



San Gabriel Valley Council of Governments

AGENDA AND NOTICE OF THE MEETING OF THE SGVCOG EXECUTIVE COMMITTEE

July 2, 2018 – 12 Noon

SGVCOG Office

1000 S. Fremont Ave., Building 10, Suite 10210, Alhambra, California 91803

Thank you for participating in today's meeting. The Executive Committee encourages public participation and invites you to share your views on agenda items.

President
Cynthia Sternquist

1st Vice President
Margaret Clark

2nd Vice President
Becky Shevlin

3rd Vice President
Tim Hepburn

Past President
Barbara Messina

Transportation Chair
John Fasana

Homelessness Chair
Joseph Lyons

EENR Chair
Denis Bertone

Water Resources Chair
Judy Nelson

ACE Chair
Juli Costanzo

MEETINGS: *Regular Meetings of the Executive Committee are held the first Monday of every month at 12:00 p.m. at the SGVCOG Office (1000 S. Fremont Ave., Building 10, Suite 10210, Alhambra, California 91803).* The Executive Committee agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvco.org. Copies are available via email upon request (sgv@sgvco.org). Documents distributed to a majority of the Board after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

CITIZEN PARTICIPATION: Your participation is welcomed and invited at all Executive Committee meetings. Time is reserved at each regular meeting for those who wish to address the Board. SGVCOG requests that persons addressing the Executive Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE EXECUTIVE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Board during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Executive Committee may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Executive Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Executive Committee can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Board member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Executive Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the President may place reasonable time limits on all comments*)
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting (*It is anticipated that the Executive Committee may take action on these matters*)

CONSENT CALENDAR (*It is anticipated that the Executive Committee may take action on the following matters*)

5. Executive Committee Meeting Minutes – Page 1
Recommended Action: Approve Executive Committee minutes.

UPDATE ITEMS

- Homelessness Position Paper/Guiding Principles – Page 3
- Benefits Study Update
- Resolutions Related to CalPERS Contract – Page 9
- Measure M Subregional Administrative Funds Contract – Page 17
- Legislative Update – Page 59
 - The Fair Sentencing and Public Safety Act – Page 65

DISCUSSION ITEMS

- General Assembly 2019 Dates

PRESIDENT'S REPORT

EXECUTIVE DIRECTOR'S REPORT

GENERAL COUNSEL'S REPORT

ACTION ITEMS (*It is anticipated that the Executive Committee may take action on the following matters*)

6. Draft Governing Board Agenda – Page 87
Recommended Action: Provide direction to staff.

CLOSED SESSION

7. CONFERENCE WITH LABOR NEGOTIATORS: Agency designated representatives: Marisa Creter, Kimberly Hall Barlow, Richard D. Jones, Dominic Lazzaretto, Bob Russi, and Brian Saeki; Unrepresented employees: All unrepresented employees pursuant to California Government Code section 54957.6.
Recommended Action: Discuss and provide direction.

ANNOUNCEMENTS

ADJOURN



**SGVCOG
Executive Committee Minutes
May 31, 2018
4:30 PM
SGVCOG Offices, Alhambra**

PRELIMINARY BUSINESS

1. Call to Order

The meeting was called to order at 4:30 P.M.

2. Roll Call

Members Present

C. Sternquist, President
M. Clark, 1st Vice President
B. Shevlin, 3rd Vice President
J. Costanzo, ACE Chair
D. Bertone, EENR Chair
J. Fasana, Transportation Chair
B. Messina, Past President

Members Absent

D. Mahmud, Water Policy Chair
J. Lyons, 2nd Vice President,
Homelessness Chair

Staff/Guests:

M. Creter, Executive Director
M. Christoffels, Staff
K. Ward, Staff
C. Cruz, Staff
M. Ramos, Staff

K. Barlow, Jones & Mayer
R. Graves, CliftonLarsonAllen LLP

3. Public Comment

There were no comments from the public.

4. Changes to Agenda Order:

There were no changes to the agenda.

CONSENT CALENDAR

5. Executive Committee Meeting Minutes

There was a motion to approve the consent calendar (M/S: D. Bertone/J. Fasana).

[MOTION PASSES]

AYES:	M. Clark, D. Bertone, C. Sternquist, B. Shevlin, J. Fasana, J. Costanzo
NOES:	
ABSTAIN:	
ABSENT:	D. Mahmud, J. Lyons, B. Messina

PRESENTATION

6. Treasurer's Report

R. Graves presented on this item.

UPDATE ITEMS

- 3rd Quarter Financial Report and #3 Budget Amendment
K. Ward reported on this item.
- Benefits Study Update
M. Creter reported on this item. No bids for the request for proposal was received, staff are working to follow-up with firms to determine reasoning for not submitting a request.

- Legislative Update
C. Cruz reported on this item. The Committee recommended that AB 2762 be move forward to the City Managers’ Steering Committee.
- Reducing Crime and Keeping California Safe Act of 2018
The Committee recommended that this legislation should be on the Governing Board agenda as support.
- Tax Fairness, Transparency and Accountability Act of 2018
The Committee recommended that this legislation should be on the Governing Board agenda as oppose.

PRESIDENT’S REPORT

- C. Sternquist reported on this item. C. Sternquist reported on the “Go Monrovia” presentation at the Foothill Transit meeting that B. Shevlin and her City Manager presented. The “Go Monrovia” program uses dial-a-ride funds to subsidize Lyft rides for 50 cents. C. Sternquist reported that she wants to highlight a SGVCOG city each month in her monthly reports, and submit suggestions to her to share with the Committee.

EXECUTIVE DIRECTOR’S REPORT

- M. Creter reported on this item.

GENERAL COUNSEL’S REPORT

- No report given.

DISCUSSION ITEMS

- SGVCOG Strategic Theme
C. Sternquist reported on this item. The theme of “Building Sustainable Solutions” was presented as a potential strategic theme for the upcoming fiscal year. The Committee liked the direction of this theme and directed staff to work on alternatives to present to the Governing Board.

ACTION ITEMS

7. Draft Governing Board Agenda
There was a motion to approve the Governing Board agenda as amended (J. Fasana/B. Shevlin).

[MOTION PASSES]

AYES:	M. Clark, D. Bertone, C. Sternquist, B. Shevlin, J. Fasana, J. Costanzo, B. Messina
NOES:	
ABSTAIN:	
ABSENT:	D. Mahmud, J. Lyons

ANNOUNCEMENTS

ADJOURN

The meeting adjourned at 5:37 PM.

DATE: July 2, 2018

TO: Executive Committee

FROM: Marisa Creter, Executive Director

RE: SAN GABRIEL VALLEY SPA 3 WHITE PAPER

RECOMMENDED ACTION

For information only.

BACKGROUND

Whether the unhoused population within a city is large, small or nonexistent, all cities are impacted by homelessness. Wages for a large segment of society have remained flat, housing stock has not kept up with need, and the cost of housing has skyrocketed, creating a homelessness crisis. The San Gabriel Valley is within the Greater Los Angeles Continuum of Care which has the greatest number of unsheltered people in the nation. The cities in the San Gabriel Valley share major transportation corridors, riverbeds, hiking and bike trails. People, including those without housing, use these common transit-ways to traverse the region.

Cities play a vital role in addressing homelessness as they control local zoning and land use ordinances. Local first responders are often the first point of contact for those who are unhoused. Residents turn first to city leadership to address the ancillary challenges that accompany an increase in homelessness in the community.

To address this challenge, Los Angeles County adopted the Los Angeles County Homeless Initiative Strategies to Combat Homelessness. Recognizing the role of cities in addressing homelessness, the Los Angeles Board of Supervisors allocated funding for individual cities to develop homelessness plans. During the Spring of 2018, an unprecedented 21 cities across the San Gabriel Valley created homeless plans. With cities all moving in the same direction addressing homelessness at the same time a unique opportunity is presented to address the questions of how cities can collaborate and partner to address a challenge that is too complex for any one city to manage independently. As part of the planning process, cities identified subregional groupings and participated in discussions about implementing collaborative common and mutually supportive strategies. Cities in the San Gabriel Valley that have been proactive in addressing homelessness engaged in conversations addressing the challenges and opportunities of providing homeless services. These discussions have resulted in the policies outlined in the, “San Gabriel Valley SPA 3 Positions on Homeless Housing, Shelter and Services Provision” White Paper (Attachment A).

WHITE PAPER PRINCIPLES

The SGVCOG convened a working group of eight San Gabriel Valley cities that have provided leadership and been proactive in the implementation of housing and services for those experiencing homelessness. Fourteen city staff participated in five meetings over five months to develop this

REPORT

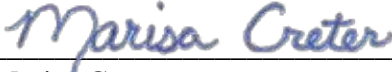
document. The final draft was reviewed by the working group members and final feedback provided prior to SGVCOG internal review. This document is now presented for the Homelessness Committee's review, comments, and recommendation. The participating cities agreed upon four overarching categories, as follows:

- Commitment to Help Solve the Crisis of Homelessness,
- Local Preference for Housing,
- Reciprocal Agreements and Cooperation in Providing Shelter, Services and Housing, and
- Expectations in Collaborating with the County.

Each category highlights various principles for cities to follow in order to collaborate and partner to effectively address homelessness.

Jan Cicco, Regional Homelessness Coordinator for the SGVCOG will provide a presentation on the White Paper.

Prepared by: 
Christian Cruz
Management Analyst

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – White Paper

**San Gabriel Valley SPA 3 Positions
on
Homeless Housing, Shelter and Services Provision
V6**

BACKGROUND

Cities play a vital role in addressing and resolving homelessness within Los Angeles County. Cities control local zoning, which can facilitate, or hinder, the development of bridge, special needs, and affordable housing. Additionally, cities may partner with and direct resources to local nonprofits and community based organizations that bring needed services to people experiencing homelessness. The decisions that cities make regarding homelessness directly impacts that quality of life for those who are un-housed, neighborhoods, and neighboring cities.

The 2018 Los Angeles Point in Time Homeless Count documented 3,615¹ persons experiencing homelessness within the San Gabriel Valley. Of those less than 13% are sheltered. Thirty five percent of those without a place to live are female and 8% are children. Thirty seven percent of those experiencing homelessness have experienced domestic violence and 11% are homeless as a direct result of fleeing a domestic violence incident.

Other San Gabriel Valley residents are at risk of losing their housing. Across the San Gabriel Valley schools², 6.9% of children live in households experiencing homelessness. There is a direct correlation between poverty and risk of becoming homelessness. Over seventeen percent of households with children in San Gabriel Valley schools live at or below the poverty level and over 59% are eligible for free or reduced cost meals. Nearly 47% of households with children in San Gabriel Valley schools are housing cost burdened³. Teen behavior patterns today can predict potential homelessness. Over 6% of teens neither attend school nor are employed.

As housing costs continue to rise, senior citizens on fixed incomes who are paying rent or mobile home space fees are at risk of losing their housing. The high cost of medical services and medications and increasing general tax burdens also jeopardize housing for senior citizens. The 2018 Point in Time homeless Count identified a 22% increase in homelessness of those 62 years or older although the count went down in all other age groups.⁴ Cities struggle to provide adequate affordable housing for recent college graduates, residents on fixed incomes and those providing basic services in their communities. . Virtually all citizens are impacted by homelessness as residents living in cities without persons experiencing homelessness travel to and through, do business in and attend social activities in neighboring cities impacted by homelessness.

¹<https://www.lahsa.org/documents?id=2030-2018-greater-los-angeles-homeless-count-service-planning-area-3.pdf>. This count excludes the City of Pasadena, which is in the San Gabriel Valley Service Planning Area (SPA 3) but has its own Continuum of Care. The count for the entire SPA is 4,292. <https://www.lahsa.org/documents?id=2059-2018-greater-los-angeles-homeless-count-presentation.pdf>. Count data reflects those enumerated at a single point in time and fluctuates throughout the year. Demographic and Subpopulations data are obtained through self-reporting surveys and are statistically significant with 91% confidence level.

² <https://www.kidsdata.org>, Lucille Packard Foundation for Children's Health, 6/18/18.

³ Households with a high housing cost burden: This is the estimated percentage of households that spend 30% or more of household income on housing costs.

⁴ <https://www.lahsa.org/documents?id=2059-2018-greater-los-angeles-homeless-count-presentation.pdf>

The San Gabriel Valley is a subregion of the County of Los Angeles which, in 2016 formally adopted the Los Angeles County Homeless Initiative with Approved Strategies to Combat Homelessness. Recognizing the important role that cities have in supporting the Los Angeles County Homeless Initiative, the Board of Supervisors allocated one-time funding for individual cities to develop plans to address homelessness in their respective communities. The resulting plans that the cities developed are specific to their cultures and needs. As part of the planning process, cities identified subregional groupings and participated in discussions about implementing collaborative common and mutually supportive strategies. Core cities that until this time have hosted the bulk of services and housing for those experiencing homelessness also engaged in discussions specific to the fair and equitable provision of housing and services for people experiencing homelessness in the San Gabriel Valley. These discussions have resulted in the policies outlined in this document.

KEY PRINCIPLES

Recognizing the need to work together to address homelessness, participating cities agree to the following principles.

1. Commitment to Help Solve the Crisis of Homelessness

Each city and unincorporated area should be part of the solution to end homelessness and assist homeless persons who have a connection to their city or unincorporated area. Supportive activities include, but are not limited to, the following:

- 1.1. Providing housing or bridge housing for a minimum of 25% of their most recent point in time (PIT) count need
- 1.2. Supporting outreach and education to remove stigma from those residents who need to enter bridge housing
- 1.3. Ensuring that bridge housing is operated by high-quality not-for-profit organizations to ensure limited negative impact on surrounding neighborhoods.

