I. CALL TO ORDER AND ROLL CALL

II. EMERGENCY ITEMS
   A. Discussion/Action of emergency items, if necessary.

III. PUBLIC COMMENTS

Any member of the public may address the Committee for a period not to exceed three minutes on any item of interest not on the agenda within the jurisdiction of the Committee. The Committee will listen to all communication, but in compliance with the Brown Act, will not take any action on items that are not on the agenda.

IV. APPROVAL OF CONSENT CALENDAR
   A. Approval of Management Committee Draft Minutes: February 8, 2012 Page 5

   B. Receive and File:
      2. ICTC SSTAC Minutes: No February meeting
      3. ICTC TAC Minutes: February 23, 2012

   C. Brawley Bus Transfer Terminal – Federal Transit Administration (FTA) 5309 and Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) funds, Memorandum of Understanding (MOU) – Brawley / Imperial County Transportation Commission (ICTC) Page 17

   It is requested that ICTC Management Committee recommend that the ICTC Commission take the following actions:

CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL
1. Authorize the Chairperson to sign the MOU between the City of Brawley and the Imperial County Transportation Commission for the pass through of $300,000 of FTA 5309 and $511,290 State PTMISEA grant funding, for the Brawley Transfer Terminal.

D. Imperial Bus Transfer Park – Federal Transit Administration (FTA) 5309 and Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) funds, Memorandum of Understanding (MOU) – Imperial / Imperial County Transportation Commission (ICTC)

It is requested that ICTC Management Committee recommend that the ICTC Commission take the following actions:

1. Authorize the Chairperson to sign the MOU between the City of Imperial and the Imperial County Transportation Commission for the pass through of $900,000 of FTA 5309 and $243,000 State PTMISEA grant funding, for the Imperial Transfer Park.

E. Federal Transit Administration (FTA) 5316 - Job Access and Reverse Commute FY 2011-12 grant application submittal

It is requested that ICTC Management Committee recommend that the ICTC Commission take the following actions:

1. Adopt the attached resolution authorizing the Executive Director to develop and submit the FTA 5316 Job Access and Reverse Commute FY 2011-12 grant application and all supporting documentation, and, submit the application to Caltrans.

F. Federal Transit Administration FTA 5317 – New Freedom FY 2011-12 grant application submittal

It is requested that ICTC Management Committee recommend that the ICTC Commission take the following actions:

1. Adopt the attached resolution authorizing the Executive Director to develop and submit the FTA 5317 New Freedom FY 2011-12 grant application and all supporting documentation, and, submit the application to Caltrans.

V. REPORTS

A. ICTC Executive Director
B. Southern California Association of Governments
C. California Department of Transportation – District 11
D. Committee Member Reports

VI. ACTION CALENDAR

A. Unmet Transit Needs Hearing – Fiscal Year 2012-2013

It is requested that ICTC Management Committee recommend that the ICTC Commission take the following actions:

1. Adopt the “Findings” as presented or amended after a review of the SSTAC response.
2. Authorize the Chairperson to sign the attached resolution.
3. Direct staff to forward the “Findings,” public hearing documentation and resolution to the State Department of Transportation.
A. Imperial County Transportation Commission (ICTC) Congestion Mitigation and Air Quality (CMAQ) Program Project Submittal for the IVT – Gold Line (Brawley) Operating and Capital funds

It is requested that ICTC Management Committee recommend that the ICTC Commission take the following actions:

1. Authorize the Chairperson to sign a resolution authorizing the Executive Director to develop and submit a Congestion Mitigation and Air Quality application to fund the implementation, operating and capital costs of the IVT – Gold Line Circulator in the City of Brawley.

II. NEXT MEETING DATE AND PLACE

The next meeting of the Management Committee will be held on Wednesday, April 11, 2012 at 10:30 a.m., at the City of Calexico, Calexico, CA.

III. ADJOURNMENT

A. Motion to Adjourn
IV. CONSENT CALENDAR

A. APPROVAL OF MANAGEMENT COMMITTEE
   DRAFT MINUTES:
   FEBRUARY 8, 2012

B. RECEIVE AND FILE:

   ICTC BOARD DRAFT MINUTES:
   FEBRUARY 22, 2012

   ICTC TAC SUBCOMMITTEE DRAFT MINUTES:
   FEBRUARY 23, 2012
VOTING MEMBERS PRESENT:

City of Brawley  Rosanna Bayon Moore
City of Calexico  Nick Servin for Oscar Rodriguez
City of El Centro  Ruben Duran
City of Holtville  Alex Meyerhoff
City of Imperial  Marlene Best
City of Westmorland  Henry Graham
County of Imperial  Bill Brunet

(Non-voting) ICTC  Mark Baza

STAFF PRESENT: Kathi Williams, David Salgado, Cristi Lerma

OTHERS PRESENT: Will Calves (AECOM), Sam Amen (Caltrans), Luis Medina (Caltrans), Dolores Valadez (Caltrans)

The following minutes are listed as they were acted upon by the Imperial County Transportation Commission Management Committee and as listed on the agenda for the meeting held Wednesday, February 8, 2012 together with staff reports and related documents attached thereto and incorporated therein by reference.

I. CALL TO ORDER AND ROLL CALL

Ms. Bayon Moore called the Committee meeting to order at 10:49 a.m. Roll call was taken. Introductions were made.

II. EMERGENCY ITEMS

There were none.

III. PUBLIC COMMENTS

There were none.

IV. CONSENT ITEMS

A motion was made by Best, seconded by Meyerhoff to approve consent items 4A through 4C. Motion carried unanimously.

A. Approved ICTC Management Committee Minutes for January 11, 2012.
B. Received and filed:
   1. ICTC Board Draft minutes for January 25, 2011
   2. ICTC SSTAC Minutes for January 4, 2012
   3. ICTC TAC Minutes for January 5, 2012.
C. Approved the ICTC staff recommendation to support and confirm that the County of Imperial’s Bicycle Master Plan remains consistent within our region’s transportation planning efforts.

V. REPORTS

A. ICTC Executive Director

Ms. Williams’ announcements and updates included:
- The Unmet Transit Needs Hearing was held on January 26, 2012 at the County Board of Supervisors Chambers. There was good attendance from the public. Staff is currently in the analysis process. The second meeting will be held on February 23, 2012 at 3 p.m., same location. The UTN process will then conclude with the Commission’s formal adoption in March.
- The RSTP Call For Projects submittals are due on February 24, 2012. Submittals should include resolution, pictures and priority.

Mr. Baza’ announcements and updates included:
- Mr. Baza and Ms. Williams traveled to the Gillig plant in Oakland, CA to fine tune the specks of the 10 buses ICTC has on order with them. The new fleet should be ready by August.
- Mr. Baza attended the STIP hearing in Los Angeles and was able to present the STIP amendment to the CTC. One comment made by the CTC was that the I-8 / Imperial Ave. Interchange funding was only for Design and ROW, however the CTC wants ICTC to fund construction as well and will not fully fund unless the project is being funded with ICTC shares.
- An update was provided regarding the EPA sanctions. A meeting with FHWA was held previously and the challenge with regard to federal funds was discussed. Obligating all federally funded projects is still being urged. Transit, CMAQ and safety projects will be exempt. Only projects that are obligated by August 9, 2012 or are exempt will be able to go forward. APCD has a court date of February 15, 2012 at which steps to a resolution will be discussed. Mr. Baza stated that he is asking all Region wide CEO’s support in this matter. He is hopeful that our willingness to change our rules will have a positive turnaround in the matter.
- Mr. Baza will be traveling to Washington D.C. at the end of the month with Mobility 21 to discuss the new transportation bill.
- The STIP TEA project in Brawley will require a CTC vote. ICTC is offering their STIP consultant to the City of Brawley.
- The LTA Audits for FY 07/08 and 08/09 are available for all to take and read. FY 09/10 is being finalized and FY 10/11 will be ready in the short future.

B. Southern California Association of Governments

- There were none.

C. California Department of Transportation – District 11

- Mr. Amen introduced Ms. Dolores Valadez from Caltrans. She is the new design engineer.
- The grant cycle for planning grants is due to SCAG by February 17, 2012.
- There will be a San Diego / Imperial Valley regional forum on March 9, 2012 in San Diego. Mr. Amen said he will forward the email to Mr. Baza.
- The Brawley Bypass project remains on schedule.
- Mr. Amen stated that the Governor is in discussions to decrease the State budget that will more than likely affect the Department of Transportation.
- Mr. Medina stated that the procedure of processing invoices is being reviewed, specifically on change orders. Change orders but remain within the original scope of work, on federal aid
ICTC MANAGEMENT COMMITTEE MINUTES  February 8, 2012

projects. The threshold still remains at 10% for unforeseen changes. Anything over 10% will be disputed.

