



## MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS

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Webinar ID: 879 7268 3373

Monday, October 4, 2021

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**Webinar ID:** 879 7268 3373

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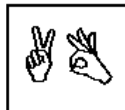
### AGENDA

Monday, October 4, 2021

#### **10:00 a.m. Convene as the Marin County Transit District Board of Directors**

1. Open Time for Public Expression
2. Board of Directors' Matters
3. General Manager's Report
  - a. General Manager's Oral Report
  - b. Monthly Monitoring Report: July 2021
4. Consent Calendar
  - a. Minutes for September 13, 2021 Board Meeting
  - b. Adoption of Resolution 2021-10 Allowing for Continued Remote Public Meetings Under State Assembly Bill 361
  - c. Request to Extend the Comment Period for the Draft Environmental Impact Report (DEIR) for the San Rafael Transit Center Replacement Project  
**Recommended Action: Approve.**
5. Measure AA Yellow Bus Remobilization Funding Request  
**Recommended Action: Approve \$294,112 to eligible yellow bus programs for remobilization and authorize the General Manager to execute amendments to contracts with the approved funding allocations and approve Budget amendment #2022-03.**

#### **Adjourn**



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san rafael, ca 94901

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[marintransit.org](http://marintransit.org)

October 4, 2021

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: General Manager Report – Monthly Report: July 2021**

Dear Board Members:

**board of directors**

kate colin  
president  
city of san rafael

judy arnold  
vice president  
supervisor district 5

stephanie moulton-peters  
2nd vice president  
supervisor district 3

damon connolly  
director  
supervisor district 1

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

**RECOMMENDATION:** This is a recurring information item.

**SUMMARY:** The attached monthly report provides an overview of Marin Transit operations for the monthly period ending July 31, 2021. The monthly reports summarize statistics on the performance of Marin Transit services and customer comments.

Overall systemwide ridership in July 2021 increased by 46 percent compared to July 2020, which represents a 39.9 percent decrease from the pre-COVID ridership in July 2019 and 5.5 percent increase from June 2021.

Ridership on fixed-route services increased by 45.7 percent from the prior year, which is a 39 percent decline compared to pre-COVID in July 2019. Ridership on Marin Access services increased by 55.7 percent compared to July 2020, which represents a 55.9 percent decline from July 2019. There were no yellow bus services due to school closures throughout the month. July 2021 was the seventeenth month of ridership affected by the ongoing COVID-19 global pandemic.

Additional detailed analyses of system performance and trends are provided in separate quarterly and annual reports, including route-level statistics and financials. These reports are available on the District's website at <https://marintransit.org/service-performance-and-reports>.

**FISCAL/STAFFING IMPACT:** None associated with this report.

Respectfully submitted,

Nancy Whelan  
General Manager

Attachments

# Monthly Customer Feedback Report

July 2021



Month: July 2021								
Category	Program							Total
	Fixed-Route Local	Fixed-Route Shuttle	Stagecoach & Muir Woods	Supplemental & Yellow Bus	Demand Response	Mobility Management	Systemwide	
Commendation	1	0	0	0	1	0	0	2
Service Delivery Complaint	26	5	7	0	2	0	0	40
Accessibility	3	0	0	0	0	0	0	3
Driver Conduct Complaint	6	0	0	0	1	0	0	7
Driving Complaint	5	0	1	0	0	0	0	6
Early Trip	0	2	0	0	0	0	0	2
Equipment Issue	0	0	0	0	0	0	0	0
Farebox	0	0	0	0	0	0	0	0
Late Trip	2	0	0	0	0	0	0	2
Missed Connection	0	0	0	0	0	0	0	0
Missed Trip	0	0	0	0	0	0	0	0
No-Show	1	0	4	0	1	0	0	6
Off-Route	0	0	1	0	0	0	0	1
Pass-Up Complaint	9	3	1	0	0	0	0	13
Service Structure Complaint	1	0	0	1	0	2	0	4
Bus Stop Improvement Request	0	0	0	0	0	0	0	0
Fares	0	0	0	0	0	0	0	0
Other Complaint	1	0	0	0	0	1	0	2
Scheduling Complaint	0	0	0	1	0	1	0	2
Service Improvement Suggestion	0	0	0	0	0	0	0	0
Safety Complaint	0	0	0	0	0	0	0	0
Total Service Hours	9,676	3,548	2,085	0	3,109	-	18,433	18,433
Commendations per 1,000 Hours	0.1	0.0	0.0	-	0.3	-	0.0	0.1
Complaints per 1,000 Hours	2.8	1.4	3.4	-	0.6	-	0.0	2.4
Total Passengers	121,083	18,486	16,305	3	5,249	1,169	162,295	162,295
Commendations per 1,000 Passenger:	0.0	0.0	0.0	-	0.2	0.0	0.0	0.0
Complaints per 1,000 Passengers	0.2	0.3	0.4	-	0.4	1.7	0.0	0.3