2. Local Preference

Unhoused families and individuals are often transient. Sometimes, this transience is due to circumstances and personal choice. However, many times, it is due to an absence of the needed support services in the community of origin which would enable them to remain housed or to secure and retain housing. Most unhoused families and individuals have connections to the community or communities in which they reside. According to the 2018 Point in Time Homeless Count survey, 56% of respondents stated that they lived in Los Angeles County when they became homeless. In 2016, the city of Pomona conducted a full survey of those experiencing homelessness in the city. Fifty three percent of respondents confirmed that they were living permanently in Pomona when they became homeless. These data hold across geographic areas. In Seattle, 70% of those without a housing living in Seattle/Kings County lived there prior to being homeless. A true definition of community connection can also mean a city where friends and family live, where one worships, attends school or works.

Cities and unincorporated areas have a right and responsibility to use local preference based on community connections when the providing housing and shelter to unhoused people in their

communities. Local preference benefits both the community, by incentivizing them to do their part in providing homeless solutions, and the person experiencing homelessness, by allowing them to remain connected to their existing support systems, school and work.

Recognizing that no one city can bear the burden or entire responsibility of meeting the region's homelessness needs. Cities in the San Gabriel Valley agreed upon the following criteria to help them to determine city connection:

- 2.1. Identified by the City staff (e.g. Police Department, Fire Department, Code Enforcement) or City Homeless Service or Outreach Team as high users of City resources and services and meet one of the other following criteria;
- 2.2. Individual or family is known to the City staff (e.g. Police Department, Fire Department, Code Enforcement) or City Homeless Service or Outreach Team to be sleeping in a place not meant for human habitation, in the City, for more than 12 months and has a service history or open case for over one-year consisting of ongoing interaction with one of the service agents listed; or,
- 2.3. Individual or family is has an immediate family member (mother, father, child, sibling, or grandparent) living in the City, who is willing to help in the remediation of their homelessness. Current residency of an immediate family member must be documented (e.g. owner of record, lease, and/or paid utilities necessary for legal use of the property for residential use), or;
- 2.4. Individual or family is become homeless while living permanently in City. Proof of residency on property zoned for residential use in City (e.g. owner of record, lease, and/or paid utilities necessary for legal use of the property for residential use) must be provided; or,
- 2.5. Individual or family includes an individual that is currently attending a City school full-time or is legally and gainfully employed at least 20 hours per week and works within the City limits. Proof of school enrollment or employment must be provided (e.g. report cards, pay stubs, or school or employee identification).

3. Reciprocal Agreements and Cooperation in Providing Shelter, Services and Housing

Within the San Gabriel Valley, cities and unincorporated areas do not have the capacity to provide all services, supports, shelter and housing for every demographic and subpopulation of the unhoused residents in their communities. In order to balance capacity and availability of services, cities may enter into reciprocal agreements to maximize assistance provided to homeless individuals and families.

By entering into fair and equitable agreements in writing, neighboring cities can work together to develop a range of services and housing meeting the varying needs of their unhoused residents. To this end, cities in the San Gabriel Valley agree to the following protocol:

- 3.1. Law enforcement, County and City Hospitals and clinics, service, shelter and housing providers, mental health jurisdictions, County departments and Governments will be provided with copies of the Jurisdictional Agreements and any modifications thereto.
- 3.2. Cities with Jurisdictional Agreements will actively promote the honoring of the agreements with their internal agencies and departments and local and regional providers.

- 3.3. There should be a clear and functional process for referral and acceptance, and a warm connection, meaning that the homeless family or individual is introduced to a receiver ready to assist them.
- 3.4. To facilitate referrals, cities and the service agencies therein, agree to provide referral contact information including position of authorized acceptor, phone number, e-mail, and days and hours of availability. As a courtesy, the authorized acceptor will respond promptly within the days and hours published.

4. Expectations in Collaborating with the County

By doing their part, cities in the SGV are contributing to the reduction of homelessness in the County of Los Angeles. This contribution should be recognized and valued by the County Departments, LAHSA and other agencies and government institutions. In order to enhance the partnership between cities and the County, the cities encourage the following best practices:

- 4.1. When contemplating service and resource allocation by SPA, the process should allow all partners (i.e. County, cities, supervisorial representatives, LAHSA, the United Way, and the SGVCOG) inform the process and share decision-making. This may include, but is not limited to, RFPs with regional parameters. Cities' unique populations, hotspots and subregional needs should be considered during this process.
- 4.2. Subregional designations should respect school districts' boundaries and have reasonable mileage parameters. Subregions should be determined by self-identified city groups.
- 4.3. Subregional and SPA level agreements between cities and the COGs regarding homelessness should be recognized in policy at the County level.
- 4.4. Subregion city groups should work with the County to serve subregional needs.
- 4.5. As additional cities participate in homeless programs, their efforts should be supported with funding and resources. New efforts, as well as hotspots, should be considered when allocating funding.
- 4.6. LAHSA should provide city and subregional level data on homeless populations, subpopulations, demographics, and funding levels in ratios to homeless populations and total residents. Additionally, this data should be used to evaluate proposed siting and funding and make objective comparisons between communities. Data should be released publicly on an annual basis and be maintained and easily accessible by cities and the COGs electronically.
- 4.7. The County should release a ranking of beds-to-population ratio annually by SPA, identified subregions and cities with more than 200 persons experiencing homelessness.
- 4.8. The County should engage early and often with cities and COGs when planning service provision and bed-siting options.

REPORT

DATE: July 19, 2018

TO: Governing Board Delegates and Alternates
Executive Committee
City Managers' Steering Committee

FROM: Marisa Creter, Executive Director

RE: **CALPERS AND EMPLOYEE CONTRIBUTIONS**

RECCOMENDED ACTION

Recommend the Governing Board adopt the following resolutions:

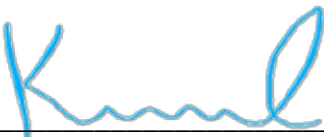
1. Adopt resolution that requires all employees (PEPRA or Classic) hired after January 1, 2013 pay the CalPERS contribution.
2. Adopt resolution that allows all employee (PEPRA or Classic) hired after January 1, 2013 to have employee-paid CalPERS contributions to be made pre-tax.

BACKGROUND

SGVCOG staff hired by the ACE Project beginning in 1999 were offered retirement benefits with CalPERS at a formula of 2% @ 55. The SGVCOG contract with CalPERS allowed the agency to cover its employee's share of CalPERS contributions. In 2013, public retirement legislation, known as the California Public Employees' Pension Reform Act (PEPRA), requires newly hired public employees to pay their share of retirement contributions. This legislation applies to members who are not vested and new members to CalPERS, commonly referred to as PEPRA members. Classic members (hired prior to January 2013) are not affected by the PEPRA legislation.

The Governing Board has in previous resolutions regarding employee benefits and salary acknowledged that all new employees (PEPRA or Classic) hired after January 1, 2013 would pay their CalPERS contribution. However, though this practice has been in place since the Board's adoption, a formal resolution is required by CalPERS (Attachment A). In addition, a separate resolution is required in order to allow the employee's contributions to be pre-tax (Attachment B).

Prepared by: _____



Katie Ward
Senior Management Analyst

Approved by: _____



Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Resolution for Employer Paid Member Contributions

Attachment B – Resolution to Tax Defer Member Paid Contributions

**RESOLUTION 18-43
A RESOLUTION OF THE GOVERNING BOARD OF THE SAN
GABRIEL VALLEY COUNCIL OF GOVERNMENTS
("SGVCOG") FOR EMPLOYER PAID MEMBER
CONTRIBUTIONS**

WHEREAS, the governing body of the San Gabriel Valley Council of Governments has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the San Gabriel Valley Council of Governments has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the San Gabriel Valley Council of Governments of a Resolution to commence said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the San Gabriel Valley Council of Governments has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees hired after January 1, 2013.
- This benefit shall consist of paying 0% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT THE GOVERNING BODY OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS ELECTS TO PAY EPMC, AS SET FORTH ABOVE.

PASSED, APPROVED, and ADOPTED this 19th day of July, 2018.

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

Cynthia Sternquist, President

Attachment B

Attest:

I, Marisa Creter, Executive Director and Secretary of the Board of Directors of the San Gabriel Valley Council of Governments, do hereby certify that Resolution 18-43 was adopted at a regular meeting of the Governing Board held on the 19th day of July, 2018, by the following roll call vote:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	

Marisa Creter, Secretary

RESOLUTION 18-44
A RESOLUTION OF THE GOVERNING BOARD OF THE
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
(“SGVCOG”) TO TAX DEFER MEMBER PAID
CONTRIBUTIONS – IRC 414(H)(2) EMPLOYER PICK-UP

WHEREAS, the San Gabriel Valley Council of Governments has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, the Board of Administration of the California Public Employees’ Retirement System (CalPERS) adopted its resolution re section 414(h)(2) IRC on September 18, 1985; and

WHEREAS, the Internal Revenue Service has stated in December 1985, that the implementation of the provisions of section 414(h)(2) IRC pursuant to the Resolution of the Board of Administration would satisfy the legal requirements of section 414(h)(2) IRC; and

WHEREAS, the San Gabriel Valley Council of Governments has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to members hired after January 1, 2013 who are members of the CalPERS:

NOW, THEREFORE, BE IT RESOLVED:

- I. That the San Gabriel Valley Council of Governments will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to California Government Code Section 20691 to the CalPERS on behalf of all its employees or all its employees in a recognized group or class of employment who are members of CalPERS. “Employee contributions” shall mean those contributions to CalPERS which are deducted from the salary of employees and are credited to individual employee’s accounts pursuant to California Government Code section 20691.
- II. That the contributions made by the San Gabriel Valley Council of Governments to CalPERS, although designated as employee contributions, are being paid by the San Gabriel Valley Council of Governments in lieu of contributions by the employees who are members of CalPERS.
- III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the San Gabriel Valley Council of Governments to CalPERS.
- IV. The San Gabriel Valley Council of Governments shall pay to CalPERS the contributions designated as employee contributions from the same source of funds as used in paying salary.

Attachment A

- V. That the amount of the contributions designated as employee contributions and paid by the San Gabriel Valley Council of Governments to CalPERS on behalf of an employee shall be the entire contribution required of the employee by CalPERS (California Government Code sections 20000, et seq.).
- VI. That the contributions designated as employee contributions made by San Gabriel Valley Council of Governments to CalPERS shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by CalPERS.

PASSED, APPROVED, and ADOPTED this 19th day of July, 2018.

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

Cynthia Sternquist, President

Attachment A

Attest:

I, Marisa Creter, Executive Director and Secretary of the Board of Directors of the San Gabriel Valley Council of Governments, do hereby certify that Resolution 18-43 was adopted at a regular meeting of the Governing Board held on the 19th day of July, 2018, by the following roll call vote:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	

Marisa Creter, Secretary

REPORT

DATE: July 19, 2018

TO: Executive Committee
City Managers' Steering Committee
Governing Board

FROM: Marisa Creter, Executive Director

RE: **MEASURE M SUBREGIONAL FUNDS; INITIAL FIVE-YEAR PROGRAMMING PLAN; ADMINISTRATIVE FUNDS AGREEMENT**

RECOMMENDED ACTION

Authorize the Executive Director to execute a contract with Metro which would enable the SGVCOG to be reimbursed for an amount not to exceed \$188,136 for subregional administrative and development work pertaining to developing the first Measure M 5-Year Programming Plan.

BACKGROUND ON ADMINISTRATIVE FUNDS AGREEMENT AND CONTRACT

LA Metro's adopted Measure M guidelines allow for up to 0.5% of the funding for each subregional program (i.e. Active Transportation, First-Last Mile, Highway Efficiency) to be used for the development and administrative implementation of these five-year programming plans. This includes conducting the necessary public outreach and coordination with jurisdictions and other stakeholders, as well as planning activities. As seen in Table 1 below, the 5-Year Project Development Funding, or Administrative Funding, for FY 2017-18 through FY 2021-22 will total \$188,136.

Program	Sub-region	Ground-breaking Start Date	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	5-Year Total	5-Year Project Development Funding [a]
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022		
Active Transportation Prog. (Including Greenway Proj.)	sg	FY 2018	\$ 2,761,363	\$ 2,833,158	\$ 2,906,821	\$ 2,979,491	\$ 3,050,999	\$ 14,531,832	\$ 72,659
Bus System Improvement Program	sg	FY 2018	\$ 231,132	\$ 268,868				\$ 500,000	\$ 2,500
First/ Last Mile and Complete Streets	sg	FY 2018	\$ 3,286,511	\$ 3,371,960	\$ 3,459,631	\$ 3,546,123	\$ 3,631,230	\$ 17,295,455	\$ 86,477
Highway Demand Based Prog. (HOV Ext. & Connect.)	sg	FY 2018							
Goods Movement (Improvements & RR'ing Elim.)	sg	FY 2048							
Highway Efficiency Program	sg	FY 2048	\$ 2,450,000	\$ 2,850,000				\$ 5,300,000	\$ 26,500
ITS-Technology Program (Advanced Signal Tech.)	sg	FY 2048							
San Gabriel Valley Subregion Total								\$ 37,627,287	\$ 188,136

Table 1.
Proposed Measure M Multi-Year Subregional Program 5-Year (\$ in millions).