- The contract with UC Berkley has been terminated. Caltrans is looking at other universities for more costly training. More webinars are on the horizon as they are more cost effective. Training on the State Safe Routes to School Program Cycle 10 will be held at the Caltrans offices on February 27, 2012 from 9 a.m. to 2 p.m. in the Garcia Room.

D. Committee Member Reports

- Ms. Best stated that she contacted Imperial’s lobbyist regarding the Federal Safe Routes to School bulletin and submitted a support letter on Imperial County’s behalf.

VI. ACTION CALENDAR

A. Short Range Transit Plan (SRTP) for the Imperial County Transportation Commission – FY 2010-11

Ms. Williams stated that the SRTP process began in November 2010. The firm of AECOM was selected after a proposal review team scored and ranked the proposals; and interviewed the top three candidates. Mr. Will Calves of AECOM was present and prepared a detailed presentation to the Management Committee.

In summary, Mr. Calves reviewed the project background, gave a through overview of existing services, and then created tasks associated with improvements that are being recommended for the next 5 years.

It was requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:

1. Approved the Short Range Transit Plan for FY 2011-12

A motion was made by Meyerhoff, seconded by Duran, Motion carried unanimously.

B. Congestion Mitigation & Air Quality Program (CMAQ) Call For Projects, FY 2012-13 to FY 2015-16

Mr. Salgado stated that the CMAQ Call For Projects Timeline, Fund Table and Scoring Criteria were discussed with the TAC. The following is the recommended timeline:

- January 26, 2012 TAC recommendation of CMAQ Program
- February 22, 2012 ICTC approval of CMAQ cycle program
- February 27, 2012 “Call For Projects” Process begins
- April 13, 2012 Project Submittals Due
- April 16, 2012 CMAQ Scoring Committee
- April 26, 2012 TAC Approval
- May 9, 2012 Management Committee Project Approvals and Recommendation
- May 23, 2012 ICTC Commission Project Approvals
- June 5, 2012 Submittal of Projects to SCAG, Caltrans and FHWA

The scoring criterion was amended as follows:

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<tr>
<th>Project Category</th>
<th>Percentage</th>
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<tr>
<td>Transit Improvements</td>
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<tr>
<td>Alternative Fuel / Diesel retrofits (non-transit)</td>
<td>25%</td>
<td>$1,825,000</td>
</tr>
</tbody>
</table>
Traffic Flow Improvements   25%    $1,825,000
Pedestrians / Bicycles     10%    $730,000
PM-10 Reduction           25%    $1,825,000
Total                      100%   $7,300,000

There was also a recommendation to change the dynamic of the scoring committee to include all agencies’ involvement on a voluntary basis, with the agency being scored excluding them from scoring their own applications but be available to answer questions.

ICTC staff and ICTC TAC requested that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Directed staff to open a competitive call for projects for member agencies for estimated CMAQ funds effective February 27, 2012 through April 13, 2012.
2. Directed staff to convene an evaluation committee to score and rank the projects.
3. Directed staff to return with a list of recommended projects for approval.

A motion was made by Duran, seconded by Meyerhoff, Motion carried unanimously.

VII. NEXT MEETING DATE AND PLACE

The next meeting of the Management Committee will be held on March 14, 2012 at the City of Calexico, Calexico, CA

VIII. ADJOURNMENT

A. Motion was made by Best and seconded by Meyerhoff, Motion carried and meeting adjourned at 12:56 p.m.
VOTING MEMBERS PRESENT:

City of Brawley                  George Nava
City of El Centro                Sedalia Sanders (Chair)
City of Holtville                David Bradshaw
City of Imperial                 Mark Gran
City of Westmorland              Larry Ritchie
County of Imperial               Jack Terrazas
County of Imperial               John Renison (Alt.)
Imperial Irrigation District     John Pierre Menvielle

NON-VOTING MEMBERS PRESENT:

Caltrans District 11             Bill Figge

STAFF PRESENT:    Mark Baza, Kathi Williams, Cristi Lerma, David Salgado

OTHERS PRESENT:   Ross Cather, Caltrans; Sam Amen, Caltrans; Bill Brunet, County Public Works; Will Calves, AECOM; Tomas Oliva, SCAG; Marv Balin, First Transit/IVT; Alex Meyerhoff, City of Holtville.

The following action minutes are listed as they were acted upon by the Imperial County Transportation Commission and as listed on the agenda for the meeting held Wednesday February 22, 2012 together with staff reports and related documents attached thereto and incorporated therein by reference.

I.  CALL TO ORDER AND ROLL CALL

Chair Sanders called the Commission meeting to order at 6:02 p.m. Roll call was taken.

II. EMERGENCY ITEMS

A. There were none.

III. PUBLIC COMMENTS

A. There were none.

IV. APPROVAL OF CONSENT CALENDAR

A motion was made by Terrazas and seconded by Menvielle to approve the consent calendar; Motion carried unanimously.

4A. Approved ICTC Board Minutes for January 25, 2012

4B. Received and filed ICTC Management Committee Draft Minutes for February 8, 2012
    Received and filed ICTC TAC Draft Minutes for January 26, 2012

4C. Approved staff recommendation to support and confirm that the County of Imperial’s Bicycle Master Plan remain consistent within our region’s transportation planning efforts
4D. Adopted the resolution authorizing the ICTC to have the mandatory regular employee retirement contribution be made on a pre-tax basis, and comply with reporting practices, including any and all administrative requirements established by ICERS

Authorized the Chairman to sign the resolution

V. REPORTS

A. ICTC Executive Director
   - Ms. Williams reminded the Commission that the Unmet Transit Needs Hearing was the following day at 3 p.m. at these Board Chambers. Ms. Williams read the names of the Panel members aloud.
   - The RSTP Call For Projects submittals are due on February 24, 2012. Submittals should include resolution, pictures and priority. Agencies need to turn in 11 hard copies of each project submittal as well as one electronic copy. Staff will remind all at TAC meeting.
   - Mr. Baza and Ms. Williams traveled to the Gillig plant in Oakland, CA to fine tune the specs of the 10 buses ICTC has on order with them. The new fleet should be ready by August.
   - An update was provided regarding the EPA sanctions. A meeting with FHWA was held previously and the challenge with regard to federal funds was discussed. Obligating all federally funded projects is still being urged. Transit, CMAQ and safety projects will be exempt. Only projects that are obligated by August 9, 2012 or are exempt will be able to go forward. APCD had a court hearing on February 15, 2012 at which steps to a resolution were discussed. Two questions the Judge asked the EPA were: 1. if mediation was ever offered and 2. was there any direction provided on the rule making? Both questions were answered no. The positive is that APCD will be able to begin the process to remedy the disproved SIP. There is still no indication on whether there will be a stay on the sanctions or is there a timetable known at this time. Mr. Terrazas stated that the County anticipated that mediation would take place.
   - Mr. Baza attended the STIP hearing in Los Angeles and was able to present the STIP amendment to the CTC. One comment made by the CTC was that the I-8 / Imperial Ave. Interchange funding was only for Design and ROW, however the CTC wants ICTC to fund construction as well and will not fully fund unless the project is being funded with ICTC shares.
   - Mr. Baza stated that he will be traveling with the Mobility 21 group to Washington D.C. the week of February 27th for a meeting regarding the federal transportation bill.
   - Mr. Baza stated that he was contacted by Assembly Member Ben Hueso to host a meeting on April 27, 2012. He is interested in how his team can help the border coalition regarding the enhanced driver’s license. Ms. Sanders suggested that a notice be sent out to each jurisdiction.

B. Southern California Association of Governments (SCAG)
   - The SCAG General Assembly and Regional Conference is scheduled for April 4th and 5th, 2012 in Los Angeles. All Regional Council Members will be voting on approving the RTP. The fees for 1 delegate from each city will be covered by SCAG. Please contact Tomas Oliva for more information.

C. California Department of Transportation
   - Mr. Figge stated that the Brawley Bypass Project is on schedule and is due to be completed in the January / February 2013 timeframe.
   - Transportation Planning Grants are due April 2, 2012 to Caltrans.
   - The governor is proposing that all transportation departments be merged together.

D. Commission Member Report
   - Mr. Bradshaw thanked everyone who attended the rib cook-off and carrot festival.
- Mr. Ritchie apologized to ICTC staff for the miscommunication regarding the CMAQ allocations and RFP.
- Mr. Gran announced that the City of Imperial will be hosting a Fair Parade, Markets Days and a Tri-tip cook off at 10 AM on February 29, 2012.
- The Renewable Energy Summit will be held on March 13 – 15, 2012 at the Barbara Worth Country Club.
- State of the City Address for City of Imperial will be held on February 29, 2012 at 7:30 a.m. at The Movies in Imperial.
- Ms. Sanders stated that the League of Cities meeting will be tentatively held on March 29, 2012.
- The El Centro Imagine Awards are scheduled for March 9, 2012 during the Mayor’s breakfast.