## Monthly Monitoring Report

09/01/2021

FISCAL YEAR

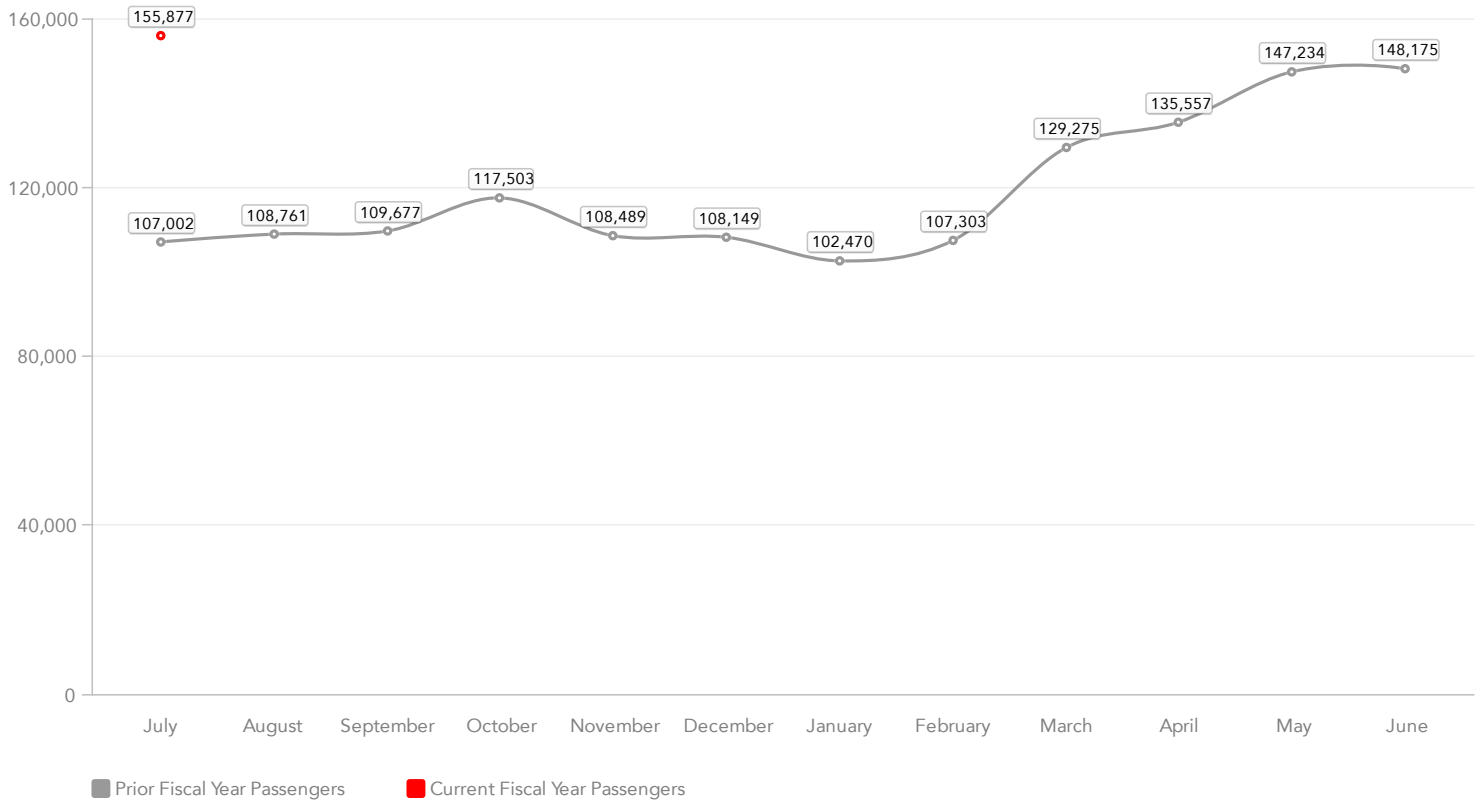
MONTH

2022

All

## Year-to-Date Ridership Trends

Fixed-Route Passengers (incl. Yellow Bus) by Month



Demand Response Passengers by Month

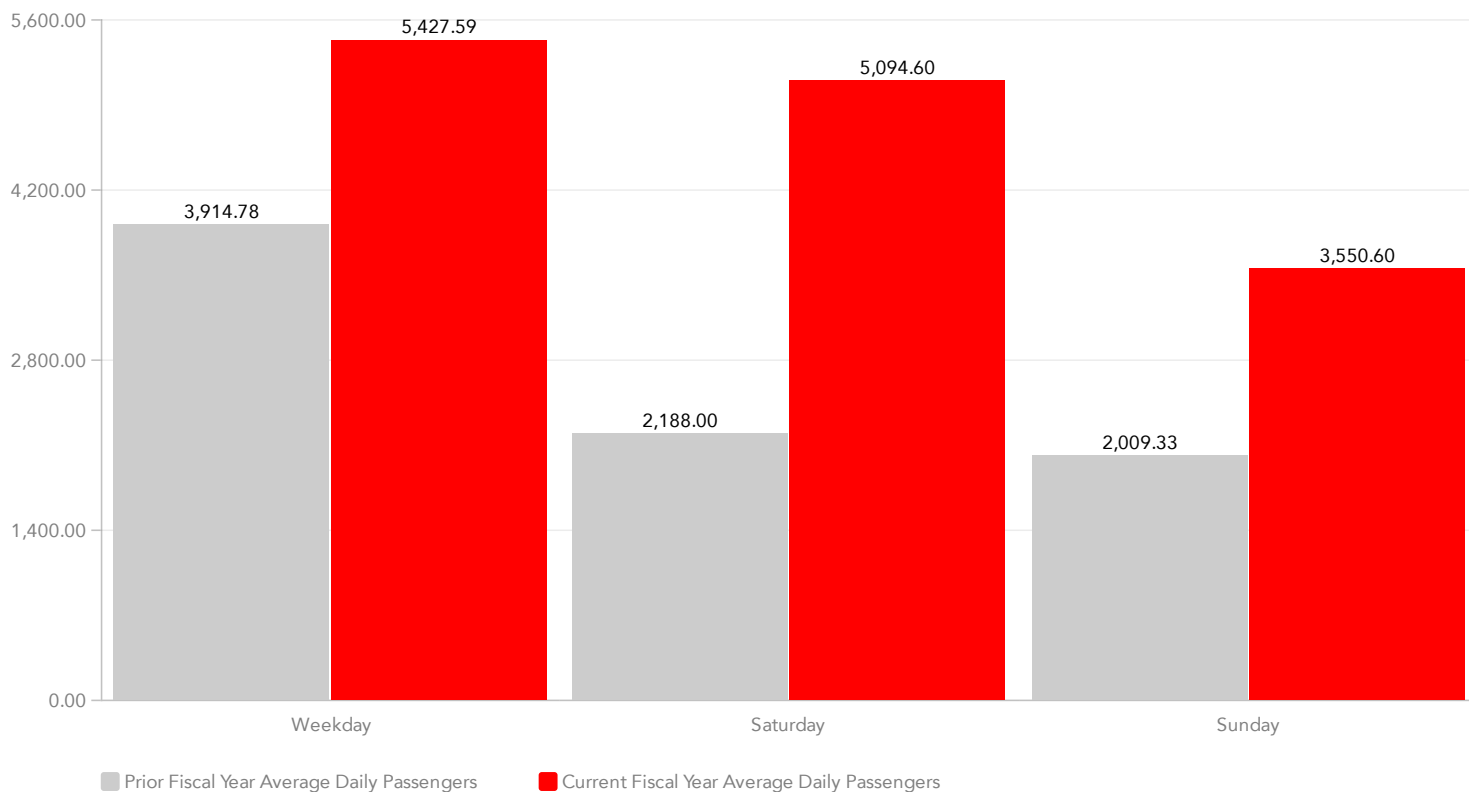


## Monthly Comparison

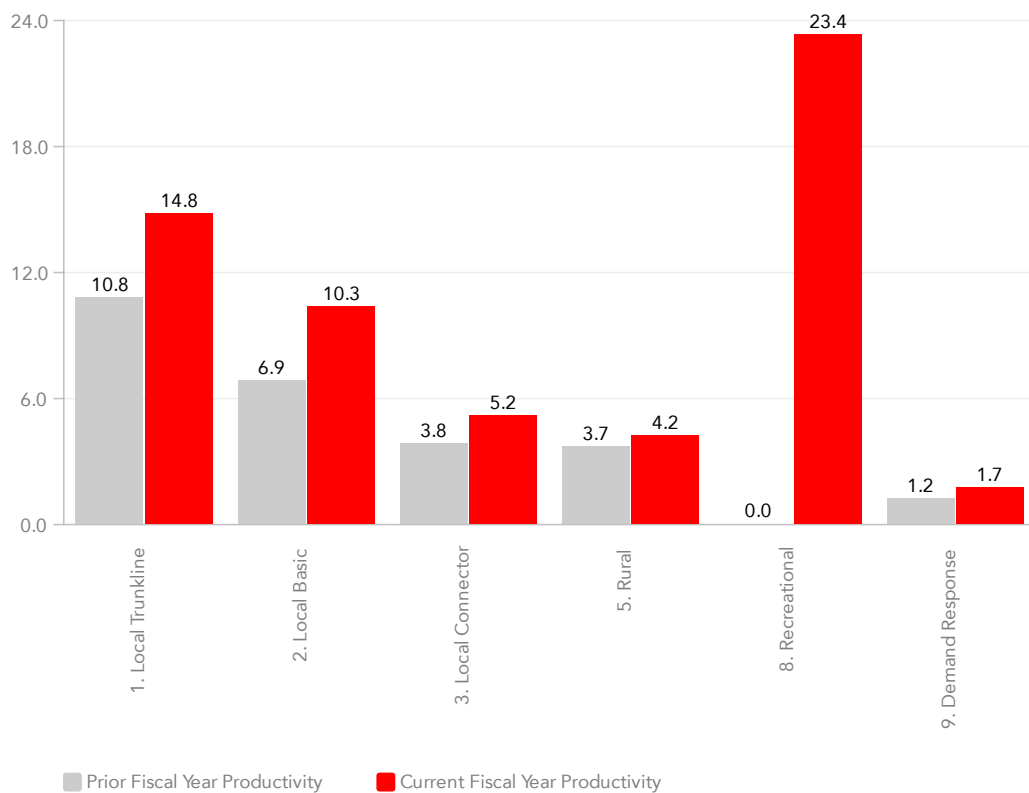
MONTH

Jul

Average Systemwide Daily Passengers



Productivity (pax/hr) by Typology



### Route Typologies

1. Local Trunkline:  
Routes 35, 36, 71X
2. Local Basic:  
Routes 17, 22, 23, 23X, 29, 49
3. Local Connector:  
Routes 219, 228, 233, 245, 251, 257
5. Rural:  
Routes 61, 68
8. Recreational:  
Routes 66/66F
9. Demand Response:  
Local Paratransit, Novato Dial-A-Ride,  
Rural Dial-A-Ride

## **REGULAR MEETING OF THE MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS**

**Held Monday, September 13, 2021 at 9:30 A.M.**

### **Roll Call**

**Present:** President Colin, Vice President Arnold, Second Vice President Moulton-Peters, Director Connolly, Director Lucan, Director Rice, Director Rodoni, Director Colbert

**Absent:** None

**Director Colbert was in attendance as a non-voting member.**

Until further notice the Marin County Transit District meetings will not be providing an in-person meeting location for the public to attend. Members of the public are encouraged to participate remotely via Zoom.

**President Colin opened the meeting at 9:31 A.M.**

### 1. [Open Time for Public Expression](#)

President Colin asked if any member of the public wished to speak. Seeing none she called for Board of Directors' Matters.

### 2. [Board of Directors' Matters](#)

President Colin asked if any member of the Board wished to speak.