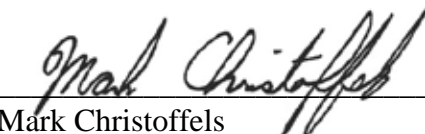
In February 2018, the Governing Board directed SGVCOG Staff to work on a contract with Metro pertaining to the allocation and expenditures of Subregional Administrative Funds. An example of a template "Measure M Funding Agreement" can be found in Attachment A. As part of the contract drafting and approval process, Metro requires subregional entities such as the SGVCOG to submit, for each program: project funding allocations (Attachment B), expenditure plans pertaining to the cost and cash flows for each quarter of the first five fiscal years (Attachment C), and a scope of work/schedule (Attachment D).

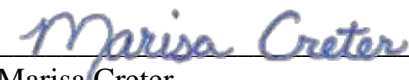
SGVCOG submitted these required attachments in early June 2018, and, as of the week of June 18, LA Metro's Grants Management and Oversight division has stated that they would have a contract and edits for the required proposed scope of work, funding structures, and expenditure plans by the end of the week of June 25.

NEXT STEPS

If the Governing Board approves the contract with Metro to administer the administrative funds for the initial MSP 5-year plan, then the funds shall be allocated and distributed to the SGVCOG, to be used for planning and program development activities pertaining to Measure M programs. Based on the previously approved Letter of No Prejudice (Attachment E), SGVCOG staff has already begun soliciting, prioritizing, and selecting eligible transportation projects to receive Measure M funding for either design or construction, and then programming and assigning funding for the selected projects. SGVCOG staff would then submit its Measure M Subregional Programmatic Funding Proposal to LA Metro for approval.

Prepared by: 
Peter Duyshart
Project Assistant

Prepared by: 
Mark Christoffels
Chief Engineer

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS

- Attachment A – Template of the Measure M Funding Agreement and Contract
- Attachment B – Project Funding Charts
- Attachment C – Expenditure Plan: Cost and Cash Flow Budget
- Attachment D – Proposed Scopes of Work
- Attachment E – Administrative Funds Letter of No Prejudice

MEASURE M FUNDING AGREEMENT MULTI-YEAR SUBREGIONAL PROGRAMS

This Funding Agreement ("FA") is made and entered into effective as of [INSERT FA PROCESSING DATE] ("Effective Date"), and is by and between the Los Angeles County Metropolitan Transportation Authority ("LACMTA") and [REDACTED] ("GRANTEE") for [Insert planning activities (0.5%) for ___ Program], LACMTA Project ID# MM [Insert Project #] (the "Project"). This Project is eligible for funding under Line ___ of the Measure M Expenditure Plan.

WHEREAS, LACMTA adopted Ordinance #16-01, the Los Angeles County Traffic Improvement Plan, on June 23, 2016 (the "Ordinance"), which Ordinance was approved by the voters of Los Angeles County on November 8, 2016 as "Measure M" and became effective on July 1, 2017.

WHEREAS, the funding set forth herein is intended to fund [Planning Activities (0.5%) for ___] Program.

WHEREAS, the LACMTA Board, at its June 22, 2017 meeting, adopted the Measure M Master Guidelines which allows resources (not to exceed 0.5%) to support the Multi-Year Subregional Program Project Development Process.

WHEREAS, the Funds are currently programmed as follows: \$ [REDACTED] in Measure M Funds in Fiscal Years (change to singular if applicable) (FY) FY 20__-__; FY 20__-__; and FY 20__-__ [Delete FYs not applicable]. The total designated for [Insert Project Phases] of the [Program or Project] is \$ [REDACTED].

NOW, THEREFORE, the parties hereby agree as follows:

The terms and conditions of this FA consist of the following and each is incorporated by reference herein as if fully set forth herein:

1. Part I – Specific Terms of the FA
2. Part II – General Terms of the FA
3. Attachment A – Project Funding
4. Attachment B – Expenditure Plan- Cost & Cash Flow Budget
5. Attachment C – Scope of Work
6. Attachment D – Project Reporting and Expenditure Guidelines
7. Attachment D-1 – Quarterly Progress/Expenditure Report
8. Attachment E – Special Grant Conditions [remove if none]
9. Any other attachments or documents referenced in the above documents

In the event of a conflict, the Special Grant Conditions, if any, shall prevail over the Specific Terms of the FA and any attachments and the Specific Terms of the FA shall prevail over the General Terms of the FA.

FTIP #: [REDACTED]
Subregion ID: [REDACTED]

Project#: MM[REDACTED].XX
FA# 9200000000M[REDACTED]

FTIP #: [REDACTED]
Subregion ID: [REDACTED]

Project#: MM[REDACTED]
FA# 920000000M[REDACTED]

IN WITNESS WHEREOF, the parties have caused this FA to be executed by their duly authorized representatives as of the dates indicated below:

LACMTA:

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: _____ Date: _____
Phillip A. Washington
Chief Executive Officer

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By: _____ Date: _____
Deputy

GRANTEE:

[REDACTED]

By: _____ Date: _____
[INSERT NAME]
[INSERT TITLE]

APPROVED AS TO FORM:

By: _____ Date: _____
[INSERT NAME]
[INSERT TITLE]

PART I
SPECIFIC TERMS OF THE FA

1. Title of the Project (the "Project"): [Insert planning activities (0.5%) for ___ Program].
LACMTA Project ID# MM[REDACTED].

2. Grant Funds:
 - 2.1 Programmed Funds for this Project consist of Measure M Funds.

 - 2.2 To the extent the Measure M Funds are available; LACMTA shall make to GRANTEE a grant of the Measure M funds in the amount of \$ [REDACTED] (the "Fund") for the Project. LACMTA Board of Directors' action of [Insert board meeting date, NOT P&P date] granted the Measure M Funds for the Project. The Funds are programmed over (Insert # of years) years for Fiscal Years (Change to singular if applicable) (FY) FY 20 [REDACTED]-[REDACTED], FY 20 [REDACTED]-[REDACTED], and FY 20 [REDACTED]-[REDACTED]. [Delete "only" if multiple years; delete FYs not applicable].

3. This grant shall be paid on a reimbursement basis. GRANTEE must provide the appropriate supporting documentation with the Quarterly Progress/Expenditure Report. GRANTEE Funding Commitment, if applicable, must be spent in the appropriate proportion to the Funds with each quarter's expenditures.

4. **Attachment A** the "Project Funding" documents all sources of funds programmed for the Project as approved by LACMTA. The Project Funding includes the total programmed funds for the Project, including the Funds programmed by LACMTA and, if any, the GRANTEE Funding Commitment of other sources of funding. The Project Funding also includes the fiscal years in which all the funds for the Project are programmed. The Funds are subject to adjustment by subsequent LACMTA Board Action.

5. **Attachment B** is the Expenditure Plan- Cost & Cash Flow Budget (the "Expenditure Plan"). It is the entire proposed cash flow, the Budget and financial plan for the Project, which includes the total sources of all funds programmed to the Project, including GRANTEE and other entity funding commitments, if any, for this Project as well as the fiscal year and quarters the Project funds are anticipated to be expended. GRANTEE shall update the Expenditure Plan annually, no later than December 31, and such update shall be submitted to LACMTA's Senior Executive Officer managing the Measure M Multi-Year Subregional Program in writing. If the LACMTA's Senior Executive Officer managing the Measure M Multi-Year Subregional Program concurs with such updated Expenditure Plan in writing, Attachment B shall be replaced with the new Attachment B setting forth the latest approved Expenditure Plan. Payments under this FA shall be consistent with Attachment B as revised from time to time. In no event can the final milestone date be changed or amended by written concurrence by the LACMTA Senior Executive Officer managing the Measure M Multi-Year Subregional Program. Any change to the final milestone date must be made by a fully executed amendment to this FA.

6. **Attachment C** is the "Scope of Work". The GRANTEE shall complete the Project as described in the Scope of Work. This Scope of Work shall include a detailed description of the Project and the work to be completed, including anticipated Project milestones and a schedule consistent with the lapsing policy in Part II, Section 9. No later than December 31 of each year, GRANTEE shall notify LACMTA if there are any changes to the final milestone date set forth in the schedule or any changes to the Scope of Work. If LACMTA agrees to such changes, the parties shall memorialize such changes in an amendment to this FA. Work shall be delivered in accordance with the schedule and scope identified in this FA unless otherwise agreed to by the parties in writing in an amendment to this FA. If GRANTEE fails to meet milestones or in deliver of the Project, LACMTA will have the option to suspend or terminate the FA for default as described in Part II, Sections 2, 9, 10 and 11 herein below. To the extent interim milestone dates are not met but GRANTEE believes and can show documentation acceptable to LACMTA supporting GRANTEE's ability to make up the time so as to not impact the final milestone date, GRANTEE shall notify LACMTA of such changes in its Quarterly Progress/Expenditure Reports and such interim milestone dates will automatically be amended to the latest interim milestone dates provided in the Quarterly Progress/Expenditure Reports Attachment D-1. In no event can the final milestone date be amended by a Quarterly Progress/Expense Report.
7. No changes to this FA, including but not limited to the Funds, and any other source of funds from LACMTA in the Project Funding, Expenditure Plan or the Scope of Work shall be allowed without an amendment to the original FA, approved and signed by both parties.
8. **Attachment D** is the "Project Reporting & Expenditure Guidelines". GRANTEE shall complete the "Quarterly Progress/Expenditure Report". The Quarterly Progress/Expenditure Reports are attached to this FA as Attachments D-1 in accordance with Attachment D – Project Reporting and Expenditure Guidelines.
9. GRANTEE shall comply with the "Special Grant Conditions" attached as **Attachment E**, if any.
10. No changes to the (i) Grant amount, (ii) Project Funding, (iii) the Scope of Work (except as provided herein), (iv) Final milestone date or (v) Special Grant Conditions, shall be allowed without a written amendment to this FA, approved and signed by the LACMTA Chief Executive Officer or his/her designee and GRANTEE. Modifications that do not materially affect the terms of this FA, such as redistributing Funds among existing budget line items or non-material schedule changes must be formally requested by GRANTEE and approved by LACMTA in writing. Non-material changes are those changes which do not affect the grant amount or its schedule, Project Funding, Financial Plan, or the Scope of Work, including the Work schedule.
13. LACMTA's Address:

Los Angeles County Metropolitan Transportation Authority

FTIP #: [REDACTED]
Subregion ID: [REDACTED]

Project#: MM[REDACTED].XX
FA# 9200000000M[REDACTED]

One Gateway Plaza
Los Angeles, CA 90012
Attention: [Insert project manager name]
LACMTA Project Manager
Mail Stop: [REDACTED]
Phone: (213) [REDACTED]-[REDACTED]
Email: [REDACTED]@metro.net

14. GRANTEE's Address:

Grantee Name (Agency)
Address
Grantee's Responsible Staff Person
Phone:
Email:

PART II
GENERAL TERMS OF THE FA

1. **TERM**

The term of this FA shall commence on the Effective Date of this FA, and shall terminate upon the occurrence of all of the following, unless terminated earlier as provided herein: (i) the agreed upon Scope of Work has been completed; (ii) all LACMTA audit and reporting requirements have been satisfied; and (iii) the final disbursement of the Funds has been made to GRANTEE. All eligible Project expenses as defined in the Reporting and Expenditure Guidelines (Attachment D), incurred after the FA Effective Date shall be reimbursed in accordance with the terms and conditions of this FA unless otherwise agreed to by the parties in writing.

2. **SUSPENSION OR TERMINATION**

Should LACMTA determine there are insufficient Measure M Funds available for the Project, LACMTA may suspend or terminate this FA by giving written notice to GRANTEE at least thirty (30) days in advance of the effective date of such suspension or termination. If a Project is suspended or terminated pursuant to this section, LACMTA will not reimburse GRANTEE any costs incurred after that suspension or termination date, except those costs necessary to: (i) return any facilities modified by the Project construction to a safe and operable state; and (ii) suspend or terminate the construction contractor's control over the Project. LACMTA's share of these costs will be consistent with the established funding percentages outlined in this FA.

3. **INVOICE BY GRANTEE**

Unless otherwise stated in this FA, the Quarterly Progress/Expenditure Report, with supporting documentation of expenses, Project progress and other documents as required, which has been pre-approved by LACMTA, all as described in Part II, Section 6.1 of this FA, shall satisfy LACMTA invoicing requirements. Grantee shall only submit for payment the LACMTA pre-approved Quarterly Progress/Expenditure Report Packets to the LACMTA Project Manager at the email address shown in Part I and to LACMTA Accounts Payable Department as shown below.

Submit invoice with supporting documentation to:

ACCOUNTSPAYABLE@METRO.NET (preferable)

or

mail to:

Los Angeles County Metropolitan Transportation Authority

Accounts Payable

P. O. Box 512296

Los Angeles, CA 90051-0296

All invoice material must contain the following information:

Re: LACMTA Project ID# [REDACTED] and FA# FA9200000000M[REDACTED]

[Insert LACMTA Project Manager Name; Mail Stop 99-__-__]

4. USE OF FUNDS

4.1 GRANTEE shall utilize the Funds to complete the Project as described in the Scope of Work and in accordance with the Reporting and Expenditure Guidelines, the specifications for use for the transportation purposes described in the Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures.

4.2 Attachment C shall constitute the agreed upon Scope of Work between LACMTA and GRANTEE for the Project. The Funds, as granted under this FA, can only be used towards the completion of the Scope of Work detailed in Attachment C.

4.3 GRANTEE shall not use the Funds to substitute for any other funds or projects not specified in this FA. Further, GRANTEE shall not use the Funds for any expenses or activities above and beyond the approved Scope of Work (Attachment C) without an amendment to the FA approved and signed by the LACMTA Chief Executive Officer or his Designee. To the extent LACMTA provides GRANTEE with bond or commercial paper proceeds, such Funds may not be used to reimburse for any costs that jeopardize the tax exempt nature of such financings as reasonably determined by LACMTA and its bond counsel.