VI. ACTION CALENDAR

A. Short Range Transit Plan (SRTP) for the Imperial County Transportation Commission – FY 2010-11

Ms. Williams stated that the SRTP process began in November 2010. The firm of AECOM was selected after a proposal review team scored and ranked the proposals; and interviewed the top three candidates. Mr. Will Calves of AECOM was present and prepared a detailed presentation to the Management Committee.

In summary, Mr. Calves reviewed the project background, gave a thorough overview of existing services, and then created tasks associated with improvements that are being recommended for the next 5 years.

A discussion ensued regarding the SRTP.

Mr. Baza also shared that a planning study is being proposed with ICTC’s support between the 3 colleges here locally. Dean Pearson from SDSU–Imperial Valley Campus is interested in a shuttle service for students.

Mr. Ritchie stated that he rode the bus from El Centro to Westmorland and stated that many of the issues people have are true. It allowed him to gain perspective to peoples comments/complaints.

The ICTC Management Committee forwarded this item to the Commission for review and approval after public comment, if any:

1. Approved the Short Range Transit Plan for FY 2010-11

A motion was made by Nava and seconded by Ritchie Motion carried unanimously.

B. Congestion Mitigation & Air Quality Program (CMAQ) Call For Projects, FY 2012-13 to FY 2015-16

Mr. Salgado stated that the CMAQ Call For Projects Timeline, Fund Table and Scoring Criteria were discussed with the TAC. The following is the recommended timeline:

- January 26, 2012 TAC recommendation of CMAQ Program
- February 22, 2012 ICTC approval of CMAQ cycle program
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- April 16, 2012 CMAQ Scoring Committee
ICTC MEETING MINUTES  
FEBRUARY 22, 2012

- April 26, 2012 TAC Approval
- May 9, 2012 Management Committee Project Approvals and Recommendation
- May 23, 2012 ICTC Commission Project Approvals
- June 5, 2012 Submittal of Projects to SCAG, Caltrans and FHWA

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ICTC staff and ICTC TAC requested that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Directed staff to open a competitive call for projects for member agencies for estimated CMAQ funds effective February 27, 2012 through April 13, 2012.
2. Directed staff to convene an evaluation committee to score and rank the projects.
3. Directed staff to return with a list of recommended projects for approval.

A motion was made by Terrazas and seconded by Gran, **Motion carried unanimously**.

C. Appointment of an alternate to the SANDAG Borders Committee

Mr. Baza stated that the SANDAG Borders Committee requested an alternate elected member be appointed to the body in the event Supervisor Renison cannot attend. Mayor Daniel Romero has expressed interest. Unless someone else is also interested, staff is recommending Mayor Romero be appointed to the SANDAG Borders Committee. The commission was in support of the staff recommendation.

It is recommended that the ICTC Commission take the following actions:

1. Appoint Mayor Daniel Romero (Calexico) to serve on SANDAG’s Border Committee as an alternate voting member as the Imperial County and ICTC Representative.

A motion was made by Gran and seconded by Menvielle, **Motion carried unanimously**.

VII. NEXT MEETING DATE AND PLACE

The next meeting of the Imperial County Transportation Commission will be held on **Thursday, March 28, 2012 at 6:00 p.m., at the County of Imperial Board Chambers, at 940 W. Main Street, El Centro, CA.**

VIII. ADJOURNMENT

Meeting adjourned at 7 p.m.
The meeting was called to order by Acting Chair Hagen at 10:05 a.m. A quorum was present. Introductions were made.

A motion was made to adopt the January 26, 2012 minutes. (Meyerhoff/Gay) Motion Carried.

EPA Sanctions – Review of Federal Aid Projects
- In 2010 the APCD created a document called the SIP and the SIP was disproved by the EPA. One of the sanctions imposed was that all federal transportation funded projects would be frozen.
- Mr. Baza stated that he is working with Caltrans and SCAG to create a master list of federal aid projects that will be affected by the EPA sanctions. Projects that will be exempt are safety, air quality enhancement and transit projects. Mr. Baza is urging all agencies with projects that do not meet the exempt criteria to obligate funds as soon as possible.
- On February 15, 2012 a court hearing was held. Two questions the Judge asked the EPA were: 1. if mediation was ever offered and 2. was there any direction provided on the rule making? Both questions were answered no. The positive is that APCD will be able to begin
the process to remedy the disproved SIP. There is still no indication on whether there will be a stay on the sanctions or is there a timetable known at this time.

4. ICTC Updates / Announcements (Presentation by ICTC staff)
   - Ms. Williams had the following announcements:
     - The Short Range Transit Plan (SRTP) was approved by the Commission the night before.
     - The UTN second meeting will be held in the afternoon at the County Board Chambers. The staff response was distributed to panel members the evening before after the commission meeting. Some of the items that will be discussed as reasonable to meet are: 1. the overcrowding on 3rd and Paulin Streets and the need for shadow buses to be implemented. 2. Additional routes to and from Seeley in the am and in the pm. Bus stop and shelter installation and upkeep will also be discussed for Seeley and Heber, which is being referred to the County of Imperial.
     - The Dial-A-Ride additional funds were given to the Cities to re-implement Saturday service, but service has not been implemented. Agencies are waiting on the Consolidated Paratransit RFP process to finalize. It is being recommended by ICTC staff that the Dial-A-Ride (DAR) contracts be extended until December 31, 2012. Ms. Arellano commented that the City of Brawley will be taking the contract extension and re-implementation of Saturday service to their counsel in one amendment. Ms. Williams stated that she's been in contact with the City of El Centro’s Finance Officer. They were informed to contact their DAR provider.
     - The RSTP Call For Projects is due tomorrow, February 24, 2012.
     - The CMAQ Call For Projects was approved the night prior by the Commission and is set to be effective Monday, February 27, 2012. Please provide ICTC staff 1 electronic copy and 11 hard copies of each submittal.
     - Mayor Daniel Romero was appointed by the Commission as an alternate voting member for our region for the SANDAG Border’s Committee.
     - There have been discussions by the Governor that a consolidation of transportation agencies may be taking place in the future. Caltrans, the DMV and the CHP are the three agencies that fall under transportation.
     - Mr. Baza announced that the SCAG Regional Conference and General Assembly is scheduled for April 4-5, 2012 in Los Angeles.
     - Mr. Baza stated that a recent trip to Hayward, CA to visit the Gillig plant proved to be very interesting. Gillig will be making 10 new buses for IVT and will be ready in August. The trip was to finalize specifics about the buses, such as radiator position, fabric colors, etc.
     - Mr. Baza stated he going to Washington D.C. the week of February 27th for a meeting regarding the federal transportation bill.

5. Caltrans Updates / Announcements
   - There were none.

6. SCAG Updates / Announcements
   - There were none.

7. Designing for Pedestrian Safety Workshop (Presentation by Alex Meyerhoff)
   - Mr. Meyerhoff stated that he attended a workshop in the Palm Springs area that would benefit local agencies and gain a better understanding of pedestrian safety and possibly even assist them with their submittals for Safe Routes to School (SR2S) applications. He also stated that the City of Holtville will gladly host the training with lunch to be provided. Mr. Meyerhoff stated that he will be in contact with the gentleman who will conduct the training to see if his availability allows him to conduct the training before the deadline date of the SR2S applications.
8. General Discussion / New Business
   Ms. Arellano announced that the ASCE/APWA will hold a meeting on February 29, 2012 that will feature an informal open discussion regarding the benefits and challenges of forming a county-wide Flood Control District in Imperial County. The cost is $12 for members and $15 for non-members or $17 at the door. It will be held at the El Centro PAL at 1100 N. 4th St. in El Centro. Panel members will be:
   - Cid Tesoro, PE, CFM, Flood Control District Manager, San Diego County Flood Control District
   - Eric Mosolgo, PE, Brown and Coldwell, Storm water Regulatory Expert
   - Paul Peschel, PE, Executive Program Manager, Imperial Irrigation District
   - Armando Villa, Director of Planning & Development Services, County of Imperial
   It was announced that there is still no date set for the RSTP Review Committee at this time.
   It was also announced that the FY 2012 TIGER Discretionary Grants Pre-application deadline was February 20th, 2012. The final application deadline is Monday, March 19, 2012 at 5:00 pm. Mr. Baza stated that grant submittals are geared towards agencies that have applied in the past and were rejected. The City of Holtville stated that they submitted a new project and would like a support letter if possible. El Centro and Calexico both re-submitted previously rejected projects.
   Ms. Mendoza announced that the City of Imperial is having their Inaugural Tri-tip Cook Off with a Fair Parade and Market Days kicking off at 10 AM, Saturday, February 25, 2012.
   The Imperial State of the City Address is scheduled for Wednesday, February 29, 2012 at 7:30 AM at The Movies in Imperial.