Director Rice requested that item 4i, Revised Marin Transit Procurement Policies and Procedures, be pulled from the Consent Calendar for further discussion.

### 3. [General Manager's Report](#)

#### **a.** [General Manager's Oral Report](#)

#### **b.** [Monthly Monitoring Report: June 2021](#)

#### [Staff Report](#)

General Manager Nancy Whelan reported on the District's participation in current and future campaigns.

Ms. Whelan noted that September is transit month and the District is participating in the All Aboard Bay Area Transit campaign led by MTC. On September 1st, Marin Transit and 17 other transit agencies in Bay Area participated in a coordinated twitter thread that promoted the Return to Transit and showcased the commitment of all transit agencies to work together to move the region.

Marin Transit will participate in California Clean Air Day on Oct 6th, led by Coalition for Clean Air, by taking pledge to take actions or raise awareness to



help “clear the air”. The District’s participation will include messaging through social media and promoting Clean Air Day in an email blast to riders.

As part of the upcoming free fares on local fixed route services for seniors and low-income families, Marin Transit will be running a parallel outreach campaign in October through December. Fares will be the primary focus of the campaign geared to promote the new near-term fare promotions and raise rider awareness on various fare assistance programs offered by the District.

As shown in item 3.b., overall systemwide ridership in June 2021 increased by 51.9 percent compared to June 2020, which represents a 41.9 percent decrease from the pre-COVID ridership in June 2019 and 1.1 percent increase from May 2021.

4. [Consent Calendar](#)

- a. [Minutes for August 3, 2021 Board Meeting](#)
- b. [Minutes for August 23, 2021 Special Board Meeting](#)
- c. [Marin Transit Quarterly Performance Report for the Fourth Quarter of FY 2020/21](#)
- d. [Clipper START Pilot Program Extension](#)
- e. [Marin Transit Employment Compensation Framework Update FY2022](#)
- f. [Amendment to Lease Agreement for Marin Transit Office Space](#)
- g. [Extend Agreement with Golden Gate Bridge Highway and Transportation District for Operation and Maintenance of Local Fixed Route Service](#)
- h. [Contract with Arntz Builders, Inc. for the Construction of Electric Bus Charging Infrastructure Improvements at 600 Rush Landing](#)
- i. [Revised Marin Transit Procurement Policies and Procedures](#)

Board President Colin asked for public comments on items 4a through 4h. Seeing none she called for a motion to vote on items 4a through 4h.

**Recommended Action: Approve.**

M/s: Director Arnold – Director Rice

Ayes: President Colin, Vice President Arnold, Second Vice President Moulton-Peters, Director Connolly, Director Lucan, Director Rice, Director Rodoni

Noes: None

Absent: None

Abstain: None

Director Rice requested that item 4i, Revised Marin Transit Procurement Policies and Procedures, be pulled from the Consent Calendar for further discussion.

This request was to ensure the Board and the public understood the revisions to procurement policy and procedures before request of approval.

General Manager Nancy Whelan spoke to the item noting that the procurement policy and procedures followed the Federal Transit Administration (FTA) Circular 4220.1F. Ms. Whelan highlighted the revisions to the procurement policy and procedure, including the correction of the threshold for Board's approval amounts to \$50,000, which had been approved in an earlier action. Ms. Whelan noted that any purchases under \$50,000 believed to be of public interest would be brought to the Board for discussion; and the addition of a specific clause required by the FTA, that notification to the FTA must be included in all contracts. This clause was added in response to the FTA triennial review.

Director Rice requested further clarification around the relationship with the FTA and the auditing process for procurement and contract matters.

Ms. Whelan reported that when federal funds are provided, this is subject to compliance to Circular 4220.1F, which is reflected in the District's procurement policies and procedures. It was noted that the FTA audits these matters in the triennial review, which was recently completed with successful results. Procurement is an area that is thoroughly checked in the auditing process. The requirement to notify the FTA of any protests was noted, as well as the FTA's ability to respond to and oversee procurement based on that protest. Ms. Whelan reported that the FTA has a particular interest on amounts over \$100,000.

Board President Colin opened the item for public discussion.

Alan Bortell made a public comment.

Ms. Whelan reported that an inter-agency and governmental agreement exists with the Golden Gate Bridge Highway and Transportation District (GGT) to provide local fixed route services. This is a longstanding arrangement between the two public agencies. Ms. Whelan reported that GGT attorneys advised that they cannot bid on procurements in competition with other entities because of way FTA treats this type of arrangement. This matter was discussed in a workshop on 23 August 2021, including discussion around previous contracts and pricing. Services have shifted from Golden Gate Transit to alternative providers deemed to be more cost effective with comparable quality.

President Colin called for a motion to vote on item 4i.

**Recommended Action: Approve.**

M/s: Director Rice – Director Lucan

Ayes: President Colin, Vice President Arnold, Second Vice President Moulton-Peters, Director Connolly, Director Lucan, Director Rice, Director Rodoni

Noes: None

Absent: None

Abstain: None

5. [Award of Contract for Operation of Marin Access Services & Programs](#)

[Staff Report](#)

General Manager Nancy Whelan provided an overview of the procurement process, which began with request for proposal (RFP) published in March 2021. Two qualifying proposals were submitted, and a rigorous 6-month review process was undertaken. A selection panel consisting of technical and financial professionals used the published evaluation criteria provided in the RFP.

Ms. Whelan reported that the selection panel, and staff, unanimously agreed that Transdev Services Inc. be selected for the contract. After review, it was deemed that Transdev's proposal offered the best value and service. Ms. Whelan reported Transdev is well positioned to support Marin Transit to rebuild ridership after the effects of COVID-19, to expand services to meet future demands, and to consolidate, streamline and enhance efficiency of services offered. Ms. Whelan advised the Board to approve the selection of Transdev contingent upon resolution of a bid protest from the previous service provider, Vivalon.

Ms. Whelan acknowledged the 50 Years of service provided by Vivalon (formerly Whistlestop), and the stellar commitment to the community from Vivalon drivers and frontline staff. Ms. Whelan highlighted that Marin Transit is committed to offering jobs to all qualified Vivalon drivers and frontline staff who wished to take the employment opportunity, with enhanced benefits and wages.

Ms. Whelan reported that the District will continue to work with Vivalon to ensure a seamless transition for passengers. A 5-month transition period is planned with training ready for the new service provider to start at the new facilities in February 2022.

Joanna Huitt, Senior Mobility Planner, spoke to a presentation providing an overview of the procurement process. She reported that staff worked collaboratively as an internal team and externally with partners from Golden Gate Transit, and with a subcommittee consisting of members of advisory committees, riders, and stakeholders.

The goal of the procurement process was to develop a request for proposals designed to bring all elements of Marin Access under one contact; have an integrated call center; improve oversight of the call center; enhance rider experience and ease of trip scheduling; and to have the option of exploring additional service delivery models.

It was noted that Marin Transit will offer a maintenance and operations facility and in partnership Golden Gate Transit, two parking facilities to bring stability to Marin Access programs. This would also be the first contract where a full fleet of vehicles would be provided by Marin Transit for operation.

The RFP process took more than 6-months for a thorough evaluation of proposals. Strong proposals were received from Vivalon and Transdev, who were invited to interview with the selection panel consisting of representatives from Marin Transit, Golden Gate Transit and Santa Rosa City Bus.

Each were provided opportunity to submit follow-up information, were offered a walk-through of the facility, and in mid- August 2021, a best and final offer was requested. The procurement process was compliant with policies and procedures, conducted in an open and fair manner, and was transparent with information made available to the public, as allowed in adherence to governance processes.

Throughout the RFP process Marin Transit presented at various public meetings: Marin Paratransit Coordinating Council meetings, Golden Gate Bridge Highway and Transportation District Advisory Committee on Accessibility meetings, Commission on Aging, Housing and Transportation Committee meetings, Commission on Aging general population presentation, and Marin Transit Board of Directors meetings. Ms. Huitt noted that this was a standing item on all those agendas and as much information was shared as possible, within procurement policy guidelines.

The rationale of awarding the contract was based on scores relating to technical and pricing factors, with Transdev scoring higher than Vivalon. Therefore, after extensive review and discussion, Transdev was unanimously recommended for award of the contract.

Transdev exhibits strengths in organizational experience, staff technical experience, extensive start-up experience, regional and corporate support, strong references from peers and transit agencies, employee support to reduce staff turnover, IT/Software support, technical support, innovation, and operations tools.