4.4 GRANTEE must use the Funds in the most cost-effective manner. If GRANTEE intends to use a consultant or contractor to implement all or part of the Project, LACMTA requires that such activities be procured in accordance with GRANTEE's contracting procedures and consistent with State law as appropriate. GRANTEE will also use the Funds in the most cost-effective manner when the Funds are used to pay "in-house" staff time. This effective use of funds provision will be verified by LACMTA through on-going Project monitoring and through any LACMTA interim and final audits.

4.5 GRANTEE'S employee, officers, councilmembers, board member, agents, or consultants (a "GRANTEE Party") are prohibited from participating in the selection, award, or administration of a third-party contract or sub-agreement supported by the Funds if a real or apparent conflict of interest would be involved. A conflict of interest would include, without limitation, an organizational conflict of interest or when any of the following parties has a financial or other interest in any entity selected for award: (a) a GRANTEE Party (b) any member of a GRANTEE Party's immediate family, (c) a partner of a GRANTEE Party; (d) any organization that employs or intends to employ any of the above. This conflict of interest provision will be verified by LACMTA through on-going Project monitoring and through any LACMTA interim and final audits.

4.6 If a facility, equipment (such as computer hardware or software), vehicle or property, purchased or leased using the Funds, ceases to be used for the proper use as originally stated in the Scope of Work, or the Project is discontinued, any Funds expended for that purpose

must be returned to LACMTA as follows: GRANTEE shall be required to repay the Funds in proportion to the useful life remaining and in an equal proportion of the grant to GRANTEE Funding Commitment ratio.

5. REIMBURSEMENT OF FUNDS

Funds will be released on a reimbursement basis in accordance with invoices submitted in support of the Quarterly Progress/Expenditure Reports. LACMTA will make all disbursements electronically unless an exception is requested in writing. Reimbursements via Automated Clearing House (ACH) will be made at no cost to GRANTEE. GRANTEE must complete the ACH form and submit such form to LACMTA before grant payments can be made. ACH Request Forms can be found at www.metro.net/projects/call_projects/call_projects-reference-documents/. GRANTEE must provide detailed supporting documentation with its Quarterly Progress/Expenditure Reports. GRANTEE Funding Commitment, if any, must be spent in direct proportion to the Funds with each quarter's payment.

6. REPORTING AND AUDIT REQUIREMENTS/PAYMENT ADJUSTMENTS

6.1 GRANTEE shall submit the draft of Quarterly Progress/Expenditure Report (Attachment D-1) within sixty (60) days after the close of each quarter on the last day of the months November, February, May and August to the LACMTA Project Manager for review and pre-approval of the applicable report. LACMTA Project Manager shall review and respond in writing to the draft Quarterly Progress/Expenditure Report within thirty (30) calendar days from receipt. GRANTEE shall submit the LACMTA pre-approved Quarterly Progress/Expenditure Report no later than five (5) days after receipt of LACMTA's written approval. Should GRANTEE fail to submit either the draft or pre-approved reports within five (5) days of the due date and/or submit incomplete reports, LACMTA will not reimburse GRANTEE until the completed required reports are received, reviewed, and approved. The Quarterly Progress/Expenditure Reports shall include all appropriate documentation (such as contractor invoices, timesheets, receipts, etc.), and any changes to interim milestone dates that do not impact the final milestone date. All supporting documents must include a clear justification and explanation of their relevance to the Project. If no activity has occurred during a particular quarter, GRANTEE will still be required to submit the Quarterly Progress/Expenditure Reports indicating no dollars were expended that quarter. Expenses that are not invoiced to LACMTA Accounts Payable within ninety (90) days after the lapsing date specified in Part II, Section 9.1 below are not eligible for reimbursement.

6.2 GRANTEE shall submit the Project expenditure estimates for the subsequent fiscal year by February of each year. LACMTA will use the estimates to determine the Project budget for the upcoming fiscal year.

6.3 LACMTA, and/or its designee, shall have the right to conduct audits of the Project as deemed appropriate, such as financial and compliance audits, interim audits, pre-award audits, performance audits and final audits. LACMTA will commence a final audit within six

months of receipt of acceptable final invoice, provided the Project is ready for final audit (meaning all costs and charges have been paid by GRANTEE and invoiced to LACMTA, and such costs, charges and invoices are properly documented and summarized in the accounting records to enable an audit without further explanation or summarization including actual indirect rates for the period covered by the FA period under review). GRANTEE agrees to establish and maintain proper accounting procedures and cash management records and documents in accordance with Generally Accepted Accounting Principles (GAAP). GRANTEE shall reimburse LACMTA for any expenditure not in compliance with the Scope of Work and/or not in compliance with other terms and conditions of this FA. The allowability of costs for GRANTEE's own expenditures submitted to LACMTA for this Project shall be in compliance with Office of Management and Budget (OMB) Circular A-87. The allowability of costs for GRANTEE's contractors, consultants and suppliers expenditures submitted to LACMTA through GRANTEE's Quarterly Progress/Expenditures shall be in compliance with OMB Circular A-87 or Federal Acquisition Regulation (FAR) Subpart 31 and 2 CFR Subtitle A, Chapter II, Part 225 (whichever is applicable). Findings of the LACMTA audit are final. When LACMTA audit findings require GRANTEE to return monies to LACMTA, GRANTEE agrees to return the monies within thirty (30) days after the final audit is sent to GRANTEE.

6.4 GRANTEE's records shall include, without limitation, accounting records, written policies and procedures, contract files, original estimates, correspondence, change order files (including documentation covering negotiated settlements), invoices, and any other supporting evidence deemed necessary by LACMTA to substantiate charges related to the Project (all collectively referred to as "records"). Such records shall be open to inspection and subject to audit and reproduction by LACMTA auditors or authorized representatives to the extent deemed necessary by LACMTA to adequately permit evaluation of expended costs. Such records subject to audit shall also include, without limitation, those records deemed necessary by LACMTA to evaluate and verify, direct and indirect costs, (including overhead allocations) as they may apply to costs associated with the Project. These records must be retained by GRANTEE for three years following final payment under this Agreement.

6.5 GRANTEE shall cause all contractors to comply with the requirements of Part II, Section 5, paragraphs 6.3 and 6.4 above. GRANTEE shall cause all contractors to cooperate fully in furnishing or in making available to LACMTA all records deemed necessary by LACMTA auditors or authorized representatives related to the Project.

6.6 LACMTA or any of its duly authorized representatives, upon reasonable written notice, shall be afforded access to all GRANTEE's records and its contractors related to the Project, and shall be allowed to interview any employee of GRANTEE and its contractors through final payment to the extent reasonably practicable.

6.7 LACMTA or any of its duly authorized representatives, upon reasonable written notice, shall have access to the offices of GRANTEE and its contractors, shall have access to all necessary records, including reproduction, at no charge to LACMTA, and shall be provided

adequate and appropriate work space in order to conduct audits in compliance with the terms and conditions of this FA.

6.8 When business travel associated with the Project requires use of a vehicle, the mileage incurred shall be reimbursed at the mileage rates set by the Internal Revenue Service, as indicated in the United States General Services Administration Federal Travel Regulation, Privately Owned Vehicle Reimbursement Rates.

6.9 GRANTEE shall be responsible for ensuring all contractors/ subcontractors for the Project comply with the terms of the Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures. GRANTEE shall cooperate with LACMTA Management Audit Services Department such that LACMTA can meet its obligations under the Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures.

6.10 GRANTEE shall certify each invoice by reviewing all subcontractor costs and maintaining internal control to ensure that all expenditures are allocable, allowable and reasonable and in accordance with OMB A-87 or FAR subpart 31 and 2 CFR Subtitle A, Chapter II, part 225, (whichever is applicable) and the terms and conditions of this FA.

6.11 GRANTEE shall also certify final costs of the Project to ensure all costs are in compliance with OMB A-87 or FAR subpart 31 and 2 CFR Subtitle A, Chapter II, part 225, (whichever is applicable) and the terms and conditions of this FA.

6.12 In addition to LACMTA's other remedies as provided in this FA, LACMTA may withhold the Funds if the LACMTA audit has determined that GRANTEE failed to comply with the Scope of Work (such as misusing Funds or failure to return Funds owed to LACMTA in accordance with LACMTA audit findings) and /or is severely out of compliance with other terms and conditions as defined by this FA, including the access to records provisions of Part II, Section 6.

7. GRANT

This is a one-time only grant of the Measure M Funds subject to the terms and conditions agreed to herein. This grant does not imply nor obligate any future funding commitment on the part of LACMTA.

8. SOURCES AND DISPOSITION OF FUNDS

8.1 The obligation for LACMTA to grant the Funds for the Project is subject to sufficient Funds being made available for the Project by the LACMTA Board of Directors. If such Funds are not made available as anticipated from Measure M Program revenues, LACMTA will have the right to adjust the cash flow accordingly until such funds become available. LACMTA

shall have no obligation to provide any other funds for the Project, unless otherwise agreed to in writing by LACMTA.

8.2 GRANTEE shall fully fund and contribute the GRANTEE Funding Commitment, if any is identified in the Project Funding (Attachment A), towards the cost of the Project. If the Funds identified in Attachment A are insufficient to complete the Project, GRANTEE agrees to secure and provide such additional non-LACMTA programmed funds necessary to complete the Project.

8.3 GRANTEE shall be responsible for any and all cost overruns for the Project pursuant to Section 8.2.

8.4 GRANTEE shall be eligible for the Funds up to the grant amount specified in Part I, Section 2 of this FA subject to the terms and conditions contained herein. Any Funds expended by GRANTEE prior to the Effective Date of this FA shall not be reimbursed nor shall they be credited toward the GRANTEE Funding Commitment requirement, without the prior written consent of LACMTA. GRANTEE Funding Commitment dollars expended prior to the year the Funds are awarded shall be spent at GRANTEE's own risk, or as delineated in a Letter of No Prejudice executed by the prospective GRANTEE and LACMTA.

8.5 If GRANTEE receives outside funding for the Project in addition to the Funds identified in the Project Funding and the Expenditure Plan at the time this grant was awarded, this FA shall be amended to reflect such additional funding. If, at the time of final invoice or voucher, funding for the Project (including the Funds, GRANTEE Funding Commitment, and any additional funding) exceeds the actual Project costs, then the cost savings shall be applied in the same proportion as the sources of funds from each party to this FA as specified in the Project Funding and both the Funds and GRANTEE Funding Commitment required for the Project shall be reduced accordingly. LACMTA shall have the right to use any cost savings associated with the Funds at its sole discretion, including, without limitation, programming the unused Funds to another project or to another grantee within the subregion in accordance with the Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures. If, at the time of final voucher, it is determined that GRANTEE has received Funds in excess of what GRANTEE should have received for the Project, GRANTEE shall return such overage to LACMTA within 30 days from final voucher.

9. TIMELY USE OF FUNDS / REPROGRAMMING OF FUNDS

9.1 GRANTEE must demonstrate timely use of the Funds by:

- (i) Executing this FA within **ninety (90) days** of receiving formal transmittal of the FA from LACMTA, or by December 31 of the first Fiscal Year in which the Funds are programmed, whichever date is later; and

- (ii) Delivering Work in accordance with schedule; changes to the schedule will require an Amendment to Attachment C to reflect updated milestone dates. Meeting the Project milestone due dates as agreed upon by the LACMTA and GRANTEE in Attachment C of this FA; and
- (iii) Submitting the Quarterly Progress/Expenditure Reports as described in Part II, Section 6.1 of this FA; and
- (iv) Expending the Funds granted under this FA for allowable costs within **three years or 36 months** from July 1 of the Fiscal Year in which the Funds are programmed, unless otherwise stated in this FA. All Funds programmed for FY 20__-__ are subject to lapse by June 30, 20___. All Funds programmed for FY 20__-__ are subject to lapse by June 30, 20___. All Funds programmed for FY 20__-__ are subject to lapse by June 30, 20___. [delete FYs not applicable]

9.2 In the event that the timely use of the Funds is not demonstrated as described in Part II, Section 9.1 of this FA, the Project will be reevaluated by LACMTA as part of its Annual Update process and the Funds may be reprogrammed to another project by the LACMTA Board of Directors in accordance with the Ordinance, the Guidelines and the Multi-Year Subregional Programs Administrative Procedures. In the event that all the Funds are reprogrammed, this FA shall automatically terminate.

10. DEFAULT

A Default under this FA is defined as any one or more of the following: (i) GRANTEE fails to comply with the terms and conditions contained herein; and/or (ii) GRANTEE fails to perform satisfactorily or make material changes, as determined by LACMTA at its sole discretion, to the Expenditure Plan, the Scope of Work, or the Project Funding without LACMTA's prior written consent or approval as provided herein.

11. REMEDIES

11.1 In the event of a Default by GRANTEE, LACMTA shall provide written notice of such Default to GRANTEE with a 30-day period to cure the Default. In the event GRANTEE fails to cure the Default, or commit to cure the Default and commence the same within such 30-day period to the satisfaction of LACMTA, LACMTA shall have the following remedies: (i) LACMTA may terminate this FA; (ii) LACMTA may make no further disbursements of Funds to GRANTEE; and/or (iii) LACMTA may recover from GRANTEE any Funds disbursed to GRANTEE as allowed by law or in equity.

11.2 Effective upon receipt of written notice of termination from LACMTA, GRANTEE shall not undertake any new work or obligation with respect to this FA unless so directed

by LACMTA in writing. Any Funds expended after termination shall be the sole responsibility of GRANTEE.

11.3 The remedies described herein are non-exclusive. LACMTA shall have the right to enforce any and all rights and remedies herein or which may be now or hereafter available at law or in equity.

