** Contractor shall not assign this Agreement or any portion thereof to a third party without the prior written consent of the SMCEL-JPA.
6. **Period of Performance.** Contractor's services hereunder shall commence upon execution of this Agreement by both parties, and shall be for a period of up to 12 months, unless extended by a duly executed amendment or terminated by the SMCEL-JPA Board at any time for any reason by providing 30 days' notice to Contractor. Termination to be effective on the date specified in the notice. In the event of termination under this paragraph, Contractor shall be paid for all services provided to the date of termination.
7. **Hold Harmless/Indemnity.** Contractor shall indemnify and hold harmless the SMCEL- JPA, its board members, agents, officers, and employees from both the City/County Association of Governments and San Mateo County Transportation Authority involved the project, against all claims, suits or actions to the extent caused by the negligence, errors, acts or omissions of the Contractor, its agents, sub-contractor, officers or employees related to or resulting from the performance, or non-performance, under this Agreement. For claims arising from Contractor's professional services, Contractor shall have no upfront duty to defend but shall be responsible for defense costs as part of its indemnity obligation.

The duty to indemnify and hold harmless as set forth herein shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

8. Insurance and Financial Security Requirements

Contractor shall, at its own expense, obtain and maintain in effect at all times for the duration of this Agreement the types of insurance and financial security listed in Attachment C, Insurance, attached hereto and incorporated herein, against claims, damages and losses due to injuries to persons or damage to property or other losses that may arise in connection with the performance of work under this Agreement. All policies will be issued by insurers acceptable to the SMCEL-JPA, generally with a Best's Rating of A- or better with a Financial Size Category of VIII or better.

Contractor or its sub-contractors performing the services on behalf of Contractor shall not commence work under this Agreement until all insurance required under this section has been obtained. Contractor shall furnish the SMCEL-JPA with Certificates of Insurance evidencing the required coverage and there shall be a specific contractual liability endorsement extending the Contractor's coverage to include the contractual liability assumed by Contractor pursuant to this Agreement. These Certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to the SMCEL-JPA of any pending change in the limits of liability or of non-renewal, cancellation, or modification of the policy.

9. Workers' Compensation and Employer Liability Insurance: The Contractor shall have in effect, during the entire life of this Agreement, Workers' Compensation and Employer Liability Insurance providing full statutory coverage.

Liability Insurance: Contractor shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance as shall protect Contractor, its employees, officers and agents while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all operations under this Agreement, whether such operations be by Contractor or by any sub-contractor or by anyone directly or indirectly employed by either of them. Such insurance shall be combined single limit bodily injury and property damage for each occurrence and shall be not less than \$1,000,000 unless another amount is specified below and shows approval by the SMCEL-JPA.

Required insurance shall include:	Required Amount
a. Comprehensive General Liability	\$ 1,000,000
b. Workers' Compensation	\$ Statutory

The SMCEL-JPA and its officers, agents, employees and servants shall be named as additional insured on any such policies of insurance, which shall also contain a provision that the insurance afforded thereby to the SMCEL-JPA, its officers, agents, employees and servants shall be primary insurance to the full limits of liability of the policy, and that if SMCEL-JPA, or its officers and employees have other insurance against a loss covered by such a policy, such other insurance shall be excess insurance only.

In the event of the breach of any provision of this section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, the SMCEL-JPA Board Chair, at his/her option, may, notwithstanding any other provision of this Agreement to the contrary, immediately declare a material breach of this Agreement and suspend all further work pursuant to this Agreement.

10. **Non-discrimination.** The Contractor or by any sub-contractor performing the services on behalf of the Contractor shall not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.
11. **Compliance with All Laws.** Contractor shall at all times comply with all applicable laws and regulations, including without limitation those regarding services to disabled persons, including any requirements of Section 504 of the Rehabilitation Act of 1973.
12. **Sole Property of the SMCEL-JPA:** Work products of Contractor which are delivered under this Agreement or which are developed, produced and paid for under this Agreement, shall be and become the sole property of the SMCEL-JPA. Contractor shall not be liable for the SMCEL-JPA's use, modification or re-use of products without Contractor's participation or for purpose other than those specifically intended pursuant to this Agreement.
13. **Access to Records.** The SMCEL-JPA, or any of their duly authorized representatives, shall have access to any books, documents (including electronic), papers, videos voice recording, and records of Contractor, which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions. The Contractor shall maintain all required records for three years after the SMCEL-JPA makes final payments and all other pending matters are closed.
14. **Merger Clause.** This Agreement, including all Attachments are hereto added and incorporated herein by reference, constitutes the sole agreement of the parties hereto with regard to the matters covered in this Agreement, and correctly states the rights, duties and obligations of each party as of the document's date. Any prior agreement, promises, negotiations or representations between the parties not expressly stated in this Agreement are not binding. All subsequent modifications shall be in writing and authorized by the SMCEL-JPA Board. In the event of a conflict between the terms, conditions or specifications set forth herein and those in Attachment A attached hereto, the terms, conditions or specifications set forth herein shall prevail.
15. **Governing Law.** This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.
16. **Notices.** All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid and addressed as follows:

San Mateo County Express Lanes Joint Powers Authority
555 County Center, 5th Floor Redwood
City, CA 94063

Attention: Sean Charpentier

And

1250 San Carlos Avenue
San Carlos, CA 94070
Attention: Carter Mau

With a copy to:

Matthew ClickPPM
San Mateo County Express Lanes Joint Powers Authority
HNTB Corporation
111 Broadway, 9th Floor
Oakland, CA 94607

Notices required to be given to the Contractor shall be addressed as follows:

Bart Charlow
CEO
Samaritan House
4031 Pacific Blvd., 2nd Floor
San Mateo, CA 94403

- 17. Third Parties.** Services provided by Contractor herein are solely for the benefit of SMCEL-JPA and nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party.

IN WITNESS WHEREOF, the parties hereto have affixed their hands on the day and year first above written.

Samaritan House (Contractor)

By: _____
Bart Charlow, CEO Date _____

San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA)

By: _____
Diane Papan - Chair Date _____

Attest by:

By: _____
Mima Guilles – Secretary of the Board

Date

Approved as to form:

By: _____
Timothy Fox – Legal Counsel

Date

ATTACHMENT A

San Mateo Express Lanes Equity Program Administration Scope of Work

Project summary

In May 2021, the San Mateo Express Lanes Joint Powers Authority (SMCEL-JPA) Board approved an Equity Program (Program) that was developed through the San Mateo US 101 Express Lanes Equity Study project. The goal of the Program is to provide meaningful transportation benefits to eligible San Mateo residents to help address inequities. The initial phase of the Program consists of providing eligible residents:

- 1) A Clipper card with a value of \$100; or
- 2) A retail FasTrak® toll tag/transponder with an initial value of \$25 and then an additional \$75 once registered (total value of \$100)

In addition, the Program will promote enrollment in Clipper discount programs: Clipper START (means-based discount), youth, and seniors.

The SMCEL-JPA is contracting with Samaritan House to administer the Program as an established and trusted service provider working on-the-ground with the Program's target population. Samaritan House shall provide services in this scope of work in collaboration with the [Core Service Agencies Network](#).

Samaritan House will be the lead agency and administrator for the Program. Program benefits will be made available to eligible clients throughout San Mateo County through the Core Service Agencies Network.

Program Eligibility Criteria:

- 1) Resident of San Mateo County; and
- 2) Age 18 and older; and
- 3) Eligible to receive at least one benefit provided through the Core Service Agencies Network; or
- 4) Individual Income at or below 60% of the county AMI - \$76,740 for 2021

Determination of Benefit: Eligible individuals will be given a choice between benefits that best meet their transportation needs. Samaritan House will use its standard procedures for assisting individuals with determining the benefit type. An individual will not be provided the Clipper Card benefit more than once annually and no more than one FasTrak® transponder during the initial phase of the Program.

Samaritan House will participate in a kick-off meeting and training sessions, see Task 5 in the Task and Deliverables table for details.

Program administration will be comprised of the following tasks:

Tasks and Deliverables

Task	Description	Deliverables
Task 1: Contract administration	<p>Regular virtual brief check-ins once a week prior to go-live and for one month after launch, moving to once every two-weeks after that. Bi-weekly (every two weeks) progress reports for the first six months, detailed monthly reports, and a final report summarizing Year 1. Provide input on program improvement during above listed touch points.</p> <ul style="list-style-type: none"> • Bi-weekly reports must include the number of Clipper Cards and FasTrak® transponders distributed for that two week period. • Monthly reports and Final Report must include the performance metrics data outlined in Task 4. These metrics are subject to change by PPM during the course of the program. 	<ul style="list-style-type: none"> • Bi-weekly distribution report • Monthly detailed progress reports • Final detailed report
Task 2: Program intake	<p>Educate individuals who come to Samaritan House seeking social services about the Program, including providing eligibility and enrollment information on Clipper discount programs for youth, seniors, and low-income residents (Clipper START). Samaritan House will also interface with individuals who come in specifically to sign-up for the Program, screen and verify eligibility based on program requirements and assist in getting them signed-up for the Program. PPM will develop an intake form in consultation with Samaritan House for this purpose.</p>	<ul style="list-style-type: none"> • Complete collection of intake forms provided digitally.
Task 3: Benefit distribution	<p>Samaritan House will distribute FasTrak® transponders and pre-loaded Clipper Cards to qualified individuals who sign-up. Clipper Cards come pre-loaded with \$100 and do not require registration for use, but registration is recommended. FasTrak® transponders do not require registration to receive the initial benefit of \$25. In order to receive the additional \$75 for the full \$100 benefit, individuals must register the transponder online through FasTrak®. Samaritan House will register qualified individuals for FasTrak® programs as part of the intake process to help individuals take full advantage of Program</p>	

Task	Description	Deliverables
	benefits and other regional transportation program benefits.	
Task 4: Performance monitoring data collection	<p>Samaritan House staff will track a suite of performance metrics on behalf of the PPM. The metrics will be gathered largely through the intake process via intake forms. Samaritan House staff will consolidate data into tracking spreadsheet provided by PPM. Intake form functionality and data applicability, relevancy, etc. will be assessed during regular check-ins and adjusted as needed to meet Program goals and community needs. Performance metrics will include, but are not limited to, the following which will be gathered at the individual level, such as:</p> <p>Demographic</p> <ul style="list-style-type: none"> • FasTrak® or Clipper • Race/ethnicity • Hispanic origin • Gender • Age • Annual income • City • Zip code • Number of people in household <p>PPM will include a series of short answer narrative-style questions as part of the in-take process. Questions will be co-created with Samaritan House.</p>	<ul style="list-style-type: none"> • Completed performance metrics tracking spreadsheet
Task 5: Equity Program point of contact and trainer	<p>Samaritan House staff will serve as the main point of contact for the Equity Program and trainer the Core Service Agencies Network as it relates to the administration of Program benefits.</p> <p>Samaritan House will participate in a training provided by SMCEL-JPA on program administration as outlined in the scope of work and train-the-trainer session(s) on the program benefits and distribution of the benefits.</p> <p>Samaritan House will then provide training to Core Service Agencies and serve as their main point of contact.</p>	

Budget

Samaritan House will administer the program in accordance with this Scope of Work for a fee not to exceed 12 percent of the total annual Program cost. Total annual Program cost is calculated as the total amount of annual equity benefits distributed in San Mateo County as part of the Program. Samaritan House will generate monthly invoices for a flat rate. The total contract budget is not to exceed \$108,000 for one calendar year upon contract execution with the potential for continued administrative work in following years.



SMCEL-JPA Board Meeting

Equity Program Implementation Update

December 10, 2021

Agenda

1. Equity Program Implementation Recap
2. Samaritan House partnership
3. Marketing approach
4. Future funding opportunities
5. Next steps

Overview of Implementation Planning Steps

- Formed a program implementation working group
- Conducted 20 workshops and working sessions with staff and key regional and local partners
 - Working sessions with San Mateo County Chief Equity Officer, Human Services Staff, and Core Service Agencies on program eligibility and administration
 - Coordination with regional partners on Clipper and FasTrak[®] benefits
- Held meetings with Samaritan House to plan and develop the program administration scope of work

Program Benefits

1. Clipper Card* with a value of \$100 (annual benefit); or
2. FasTrak® toll tag/transponder with value of \$100) (one-time benefit)