9. Meeting adjourned at 10:48 a.m.
   The next meeting will be held on March 29, 2012 at 10 a.m. at the ICTC Offices.
IV. CONSENT CALENDAR

C. BRAWLEY BUS TRANSFER TERMINAL – FEDERAL TRANSIT ADMINISTRATION (FTA) 5309 AND PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT AND SERVICE ENHANCEMENT ACCOUNT (PTMISEA) FUND, MEMORANDUM OF UNDERSTANDING (MOU) – BRAWLEY / IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC)
March 8, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave Suite 1
El Centro, CA 92243

SUBJECT: Brawley Bus Transfer Terminal - Federal Transit Administration (FTA) 5309 and Public Transportation Modernization Improvement and Service Enhancement Account (PTMISEA) funds, Memorandum of Understanding (MOU) – Brawley / Imperial County Transportation Commission (ICTC)

Dear Committee Members:

In July 2009, the Imperial Valley Association of Governments Regional Council, as the predecessor to the ICTC, submitted a grant application under the American Reinvestment Act or ARRA I for the Brawley Bus Transfer Terminal project. This involved the use of approximately $620,899 under the Federal Transit Administration (FTA) funding for the 5311 program for rural communities. The intention was to utilize the funding to purchase right of way, and, develop designs for a bus transfer terminal for use by the bus system. However, this grant would not provide sufficient funding for construction. Subsequent to the grant submittal a Memorandum of Understanding (MOU) was executed for the pass through of funding through the ICTC for the City.

Since that point in time and in order for construction to proceed, the City requested a federal earmark under the FTA 5309 program through Congressman Filner and received an award of $300,000. In addition the ICTC submitted a State PTMISEA grant in FY 2010-11 and received $511,290. ICTC staff developed another MOU for execution by all parties. The City has developed the project schedule and agreed to perform the work in house and through the services of contractors.

Therefore, it is requested that ICTC Management Committee recommend that the ICTC Commission take the following actions:

1. Authorize the Chairman to sign the MOU between the City of Brawley and the Imperial County Transportation Commission for the pass through of $300,000 of FTA 5309 and $511,290 State PTMISEA grant funding, for the Brawley Bus Transfer Terminal.

Sincerely yours,

MARK BAZA
Executive Director

BY: Kathi Williams
Senior Transit Planner

attachment

CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL

lcw/projects/ictc/ brawley transfer facility FTA 5309 mou mo
MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("this MOU"), entered into this ______ day of ______________, 2012, is by and between the IMPERIAL COUNTY TRANSPORTATION COMMISSION ("ICTC"), and the CITY OF BRAWLEY, a municipal corporation of the State of California ("CITY"), (individually, "Party;" collectively, "Parties").

RECITALS

WHEREAS CITY, as the entity responsible for facility construction, will be selecting a location to be determined to construct its transit transfer terminal ("the Terminal"); and

WHEREAS ICTC, as the entity responsible for planning, administration, budget and policy for the regional transit system in Imperial County, approved construction of the Terminal; and

WHEREAS funding for the construction of the Terminal will be provided by the Federal Transit Administration Section 5309 grant ("the 5309 Grant") and Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA); and

WHEREAS ICTC, as the entity responsible for the day-to-day transit management and operations, will be applying for the 5309 Grant and PTMISEA and, when received, the portion of the 5309 Grant funds ("the 5309 Grant Funds") and PTMISEA that is specifically designated for the transfer terminal will be provided to CITY in a pass-through format in arrears; and

WHEREAS ICTC and CITY recognize that distribution of the 5309 Grant Funds and PTMISEA in this fashion will result in great benefit to all of their respective jurisdictions.

NOW THEREFORE, for and in consideration of the mutual promises set out herein, ICTC and CITY have and hereby agree as follows:

1. This MOU shall commence on the date first written above and shall remain in effect until terminated by any party as provided for in this MOU.

2. CITY understands that the United States Department of Transportation ("DOT") requires certain contractual standard terms and conditions in all third-party contracts relating to capital projects, because use of the 5309 Grant Funds requires compliance with federal statutes and regulations. Accordingly, CITY shall include, or incorporate by reference, all contractual provisions required by DOT, as set forth in Federal Transit Administration ("FTA") Circular 4220.1E (attached...
hereto as Exhibit A) and Standard Agreement DOT-213 (attached hereto as Exhibit B), into each and every third-party contract CITY generates or enters into relating in any way to the use of the FTA 5309 Grant Funds.

3. Anything to the contrary herein notwithstanding, CITY understands and agrees that all FTA-mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this MOU. CITY shall not perform any act, fail to perform any act, or refuse to comply with any ICTC requests which would cause ICTC to be in violation of the FTA terms and conditions.

4. CITY shall be the lead agency for the conduct of all preliminary engineering, environmental review (both Federal and State), design and construction for the Terminal, whether in-house or via consultant. CITY shall submit plans to ICTC for staff review and comment at sixty-five percent (65%) and ninety percent (90%) design construction. CITY understands and agrees that it will comply with all Federal, State and local rules and regulations with respect to its role as lead agency.

5. The Parties agree that CITY is entering into this MOU with the understanding that funding for the construction of the Terminal will be provided by the 5309 Grant and PTMISEA. Should circumstances change such that funding is not provided by the 5309 Grant and/or that funding is not matched by ICTC then this MOU shall become null and void.

6. CITY will provide to the public regional transit system use of the Terminal (which will be constructed on its real property within the City of Brawley) for as long as a public regional transit system is operated therefrom. The Parties hereby agree that the public regional transit system has first priority use of the Terminal for the purpose of operating scheduled bus services for as long as a public regional transit system is operated from the Terminal, in perpetuity. This first priority use will be based on the public regional transit system's scheduled bus service. CITY may allow for additional uses of the Terminal as long as those uses do not interfere, conflict or compete with the scheduled bus service. However, when the public regional transit system makes changes to its schedule (as directed by ICTC), CITY shall accommodate the public regional transit system accordingly, which could involve altering the rights of any third-party as it relates to its additional use of the Terminal. CITY shall be given at least sixty (60) days notice of any change to the schedule. Changes to the schedule which involve increasing
the number of buses and/or the frequency of stops will require CITY’s agreement provided they pertain to
the use of the Terminal.

7. The Parties hereby agree that they will work together in a coordinated fashion to establish
the protocol for operations at the Terminal ("the Protocol"). Once the Protocol is established, it cannot be
modified without the unanimous consent of the Parties.

8. CITY shall be responsible for the day-to-day maintenance of the Terminal, including the
landscaping. This shall include, but not be limited to, keeping the Terminal clean, safe and aesthetically-
pleasing so as to continually attract new riders and retain existing riders.

9. The Terminal shall remain CITY’s property and function first and foremost as the transfer
terminal and secondarily as a landscaped parkway area. Any responsibility for premises liability shall
remain the exclusive responsibility of CITY, and CITY shall defend, indemnify and hold ICTC and
any/all transit provider(s) harmless from any and all claims related to premises liability.

10. The Parties, on their own behalf and the behalf of its agents and employees, agrees that
each is acting in an independent capacity and not as an agent, officer or employee of either of the other
Parties.

11. CITY shall submit reports in accordance with and by the deadlines required in federal
and state statutes to ICTC’s Project Coordinator that illustrate CITY’s progress toward completion of
the Terminal and track how CITY is using the 5309 Grant Funds received from ICTC. CITY shall
allow ICTC or its designated agent(s) to audit its books and records relating to its use of the 5309
Grant Funds and PTMISEA, provided ICTC gives CITY ten (10) working days notice of its intent to
conduct such an audit. CITY shall also direct a Certified Public Accountant to prepare audits both
annually and when the Terminal is completed for submission to ICTC at CITY’s expense.

12. The Parties represent and warrant that the people executing this MOU on their
respective behalf have the authority to sign this MOU and bind all Parties to the performance of all
duties and obligations assumed herein.

13. As between the Parties, CITY is deemed to assume responsibility and liability for, and
CITY shall indemnify and hold harmless and defend ICTC and any and all of its officers, agents,
servants, or employees against any and all claims, loss damage, charge or expense, including attorney’s
fees and costs, whether direct or indirect, to which ICTC or such officers, agents, servants, or employees may be put or subject, by reason of any damage, loss or injury of any kind or nature whatever to persons or property caused by or resulting from or in connection with any negligent act or action, or any neglect, or failure to act, when under a duty to act, on the part of CITY, in its performance hereunder.

14. As between the parties, ICTC is deemed to assume responsibility and liability for, and ICTC shall indemnify and hold harmless and defend CITY and any and all of its officers, agents, servants, or employees against any and all claims, loss damage, charge or expense, including attorney's fees and costs, whether direct or indirect, to which CITY or such officers, agents, servants, or employees may be put or subject, by reason of any damage, loss or injury of any kind or nature whatever to persons or property caused by or resulting from or in connection with any negligent act or action, or any neglect, or failure to act, when under a duty to act, on the part of ICTC, in its performance hereunder.