12. COMMUNICATIONS

12.1 GRANTEE shall ensure that all Communication Materials contain recognition of LACMTA's contribution to the Project as more particularly set forth in "Funding Agreement Communications Materials Guidelines" available online or from the LACMTA Project Manager. Please check with the LACMTA Project Manager for the web address. The Funding Agreement Communications Materials Guidelines may be changed from time to time during the course of this Agreement. GRANTEE shall be responsible for complying with the latest Funding Agreement Communications Materials Guidelines during the term of this Agreement, unless otherwise specifically authorized in writing by the LACMTA Chief Communications Officer.

12.2 For purposes of this Agreement, "Communications Materials" include, but are not limited to, press events, public and external newsletters, printed materials, advertising, websites radio and public service announcements, electronic media, and construction site signage. A more detailed definition of "Communications Materials" is found in the Funding Agreement Communications Materials Guidelines.

12.3 The Metro logo is a trademarked item that shall be reproduced and displayed in accordance with specific graphic guidelines. These guidelines and logo files including scalable vector files will be available through the LACMTA Project Manager.

12.4 GRANTEE shall ensure that any subcontractor, including, but not limited to, public relations, public affairs, and/or marketing firms hired to produce Project Communications Materials for public and external purposes will comply with the requirements contained in this Section.

12.5 The LACMTA Project Manager shall be responsible for monitoring GRANTEE's compliance with the terms and conditions of this Section. GRANTEE's failure to comply with the terms of this Section shall be deemed a default hereunder and LACMTA shall have all rights and remedies set forth herein.

13. OTHER TERMS AND CONDITIONS

13.1 This FA, along with its Attachments, constitutes the entire understanding between the parties, with respect to the subject matter herein. The FA shall not be amended, nor any provisions or breach hereof waived, except in writing signed by the parties who agreed to the

original FA or the same level of authority. Adoption of revisions or supplements to the Guidelines shall cause such revisions or supplements to become incorporated automatically into this Agreement as though fully set forth herein.

13.2 GRANTEE is obligated to continue using the Project dedicated to the public transportation purposes for which the Project was initially approved. The Project right-of-way, the Project facilities constructed or reconstructed on the Project site, and/or Project property purchased, excluding construction easements and excess property (whose proportionate proceeds shall be distributed in an equal proportion of the grant to GRANTEE Funding Commitment ratio), shall remain dedicated to public transportation use in the same proportion and scope and to the same extent as described in this FA. Equipment acquired as part of the Project, including office equipment, vehicles, shall be dedicated to that use for their full economic life cycle, including any extensions of that life cycle achieved by reconstruction, rehabilitation, or enhancements.

13.3 In the event that there is any legal court (e.g., Superior Court of the State of California, County of Los Angeles, or the U.S. District Court for the Central District of California) proceeding between the parties to enforce or interpret this FA, to protect or establish any rights or remedies hereunder, the prevailing party shall be entitled to its costs and expenses, including reasonable attorney's fees.

13.4 Neither LACMTA nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or committed to be done by GRANTEE under or in connection with any work performed by and or service provided by GRANTEE, its officers, agents, employees, contractors and subcontractors under this FA. GRANTEE shall fully indemnify, defend and hold LACMTA and its subsidiaries, and its officers, agents and employees harmless from and against any liability and expenses, including without limitation, defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of risk of property, any environmental obligation, any legal fees and any claims for damages of any nature whatsoever arising out of the Project, including without limitation: (i) use of the Funds by GRANTEE, or its officers, agents, employees, contractors or subcontractors; (ii) breach of GRANTEE's obligations under this FA; or (iii) any act or omission of GRANTEE, or its officers, agents, employees, contractors or subcontractors in the performance of the work or the provision of the services, in connection with the Project including, without limitation, the Scope of Work, described in this FA.

13.5 Neither party hereto shall be considered in default in the performance of its obligation hereunder to the extent that the performance of any such obligation is prevented or delayed by unforeseen causes including acts of God, acts of a public enemy, and government acts beyond the control and without fault or negligence of the affected party. Each party hereto shall give notice promptly to the other of the nature and extent of any such circumstances claimed to delay, hinder, or prevent performance of any obligations under this FA.

13.6 GRANTEE shall comply with and ensure that work performed under this FA is done in compliance with Generally Accepted Accounting Principles (GAAP), all applicable provisions of federal, state, and local laws, statutes, ordinances, rules, regulations, and procedural requirements including Federal Acquisition Regulations (FAR), and the applicable requirements and regulations of LACMTA. GRANTEE acknowledges responsibility for obtaining copies of and complying with the terms of the most recent federal, state, or local laws and regulations, and LACMTA requirements including any amendments thereto.

13.7 GRANTEE agrees that the applicable requirements of this FA shall be included in every contract entered into by GRANTEE or its contractors relating to work performed under this FA and LACMTA shall have the right to review and audit such contracts.

13.8 GRANTEE shall not assign this FA, or any part thereof, without prior approval of the LACMTA Chief Executive Officer or his designee. Any assignment by GRANTEE without said prior consent by LACMTA shall be void and unenforceable.

13.9 This FA shall be governed by California law. If any provision of this FA is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

13.10 The covenants and agreements of this FA shall inure to the benefit of, and shall be binding upon, each of the parties and their respective successors and assigns.

13.11 GRANTEE will advise LACMTA prior to any key Project staffing changes. Notice will be given to the parties at the address specified in Part I, unless otherwise notified in writing of change of address or contact person.

13.12 GRANTEE, in the performance of the work described in this FA, is not a contractor nor an agent or employee of LACMTA. GRANTEE attests to no organizational or personal conflicts of interest and agrees to notify LACMTA immediately in the event that a conflict, or the appearance thereof, arises. GRANTEE shall not represent itself as an agent or employee of LACMTA and shall have no powers to bind LACMTA in contract or otherwise.

ATTACHMENT A -PROJECT FUNDING

Measure M **Active Transportation Program** Programs - Funding Agreement Projects - FA.92000000MMXXX

Program/Project Title: **ACTIVE TRANSPORTATION ADMIN.** Project#: MMXXXX

PROGRAMMED BUDGET - SOURCES OF FUNDS

SOURCES OF FUNDS	Prior Years	FY2017-18	FY2018-19	FY2019-20	FY 2020-21	FY2021-22	Total Budget	% of Budget
LACMTA PROGRAMMED FUNDING								
MEASURE M FUNDS		\$ 26,750	\$ 25,750	\$ 7,000	\$ 7,000	\$ 6,159	\$ 72,659	
SUM PROG LACMTA FUNDS	\$ -	\$ 26,750	\$ 25,750	\$ 7,000	\$ 7,000	\$ 6,159	\$ 72,659	100%
OTHER NON LACMTA FUNDING:								
LOCAL:							\$ -	0%
STATE:							\$ -	0%
FEDERAL:							\$ -	0%
PRIVATE OR OTHER:							\$ -	0%
SUM NON-LACMTA FUNDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0
TOTAL PROJECT FUNDS	\$ -	\$ 26,750	\$ 25,750	\$ 7,000	\$ 7,000	\$ 6,159	\$ 72,659	100%

Use Actual \$\$\$

ATTACHMENT A -PROJECT FUNDING

Measure M **Bus System Improvement Program** Programs - Funding Agreement Projects - FA.92000000MM**XXX**

Program/Project Title: **BUS SYSTEM IMPROVEMENT ADMIN.** Project#: **MMXXXX**

PROGRAMMED BUDGET - SOURCES OF FUNDS

SOURCES OF FUNDS	Prior Years	FY2017-18	FY2018-19	FY2019-20	FY 2020-21	FY2021-22	Total Budget	% of Budget
LACMTA PROGRAMMED FUNDING								
MEASURE M FUNDS		\$ 1,150	\$ 1,350	\$ -	\$ -	\$ -	\$ 2,500	
SUM PROG LACMTA FUNDS	\$ -	\$ 1,150	\$ 1,350	\$ -	\$ -	\$ -	\$ 2,500	100%
OTHER NON LACMTA FUNDING:								
LOCAL:							\$ -	0%
STATE:							\$ -	0%
FEDERAL:							\$ -	0%
PRIVATE OR OTHER:							\$ -	0%
SUM NON-LACMTA FUNDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0
TOTAL PROJECT FUNDS	\$ -	\$ 1,150	\$ 1,350	\$ -	\$ -	\$ -	\$ 2,500	100%

Use Actual \$\$\$

ATTACHMENT A -PROJECT FUNDING

Measure M **First/Last Mile & Complete Streets** Programs - Funding Agreement Projects - FA.920000000MMXXX

Program/Project Title: **FIRST/LAST MILE ADMIN.** Project#: **MMXXXX**

PROGRAMMED BUDGET - SOURCES OF FUNDS

SOURCES OF FUNDS	Prior Years	FY2017-18	FY2018-19	FY2019-20	FY 2020-21	FY2021-22	Total Budget	% of Budget
LACMTA PROGRAMMED FUNDING								
MEASURE M FUNDS		\$ 32,000	\$ 30,000	\$ 8,333	\$ 8,333	\$ 7,811	\$ 86,477	
SUM PROG LACMTA FUNDS	\$ -	\$ 32,000	\$ 30,000	\$ 8,333	\$ 8,333	\$ 7,811	\$ 86,477	100%
OTHER NON LACMTA FUNDING:								
LOCAL:							\$ -	0%
STATE:							\$ -	0%
FEDERAL:							\$ -	0%
PRIVATE OR OTHER:							\$ -	0%
SUM NON-LACMTA FUNDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0
TOTAL PROJECT FUNDS	\$ -	\$ 32,000	\$ 30,000	\$ 8,333	\$ 8,333	\$ 7,811	\$ 86,477	100%

Use Actual \$\$\$

ATTACHMENT A -PROJECT FUNDING

Measure M **Highway Efficiency Program** Programs - Funding Agreement Projects - FA.920000000MMXXX

Program/Project Title: **HIGHWAY EFFICIENCY -- LEMON AVE. ADMIN.** Project#: **MMXXXX**

PROGRAMMED BUDGET - SOURCES OF FUNDS

SOURCES OF FUNDS	Prior Years	FY2017-18	FY2018-19	FY2019-20	FY 2020-21	FY2021-22	Total Budget	% of Budget
LACMTA PROGRAMMED FUNDING								
MEASURE M FUNDS		\$ 12,250	\$ 14,250		\$ -	\$ -	\$ 26,500	
SUM PROG LACMTA FUNDS	\$ -	\$ 12,250	\$ 14,250	\$ -	\$ -	\$ -	\$ 26,500	100%
OTHER NON LACMTA FUNDING:								
LOCAL:							\$ -	0%
STATE:							\$ -	0%
FEDERAL:							\$ -	0%
PRIVATE OR OTHER:							\$ -	0%
SUM NON-LACMTA FUNDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0
TOTAL PROJECT FUNDS	\$ -	\$ 12,250	\$ 14,250	\$ -	\$ -	\$ -	\$ 26,500	100%

Use Actual \$\$\$

ATTACHMENT B - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure M - **Active Transportation Program** Program - Funding Agreement Projects - FA.92000000MMXXXX

Project Title: **ACTIVE TRANSPORTATION ADMIN.**

Project#:MMXXX.XX

PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	FY 2017-18 Qtr 1	FY 2017-18 Qtr 2	FY 2017-18 Qtr 3	FY 2017-18 Qtr 4	FY 2018-19 Qtr 1	FY 2018-19 Qtr 2	FY 2018-19 Qtr 3	FY 2018-19 Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev			\$1,000	\$25,750	\$25,750				\$52,500
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total Measure M	\$0	\$0	\$1,000	\$25,750	\$25,750	\$0	\$0	\$0	\$52,500
SUM PROG LACMTA FUNDS:	\$0	\$0	\$1,000	\$25,750	\$25,750	\$0	\$0	\$0	\$52,500
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2017-18 and FY2018-19	\$0	\$0	\$1,000	\$25,750	\$25,750	\$0	\$0	\$0	\$52,500

ATTACHMENT B - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure M - Active Transportation Program Program - Funding Agreement Projects - FA.92000000MMXXXX

Project Title: ACTIVE TRANSPORTATION ADMIN.

Project#:MMXXX.XX

PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	FY 2019-20 Qtr 1	FY 2019-20 Qtr 2	FY 2019-20 Qtr 3	FY 2019-20 Qtr 4	FY 2020-21 Qtr 1	FY 2020-21 Qtr 2	FY 2020-21 Qtr 3	FY 2020-21 Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev				\$7,000				\$7,000	\$14,000
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total Measure M	\$0	\$0	\$0	\$7,000	\$0	\$0	\$0	\$7,000	\$14,000
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$7,000	\$0	\$0	\$0	\$7,000	\$14,000
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2019-20 and FY2020-21	\$0	\$0	\$0	\$7,000	\$0	\$0	\$0	\$7,000	\$14,000

ATTACHMENT B - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure M - **Active Transportation Program** Program - Funding Agreement Projects - FA.92000000MMXXXX

Project Title: **ACTIVE TRANSPORTATION ADMIN.**

Project#:MMXXX.XX

PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	FY 2021-22 Qtr 1	FY 2021-22 Qtr 2	FY 2021-22 Qtr 3	FY 2021-22 Qtr 4	FY 2022-23 Qtr 1	FY 2022-23 Qtr 2	FY 2022-23 Qtr 3	FY 2022-23 Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev				\$6,159					\$6,159
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total MEASURE M	\$0	\$0	\$0	\$6,159	\$0	\$0	\$0	\$0	\$6,159
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$6,159	\$0	\$0	\$0	\$0	\$6,159
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2021-22 and FY2022-23	\$0	\$0	\$0	\$6,159	\$0	\$0	\$0	\$0	\$6,159

ATTACHMENT B - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure M - Active Transportation Program Program - Funding Agreement Projects - FA.92000000MMXXXX

Project Title: ACTIVE TRANSPORTATION ADMIN.