Key value-added aspects of Transdev's proposal were:

- understanding of regulations of the Americans with disabilities Act and experience implementing ADA programs;
- experience operating FTA funded transit services throughout California;
- understanding of demand and response scheduling software, depth of support from staff, and ability to bring additional tools; and
- elevated employee wages and benefits.

Expected outcomes of the contract with Transdev were:

- customer facing employees will be offered positions with Transdev;
- same scheduling and eligibility procedures/software;
- integrated call center with cross-trained staff expected to improve call responsiveness and program legibility;
- enhanced 24-hour IT, expected to reduce delays in resolving customer issues;
- additional customer facing tools, such as scheduling apps are offered and may be implemented;
- better operations monitoring tools to facilitate better customer service; and
- formalized standard operating procedures will provide a consistent, reliable customer experience.

The proposed contract cost is \$500,000 more per year than the adopted SRTP costs for these services. However, this increase is consistent with RFP costs seen by Bay Area transit agencies, reflects the challenging labor market, and includes better wages and benefits for staff than the current paratransit contract.

Ms. Huitt reported that staff recommended the Board authorize the General Manager to finalize the contract terms, to facilitate readiness and responsibilities related to the new facilities at 3000 Kerner. Final pricing will not exceed approved amounts without additional approval by the Board. This was contingent upon final review of contract terms by County Counsel.

Ms. Huitt reported it was expected that contract terms would be finalized by 1 October 2021, with a 1 February 2022 start date. She reiterated the District's appreciation of the Vivalon team's services and dedication.

Second Vice President Moulton-Peters requested more context on how Marin Transit sees the future of transit and how this contract consolidates services.

Ms. Whelan reported that the goal was to consolidate to one overall contract to bring together all demand responsive services. This would also bring travel navigators into a single contract. Further, with the pandemic and changes in demand for paratransit services, a tiered pricing structure needed to be expediated into the new contract to compensate contractors for future growth.

Director of Operations and Planning, Robert Betts, advised that Marin Transit was committed to new and innovative programs and recognized that not all riders have the same needs. He noted the new contract structure was designed to make offerings as seamless and as integrated as possible, with one place to click or call for services. He noted the future is about service coordination – operators collaborating to provide an enhanced customer experience. For example, Transdev was instrumental in playing a role to help Contra Costa County and Alameda County in providing single ride paratransit trips to reduce wait times and need for transfer trips.

Second Vice President Moulton-Peters queried if Vivalon drivers and frontline staff would be able to apply for Transdev jobs. Ms. Whelan advised this was so, in accordance with California labor laws.

Director Rice queried the best and final offer process, what it entailed and if Vivalon was bidding on a different suite of services, and different structure than they currently have. Ms. Whelan reported that bidders were asked to revise their proposals in any way they felt would improve their proposal, which would then be re-evaluated before final scoring. Changes could include technology and pricing.

Mr. Betts outlined that the RFP process was rigorous, taking 6 months. He also added that bidders were given the opportunity to ask questions and to respond to the evaluation panel's queries. Bidders were also given the opportunity to update technical and pricing aspects of their proposals.

Director Lucan reported that he had received emails from the public querying the scoring metrics and if any consideration for local preference had been included, if this was permitted by policies. Ms. Whelan reported that the inclusion of local preference in the scoring metrics is prohibited by federal requirements.

Director Rice asked how the bids were compared in relation to cost and technical aspects, what was the difference in price and what were the main differences between the two bidders. Ms. Whelan reported that Transdev provided the best value procurement. She advised that while Vivalon did have a lower cost, Transdev's higher cost is largely due to higher wages. Director of Finance and Capital Programs, Lauren Gradia, reiterated that Transdev offered the best value given the increase in benefits and wages and the effect this could have on retention of talent.

Director Damon Connolly queried if driver wages would increase if they transitioned to Transdev. Ms. Whelan advised this is so, noting that the starting wage is higher and exempt employees would be awarded a higher wage.

Anne Grey, CEO of Vivalon, addressed the Board outlining the following concerns Vivalon had with the change in providers and RFP process:

- the risk associated with changing from a safe and reliable non-profit provider with strong ties to the community to an international for-profit corporation with its headquarters in Chicago;
- Transdev's safety record is 4 times worse than Vivalon's and has a 26% higher cost;
- the recommendations citing reasons to award the contract to Transdev was published before 1pm, September 8, 2021. Vivalon's protest letter was due, in line with RFP instructions, at 5pm that day;

- the response refuting Vivalon's 10 listed concerns did not supply substantive reasons;
- Vivalon had discussed an increase in wages with Marin Transit, which was denied;
- Vivalon was mandated by Marin Transit to use the Trapeze software. Only one significant software issue had occurred which was caused by an update by Trapeze and Marin Transit, with no involvement of Vivalon. Ms. Grey noted that Vivalon has IT support; and
- Vivalon requests delaying the decision for investigation into potential bias and conflict of interest by one or more involved in the RFP process. Ms. Grey reported a Google search of the consultant hired by Marin Transit shows ties with Transdev and that this was not disclosed.

WC Pihl, Senior Vice-President of Business Development, Transdev, reported that the company has more than 100 years in providing demand response work. He highlighted that Transdev valued the communities they work with and that they would collaborate with Vivalon to ensure seamless changes for riders and employees. He noted that Transdev operate services in every county surrounding Marin County. He reported that they have many long-term and return clients.

Transdev are selective about which RFPs they reply to and wanted to partner with Marin Transit for a long time. Mr. Pihl reported that Transdev had in-house software development and enhancement, were supported by a northwest regional team, and had unmatched resources available. He highlighted that safety was a top priority and their impeccable safety record evidenced this, exceeding industry standards. He noted Transdev's dedication to bringing in optimal technology to aid safety.

Mr. Pihl noted the many successful transitions Transdev has undertaken and reported that Transdev is committed to offering qualified Vivalon employees the opportunity to apply for positions, should they wish. He reported there would be opportunity for career development and highlighted the strong existing employee culture and customer focus.

Mr. Pihl stressed that Transdev was committed to working with Vivalon to facilitate a smooth transition for all involved.

President Colin opened the item for public comment.

Eli Geladin made a public comment.

Barbara Brown made a public comment.

Dennis Mulligan made a public comment.

Richard Sobell made a public comment.

Hoby Wedler made a public comment.

Nancy Geiss made a public comment.

Kate Fitzsimons made a public comment.

Alan Bortell made a public comment.

Dan Caven made a public comment.

Jeff Wands made a public comment.

Kate Powers made a public comment.

Salamah Locks made a public comment.

Eric Villalobos made a public comment.

Ashley Baker made a public comment.

Peter Mendoza made a public comment.

Clifton Crowder made a public comment.

Anthony Nachor made a public comment.

Debbie Toth made a public comment.

Sybil Boutilier made a public comment.

Diana Lopez made a public comment.

President Colin thanked the public for taking the time to provide their input.

Ms. Whelan recapped the themes of public discussion, which were safety, an increase in driver wages that Vivalon had asked for in past, the composition of the evaluation panel, declared interests of the consultant, profit, presentations made to various committees and public meetings, and the reliance on technology.



Ms. Whelan highlighted that safety is the highest priority for the District and is taken into careful consideration. She noted that Vivalon referenced data from a triennial performance audit by San Francisco Municipal Transportation Agency (SFMTA) for fiscal years 2016 – 18. The report also states that safety results showed 32 percent improvement in FTA reportable accident rates. The National Transit database from 2016 to 2021 showed that Vivalon, under the Marin Transit contract, had two reportable accidents. Transdev had none.

Mr. Betts reported the contract was recommended based on the content of the proposals including the safety and security plans, staffing associated with safety and security, and the breadth of experience of the staff.

Ms. Whelan reported that Marin Transit has never discouraged any contractors from raising wages. She stated that, in 2017 Whistlestop approached Marin Transit requesting an increase in its total compensation. Marin Transit in partnership with Golden Gate Transit informed Whistlestop that this would not be agreed upon unless driver wages increased. This resulted in Amendment 1 to the contract in which revenue hour rates were increased which required starting driver wages to be increased and continue to increase by two percent annually through the contract. In 2020 Vivalon didn't increase starting driver wages by two percent. The District further amended the contract in Amendment 6 requiring Vivalon to increase the starting driver wages as of January 2021.