15. Nothing herein contained shall be construed to create, and the Parties hereto expressly disclaim any intent to create, any form of agency relationship, joint venture or partnership.

16. If any term or provision of this MOU, or the application of such provision to a particular situation, is held by a court of competent jurisdiction to be void, invalid or otherwise unenforceable, the remaining terms and provisions shall continue in full force and effect.

17. If any material provision of this MOU, or the application of such provision to a particular situation, is held by a court of competent jurisdiction to be void, invalid or otherwise unenforceable, then the Party claiming the benefit of such provision may, upon written notice to the other Parties, terminate this MOU. A material breach of this MOU shall include, but not be limited to, the continued failure to comply with any term or condition for more than thirty (30) days after written notice of non-compliance.

18. This MOU is made and entered into in Imperial County, California. This MOU shall be construed and enforced in accordance with the laws of the State of California, except that the Parties agree that any action brought by either party regarding this MOU shall be brought in a court of
competent jurisdiction in Imperial County or, if appropriate, in the Federal District Court serving Imperial County.

19. The Parties hereto agree to act in good faith and deal fairly with the other party in the performance of this MOU.

20. Notices required hereunder shall be in writing and may be given either personally or by registered or certified mail, postage prepaid, return receipt requested. If given by registered or certified mail, such notice shall be addressed as indicated below and shall be deemed given and received upon the earlier of actual receipt by the Party to whom the notice was sent or return of the requested receipt to the Party giving notice. Notice personally given shall be deemed given when delivered to the Party to whom the notice is addressed. Any Party may upon ten (10) days written notice to the other Parties, change the address where notices are to be sent.

NOTICES TO ICTC

Imperial County Transportation Commission
1405 N. Imperial Avenue, Suite 1
El Centro, CA 92243
Telephone: 760/592-4494
Facsimile: 760/592-4497
Attn: ICTC Project Coordinator

NOTICES TO CITY

City of Brawley
222 Main Street
Brawley, CA 92227
Telephone: 760/
Attn: City Manager__________

21. This MOU constitutes the full and complete agreement between the Parties. All prior agreements and understandings with respect to the subject matter of this MOU are merged herein. This MOU may be executed in counterparts.

22. The Parties have and hereby agree that the indemnification provisions set forth at Paragraphs 8 and 12 of this MOU is a material factor in the ICTC’s approval of this MOU. Notwithstanding anything in this MOU to the contrary, the full execution by CITY and the delivery of this MOU to ICTC is a condition precedent to the effectiveness of this MOU.
23. Any failure by any Party to perform any term or provision of this MOU, which failure continues uncured for a period of thirty (30) days following written notice of such failure from another Party, unless such period is extended by mutual written consent, shall constitute a default under this MOU. Any notice given pursuant to this section shall specify the nature of the alleged failure and, where possible, the manner in which the failure may be satisfactorily cured.

24. Upon failure to cure as herein provided, the Party alleging the failure may institute legal or equitable proceedings to enforce this MOU.
IN WITNESS WHEREOF, the parties have executed this MOU on the day and year first above written.

IMPERIAL COUNTY
TRANSPORTATION COMMISSION:

By: ____________________________
Chairman

CITY OF BRAWLEY

By: ____________________________
George A. Naya
Mayor
City Council

ATTEST:

By: CRISTI LERMA
Secretary to the Commission

ATTEST:

City Clerk, Alma Benavides
City of Brawley, State of California

APPROVED AS TO FORM:

MICHAEL L. ROOD
County Counsel

By: ____________________________
GEORGE P. HOLBROOK
Senior Deputy County Counsel

By: ____________________________
DENNIS H. MORITA
City Attorney
IV. CONSENT CALENDAR

D. IMPERIAL BUS TRANSFER PARK – FEDERAL TRANSIT ADMINISTRATION (FTA) 5309 AND PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT AND SERVICE ENHANCEMENT ACCOUNT (PTMISEA) FUND, MEMORANDUM OF UNDERSTANDING (MOU) – IMPERIAL / IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC)
March 8, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave Suite 1
El Centro, CA 92243

SUBJECT: Imperial Bus Transfer Park - Federal Transit Administration (FTA) 5309 and Public Transportation Modernization Improvement and Service Enhancement Account (PTMISEA) funds, Memorandum of Understanding (MOU) – Imperial / Imperial County Transportation Commission (ICTC)

Dear Committee Members:

The City of Imperial requested a federal FTA 5309 earmark through Congressman Filner for the acquisition of right of way, design and construction of a bus transfer park. The City received an award of $900,000. In addition the ICTC submitted a State PTMISEA grant in FY 2010-11 and received $243,000. ICTC staff developed an MOU for execution by all parties. The City has developed the project schedule and agreed to perform the work in house and through the services of contractors.

Therefore, it is requested that ICTC Management Committee recommend that the ICTC Commission take the following actions:

1. Authorize the Chairman to sign the MOU between the City of Imperial and the Imperial County Transportation Commission for the pass through of $900,000 of FTA 5309, and $243,000 State PTMISEA grant funding, for the Imperial Bus Transfer Park.

Sincerely yours,

MARK BAZA
Executive Director

BY: [Signature]

Kathi Williams
Senior Transit Planner

attachment
MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("this MOU"), entered into this _____ day of ____________, 2011, is by and between the IMPERIAL COUNTY TRANSPORTATION COMMISSION ("ICTC"), and the CITY OF IMPERIAL, a municipal corporation of the State of California ("CITY"), (individually, "Party;" collectively, "Parties").

RECITALS

WHEREAS CITY, as the entity responsible for facility construction, will be selecting a location to be determined to construct its transit transfer terminal ("the Terminal"); and

WHEREAS ICTC, as the entity responsible for planning, administration, budget and policy for the regional transit system in Imperial ICTC, approved construction of the Terminal; and

WHEREAS funding for the construction of the Terminal will be provided by the Federal Transit Administration Section 5309 grant ("the 5309 Grant") and Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA); and

WHEREAS ICTC, as the entity responsible for the day-to-day transit management and operations, will be applying for the 5309 Grant and PTMISEA and, when received, the portion of the 5309 Grant funds ("the 5309 Grant Funds") and PTMISEA that is specifically designated for the transfer terminal will be provided to CITY in a pass-through format in arrears; and

WHEREAS ICTC and CITY recognize that distribution of the 5309 Grant Funds and PTMISEA in this fashion will result in great benefit to all of their respective jurisdictions.

NOW THEREFORE, for and in consideration of the mutual promises set out herein, ICTC and CITY have and hereby agree as follows:

1. This MOU shall commence on the date first written above and shall remain in effect until terminated by any party as provided for in this MOU.

2. CITY understands that the United States Department of Transportation ("DOT") requires certain contractual standard terms and conditions in all third-party contracts relating to capital projects, because use of the 5309 Grant Funds requires compliance with federal statutes and regulations. Accordingly, CITY shall include, or incorporate by reference, all contractual provisions required by DOT, as set forth in Federal Transit Administration ("FTA") Circular 4220.1E (attached...
hereto as Exhibit A) and Standard Agreement DOT-213 (attached hereto as Exhibit B), into each and
every third-party contract CITY generates or enters into relating in any way to the use of the FTA 5309
Grant Funds.

3. Anything to the contrary herein notwithstanding, CITY understands and agrees that all
FTA-mandated terms shall be deemed to control in the event of a conflict with other provisions
contained in this MOU. CITY shall not perform any act, fail to perform any act, or refuse to comply
with any ICTC requests which would cause ICTC to be in violation of the FTA terms and conditions.

4. CITY shall be the lead agency for the conduct of all preliminary engineering,
environmental review (both Federal and State), design and construction for the Terminal, whether in-
house or via consultant. CITY shall submit plans to ICTC for staff review and comment at sixty-five
percent (65%) and ninety percent (90%) design construction. CITY understands and agrees that it will
comply with all Federal, State and local rules and regulations with respect to its role as lead agency.

5. The Parties agree that CITY is entering into this MOU with the understanding that
funding for the construction of the Terminal will be provided by the 5309 Grant and PTMISEA.
Should circumstances change such that funding is not provided by the 5309 Grant and/or that funding
is not matched by ICTC then this MOU shall become null and void.