Project#:MMXXX.XX

PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	FY Qtr 1	FY Qtr 2	FY Qtr 3	FY Qtr 4	FY Qtr 1	FY Qtr 2	FY Qtr 3	FY Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total MEASURE M	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2021-22 and FY2022-23	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL LACMTA FUNDS	\$0	\$0	\$1,000	\$38,909	\$25,750	\$0	\$0	\$7,000	\$72,659
TOTAL NON-LACMTA FUNDS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL PROJECT FUNDING	\$0	\$0	\$1,000	\$38,909	\$25,750	\$0	\$0	\$7,000	\$72,659

ATTACHMENT B - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure M - **Bus System Improvement Program** Program - Funding Agreement Projects - FA.92000000MMXXXX
 Project Title: **BUS SYSTEM IMPROVEMENT ADMIN.** Project#:MMXXX.XX
 PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	FY 2017-18 Qtr 1	FY 2017-18 Qtr 2	FY 2017-18 Qtr 3	FY 2017-18 Qtr 4	FY 2018-19 Qtr 1	FY 2018-19 Qtr 2	FY 2018-19 Qtr 3	FY 2018-19 Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev			\$100	\$1,000	\$1,100			\$300	\$2,500
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total Measure M	\$0	\$0	\$100	\$1,000	\$1,100	\$0	\$0	\$300	\$2,500
SUM PROG LACMTA FUNDS:	\$0	\$0	\$100	\$1,000	\$1,100	\$0	\$0	\$300	\$2,500
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2017-18 and FY2018-19	\$0	\$0	\$100	\$1,000	\$1,100	\$0	\$0	\$300	\$2,500
SOURCES OF FUNDS	FY 2019-20 Qtr 1	FY 2019-20 Qtr 2	FY 2019-20 Qtr 3	FY 2019-20 Qtr 4	FY 2020-21 Qtr 1	FY 2020-21 Qtr 2	FY 2020-21 Qtr 3	FY 2020-21 Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total Measure M	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0

Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2019-20 and FY2020-21	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SOURCES OF FUNDS	FY 2021-22 Qtr 1	FY 2021-22 Qtr 2	FY 2021-22 Qtr 3	FY 2021-22 Qtr 4	FY 2022-23 Qtr 1	FY 2022-23 Qtr 2	FY 2022-23 Qtr 3	FY 2022-23 Qtr 4	TOTAL BUDGET	
LACMTA PROGRAMMED FUNDS:										
MEASURE M FUNDS:										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total MEASURE M	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER NON LACMTA FUNDING:										
LOCAL: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Others										\$0

Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2021-22 and FY2022-23	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SOURCES OF FUNDS	FY Qtr 1	FY Qtr 2	FY Qtr 3	FY Qtr 4	FY Qtr 1	FY Qtr 2	FY Qtr 3	FY Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total MEASURE M	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2021-22 and FY2022-23	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL LACMTA FUNDS	\$0	\$0	\$100	\$1,000	\$1,100	\$0	\$0	\$300	\$2,500
TOTAL NON-LACMTA FUNDS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL PROJECT FUNDING	\$0	\$0	\$100	\$1,000	\$1,100	\$0	\$0	\$300	\$2,500

ATTACHMENT B - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure M - **First/Last Mile & Complete Streets** Program - Funding Agreement Projects - FA.92000000MMXXXX
 Project Title: **FIRST/LAST MILE ADMIN.** Project#:MMXXX.XX
 PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	FY 2017-18 Qtr 1	FY 2017-18 Qtr 2	FY 2017-18 Qtr 3	FY 2017-18 Qtr 4	FY 2018-19 Qtr 1	FY 2018-19 Qtr 2	FY 2018-19 Qtr 3	FY 2018-19 Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev			\$2,000	\$30,000	\$30,000				\$62,000
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total Measure M	\$0	\$0	\$2,000	\$30,000	\$30,000	\$0	\$0	\$0	\$62,000
SUM PROG LACMTA FUNDS:	\$0	\$0	\$2,000	\$30,000	\$30,000	\$0	\$0	\$0	\$62,000
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING									
FY2017-18 and FY2018-19	\$0	\$0	\$2,000	\$30,000	\$30,000	\$0	\$0	\$0	\$62,000
SOURCES OF FUNDS	FY 2019-20 Qtr 1	FY 2019-20 Qtr 2	FY 2019-20 Qtr 3	FY 2019-20 Qtr 4	FY 2020-21 Qtr 1	FY 2020-21 Qtr 2	FY 2020-21 Qtr 3	FY 2020-21 Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev				\$8,333				\$8,333	\$16,666
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total Measure M	\$0	\$0	\$0	\$8,333	\$0	\$0	\$0	\$8,333	\$16,666
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$8,333	\$0	\$0	\$0	\$8,333	\$16,666
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0

Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING										
FY2019-20 and FY2020-21	\$0	\$0	\$0	\$8,333	\$0	\$0	\$0	\$8,333	\$16,666	\$16,666
SOURCES OF FUNDS	FY 2021-22	FY 2021-22	FY 2021-22	FY 2021-22	FY 2022-23	FY 2022-23	FY 2022-23	FY 2022-23	TOTAL	BUDGET
	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4		
LACMTA PROGRAMMED FUNDS:										
MEASURE M FUNDS:										
Planning Activities/Prog Dev				\$7,811						\$7,811
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total MEASURE M	\$0	\$0	\$0	\$7,811	\$0	\$0	\$0	\$0	\$0	\$7,811
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$7,811	\$0	\$0	\$0	\$0	\$0	\$7,811
OTHER NON LACMTA FUNDING:										
LOCAL: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2021-22 and FY2022-23	\$0	\$0	\$0	\$7,811	\$0	\$0	\$0	\$0	\$7,811
SOURCES OF FUNDS	FY Qtr 1	FY Qtr 2	FY Qtr 3	FY Qtr 4	FY Qtr 1	FY Qtr 2	FY Qtr 3	FY Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total MEASURE M	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2021-22 and FY2022-23	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL LACMTA FUNDS	\$0	\$0	\$2,000	\$46,144	\$30,000	\$0	\$0	\$8,333	\$86,477
TOTAL NON-LACMTA FUNDS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL PROJECT FUNDING	\$0	\$0	\$2,000	\$46,144	\$30,000	\$0	\$0	\$8,333	\$86,477

ATTACHMENT B - EXPENDITURE PLAN COST & CASH FLOW BUDGET

Measure M - Highway Efficiency Program Program - Funding Agreement Projects - FA.92000000MMXXXX
 Project Title: HIGHWAY EFFICIENCY -- LEMON AVE. ADMIN. Project#:MMXXX.XX
 PROGRAMMED SOURCES OF FUNDS

SOURCES OF FUNDS	FY 2017-18 Qtr 1	FY 2017-18 Qtr 2	FY 2017-18 Qtr 3	FY 2017-18 Qtr 4	FY 2018-19 Qtr 1	FY 2018-19 Qtr 2	FY 2018-19 Qtr 3	FY 2018-19 Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev			\$1,000	\$11,000	\$12,750			\$1,750	\$26,500
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total Measure M	\$0	\$0	\$1,000	\$11,000	\$12,750	\$0	\$0	\$1,750	\$26,500
SUM PROG LACMTA FUNDS:	\$0	\$0	\$1,000	\$11,000	\$12,750	\$0	\$0	\$1,750	\$26,500
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2017-18 and FY2018-19	\$0	\$0	\$1,000	\$11,000	\$12,750	\$0	\$0	\$1,750	\$26,500
SOURCES OF FUNDS	FY 2019-20 Qtr 1	FY 2019-20 Qtr 2	FY 2019-20 Qtr 3	FY 2019-20 Qtr 4	FY 2020-21 Qtr 1	FY 2020-21 Qtr 2	FY 2020-21 Qtr 3	FY 2020-21 Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total Measure M	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0

Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2019-20 and FY2020-21	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SOURCES OF FUNDS	FY 2021-22 Qtr 1	FY 2021-22 Qtr 2	FY 2021-22 Qtr 3	FY 2021-22 Qtr 4	FY 2022-23 Qtr 1	FY 2022-23 Qtr 2	FY 2022-23 Qtr 3	FY 2022-23 Qtr 4	TOTAL BUDGET	
LACMTA PROGRAMMED FUNDS:										
MEASURE M FUNDS:										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total MEASURE M	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER NON LACMTA FUNDING:										
LOCAL: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]										
Planning Activities/Prog Dev										\$0
Environmental										\$0
Design and PS&E										\$0
Right-of-Way Acquisition										\$0
Construction										\$0
Vehicle Purchase										\$0
Others										\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2021-22 and FY2022-23	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SOURCES OF FUNDS	FY Qtr 1	FY Qtr 2	FY Qtr 3	FY Qtr 4	FY Qtr 1	FY Qtr 2	FY Qtr 3	FY Qtr 4	TOTAL BUDGET
LACMTA PROGRAMMED FUNDS:									
MEASURE M FUNDS:									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total MEASURE M	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM PROG LACMTA FUNDS:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER NON LACMTA FUNDING:									
LOCAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total LOCAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total STATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total FEDERAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRIVATE: [INSERT SOURCE]									
Planning Activities/Prog Dev									\$0
Environmental									\$0
Design and PS&E									\$0
Right-of-Way Acquisition									\$0
Construction									\$0
Vehicle Purchase									\$0
Others									\$0
Total PRIVATE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SUM NON-LACMTA FUNDS :	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PROJECT FUNDING FY2021-22 and FY2022-23	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL LACMTA FUNDS	\$0	\$0	\$1,000	\$11,000	\$12,750	\$0	\$0	\$1,750	\$26,500
TOTAL NON-LACMTA FUNDS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL PROJECT FUNDING	\$0	\$0	\$1,000	\$11,000	\$12,750	\$0	\$0	\$1,750	\$26,500

**ATTACHMENT C
 SCOPE OF WORK
 PROGRAM DEVELOPMENT/PLANNING ACTIVITIES - 0.5% FUNDING**

MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM(S):
 (Please list the Programs included in the Funding Agreement, if applicable)

1. Active Transportation
2. Bus System Improvement
3. First/Last Mile & Complete Streets
4. Highway Demand

PROGRAM # 1 – Active Transportation

DESCRIPTION
 (Proposed scope of work, type of subregional capital projects subject of the planning activities, if known)

The primary focus of the SGVCOG’s active transportation subregional funding is the development of a multi-use greenway network along the rivers, streams and storm channels that cross the San Gabriel Valley. The SGVCOG is working with the cities, County, and community stakeholders to develop a comprehensive inventory of potential projects and then to evaluate and prioritize those projects. That information, which will be reviewed by both technical advisory committees (TACs) and the SGVCOG’s Transportation Committee will be used to guide the Measure M funding recommendations. Additionally, the SGVCOG will work with entities to identify additional on-street active transportation facilities for Measure M funding.

The SGVCOG will involve all entities within the Subregion eligible for the Measure M Multi-Year Subregional Program funding and consult regarding the composition of projects in the Plan, either directly, or through their participation in the Council of Governments or comparable subregional entity that represents the Subregion.

ESTIMATED COSTS:

Item Description	Estimated Cost
Public Participation Plan	\$1,000
Five-Year Programming Plan	\$51,500
Annual Update (Update or Amend)	\$21,000
Total	\$73,500

SCHEDULE:

Milestones	Begin	End	Duration (months)
Public Participation Plan Development	2/18	4/18	3
Performance Benefit Statement Development	4/18	8/18	5
Outreach	4/18	8/18	5
Five-Year Programming Plan Development	4/18	8/18	5
Subregion Entity Plan Submittal to LACMTA	-	9/18	-

DELIVERABLES: (Select appropriate deliverables, sample template included in the Administrative Procedure Appendix)

- Measure M – MSP Public Participation Element
- Five-Year Plan Programming Forecast
- Scope of Work per Project
- Project Readiness per Project
- Project Financial Plan per Project

PROGRAM # 2 –Bus System Improvement

DESCRIPTION

During the initial 5 years of funding, this program will have only limited funding (\$500,000). Based on that, the SGVCOG plans to work with the region’s primary transit provider (Foothill Transit) to identify and scope an appropriate planning project to improve service in the region.

The SGVCOG will involve all entities within the Subregion eligible for the Measure M Multi-Year Subregional Program funding and consult regarding the composition of projects in the Plan, either directly, or through their participation in the Council of Governments or comparable subregional entity that represents the Subregion.

ESTIMATED COSTS:

Item Description	Estimated Cost
Public Participation Plan	\$100
Five-Year Programming Plan	\$2100
Annual Update (Update or Amend)	\$300
Total	\$2,500

SCHEDULE:

Milestones	Begin	End	Duration (months)
Public Participation Plan Development	2/18	4/18	3
Performance Benefit Statement Development	4/18	8/18	5
Outreach	4/18	8/18	5
Five-Year Programming Plan Development	4/18	8/18	5
Subregion Entity Plan Submittal to LACMTA	-	9/18	-

PROGRAM # 3 –First / Last Mile and Complete Streets

DESCRIPTION

The SGVCOG will engage all cities with eligible transit stations to identify first/last mile projects. Additionally, the SGVCOG will coordinate with Metro and the Gold Line Phase 2B cities during the creation of their FLM plans to identify projects around these planned stations. Once those projects are scoped and prioritized, the SGVCOG will work with cities to identify complete streets projects.