Ms. Whelan addressed comments around potential panel and consultant bias. Ms. Whelan reported that former General Manager, David Rzepinski, was a contractor. However, he was not an evaluator, he had no access to the tamper proof evaluation scoring system or evaluation scores and has no relationship with Transdev. His role was to assist in the administration and development of the RFP due to his previous experience. Procedures were fair and transparent, and David Rzepinski's involvement as a non-scoring participant was announced in the proposer interviews. Ms. Whelan noted that Board and staff consultants are bound by standards of conduct.

President Colin requested that Ms. Whelan speak to the public comments around consolidating contracts and if it was a goal of the RFP. Ms. Whelan stated that it was a part of the RFP. Mr. Betts noted it was clearly stated as a goal of the RFP to bring together all the eligibility, scheduling, service provision and programs that Marin Transit offers, which was a longstanding goal.

Ms. Whelan reported there is the opportunity to have profit on this contract. As Vivalon is a non-profit organization, in the past and in this contract the District has allowed for a contribution to programs – a profit equivalent. There is a five percent contribution to programs in the Vivalon proposal and three percent profit in the Transdev proposal.

Ms. Whelan highlighted the confidentiality of proposals, noting that not all information could be always made available, in line with procurement policy.

Ms. Huitt reiterated her earlier presentation, outlining the various committees and public meetings attended by District staff where updates were provided throughout the RFP process, to provide as much transparency as possible.

Ms. Whelan stressed the importance of customer service. She noted the range of customers who use services in a different way, which Marin Transit strives to accommodate. She noted the possibilities for better customer service through technological advancement and improvements to scheduling. She reported the increasing technological proficiency of customers from year to year and highlighted that most resources were dedicated to the call center service for those not proficient in technology.

Mr. Betts reported the demand response service is the most dynamic and technical service Marin Transit provides. He stated that to run an effective service a technological approach is required.

Director Rodoni queried what the impact would be if the Board chose to delay the decision. Ms. Whelan noted that the evaluation process has been completed and FTA steps have been followed. She advised that the schedule for transition was tight due to the extension of the RFP process, to ensure rigorous and fair decision making. She reported any further delay would affect the transition and potentially contractor input to the new facilities. Other essential activities like training and systems turn-over would be delayed.

Director Rice asked, in response to public comments, why Marin Transit couldn't invest in Vivalon to support elevation of their service to meet expectations on the evaluation process. Ms. Whelan reported that as the contract with Vivalon is ending and there are federal funds involved, there is a requirement to competitively procure services. Once the process begins it is encumbered upon the bidders to include such requests in their proposal.

Director Rice asked if the last time the Marin Access contract went out to bid if multiple bidders were involved. Ms. Whelan reported it had been 6 years since last contract was out to bid, that there were multiple bidders, 2 that progressed, and scoring was extremely close. At that time Whistlestop was awarded contract.

Director Rice requested information on the protest process and how it resolves. Ms. Whelan reported the Vivalon protest was filed in time, and that the District responded, not finding in favor of the elements of protest. There is opportunity for Vivalon to file a reconsideration five days from the notification date of the original protest finding. Reconsideration must involve new information after the filing of the protest, as outlined in the RFP process.

Brian Case, County Counsel, outlined the five options of action the Board can take pending the protest action.

- Approve the contract at any point in time.

- Approve the contract contingent upon the General Manager denying the request for any timely reconsideration by Vivalon.
- The Board can amend portion/s of the contract, contingent upon denial of request of Vivalon.
- Delay action to a future date.
- Reject all bids.

Second Vice-President Moulton-Peters queried the public comment on customer service, human connection, and driver care. She requested that Transdev speak to their customer service provisions. She queried comments made about Vivalon's personal protective equipment (PPE) delivery, and meal delivery, and if this was a provision of the District's contract or a health and human services contract.

Mr. Pihl reported the high priority of customer service for Transdev which was second only to safety. He noted Transdev supplied similar services to the community during the pandemic in addition to transporting covid positive patients to treatment and assisting health staff to get to medical facilities.

Ms. Whelan reported Marin Transit was able to arrange for drivers and frontline staff to provide non-ADA paratransit services as part of a federal relief act due to covid, and Vivalon assisted in that effort.

Director Connolly requested elaboration of scoring for the category called Bonus innovation and value added – noting Transdev's significantly higher score.

Mr. Betts reported this category was reserved for anything bidders could bring to the agreement that wasn't specifically requested in the RFP. It was noted Transdev had created add-ons to improve user experience for Trip Spark, an advanced platform. Transdev's expertise with alternative service delivery models was scored favorably, as was the ability to work with taxi and social service agencies.

Ms. Grey reported that innovation was included in Vivalon's proposal. She highlighted that Transdev were only obligated to keep Vivalon employees for 90 days with no assurance of retainment. Ms. Grey reported the instructions for the meeting were vague, being under the impression those that submitted written comment would have those comments heard in the meeting. She encouraged the Board to examine those comments.

Ms. Grey noted that Transdev had advertised for positions six months ago, suggesting a lack of experience within the team. She highlighted Vivalon safety procedures, which were included in the proposal, and contested earlier comments regarding comparison of Transdev and Vivalon safety records.

Ms. Grey reported Vivalon didn't reject raising wages in 2020 as there were no new driver hires during the pandemic. Ms. Grey claimed the committee and

public meeting presentations noted by Ms. Huitt contained little RFP information other than timelines, with no in-depth discussion. She noted the Vivalon facility is only one mile away, facilitating an easy transfer. She also noted Vivalon's experience with tenant improvement (TI) build outs and maintenance bays.

Ms. Grey reported Vivalon had another year extension on their contract before the RFP was released. She noted Vivalon is an organization whose overhead is not part of the cost in the Marin Transit contract, so the five percent profit is already absorbed by the organisation and the three percent profit in the Transdev proposal is significantly more money than what Vivalon proposed. Ms. Grey reported that Vivalon will be filing reconsideration and will appeal to the FTA should the reconsideration be unsuccessful.

Mr. Pihl extended his greatest respect for his colleagues at Vivalon and Marin Transit. He noted Transdev's success in past transitions and highlighted that focus will be on passenger, employee, the community, and stakeholder satisfaction.

Mr. Pihl stressed that it was not Transdev's intention to let go of Vivalon employees after the 90-day period. He reported the advertisement for manager positions released six months ago is a standard operating procedure to have internal and external candidates, so the appropriate talent is acquired. He reported Transdev do have existing qualified and experienced managers.

Mr. Pihl stressed that a high touch approach would not be replaced with technology, and that technology would be used as an addition to further enhance the customer, client, and staff experience. The tools Transdev created in-house to enhance the effectiveness of Trapeze are designed to create real-time data and transparency on services.

President Colin requested Director Brian Colbert provide his feedback before leaving the meeting. Director Colbert supported the recommendation, noting that Marin Transit is beholden to governance process due to receipt of federal funding. He commended the transparent, fair, and thorough process and Transdev's offer to bring over employees from Vivalon with higher wages and benefits.

Directors with voting rights unanimously supported the staff request to award the contract for operation of Marin Access services and programs to Transdev Services, Inc. All Directors acknowledged the due diligence undertaken by staff to ensure a fair and robust selection process, that delaying the decision would not be optimal, and commended the decision of Transdev to give employment opportunities to Vivalon Staff with higher wages and benefits.

The Board noted that Transdev's promise to foster community ties and offer exemplary customer service would be monitored.

All were appreciative of the time the public took to provide their comments, and the dedication to community service that Vivalon have shown and will continue to provide in the future.

**Recommended Action: Contingent upon the General Manager denying any timely request for reconsideration made by Vivalon, award contract for Operation of Marin Access Services & Programs to Transdev Services, Inc. for an initial term of three years and five (5) months with three additional option years; authorize General Manager to negotiate and finalize contract terms; and, approve associated budget amendment (2021-02).**

6. [Revocable License Agreements with Golden Gate Bridge Highway and Transportation District for Paratransit Vehicle Parking](#)

[Staff Report](#)

General Manger Whelan provided an overview of the item which requests she as General Manager execute two revocable licence agreements with the Golden Gate Bridge Highway and Transportation District for paratransit vehicle parking in San Rafael and Novato in relation to the new parking and maintenance facilities. Drafts were in the finalization process and insurance requirements were being examined for consistency across contractors.

Ms. Whelan noted that Brian Case, the District's Attorney, will examine the agreements before approval.