6. CITY will provide to the public regional transit system use of the Terminal (which will
be constructed on its real property within the City of Imperial) for as long as a public regional transit
system is operated therefrom. The Parties hereby agree that the public regional transit system has first
priority use of the Terminal for the purpose of operating scheduled bus services for as long as a public
regional transit system is operated from the Terminal, in perpetuity. This first priority use will be based
on the public regional transit system's scheduled bus service. CITY may allow for additional uses of the
Terminal as long as those uses do not interfere, conflict or compete with the scheduled bus service.
However, when the public regional transit system makes changes to its schedule (as directed by ICTC),
CITY shall accommodate the public regional transit system accordingly, which could involve altering the
rights of any third-party as it relates to its additional use of the Terminal. CITY shall be given at least
sixty (60) days notice of any change to the schedule. Changes to the schedule which involve increasing
the number of buses and/or the frequency of stops will require CITY’s agreement provided they pertain to
the use of the Terminal.

7. The Parties hereby agree that they will work together in a coordinated fashion to establish
the protocol for operations at the Terminal ("the Protocol"). Once the Protocol is established, it cannot be
modified without the unanimous consent of the Parties.

8. CITY shall be responsible for the day-to-day maintenance of the Terminal, including the
landscaping. This shall include, but not be limited to, keeping the Terminal clean, safe and aesthetically-
pleasing so as to continually attract new riders and retain existing riders.

9. The Terminal shall remain CITY’s property and function first and foremost as the transfer
terminal and secondarily as a landscaped parkway area. Any responsibility for premises liability shall
remain the exclusive responsibility of CITY, and CITY shall defend, indemnify and hold ICTC and
any/all transit provider(s) harmless from any and all claims related to premises liability.

10. The Parties, on their own behalf and the behalf of its agents and employees, agrees that
each is acting in an independent capacity and not as an agent, officer or employee of either of the other
Parties.

11. CITY shall submit reports in accordance with and by the deadlines required in federal
and state statutes to ICTC’s Project Coordinator that illustrate CITY’s progress toward completion of
the Terminal and track how CITY is using the 5309 Grant Funds received from ICTC. CITY shall
allow ICTC or its designated agent(s) to audit its books and records relating to its use of the 5309
Grant Funds and PTMISEA, provided ICTC gives CITY ten (10) working days notice of its intent to
conduct such an audit. CITY shall also direct a Certified Public Accountant to prepare audits both
annually and when the Terminal is completed for submission to ICTC at CITY’s expense.

12. The Parties represent and warrant that the people executing this MOU on their
respective behalf have the authority to sign this MOU and bind all Parties to the performance of all
duties and obligations assumed herein.

13. As between the Parties, CITY is deemed to assume responsibility and liability for, and
CITY shall indemnify and hold harmless and defend ICTC and any and all of its officers, agents,
servants, or employees against any and all claims, loss damage, charge or expense, including attorney’s
fees and costs, whether direct or indirect, to which ICTC or such officers, agents, servants, or
employees may be put or subject, by reason of any damage, loss or injury of any kind or nature
whatever to persons or property caused by or resulting from or in connection with any negligent act or
action, or any neglect, or failure to act, when under a duty to act, on the part of CITY, in its
performance hereunder.

14. As between the parties, ICTC is deemed to assume responsibility and liability for, and
ICTC shall indemnify and hold harmless and defend CITY and any and all of its officers, agents,
servants, or employees against any and all claims, loss damage, charge or expense, including attorney's
fees and costs, whether direct or indirect, to which CITY or such officers, agents, servants, or
employees may be put or subject, by reason of any damage, loss or injury of any kind or nature
whatever to persons or property caused by or resulting from or in connection with any negligent act or
action, or any neglect, or failure to act, when under a duty to act, on the part of ICTC, in its
performance hereunder.

15. Nothing herein contained shall be construed to create, and the Parties hereto expressly
disclaim any intent to create, any form of agency relationship, joint venture or partnership.

16. If any term or provision of this MOU, or the application of such provision to a
particular situation, is held by a court of competent jurisdiction to be void, invalid or otherwise
unenforceable, the remaining terms and provisions shall continue in full force and effect.

17. If any material provision of this MOU, or the application of such provision to a
particular situation, is held by a court of competent jurisdiction to be void, invalid or otherwise
unenforceable, then the Party claiming the benefit of such provision may, upon written notice to the
other Parties, terminate this MOU. A material breach of this MOU shall include, but not be limited to,
the continued failure to comply with any term or condition for more than thirty (30) days after written
notice of non-compliance.

18. This MOU is made and entered into in Imperial County, California. This MOU shall be
construed and enforced in accordance with the laws of the State of California, except that the Parties
agree that any action brought by either party regarding this MOU shall be brought in a court of
competent jurisdiction in Imperial County or, if appropriate, in the Federal District Court serving
Imperial County.

19. The Parties hereto agree to act in good faith and deal fairly with the other party in the
performance of this MOU.

20. Notices required hereunder shall be in writing and may be given either personally or by
registered or certified mail, postage prepaid, return receipt requested. If given by registered or certified
mail, such notice shall be addressed as indicated below and shall be deemed given and received upon
the earlier of actual receipt by the Party to whom the notice was sent or return of the requested receipt
to the Party giving notice. Notice personally given shall be deemed given when delivered to the Party
to whom the notice is addressed. Any Party may upon ten (10) days written notice to the other Parties,
change the address where notices are to be sent.

NOTICES TO ICTC

Imperial County Transportation Commission
1405 N. Imperial Avenue, Suite 1
El Centro, CA 92243
Telephone: 760/592-4494
Facsimile: 760/592-4497
Attn: ICTC Project Coordinator

NOTICES TO CITY

City of Imperial
420 S. Imperial Ave.
Imperial, CA 92251
Telephone: 760/355-4371
Attn: Planning Director

21. This MOU constitutes the full and complete agreement between the Parties. All prior
agreements and understandings with respect to the subject matter of this MOU are merged herein.
This MOU may be executed in counterparts.

22. The Parties have and hereby agree that the indemnification provisions set forth at
Paragraphs 8 and 12 of this MOU is a material factor in the ICTC’s approval of this MOU.
Notwithstanding anything in this MOU to the contrary, the full execution by CITY and the delivery of
this MOU to ICTC is a condition precedent to the effectiveness of this MOU.
23. Any failure by any Party to perform any term or provision of this MOU, which failure continues uncured for a period of thirty (30) days following written notice of such failure from another Party, unless such period is extended by mutual written consent, shall constitute a default under this MOU. Any notice given pursuant to this section shall specify the nature of the alleged failure and, where possible, the manner in which the failure may be satisfactorily cured.

24. Upon failure to cure as herein provided, the Party alleging the failure may institute legal or equitable proceedings to enforce this MOU.
IN WITNESS WHEREOF, the parties have executed this MOU on the day and year first above written.

IMPERIAL COUNTY
TRANSPORTATION COMMISSION:

By: _________________________
Chairman

ATTEST:

By: CRISTI LERMA
Secretary to the Commission

CITY OF IMPERIAL

By: _________________________
City Council

ATTEST:

____________________________
City Clerk
City of Imperial, State of California

APPROVED AS TO FORM:

MICHAEL L. ROOD
ICTC Counsel

By: _________________________
GEORGE P. HOLBROOK
Senior Deputy ICTC Counsel

By: _________________________
DENNIS H. MORITA
City Attorney
IV. CONSENT CALENDAR

E. FEDERAL TRANSIT ADMINISTRATION (FTA)  
5316 JOB ACCESS AND REVERSE COMMUTE  
FY 2011-12 GRANT APPLICATION SUBMITTAL
March 12, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave Suite 1
El Centro, CA 92243

SUBJECT: Application for Federal Transit Administration (FTA) Section 5316 Program Funds FY 2012-13/FY 2013-14

Dear Committee Members:

The Federal Transit Administration (FTA) Section 5313 “Job Access and Reverse Commute” or JARC program provides a source of grant funding to offset costs within an identified area for mass transportation purposes as specified by the Legislature. The grant program is administered by Caltrans, who has issued a call for project applications that are due by March 23, 2012.

The State wide competitive grant covers the FY 2012-12 and FY 2023-14 fiscal years. The maximum amount available per year is $200,000. The JARC program goal is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities.

JARC funds can be used to support up to 80 percent (80/20 match) capital projects, and not more than 50 percent (50/50 match) of projects for operating assistance. For the first grant cycle, (FY 2011/2012), Transportation Development Credits (Toll Credits) can provide the local share for eligible expenditures.

ICTC staff would attempt to develop an application for the subsidies for specific routes on Imperial Valley Transit that are called “Direct” or “FAST” routes. These routes provide no or limited stop transit services between Brawley and Calexico via SR 111, and, Brawley and El Centro via SR 86. These routes were originally developed to provide transit service for commuters or between the international border and persons working in the North end communities i.e. at the Brawley Beef plant.

CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL
Historically, ICTC has not applied for this grant, but encouraged local nonprofit i.e. IVROP or social service agencies i.e. CALWORKS to apply for this funding. But there do not appear to be any local social service or nonprofit agencies currently applying for this funding. Therefore, ICTC staff would recommend that the ICTC submit an application to support the specific routes on Imperial Valley Transit.