The SGVCOG will involve all entities within the Subregion eligible for the Measure M Multi-Year Subregional Program funding and consult regarding the composition of projects in the Plan, either directly, or through their participation in the Council of Governments or comparable subregional entity that represents the Subregion.

ESTIMATED COSTS:

Item Description	Estimated Cost
Public Participation Plan	\$2,000
Five-Year Programming Plan	\$60,000
Annual Update (Update or Amend)	\$25,000
Total	\$87,000

SCHEDULE:

Milestones	Begin	End	Duration (months)
Public Participation Plan Development	2/18	4/18	3
Performance Benefit Statement Development	4/18	8/18	5
Outreach	4/18	8/18	5
Five-Year Programming Plan Development	4/18	8/18	5
Subregion Entity Plan Submittal to LACMTA	-	9/18	-

PROGRAM # 4 –Highway Demand

DESCRIPTION

Funding from this subregional program has already been committed to the Lemon Avenue project via a Letter of No Prejudice. SGVCOG will work to complete all necessary documentation to support receipt of Measure M funding for this project.

The SGVCOG will involve all entities within the Subregion eligible for the Measure M Multi-Year Subregional Program funding and consult regarding the composition of projects in the Plan, either directly, or through their participation in the Council of Governments or comparable subregional entity that represents the Subregion.

ESTIMATED COSTS:

Item Description	Estimated Cost
Public Participation Plan	\$1,000
Five-Year Programming Plan	\$22,000
Annual Update (Update or Amend)	\$3,000
Total	\$26,000

SCHEDULE:

Milestones	Begin	End	Duration (months)
Public Participation Plan Development	2/18	4/18	3
Performance Benefit Statement Development	4/18	8/18	5
Outreach	4/18	8/18	5
Five-Year Programming Plan Development	4/18	8/18	5
Subregion Entity Plan Submittal to LACMTA	-	9/18	-



Metro

February 15, 2018

Marisa Creter
Interim Executive Director
San Gabriel Valley Council of Governments
1000 S. Fremont Avenue, Unit #42
Alhambra, CA 91803

RE: Measure M Multi-Year Subregional Program Process – Letter of No Prejudice for
Expenditure of Local Funds

Dear Ms. Creter:

This is in response to your February 1, 2018 letter requesting a Letter of No Prejudice from the Los Angeles County Metropolitan Transportation Authority (“LACMTA”). This Letter of No Prejudice will allow the San Gabriel Council of Governments (the “Agency”) to spend its local funds for the Measure M Multi-Year Subregional Program five-year development process (the “Project”) prior to execution of a Measure M Funding Agreement (FA) with the understanding and agreement to the following:

- Resources to support the five-year development process will be drawn down from the Agency’s Measure M Multi-Year Subregional Programs.
- Any work and related local expenditures the Agency makes under this Letter of No Prejudice is undertaken solely at the risk of the Agency, as LACMTA cannot guarantee the availability of funds to be programmed. LACMTA shall have no responsibility or obligation to fund the Project based on anything contained in this letter.
- The Agency understands and agrees that should the Agency choose to initiate any work under this Letter of No Prejudice, it in no way implies or assures that the Project will be given a higher priority by LACMTA in the assignment of available funds over other projects within the Measure M Multi-Year Subregional Programs.

With this understanding, if the Agency still desires to go forward with the Project at this time, LACMTA agrees that if the Agency chooses to spend local funds in an amount up to \$188,000 for the Project, then such funds shall be considered local expenditures contingent upon meeting the following conditions:

- LACMTA shall consider expenditures in an amount up to \$188,000 as local expenditures for the Project effective as of the date of this letter;
- In order to secure reimbursement of local funds spent in advance of the FA, all expenses made prior to the execution of the FA and as of the date of this letter must be fully documented and consistent with any applicable provisions in the final Measure M Administrative Procedures;
- The Agency will comply with the final Measure M Administrative Procedures, including, but not limited to subregional qualitative performance measures, public participation, and project readiness assessment requirements;

Marisa Creter
February 15, 2018
Page 2

- Any local expenditures incurred under this Letter of No Prejudice will be audited and any expenses found not to be in compliance with the terms and conditions of the FA will be disallowed; and
- The indemnity requirements as provided in the FA shall apply to any local match funds expended as described in this letter.

If the Agency fails to meet the above conditions, this letter shall be void and not binding upon the LACMTA. Nothing in the letter is intended to or shall be construed to allow the Agency to spend Measure M funds.

If you should have any questions regarding the terms and conditions of this Letter of No Prejudice, please contact Fanny Pan at (213) 922-3070 or email at panf@metro.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Therese W. McMillan", with a long horizontal flourish extending to the right.

Therese W. McMillan
Chief Planning Officer

cc: Mark Christoffels

Bill Number/Title	Summary	Committee/Location	COG Position	Updated	Status
SB 168 (Wickowski) add Sections 14514.2 and 14548 to, and to add and repeal Section 14549.7 of, the Public Resources Code, relating to recycling.. http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=2017201805SB168	Would do the following: <ul style="list-style-type: none"> Require CalRecycle, on or before January 1, 2023, to establish the minimum percentage of a material type that a beverage container is constructed of, including, but not limited to, recycled materials, and Require Calrecycle, on or before January 1, 2020, to provide to the Legislature a report on the establishment and implementation of an Extended Producer Responsibility (EPR) program to replace the current California beverage container recycling program. 	State: Assembly COG: EENR	Tracking	6/26/2018	Approved by the Assembly Natural Resources Committee.
AB 1795 (Gipson) An act to amend Sections 1797.52, 1797.172, and 1797.218 of, and to add Sections 1797.98 and 1797.260 to, the Health and Safety Code, relating to emergency medical services. http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1795	Would authorize local emergency medical service agencies to allow paramedics to transport people to a community care facility, such as a mental health urgent care center or sobering facility.	State: Assembly COG: Homelessness	Support	4/19/2018	Died
SB 827 (Wiener) An act to add Section 65917.7 to the Government Code, relating to land use. http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=2017201805SB827	This bill would exempt certain housing projects from locally developed and adopted height limitations, densities, parking requirements, and design review standards. This would undermine locally adopted General Plans and Housing Elements	State: Senate COG: Planners TAC	Oppose	4/9/2018	Died
AB 444 (Ting) An act to add Section 117906 to the Health and Safety Code, relating to public health. http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB444	Would authorize the California Environmental Protection Agency (Cal/EPA) to develop a statewide program for the collection, transportation, and disposal of home-generated medical waste, including sharps waste and pharmaceutical waste.	State: Senate COG: EENR	Tracking	4/18/2018	Died

<p>SB 623 (Morning) add Article 6.5 (commencing with Section 14615) to Chapter 5 of Division 7 of, to add Article 14.5 (commencing with Section 62215) to Chapter 2 of Part 3 of Division 21 of, and to repeal Sections 14616 and 62216 of, the Food and Agricultural Code http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB623</p>	<p>This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the state water board for the purpose of securing access to safe drinking water for all Californians.</p>	<p>State: Assembly Appropriations. 2-yr bill. COG: Water</p>	<p>Oppose unless amended</p>	<p>9/1/2017</p>	<p>Active: Trailer Bill</p>
<p>SB 633 (Portantino) A regional board shall consider opportunities to convey stormwater to a regional site within the watershed http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB633</p>	<p>This bill would require a regional board preparing a water quality control plan for a region having a population in excess of 10 million residents to additionally consider opportunities to convey stormwater to a regional site within the watershed in which the stormwater originated for capture and infiltration and to consider and balance the opportunity for stormwater capture when determining past and probable future beneficial uses of water, as specified.</p>	<p>State: Senate COG: Water</p>	<p>Tracking</p>	<p>2/1/2018</p>	<p>Died</p>
<p>SB 1133 (Portantino) add Section 13249 to the Water Code, relating to water quality, and making an appropriation therefor. http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1133</p>	<p>This bill would authorize a regional board to accept and spend donations of moneys from a permittee for the purpose of updating a water quality control plan, thereby making an appropriation. The bill would authorize the California regional water quality control board, Los Angeles region, to accept and spend certain funds from the Los Angeles County Flood Control District to prepare a major revision to the water quality control plan for the Los Angeles region, as prescribed.</p>	<p>State: Senate COG: Water</p>	<p>Tracking</p>	<p>6/26/2018</p>	<p>Heard at the Environmental Safety and Toxic Committee</p>

<p>AB 2538 (Rubio) Municipal separate storm sewer systems: financial capability analysis: pilot project. http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2538</p>	<p>This bill would require the state board, by an unspecified date, to establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions. The bill would require the California Regional Water Quality Control Board, Los Angeles region, to use the guidelines in a pilot project conducted to assess if a financial capability analysis can be effectively used to help municipalities to implement a municipal separate storm sewer system permit. The bill would require the state board to oversee the use of the guidelines and, upon the completion of the pilot project, to make statewide recommendations or site-specific recommendations based on feasibility and the need to address the most prominent pollutants.</p>	<p>State: Assembly COG: Water</p>	<p>Support 04/19/2018</p>	<p>6/21/2018</p> <p>Passed and re-refer to Com. on APPR. (Ayes 5. Noes 1.)</p>
<p>AB 1912 (Rodriguez) add Sections 6508.2, 20461.1, 20574.1, and 20575.1 to, and to repeal and add Section 20577.5 of, the Government Code, and to amend Section 366.2 of the Public Utilities Code, relating to public agencies, and making an appropriation therefor. http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1912</p>	<p>The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power. Under the act, if the agency is not one or more of the parties to the agreement but is a public entity, commission, or board constituted pursuant to the agreement, the debts, liabilities, and obligations of the agency are the debts, liabilities, and obligations of the parties to the agreement, unless the agreement specifies otherwise. This bill would eliminate the above provisions within the Joint Exercise of Powers Act and those related provisions for community choice aggregators that permit an agreement between one or more parties to specify otherwise as to their debts, liabilities, and obligations and that permit a party to separately contract for those debts, liabilities, or obligations.</p>	<p>State: Assembly COG: Executive</p>	<p>Oppose</p>	<p>6/26/2017</p> <p>Read second time, amended, and re-referred to Com. On Public Employees and Retirement. A hearing has not been scheduled.</p>
<p>SB 681 (Moorlach) to add Section 20570.1 to the Government Code, relating to public employees' retirement. http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB681</p>	<p>This bill provides an alternative procedure for a public agency seeking to terminate its retirement benefits contract with California Public Employees' Retirement System (CalPERS) that would prevent CalPERS from collecting an actuarial determined amount sufficient to ensure payment of future retirement benefits for members from the agency.</p>	<p>State: Senate COG: Executive</p>	<p>Tracking</p>	<p>2/1/2018</p> <p>Died</p>

<p>SB 1032 (Moorlach) An act to amend Section 20577, to repeal Sections 20570, 20574, 20571.5, 20573, 20574, 20575, 20577.5, 20579, 20580, 20581, 20582, 20583, 20584, 20585, 20586, 20587, 20588, 20589, 20590, 20591, 20592, and 20593, and to repeal and add Section 20578, of the Government Code, relating to retirement.</p> <p>http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1032</p>	<p>Existing law requires the terminating contracting agency to contribute to the terminated agency pool the difference between the accumulated contributions and the board's pension liability for the contracting agency's members, as provided. This bill would authorize a contracting agency to terminate its contract with the board at the agency's will and would not require the contracting agency to fully fund the board's pension liability upon termination of the contract. The bill would authorize the board to reduce the member's benefits in the terminated agency pool by the percentage of liability unfunded. The bill would also authorize a contracting agency who terminates its contract with the board to transfer the assets accumulated in the system to a pension provider designated by the contracting agency.</p>	<p>State: Senate</p> <p>COG: Executive</p>	<p>Tracking</p>	<p>3/15/2018</p>	<p>Died</p>
<p>Prop 69 (aka ACA 5) an amendment to the Constitution of the State, by amending Section 1 of Article XIXA thereof, by adding Section 15 to Article XIII B thereof, and by adding Article XIX D thereto, relating to transportation.</p> <p>http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180ACAS</p>	<p>This measure would add Article XIX D to the California Constitution to require revenues derived from vehicle fees imposed under a specified chapter of the Vehicle License Fee Law to be used solely for transportation purposes, as defined. The measure would prohibit these revenues from being used for the payment of principal and interest on state transportation general obligation bonds that were authorized by the voters on or before November 8, 2016. The measure would prohibit the revenues from being used for the payment of principal and interest on state transportation general obligation bonds issued after that date unless the bond act submitted to the voters expressly authorizes that use. The measure would also prohibit the Legislature from borrowing these revenues, except as specified, or using them for purposes other than transportation purposes.</p>	<p>State: Secretary of State</p> <p>COG: Transportation</p>	<p>Support 04/19/2018</p>	<p>4/17/2017</p>	<p>Passed on June 5th with 81% of the vote</p>