**Recommended Action: Authorize the General Manager to execute two revocable license agreements with Golden Gate Bridge Highway and Transportation District (GGBHTD) for paratransit vehicle parking in San Rafael and Novato.**

M/s: Director Rice – Director Rodoni

Ayes: President Colin, Vice President Arnold, Second Vice President Moulton-Peters, Director Connolly, Director Lucan, Director Rice, Director Rodoni

Noes: None

Absent: None

Abstain: None

7. [New Agreement for Paratransit Services Between Marin Transit and Golden Gate Bridge, Highway and Transportation District](#)

### Staff Report

Director of Operations and Planning, Robert Betts, provided an overview of the item, noting that the agreement outlines the relationship between the two agencies, Marin Transit and Golden Gate Bridge Highway and Transportation District, both providing paratransit services across the North Bay across the shared Americans with Disabilities Act (ADA) footprint. This agreement facilitates riders to have access to a single provider for services in Marin County and in surrounding areas.

Mr. Betts noted the partnership has been in place for years. The agreement outlines responsibilities between the two agencies, notably the financial responsibilities for the Bridge District's commitment to pay for regional paratransit service and the allocations and splits for the division of paratransit service in Marin County. The new agreement would bring in some of the methodology of how local paratransit service is split from local fixed route agreement into the contract. The draft still required finalization and the Bridge District's legal review, expected in the coming months.

**Recommended Action: Authorize the General Manager to negotiate and execute a new agreement for Paratransit services between Marin Transit and the Golden Gate Bridge, Highway and Transportation District (#1051).**

M/s: Director Rice – Director Rodoni

Ayes: President Colin, Vice President Arnold, Second Vice President Moulton-Peters, Director Connolly, Director Lucan, Director Rice, Director Rodoni

Noes: None

Absent: None

Abstain: None

**Adjourn** President Colin adjourned the meeting at 12:49 P.M.

SINE DIE

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PRESIDENT

ATTEST:

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CLERK



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October 4, 2021

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Adoption of Resolution 2021-10 Allowing for Continued Remote Public Meetings Under State Assembly Bill (AB) 361**

Dear Board Members:

**board of directors**

kate colin  
president  
city of san rafael

judy arnold  
vice president  
supervisor district 5

stephanie moulton-peters  
2nd vice president  
supervisor district 3

damon connolly  
director  
supervisor district 1

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

**RECOMMENDATION:** Staff recommends that your Board adopt a resolution finding that the proclaimed State of Emergency continues to impact the ability to meet safely in person and declaring that the District Board of Directors will continue to meet remotely to ensure the health and safety of the public.

**BACKGROUND:** On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow local legislative bodies to conduct meetings electronically without a physical meeting place. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

In response to this order, your Board transitioned to remote/video conference meetings via the Zoom platform and has successfully conducted monthly board meetings and workshops remotely for the last 18 months.

On June 11, 2021, Governor Newsome issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20, effective October 1, 2021. At that point, agencies were to transition back to public meetings held in full compliance with the preexisting Brown Act teleconference rules.

Since the Governor issued Executive Order N-08-21, the Delta variant has emerged, causing a spike in cases throughout the state. As a result, the Governor's proclaimed State of Emergency remains in effect, and State and local officials, the California Department of Public Health, and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing.

The attached letter from Marin County Health and Human Services Director, Benita McLarin, recommends a continued emphasis on social distancing measures such as using video/teleconferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other.

**SUMMARY:** On September 16, 2021, Governor signed Assembly Bill (AB) 361 into law, effective October 1, 2021, to allow agencies to use teleconferencing for public meetings during proclaimed state of emergencies without requiring the teleconference locations to be accessible to the public or a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction. AB 361 will sunset on January 31, 2024.

Under AB 361, a local agency will be allowed to meet remotely without complying with prior Brown Act teleconference requirements when:

1. The local agency holds a meeting during a state of emergency declared by the Governor, and either:
  - a. State or local health officials have imposed or recommend measures to promote social distancing, or
  - b. The legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

It is the recommendation of State and local officials to continue social distancing. Therefore, your Board can continue to conduct meetings via teleconference, if it meets the following emergency requirements under Government Code Section 54953(e)(2), added by AB 361:

1. The legislative body gives notice and posts agendas as otherwise required by the Brown Act, including direction for how the public can access the meeting.
2. The legislative body does not take formal action on any item whenever there is a disruption in the meeting broadcast.
3. The public is allowed to provide comment in real time.
4. The legislative body allows time during a public comment period for members of the public to register with any internet website required to submit public comment.

To continue meeting under AB 361, your Board is required to declare every 30 days that it has reconsidered the circumstances of the State of Emergency and determine if conditions meet one of the two criteria listed above. Staff recommends your Board adopt Resolution 2021-10 allowing virtual meetings to continue without any interruption.

**FISCAL IMPACT:** There is no fiscal impact.

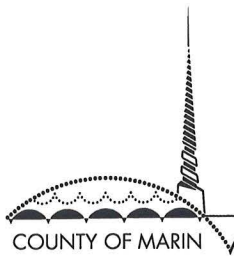
Respectfully submitted,



Nancy Whelan  
General Manager

Attachments





DEPARTMENT OF  
**HEALTH AND HUMAN SERVICES**

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE  
DIRECTOR

20 North San Pedro Road  
Suite 2002  
San Rafael, CA 94903  
415 473 6924 T  
415 473 3344 TTY  
[www.marincounty.org/hhs](http://www.marincounty.org/hhs)

September 22, 2021

Dennis Rodoni  
President, Board of Supervisors  
3501 Civic Center Drive, 3<sup>rd</sup> Floor  
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

On September 20, 2021, Governor Newsom signed AB 361. The legislation provides that local agencies may continue to hold certain public meetings via video/tele-conference as they have done during the Covid-19 emergency. The legislation allows such meetings to continue during a proclaimed state of emergency if state or local officials have recommended measures to promote social distancing.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/tele-conferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other. I will notify you if this recommendation changes while the Governor's state of emergency for COVID-19 remains in place.

Respectfully,

Benita McLarin  
Director, Health & Human Services

cc: Matthew H. Hymel, CAO  
Brian E. Washington, County Counsel

**RESOLUTION #2021-10****A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MARIN COUNTY  
TRANSIT DISTRICT MAKING FINDINGS THAT THE PROCLAIMED STATE OF  
EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN  
PERSON AND DECLARING THAT THE BOARD OF DIRECTORS WILL CONTINUE  
TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF  
THE PUBLIC**

**WHEREAS**, the Marin County Transit District (the “District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative body conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

**WHEREAS**, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place; and

**WHEREAS**, as a result of Executive Order N-29-20, staff set up Zoom teleconference meetings for all District Board of Directors meetings; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which specified that Executive Order N-29-20 would remain in effect through September 30, 2021, at which point it would expire; and

**WHEREAS**, since the issuance of Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

**WHEREAS**, the Governor's proclaimed State of Emergency remains in effect, and State and local officials, including the Marin County Director of Health and Human Services, the

California Department of Public Health, and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing; and

**WHEREAS**, on September 16, 2021, the Governor signed Assembly Bill 361 into law, as urgency legislation that goes into effect on October 1, 2021, amending Government Code Section 54953 of the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency, provided certain conditions are met and certain findings are made; and

**WHEREAS**, the continued local rates of transmission of the virus and variants causing COVID-19 are such that the Director of Health & Human Services has recommended that the County continue to emphasize social distancing in order to minimize the potential spread of COVID-19 during indoor, public meetings.

**WHEREAS**, the District cannot maintain adequate safe social distance between members of the public, Board members and staff in their respective meeting locations; and

**WHEREAS**, because of the rise in cases due to the Delta variant, the District is concerned about the health and safety of attendees, the District's Board of Directors desires to take the actions necessary to comply with AB 361 and to continue to hold its Board and committee meetings remotely.

**NOW, THEREFORE, THE MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS RESOLVES AS FOLLOWS:**

1. The Board has reconsidered the circumstances of the State of Emergency, and finds that:
  - a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the Board of Directors and District staff, and members of the public to meet safely in person; and
  - b. State and local officials continue to recommend measures to promote social distancing.
2. District Board of Directors meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361 and Government Code Section 54953(e)(2), in order to ensure the health and safety of the public while providing access to public meetings.
3. The Board will reconsider the circumstances of the State of Emergency and revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution.

REGULARLY PASSED AND ADOPTED this 4th day of October 2021.