It is requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval.

1. Adopt the attached resolution authorizing the Executive Director or his designee to develop and submit the FTA 5316 grant application with supporting documentation, and, submit the application to Caltrans.

Sincerely yours,

MARK BAZA
Executive Director

BY: [Signature]

Kathi Williams
Senior Transit Planner

Attachment

MB/ksw/cI
RESOLUTION OF
THE IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC)

AUTHORIZING THE FILING OF APPLICATIONS FOR FEDERAL TRANSPORTATION FUNDING, WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR ASSISTANCE UNDER FTA SECTION 5316, FOR USE WITHIN THE REGIONAL COUNTY-WIDE TRANSIT SYSTEM

WHEREAS, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support operating assistance projects for non-urbanized public transportation systems under Section 5316 of the Federal Transit Act (FTA C 9040.1F); and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer FTA Section 5316 grants for transportation projects for the Job Access and Reverse Commute routes and trips on the county wide transit system; and

WHEREAS, ICTC desires to apply for said financial assistance to permit the continued operation of transit service in ICTC’s service area; and

WHEREAS, ICTC has approved the programming of the FTA 5316 funds in the Regional Transportation Improvement Program (RTIP); and

WHEREAS, ICTC has the requisite combination of state and local funding sources committed to provide the required local share; and

WHEREAS, ICTC has sufficient funds to operate the vehicles and equipment purchased under this project or operate the service, as applicable; and

WHEREAS, ICTC has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies); and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the ICTC does hereby authorize:

1. That the Executive Director or his designee, to file and execute applications on behalf of ICTC with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5316 of the Federal Transit Act (FTA C 9040.1F), as amended.

2. That the Executive Director or his designee is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

3. That the Executive Director or his designee is authorized to provide additional information as the Department may require in connection with the application for the Section 5316 projects.

4. That the Executive Director or his designee is authorized to submit and approve requests for reimbursement of funds from the Department for the Section 5316 project(s).
PASSED AND ADOPTED at a regular meeting of the Imperial County Transportation Commission held on ____________________.

By: ______________________________
Chairperson

ATTEST:

By: ______________________________

CRISTI LERMA
Secretary to the Commission
IV. CONSENT CALENDAR

F. FEDERAL TRANSIT ADMINISTRATION (FTA)
   5317 NEW FREEDOM FY 2011-12 GRANT
   APPLICATION SUBMITTAL
March 12, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave Suite 1
El Centro, CA 92243

SUBJECT: Application for Federal Transit Administration (FTA) Section 5317 Program Funds FY 2012-13/FY 2013-14

Dear Committee Members:

The Federal Transit Administration (FTA) Section 5313 “New Freedom” program provides a source of grant funding to offset costs within an identified area for mass transportation purposes as specified by the Legislature. The grant program is administered by Caltrans, who has issued a call for project applications that are due by March 23, 2012.

The State wide competitive grant covers the FY 2012-12 and FY 2023-14 fiscal years. The maximum amount available per year is $125,000. New Freedom funds can be used to support up to 80 percent (80/20 match) capital projects, and not more than 50 percent (50/50 match) of projects for operating assistance. For the first grant cycle, (FY 2011/2012), Transportation Development Credits (Toll Credits) can provide the local share for eligible expenditures.

The Unmet Transit Needs Hearing Panel as established by the Commission, heard testimony on January 26th and February 23rd in which temporal and spatial capacity on the existing IVT Access service and the El Centro Dial-A-Ride particularly in and around services and programs in the City of El Centro was an issue. Passengers are not able to schedule trips during peak service hours due to increasing demand and usage of both systems.

Historically, ICTC has not applied for this grant, but encouraged local nonprofit or social service agencies to apply for this funding. But there do not appear to be any local social service or nonprofit agencies currently applying for this funding. Therefore, ICTC staff would recommend that the ICTC submit an application to support and expand the IVT Access service hours and availability.
It is requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval.

1. Adopt the attached resolution authorizing the Executive Director or his designee to develop and submit the FTA 5317 grant application with supporting documentation, and, submit the application to Caltrans.

Sincerely yours,

MARK BAZA
Executive Director

BY: [Signature]

Kathi Williams
Senior Transit Planner

Attachment

MB/ksw/cl
RESOLUTION OF
THE IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC)

AUTHORIZING THE FILING OF APPLICATIONS FOR FEDERAL
TRANSPORTATION FUNDING, WITH THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION FOR ASSISTANCE UNDER FEDERAL TRANSIT
ADMINISTRATION PROGRAM SECTION 5317, FOR USE WITHIN THE REGIONAL
COUNTY-WIDE TRANSIT SYSTEM

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through
the Federal Transit Administration to support operating assistance projects for non-urbanized public
transportation systems under Section 5317 of the Federal Transit Act (FTA C 9040.1F); and

WHEREAS, the California Department of Transportation (Department) has been designated by the
Governor of the State of California to administer Section 5317 grants for transportation projects for
the disabled passengers for the American With Disabilities Act (ADA) paratransit; and

WHEREAS, ICTC desires to apply for said financial assistance to permit the continued and
expanded operation of transit service in ICTC’s service area; and

WHEREAS, ICTC has approved the programming of the FTA 5317 funds in the Regional
Transportation Improvement Program (RTIP); and

WHEREAS, ICTC has the requisite combination of state and local funding sources committed to
provide the required local share; and

WHEREAS, ICTC has sufficient funds to operate the vehicles and equipment purchased under this
project or operate the service, as applicable; and

WHEREAS, ICTC has, to the maximum extent feasible, coordinated with other transportation
providers and users in the region (including social service agencies); and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the ICTC does hereby
authorize:

1. That the Executive Director or his designee, to file and execute applications on behalf of
ICTC with the Department to aid in the financing of capital/operating assistance projects
pursuant to Section 5317 of the Federal Transit Act (FTA C 9040.1F), as amended.

2. That the Executive Director or his designee is authorized to execute and file all certification
of assurances, contracts or agreements or any other document required by the Department.

3. That the Executive Director or his designee is authorized to provide additional information as
the Department may require in connection with the application for the Section 5317 projects.

4. That the Executive Director or his designee is authorized to submit and approve requests for
reimbursement of funds from the Department for the Section 5317 project(s).
PASSED AND ADOPTED at a regular meeting of the Imperial County Transportation Commission held on ____________________.

By: ________________________________
Chairperson

ATTEST:

By: ________________________________

CRISTI LERMA
Secretary to the Commission
VI. ACTION CALENDAR

A. UNMET TRANSIT NEEDS HEARING – FISCAL YEAR 2012-2013
March 8, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave. Suite 1
El Centro, CA 92243

SUBJECT: Unmet Transit Needs Hearing - Fiscal Year 2012-2013

Dear Committee Members:

Section 99401.5 of the Public Utilities Code states “The Transportation Planning Agency (TPA) shall hold at least one public hearing pursuant to Section 99238.5, for the purpose of soliciting comments on the Unmet Transit Needs that may exist within the jurisdiction.” Unmet Needs that are determined to be reasonable to meet may be established by contracting for new services or the expansion of existing services. On January 26, 2012, the Unmet Transit Needs Hearing Panel conducted the required local Public Hearing.

The Hearing Panel reconvened on February 23, 2012 to consider the verbal and written testimony, and staff recommendations. After the analysis portion, the Panel developed the “Findings” regarding transit services for FY 2012-2013. These “Findings” assist in the determination of the service levels to be provided and consequently the FY 2012-13 ICTC Transit Financing Plan development.

The “Findings” for FY 2012-13 represent an increase of approximately 3% in subsidy (net cost) to the Imperial Valley Transit system. With the volatility of the Federal and State budgets relative to funding for transit projects, staff was conservative in the development of recommendations this year.

The Social Services Transportation Advisory Council (SSTAC) has met and developed a response to the “Findings” on March 7, 2012 for consideration. After adoption of the “Findings”, staff will continue to develop the budget for the ICTC Transit Financing Plan and submit it for approval in the May/June time frame.
It is requested that ICTC Management Committee recommend that the Commission take the following actions after consideration of the response by SSTAC:

1. Adopt the “Findings” as presented or amended after a review of the SSTAC response.
2. Authorize the Chairman to sign the attached resolution.
3. Direct staff to forward the “Findings”, public hearing documentation and resolution to the State Department of Transportation.

Sincerely yours,

MARK BAZA
Executive Director

BY: [Signature]

Kathi Williams
Senior Transit Planner

MB/ksw/cl

attachment
PASSED AND ADOPTED at a regular meeting of the Imperial County Transportation Commission held on _______________________.