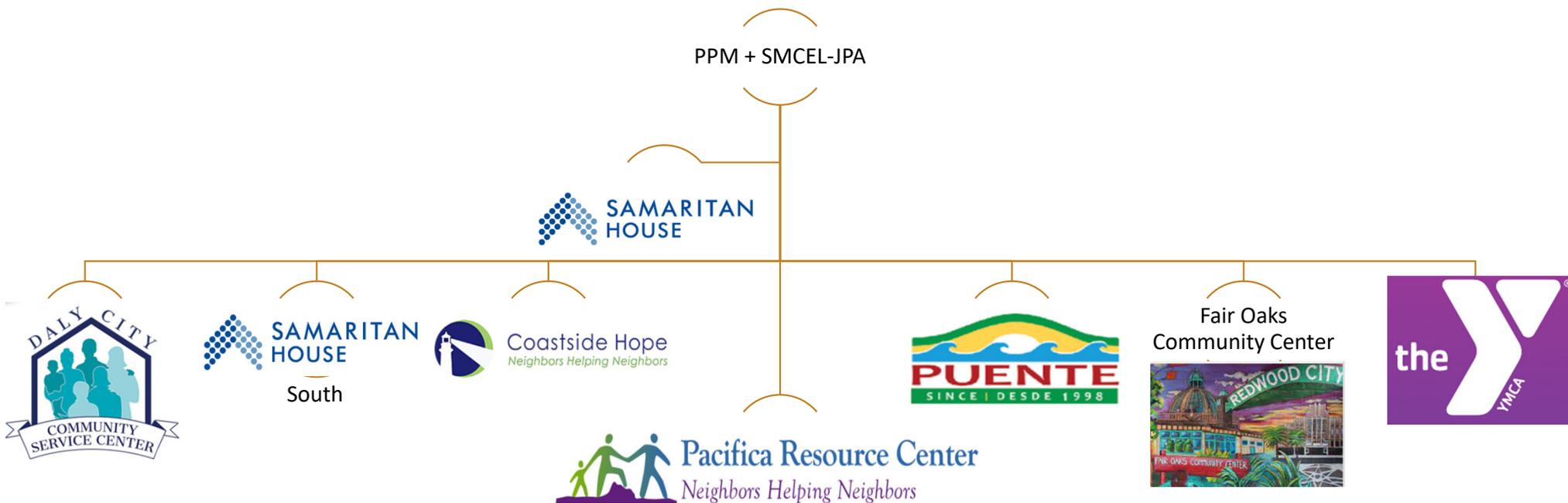
**Program will promote enrollment in Clipper discount programs: Clipper START (means-based discount), youth, and seniors.*



Eligibility

- Resident of San Mateo County;
- and age 18 or older;
- and eligible to receive at least one benefit provided through the Core Service Agencies Network;
- or Individual Income at or below 60% of the county AMI - \$76,740 for 2021.

Samaritan House - Program Administration



Scope Tasks and Administrative Cost

Scope of tasks

- Promote to and educate clients about the Equity Program,
- Enroll individuals in the Equity Program,
- Train the other Core Agencies on Equity Program intake processes,
- Send regular reports to the PPM and SMCEL-JPA on Equity Program enrollment, consolidated across the Core Agencies.
- Solicit qualitative feedback about the Equity Program from their clients and share that feedback with the PPM to inform future Equity Program iterations

Administrative cost

- Not to exceed \$108,000 for the first year of the partnership

Data to Be Collected* About Participants

- FasTrak® or Clipper selected
- Race/ethnicity
- Hispanic origin
- Gender
- Age
- Annual income
- City
- Zip code
- Number of people in household
- Other qualitative information about transportation needs

**All data collection protocols will be consistent with Samaritan House's privacy requirements*

Marketing

- Equity Program information page and FAQs on the Express Lanes website
- Printed two-sided multi-lingual (English, Spanish, and simplified Chinese) factsheet (adapted from website content) for placement at Core Agencies
- Contingency marketing plan if program enrollment is slow
- Re-naming of Equity Program to something more widely understood by potential users

Equity Program Re-naming Options

- 1 101 Travel Benefits Program
- 2 Community Travel Perks
- 3 Community Transportation Perks
- 4 101 Transportation Benefits

Additional Potential Marketing Products

If after two months of program launch it is determined necessary based on enrollment numbers, PPM will work with JPA staff on additional efforts which could include:

- Organic social media campaigns on Twitter and Nextdoor and paid, targeted
- Mailed informational postcards to targeted communities within the corridor

Future Funding Opportunities

- Conducted **scan of 19** existing funding programs at the **Federal, State, and regional levels** and some local philanthropic programs
- No current funding opportunities available to support the Equity Program, although **potential for future rounds** of:
 - Sustainable Transportation Equity Project (STEP): SGC/CARB
 - Lifeline Transportation Program: MTC and C/CAG
 - SMC Transportation Authority Measure A/W ACR/TDM biennial Call for Projects
- Plan to **continue tracking** funding opportunities as agencies **develop criteria** for programs in the Infrastructure Bill
 - Congestion Relief Grant Program is most applicable

Next Steps

December 2021

- Finalize Samaritan House contract
- Decide on Equity Program name and develop logo and branding
- Develop marketing products

January-February 2022

- Train Samaritan House on program administration
- Train Core Service Agencies

Spring 2022

- Launch Equity Program

Questions