Marin County Transit District  
October 4, 2021, Board Meeting

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Board President

ATTEST:

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Board Secretary



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san rafael, ca 94901

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October 4, 2021

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Request for Extension to Comment on the Golden Gate Bridge, Highway, and Transportation District on the Draft Environmental Impact Report for the San Rafael Transit Center Replacement Project.**

**board of directors**

Dear Board Members:

kate colin  
president  
city of san rafael

**RECOMMENDATION:** Staff recommends your Board authorize the General Manager to submit the attached letter to Golden Gate Bridge, Highway, and Transportation District (GGBHTD) requesting an extension to provide comments on the Draft Environmental Impact Report on the San Rafael Transit Center Replacement Project.

judy arnold  
vice president  
supervisor district 5

**BACKGROUND:** On August 11, 2021, GGBHTD released a Draft Environmental Impact Report (Draft EIR) for the San Rafael Transit Center Replacement Project for public comment. The document is available to view and download on the District's website at [www.goldengate.org/srtc](http://www.goldengate.org/srtc) and the public comment period is open until October 12, 2021. Public meetings on the report were held on September 14 and 15, 2021 including one conducted in English and one in Spanish.

stephanie moulton-peters  
2nd vice president  
supervisor district 3

damon connolly  
director  
supervisor district 1

Staff need additional time to understand differing perspectives on the document and to compile comments on this important project. Staff recommends that the Board authorize the General Manager to submit the attached letter requesting an extension of the public comment period to at least November 2, 2021. Marin Transit's comments will be completed and presented to your Board for consideration at the November 1, 2021 regular Board of Directors meeting.

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

**FISCAL IMPACT:** There is no fiscal impact.

dennis rodoni  
director  
supervisor district 4

Respectfully submitted,

Nancy Whelan  
General Manager

brian colbert  
alternate  
town of san anselmo

Attachment



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October 4, 2021

Raymond Santiago, Principal Planner  
Golden Gate Bridge, Highway and Transportation District  
1011 Andersen Drive  
San Rafael, CA 94901-5318

**SUBJECT: Request to Extend the Comment Period for the Draft Environmental Impact Report (DEIR) for the San Rafael Transit Center Replacement Project**

**board of directors**

Dear Mr. Santiago:

kate colin  
president  
city of san rafael

Marin Transit respectfully requests that GGBHTD extend the period for public comment on the Draft Environmental Impact Report (DEIR) for the San Rafael Transit Center Replacement Project to at least November 2, 2021. This extension will allow Marin Transit to fully consider the identified locally preferred alternative and various perspectives on the Report.

judy arnold  
vice president  
supervisor district 5

Marin Transit looks forward to continuing our collaboration with GGBHTD to create a relocated San Rafael Transit Center that will flexibly meet the multi-modal transportation needs of all customers in the decades to come.

stephanie moulton-peters  
2nd vice president  
supervisor district 3

Sincerely,

damon connolly  
director  
supervisor district 1

Nancy Whelan  
General Manager

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo



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October 4, 2021

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Measure AA Yellow Bus Remobilization Funding Request**

**board of directors**

Dear Board Members:

kate colin  
president  
city of san rafael

**RECOMMENDATION:** Approve \$294,112 to eligible yellow bus programs for remobilization and authorize the General Manager to execute amendments to contracts with the approved funding allocations and approve Budget amendment #2022-03.

judy arnold  
vice president  
supervisor district 5

**SUMMARY:** On January 7, 2019, your Board approved the annual distribution of \$600,000 in Measure AA funding to eligible regular home to school "yellow bus" programs. The term of each agreement is three years beginning in FY 2019/20. The agreements terminate on June 30, 2022.

stephanie moulton-peters  
2nd vice president  
supervisor district 3

The funding agreements require each program to certify annually that they have met the funding eligibility requirements. Eligibility requirements include:

damon connolly  
director  
supervisor district 1

- A reduced pass for the yellow bus program that provides at least a 50% pass price discount to income eligible students.
- A local funding (or other discretionary funds) match of at least 20% of program costs, excluding pass sales revenue.

eric lucan  
director  
city of novato

Due to the COVID-19 pandemic, three of the participating yellow bus programs did not operate regular home to school transportation in FY 2020/21. Thus, they do not have any eligible expenses to claim for reimbursement and cannot certify that they have met the eligibility criteria.

katie rice  
director  
supervisor district 2

On February 1, 2021, your Board approved an action allowing all participating school districts to receive allocations in FY 2021/22 regardless of whether the program operated. Additionally, unused funds from FY 2020/21 will be made available to school districts participating in Measure AA for remobilization or other high-priority needs resulting from the pandemic.

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

Table 1 shows the estimated expenditures for FY 2020/21 and the calculation of annual funding that was not expended. Staff estimate

that \$294,112 is available for allocation to yellow bus programs in FY 2021/22 or thereafter.

**Table 1: FY 2020/21 Funding Status**

Program	FY 2020/21 Allocation	FY 2020/21 Estimated Expenditures	Estimated Unspent Funds
San Rafael Elementary SD	\$232,085	\$232,085	\$0
Miller Creek ESD	\$42,444	\$42,444 <sup>2</sup>	\$0
Ross Valley	\$132,956	\$0	\$132,956
Tiburon JPA (Reed Union + Cove school)	\$135,877	\$0	\$135,877
Mill Valley	\$25,279 <sup>1</sup>	\$0	\$25,279
<b>Total</b>	<b>\$568,641</b>	<b>\$274,529</b>	<b>\$294,112</b>
Notes: 1) Mill Valley program was suspended before allocation was made 2) Payment of Miller Creek FY2020/21 funding in pending receipt of the required invoice			

On July 1, 2021, staff sent a letter to program participants advising them of the opportunity to submit a fund request detailing expenses and/or anticipated costs associated with remobilization or other impacts due to the COVID19 pandemic. Table 2 shows the requested remobilization costs for each program. Examples of the types of expenses incurred from the pandemic range from operational expenses resulting from bus capacity limits and specialized cleaning to contractual expenses resulting from the continuation of the program or its temporary suspension.

**Table 2: FY2021/22 Requested Remobilization Costs**

Program	Expense Reason	Expense Cost	Program Requested Allocation
San Rafael Elementary SD	3 Additional Buses	\$44,948	<b>\$45,301</b>
	Specialized Cleaning	\$353	
Miller Creek ESD	Driver Training for New Drivers	\$34,906	<b>\$36,106</b>
	PPE Supplies	\$1,200	
Ross Valley	Daily Rate Increase	\$32,994	<b>\$57,146</b>
	Reduced Pass Price Difference	\$5,972	
	Bus Capacity Restrictions	\$18,180	
Tiburon JPA (Reed Union + Cove School)	Contractual Expenses for Fleet Equipment	\$74,090	<b>\$77,620</b>
	Contractual Expenses for Program Management	\$2,180	
	Website Maintenance	\$1,350	
		<b>Total</b>	<b>\$216,173</b>



Staff have analyzed two options for the distribution of these unused funds. Both options would result in a one-time distribution of remobilization funds in addition to the annual allocation to the four programs. Table 3 shows Option 1 where the full amount of unused funds is allocated based on the established Measure AA distribution formula approved by your Board on January 7, 2019. However, this results in two of the four programs not receiving a sufficient amount of funds to cover the proposed eligible expenses. The other two programs would receive more funding than requested.

**Table 3: Option 1 Allocation of Unused Funds on Formula Basis Only**

Program	Measure AA Calculated Distribution
San Rafael Elementary SD	\$125,670
Miller Creek ESD	\$22,874*
Ross Valley	\$71,993
Tiburon JPA (Reed Union + Cove School)	\$73,575*
<b>Total</b>	<b>\$294,112</b>
*Does not meet full request amount	

Staff recommend Option 2 shown in Table 4 below where each program is allocated their requested amount. Since the requested amount from all programs does not use all available funds, staff recommend allocating the remaining surplus based on the Measure AA distribution formula.

**Table 4: Option 2 Allocation of Need Based Requested Amount and Remaining Funds on Formula Basis**

Program	Program Requested Allocation	Proposed Remaining Allocation (\$77,939)	Total Allocation of Remobilization Funds
San Rafael Elementary SD	\$45,301	\$33,302	\$78,603
Miller Creek ESD	\$36,106	\$6,062	\$42,168
Ross Valley	\$57,146	\$19,078	\$76,224
Tiburon JPA (Reed Union + Cove School)	\$77,620	\$19,497	\$97,117
<b>Total</b>	<b>\$216,173</b>	<b>\$77,939</b>	<b>\$294,112</b>

If approved by your Board, staff will amend the funding agreements to include the allocation of remobilization funds. A draft of the amendment is attached.