By: _______________________
    Chairperson of the Commission

ATTEST:

By: _______________________

Cristi Lerma
Secretary to the Commission
RESOLUTION OF
THE IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC)

MAKING A DETERMINATION AS TO UNMET TRANSIT NEEDS WITHIN THE
REGION OF THE COUNTY OF IMPERIAL FOR FY 2012-13

WHEREAS, the Imperial County Transportation Commission (ICTC), is the designated
Transportation Planning Agency for the County of Imperial, and is therefore responsible for the
administration of the Transportation Development Act, Public Utilities Code 99200 et seq; and

WHEREAS, under Sections 99238, 99238.5, 99401.5 and 99401.6, of the Public Utilities
Code, because the legislative intent for the use of the funds is for transit purposes, and a public
hearing should be held. From a review of the testimony received and the adopted Regional
Transportation Plan, a finding must be made that there are no unmet public transit needs in the
jurisdiction that can be reasonably met; and

WHEREAS, a public hearing and subsequent meeting was held in Imperial County on
January 26, 2012 and February 23, 2012, after sufficient public notice was given, and at which time
the public testimony and comment was received; and

WHEREAS, the Social Services Transportation Advisory Council reviewed the proposed
Findings on March 7, 2012 in accordance with the requirements of the Act; and

WHEREAS, the comments of the Social Services Transportation Advisory Council have
been taken into consideration; and

WHEREAS, a final opportunity for further public comment was provided on March 28,
2012,

THEREFORE, BE IT RESOLVED that the Imperial County Transportation
Commission, hereby resolves that the Unmet Transit Needs Adopted Findings as attached, are
identified, and that there are no further unmet public transit needs within the County of Imperial
that can be reasonably met at this time;
February 23, 2012

UNMET TRANSIT NEEDS FINDINGS
FISCAL YEAR 2012-13

The Imperial County Unmet Transit Needs Public Hearing was conducted at 3:00 p.m., on January 26th, 2012 in El Centro at the County Board of Supervisor's Chambers. After review and consideration of the testimony received at the hearing, this Panel reconvened on February 23rd, 2012 to make the following findings:

The following findings are unmet transit needs which are reasonable to meet. The ICTC Transit Financing Plan and TDA claims for Fiscal Year 2012-13 shall be approved consistent with these stated findings.

I. Existing transit services should be continued:

A. Brawley Dial-A-Ride
B. El Centro Dial-A-Ride
C. Imperial Dial-A-Ride
D. County-Wide Transit System
E. ADA Paratransit Services
F. Calexico Senior Transport
G. Med-Express
H. West Shores Dial-A-Ride

II. Continue coordination between existing transit services, including paratransit services provided by both public and social service agencies. ICTC staff shall provide recommendations and technical assistance when requested by social service and public agencies.

III. All transit services shall comply with the American's with Disabilities Act of 1990; provisions specific to respective services offered.

IV. All transit services shall comply with the Federal Transit Administration (FTA) and/or Federal Highway Administration (FHWA) Drug and Alcohol Testing rules; provisions specific to respective services offered.

CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL
V. Staff will continue to coordinate the demonstration phases for the Imperial Valley Transit – Blue and Green Lines.

VI. Staff will provide assistance to the Cities of Brawley, Calexico, El Centro and Imperial for the development of the transfer terminal projects.

VII. The County-Wide Transit System shall implement a double/shadow bus concept in FY 2012-13 to accommodate as needed, the passenger overcrowding on routes #100 and #150 at 3rd and Paulin Streets in Calexico. Route data will be evaluated by ICTC after twelve (12) months.

VIII. The County-Wide Transit System shall implement two inbound trips on route #450 in FY 2012-13 between Seeley and El Centro. Route data will be evaluated by ICTC after twelve (12) months.

IX. Staff will research options to provide as resources permit; schedules and information for passengers on public transit services, on the internet, through marketing programs and on IVT affiliated bus stops. Staff is to return with options and cost estimates for consideration on implementation.

All other services and issues as presented by written or verbal testimony are hereby declared as not reasonable to meet, at this time.

David Bradshaw, Chairperson
City of Holtville

Jack Terrazas, Supervisor District #2
County of Imperial

George Nava, Councilmember
City of Brawley

Mike Kelley, Supervisor District #3
County of Imperial

Mark Gran, Councilmember
City of Imperial

Not available for signature
Bill Hodge, Councilmember
City of Calexico

STAFF:

Mark Baza
Executive Director

Kathi Williams
Senior Transit Planner
VI. ACTION CALENDAR

B. ICTC CONGESTION MITIGATION & AIR QUALITY PROGRAM (CMAQ) PROJECT SUBMITTAL FOR THE IVT – GOLD LINE (BRAWLEY) OPERATING AND CAPITAL FUNDS
March 8, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave. Suite 1
El Centro, CA 92243

SUBJECT: Imperial County Transportation Commission (ICTC) Congestion Mitigation and Air Quality (CMAQ) Program Project Submittal for the IVT - Gold Line (Brawley) Operating and Capital funds.

Dear Committee Members:

The Imperial County Transportation Commission has identified and issued a call for projects for Congestion Mitigation Air Quality Management funds available in the 2012/13 FY through 2015/16 FY. CMAQ funds are designed to fund improvement projects which mitigate congestion and air quality. Approximately 15% of the $7,300,000 is available and designated to transit improvements. The total available for transit projects amounts to $1,095,000.

In previous years, ICTC as an agency has successfully applied for funding through this program for the procurement of two hybrid vehicles. These vehicles are to be utilized by staff in the conduct of the daily business for the ICTC.

ICTC staff would now recommend the development of an application to obtain the funds for the costs of the demonstration phase for a new intercity bus circulator route. This route would operate within the City of Brawley and be known as the IVT - Gold Line. The IVT-Gold Line is anticipated to be operational in FY 2013-14. The multiple years of funding will provide for annual operating and capital costs of the service. In each program year, ICTC is seeking funding in the amount of $365,000 over three years. These funds require a local match of 11.47% and ICTC will recommend meeting that requirement through local TDA funds in a future transit budget.

Therefore, it is requested the ICTC Management Committee forward this item to the Commission for review and approval.

1. Authorize the Chairperson to sign a resolution authoring the Executive Director to develop and submit a Congestion Mitigation and Air Quality application to fund the implementation, operating and capital costs of the IVT – Gold Line Circulator in the City of Brawley.

Sincerely yours,

MARK BAZA
Executive Director

BY: __________________

Kathi Williams
Senior Transit Planner
RESOLUTION
OF
THE IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC)

AUTHORIZING THE FILING OF APPLICATIONS FOR FEDERAL TRANSPORTATION FUNDING, WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR ASSISTANCE UNDER THE CONGESTION MITIGATION AND AIR QUALITY PROGRAM, FOR USE WITHIN THE REGIONAL COUNTY-WIDE TRANSIT SYSTEM TO BE KNOWN AS THE IVT-GOLD LINE (BRAWLEY)

WHEREAS, ICTC as a planning agency is soliciting projects to be funded with Congestion Management and Air Quality Program funds (CMAQ), to be programmed in the FY 2013-2018 Regional Transportation Improvement Program (RTIP); and

WHEREAS, the ICTC is the responsible agency for allocating and programming transportation projects, including all projects utilizing federal, and state highway and transit funds within the ICTC area; and

WHEREAS, the ICTC as an agency desires to submit an application for an eligible project, as the regional administrator of the public transit system; and

WHEREAS, the ICTC has determined that the recommended project is viable and economically beneficial for the movement of persons within the defined project area, the projects do not duplicate any existing projects, and that to apply for funding under the CMAQ Program would be in the best interests of the citizens and residents of the area; and

WHEREAS, the ICTC has the financial and institutional ability to implement the project; and

WHEREAS, New development fees, taxes or permit fees have not and will not be included in the budget for these projects, and, the matching funds in the amount of 11.47% for each project are available through the local measure sales tax which is included in the budget for this project; and

WHEREAS, Other funding sources will be utilized to complete this project, if project costs exceed those identified in this application; and

WHEREAS, At a regularly scheduled meeting held by the ICTC Commission, the general public was provided an opportunity to comment on the project list:

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the ICTC does hereby authorize:

1. That the Executive Director or his designee, to file and execute an application on behalf of ICTC with the Department to aid in the financing of transit capital/operating assistance projects pursuant to the CMAQ program for the IVT Gold Line. (BRAWLEY)
2. That the Executive Director or his designee is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

3. That the Executive Director or his designee is authorized to provide additional information as the Department may require in connection with the application for the CMAQ project.

4. That the Executive Director or his designee is authorized to submit and approve requests for reimbursement of funds from the Department for the CMAQ project.

PASSED AND ADOPTED at a regular meeting of the Imperial County Transportation Commission held on ________________________.

By: ________________________
    Chairperson

ATTEST:

By:

_______________________
CRISTI LERMA
Secretary to the Commission