**FISCAL IMPACT:** The funding for the remobilization grants is from unspent Measure AA funds from FY2020/21 from Category 4.4 School Transportation Services. Budget amendment 2022-03 will roll-forward \$294,112 of unspent Measure AA funds to FY2021/22 and increase the yellow bus grant budget for the external payments of \$217,888 (excludes Ross Valley that is

operated by Marin Transit). Marin Transit will work with TAM to ensure unspent FY2020/21 Measure AA funds can remain available for drawdown in FY2020/21 or if additional action will be required to access the funding.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "CHR WHITLOCK". The signature is stylized with a large "C" and "H" and a long horizontal stroke.

Christopher Whitlock  
Operations Analyst

Attachments:

Draft First Amendment to Agreement between Marin Transit and eligible yellow bus programs  
Presentation on Measure AA Remobilization Funding

Contract number

**FIRST AMENDMENT TO AGREEMENT**  
**BY AND BETWEEN THE**  
**MARIN COUNTY TRANSIT DISTRICT AND \_\_\_\_\_ DATED \_\_\_\_\_**

THIS AMENDMENT is made and entered into this \_\_\_\_ day of \_\_\_\_, 20XX, by and between the MARIN COUNTY TRANSIT DISTRICT, (hereinafter referred to as "Marin Transit" or "District") and \_\_\_\_\_ (hereinafter referred to as "Recipient").

RECITALS

WHEREAS, the District and the Recipient entered into an agreement (# \_\_\_\_\_) for Marin Transit to disburse Measure AA funds on a formula basis, annually, to eligible home to school (yellow bus) programs in the urbanized area of Marin Transit; and

WHEREAS, on March 4, 2020 the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the threat of the COVID-19 outbreak; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the COVID-19 outbreak; and

WHEREAS, on March 13, 2020, the Marin County Office of Education (MCOE) announced that public schools in Marin County would close due to the COVID-19 outbreak and on April 7, 2020 MCOE announced that school closures would extend through the end of the school year; and

WHEREAS, the school closures continued into the following 2020/2021 school year; and

WHEREAS, the parties wish to amend the agreement to recognize that some programs may not have operated in 2020/2021 due to reasons associated with the COVID-19 pandemic and associated restrictions per the Health Office of the County of Marin and MCOE; and

WHEREAS, the parties wish to amend the agreements to allow for additional disbursements of funds for remobilization or other high-priority resulting from the COVID-19 pandemic.

NOW, THEREFORE, the parties hereby agree to the following amendments as set forth below:

AGREEMENT

- 1) Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.
- 2) Section 5. Eligibility Requirements of the Agreement with the Recipient is amended to read as follows:

RECIPIENT has been determined to meet the eligibility requirements summarized below.

1. An existing FY 17/18 K-8 yellow school bus program serving public school students at a school located within the urbanized area of Marin;

2. A reduced pass for the yellow bus program that provides at least a 50% pass price discount to income eligible students;
3. A local funding (or other discretionary funds) match of at least 20% of program costs, excluding pass sales revenue; and
4. Must certify annually that their program has met threshold criteria.

Due to the COVID-19 pandemic, programs that suspended operation in FY2020/21 will still be deemed eligible if the program is resumed in FY2021/22.

- 3) Section 6. Grant of the Agreement with the Recipient is amended to read as follows:

MARIN TRANSIT hereby grants to the RECIPIENT the amounts by fiscal year as show in the table below as approved by the Marin Transit Board on January 7, 2019.

Fiscal Year	Amount
FY 2019/20	\$
FY 2020/21	\$*
FY 2021/22	\$*

\*Amount estimated based on historical Marin County Sales Tax Growth rate. Actual amount to be determined annually. RECIPIENT will be informed of actual amount by June 1st of each fiscal year.

In FY2021/22, Recipient shall be granted a one time disbursement of \$\_\_\_\_\_ to reimburse Recipient for approved re-mobilization or other high priority needs resulting from the pandemic.

IN WITNESS WHEREOF, the parties hereto have executed this

Addendum on the day first written above.

RECIPIENT:

MARIN COUNTY TRANSIT DISTRICT:

By \_\_\_\_\_

\_\_\_\_\_

DATE \_\_\_\_\_

\_\_\_\_\_



# **Staff Recommendation for Measure AA Remobilization Funding**

Marin Transit Board of Directors  
October 4, 2021

- Voters approved in November 2018
- In FY 2019/20, Marin Transit allocated funds directly to five regular home to school (yellow bus) programs
- Allocations are formula-based
- Annual certified eligibility requirements:
  - Reduced passes that provide a minimum of at least a 50% discount to income eligible students
  - Local funding match of at least 20% of the program costs





San Rafael City Schools (Elementary and Middle schools only)



Miller Creek School District



Ross Valley area schools (provided by Marin Transit)



Tiburon Traffic Congestion Relief JPA (Reed USD and the Cove School in Larkspur Corte Madera SD)

- Due to operational impacts resulting from the pandemic, 3 schools did not operate regular yellow bus programs and were unable to meet the eligibility requirements in FY 2020/21
- In February 2021, Board of Directors approved the following:
  - Participating programs will continue to be eligible for funding even if they did not operate in FY 2020/21
  - Due to the suspension and cancellation of yellow bus services in FY 2020/21 unspent funds will be available to all programs for remobilization and other high priority needs
- \$294,112 unspent funds available



# FY 2020/21 Funding Status

Program	FY 2020/21 Allocation	FY 2020/21 Estimated Expenditures	Estimated Unspent Funds
San Rafael Elementary SD	\$232,085	\$232,085	\$0
Miller Creek ESD	\$42,444	\$42,444	\$0
Ross Valley	\$132,956	\$0	\$132,956
Tiburon JPA (Reed Union + Cove school)	\$135,877	\$0	\$135,877
Mill Valley	\$25,279 <sup>1</sup>	\$0	\$25,279
<b>Total</b>	<b>\$568,641</b>	<b>\$274,529</b>	<b>\$294,112</b>

Notes: 1) Mill Valley program was suspended before allocation was made



# Summary of Requested Remobilization Costs

Program	Expense Reason	Expense Cost	Program Requested Allocation
San Rafael Elementary SD	3 Additional Buses	\$44,948	<b>\$45,301</b>
	Specialized Cleaning	\$353	
Miller Creek ESD	Driver Training for New Drivers	\$34,906	<b>\$36,106</b>
	PPE Supplies	\$1,200	
Ross Valley	Daily Rate Increase	\$32,994	<b>\$57,146</b>
	Reduced Pass Price Difference	\$5,972	
	Bus Capacity Restrictions	\$18,180	
Tiburon JPA (Reed Union + Cove School)	Contractual Expenses for Fleet Equipment	\$74,090	<b>\$77,620</b>
	Contractual Expenses for Program Management	\$2,180	
	Website Maintenance	\$1,350	
		<b>Total</b>	<b>\$216,173</b>

# Option 1 Full Allocation on Formula Basis Only

- Option 1 distributes the full amount of unused funds based on Marin Transit's Measure AA distribution formula
- **CON:** Allocation amount does not provide sufficient funds to cover proposed eligible expenses for two of four programs

Program	Measure AA Calculated Distribution
San Rafael Elementary SD	\$125,670
Miller Creek ESD	\$22,874*
Ross Valley	\$71,993
Tiburon JPA (Reed Union + Cove School)	\$73,575*
Total	\$294,112
*Does not meet full request amount	

## Option 2 Allocation of Requested Amount + Remaining Funds

Program	Program Requested Allocation	Proposed Remaining Allocation (\$77,939)	Total Allocation of Remobilization Funds
San Rafael Elementary SD	\$45,301	\$33,302	\$78,603
Miller Creek ESD	\$36,106	\$6,062	\$42,168
Ross Valley	\$57,146	\$19,078	\$76,224
Tiburon JPA (Reed Union + Cove School)	\$77,620	\$19,497	\$97,117
Total	\$216,173	\$77,939	\$294,112

- Option 2 provides the requested allocation to each program
- Remaining surplus is distributed based on Measure AA distribution formula

- Approve the requested funding amounts of Option 2
- Authorize the General Manager to execute amendments to contracts with the approved funding allocations



# Questions?

Christopher Whitlock

Operations Analyst

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