<p>AB 1971 (Santiago) An act to amend Section 1799.111 of the Health and Safety Code, and to amend Sections 5008, 5250, and 5350 of the Welfare and Institutions Code, relating to mental health.</p> <p>https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1971</p>	<p>This bill would expand the definition of “gravely disabled” for these purposes to also include a condition in which a person, as a result of a mental health disorder or chronic alcoholism, as applicable, is unable to provide for his or her medical treatment, as specified.</p>	<p>State: Assembly COG:Homelessness</p>	<p>Support 04/19/2018</p>	<p>06/21/18/12/2018</p>	<p>Do pass and referred to appropriations (Ayes 6. Noes 1.)</p>
<p>AB 2417 (Rodriguez) An act to amend Section 132415 of the Public Utilities Code, relating to transportation.</p>	<p>This bill would increase to 6 the voting members of the board by adding one voting member appointed by the City of Montclair. Because this bill would require a local authority to assume additional responsibilities, it would create a state-mandated local program.</p>	<p>State: Assembly COG: Transportation</p>	<p>Oppose</p>	<p>5/31/2018</p>	<p>Died</p>
<p>AB 2681 (Nazarian) An act to add Chapter 12.2.5 (commencing with Section 8875.100) to Division 1 of Title 2 of the Government Code, relating to seismic safety.</p> <p>https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2681</p>	<p>This bill would would, upon the identification of funding by the Office of Emergency Services, require each building department of a city or county to create an inventory of potentially vulnerable buildings, as defined, within its jurisdiction, based on age and other publicly available information, and submit that inventory to the Office of Emergency Services, office, as specified.</p>	<p>State: Assembly COG: Executive</p>	<p>Support</p>	<p>6/20/2018</p>	<p>Passed Committee on Government Organization. (Ayes 10. Noes 2.)</p>
<p>AB 1857 (Nazarian) An act to add Section 18941.11 to the Health and Safety Code, relating to building standards.</p> <p>http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1857</p>	<p>This bill would require the commission to assemble a functional recovery working group comprised of certain state entities and members of the construction and insurance industries, as specified. The bill would require the group, by July 1, 2020, to investigate and determine criteria for a “functional recovery” standard following a seismic event.</p>	<p>State: Assembly COG: Executive</p>	<p>Support</p>	<p>6/26/2018</p>	<p>Do pass and referred to appropriations (Ayes 12. Noes 0. Abst 1.) 12</p>

REPORT

DATE: July 2, 2018
TO: Executive Committee
FROM: Marisa Creter, Executive Director
RE: **FAIR SENTENCING AND PUBLIC SAFETY ACT OF 2018**

RECOMMENDED ACTION

For information only

BACKGROUND

There are three types of crimes: felonies, misdemeanors, and infractions. A felony is the most serious type of crime. Existing law classifies some felonies as "violent" or "serious," or both. Examples of felonies currently defined as violent include murder, robbery, and burglary of an occupied residence. While almost all violent felonies are also considered serious, other felonies-such as selling certain drugs to a minor or making criminal threats of violence-are defined only as serious. Felonies that are not classified as violent or serious include human trafficking and sale of drugs to adults.

In 1994, the California Legislature and voters (with the passage of Proposition 184) changed the state's criminal sentencing law to impose longer prison sentences for certain repeat offenders (commonly referred to as the "three strikes" law). Currently, a person who is convicted of a felony and who previously has been convicted of one or more violent or serious felonies is sentenced to state prison as follows:

- **Second Strike Offense** - If the offender has one previous serious or violent felony conviction, the sentence for any new felony conviction (not just a serious or violent felony) is twice the term otherwise required under law for the new conviction. Offenders that receive this sentencing enhancement are referred to as "second strikers."
- **Third Strike Offense** - If the offender has two or more previous serious or violent felony convictions, the sentence for any new serious or violent felony conviction is a minimum of a life term with the earliest possible parole after 25 years. In addition, offenders with two or more previous serious or violent offenses who commit a new nonserious, nonviolent felony can be similarly sentenced to a life term if (1) that felony is a certain offense (such as selling large quantities of drugs) or (2) if the offender's prior offenses included certain crimes (such as homicide or various sex crimes). Offenders that receive this sentencing enhancement are referred to as "third strikers."

The Fair Sentencing and Public Safety Act would amend state law, as follows:

- Reduce the number of felonies that are considered violent and serious,
- Limit eligibility for a third strike sentence,
- Require that any state savings resulting from its provisions be spent on education, prison inmate rehabilitation, and youth crime prevention,

- Remove the crimes of burglary and robbery that do not result in significant bodily harm from the list of violent felonies,
- Remove robberies and burglaries in which a firearm or other dangerous weapon is not actually used from being classified as a violent felony, and
- Allow any prison inmate serving an indeterminate life sentence for a third strike according to the three-strikes law to request a resentencing for their third-strike crime under the changes made to felony classifications.

Additionally, this initiative would also reduce the number of current offenses that result in a life term under the three strikes law by generally excluding serious felonies and certain other crimes such as selling large quantities of drugs.

LOCAL IMPACT

This item was brought up at the Annual City Managers' Conference because of the significant local impact. Local communities have already been impacted by AB 109, Prop. 47 and Prop. 57 which increased parole chances for felons convicted of nonviolent crimes and reduced the prison population by releasing inmates. Following the passage of these propositions, communities saw a 10% increase in violent crime and an 8% increase in property crimes.

Furthermore, in July 2017, the Governing Board adopted Resolution 17-23 (Attachment B), related to the negative impacts from State legislative changes. This Resolution also advocates to place into law various offenses that are currently not considered violent offenses, such as:

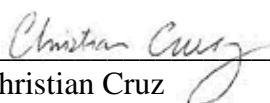
- Assault with intent to commit rape or robbery,
- Any felony in which the defendant personally used a dangerous or deadly weapon, and
- Oral copulation by force, violence, duress, menace, or threat of great bodily harm.

This proposed initiative would be in direct conflict with this resolution.

It is estimated that this Initiative would further reduce the inmate population by a few thousand initially, due to its resentencing provisions, and potentially by more in future years due to its ongoing impact on inmate sentences. In which case, those inmates would be released back to their communities of residence, which could possibly increase crime within those communities. Additionally, this Initiative would have state and local government fiscal effects. For example, agencies would incur additional costs to the extent that offenders released from prison would require government services (such as government-paid health care for persons without private insurance coverage).

The deadline to obtain the necessary signatures to qualify this Initiative for the November ballot is July 16th.

Prepared by:


Christian Cruz
Management Analyst

REPORT

Approved by: *Mariša Creter*
Mariša Creter
Executive Director

ATTACHMENTS

Attachment A – Fair Sentencing and Public Safety Act
Attachment A – Resolution 17-23

**THE PEOPLE'S FAIR SENTENCING AND
PUBLIC SAFETY ACT OF 2018.**

SECTION 1. Title.

This measure shall be known and may be cited as "The People's Fair Sentencing and Public Safety Act of 2018."

SECTION 2. FINDINGS and DECLARATIONS.

California's prison system has long been marred by fiscal waste, and other issues related to overcrowding. This is in large part due to questionable politics and irrational sentencing practices. The controversial Three Strikes Law remains at the forefront of this dilemma. With the passage of previous sentencing reform initiatives, California voters have made clear their desire to eliminate wasteful spending, and bring fairness to our justice system by voting in laws that take a "smart on crime" approach. The money saved by the passage of this initiative will be allocated towards the state's general education fund, crime prevention and prisoner rehabilitation programs. This act will promote public safety and ensure that dangerous criminals such as child molesters, rapists, and murderers remain behind bars.

THIS ACT WILL:

- (1) Promote public safety by furthering current crime prevention and protection efforts.
- (2) Save hundreds of millions in taxpayers' dollars every year by removing the burden of financing health care and housing for nonviolent, aging, and low risk offenders.
- (3) Re-invest annual savings into our education system, youth crime prevention and prisoner rehabilitation programs.
- (4) Amend the California Penal Code to ensure that (a) "nonviolent" property offenders will no longer be classified in the same category as dangerous criminals, and (b) certain violent offenses do not qualify for relief.
- (5) Require resentencing as second strikers for all third strikers whose current conviction is not a violent felony within the meaning of the amended provisions of Penal Code 667.5(c).
- (6) The resentencing shall take place within 180 days of the date the recall of sentence petition is filed with the appropriate court.
- (7) This Act shall have retroactive effect.

SECTION 3. FUNDING.

CHAPTER 33 commencing with Section 7599.7 is added to Division 7 of Title 1 of the Government Code, to read:

Chapter 33. Creation of the People's Fair Sentencing And Public Safety Act of 2018 Fund.

7599.7 (a) A fund to be known as "The People's Fair Sentencing And Public Safety Act of 2018" is hereby created within the State Treasury and, notwithstanding Section 13340 of the Government Code, is continuously appropriated without regard to fiscal year for carrying out the purposes of this chapter.

(b) For purposes of the calculations required by Section 8 of Article XVI of the California Constitution, funds transferred to The People's Fair Sentencing And Public Safety Act of 2018 Fund shall be considered General Fund revenues which may be appropriated pursuant to Article XIII B.

7599.8 Funding Appropriation.

(a) On or before July 31, 2020, and on or before July 31 of each fiscal year thereafter, the Director of Finance shall calculate the savings that accrued to the state from the implementation of the act adding this chapter ("this act") during the fiscal year ending June 30, as compared to the fiscal year preceding the enactment of this act. In making the calculation required by this subdivision, the Director of Finance shall use actual data or best available estimates where actual data is not available. The calculation shall be final and shall not be adjusted for any subsequent changes in the underlying data. The Director of Finance shall certify the results of the calculation to the Controller no later than August 1 of each fiscal year.

(b) Before August 15, 2020, and before August 15 of each fiscal year thereafter, the Controller shall transfer from the General Fund to the People's Fair Sentencing and Public Safety Act of 2018 Fund, the total amount calculated pursuant to subdivision (a).

(c) Monies in The People's Fair Sentencing and Public Safety Act of 2018 Fund shall be continuously appropriated for the purposes of this act. Funds transferred to The People's Fair Sentencing and Public Safety Act of 2018 Fund shall be used exclusively for the purposes of this act and shall not be subject to appropriation or transfer by the Legislature for any other purpose.

(d) The funds in The People's Fair Sentencing and Public Safety Act of 2018 Fund may be used without regard to fiscal year.

7599.9 Distribution of Monies from The People's Fair Sentencing and Public Safety Act of 2018 Fund.

(a) By August 15 of each fiscal year beginning in 2020, the Controller shall disburse monies deposited in The People's Fair Sentencing and Public Safety Act of 2018 Fund as follows:

- (1) Twenty-five percent to elementary, middle, and high schools.
- (2) Twenty-five percent to Community Colleges and Universities of California to offset tuition.
- (3) Twenty-five percent to prison rehabilitation programs.
- (4) Twenty-five percent to youth crime prevention programs.

(b) For each program set forth in paragraphs (1) to (4), inclusive, of subdivision (a), the agency responsible for administering the programs shall not spend more than 5 percent of the total funds it receives from The People's Fair Sentencing and Public Safety Act of 2018 Fund on an annual basis for administrative costs.

(c) Every two years the Controller shall conduct an audit of the grant programs operated by the agencies specified in paragraphs (1) to (4), inclusive of subdivision (a), to ensure the funds are disbursed and expended solely according to this chapter, and shall report his or her findings to the Legislature and the public.

(d) Any costs incurred by the Controller and the Director of Finance in connection with the administration of The People's Fair Sentencing and Public Safety Act of 2018 Fund, including the costs of the calculation required by Section 7599.9(a) and the audit required by subdivision (c), as determined by the Director of Finance, shall be

deducted from the The People's Fair Sentencing and Public Safety Act of 2018 Fund before the funds are disbursed pursuant to subdivision (a).

(e) The funding established pursuant to this act shall be used to fund 7599.8(a)(1) to (4). These funds shall not be used to supplant existing state or local funds utilized for these purposes.

(f) Local agencies shall not be obligated to provide programs or levels of service described in this chapter above the level for which funding has been provided.

SECTION 4. PENAL CODE 667

§667 of the Penal Code is amended as follows:

(This format presents struck wording in [STRIKEOUT] and new wording in *[ITALICS]*).

(a) (1) In compliance with subdivision (b) of Section 1385, any person convicted of a serious felony who previously has been convicted of a serious felony in this state or of any offense committed in another jurisdiction which includes all of the elements of any serious felony, shall receive, in addition to the sentence imposed by the court for the present offense, a five-year enhancement for each such prior conviction on charges brought and tried separately. The terms of the present offense and each enhancement shall run consecutively.

(2) This subdivision shall not be applied when the punishment imposed under other provisions of law would result in a longer term of imprisonment. There is no requirement of prior incarceration or commitment for this subdivision to apply.

(3) The Legislature may increase the length of the enhancement of sentence provided in this subdivision by a statute passed by majority vote of each house thereof.

(4) As used in this subdivision, serious felony means a serious felony listed in subdivision (c) of Section 1192.7.

(5) This subdivision shall not apply to a person convicted of selling, furnishing, administering, or giving, or offering to sell, furnish, administer, or give to a minor any methamphetamine-related drug or any precursors of methamphetamine unless the prior conviction was for a serious felony described in subparagraph (24) of subdivision (c) of Section 1192.7.

(b) It is the intent of the Legislature in enacting subdivisions (b) to (i), inclusive, to ensure longer prison sentences and greater punishment for those who commit a felony and have been previously convicted of one or more serious and/or violent felony offenses.

(c) Notwithstanding any other law, if a defendant has been convicted of a felony and it has been pled and proved that the defendant has one or more prior serious and/or violent felony convictions as defined in subdivision (d), the court shall adhere to each of the following:

(1) There shall not be an aggregate term limitation for purposes of consecutive sentencing for any subsequent felony conviction.

(2) Probation for the current offense shall not be granted, nor shall execution or imposition of the sentence be suspended for any prior offense.

(3) The length of time between the prior serious and/or violent felony conviction and the current felony conviction shall not affect the imposition of sentence.

(4) There shall not be a commitment to any other facility other than the state prison. Diversion shall not be granted nor shall the defendant be eligible for commitment to the California Rehabilitation Center as provided in Article 2 (commencing with Section 3050) of Chapter 1 of Division 3 of the Welfare and Institutions Code.

(5) The total amount of credits awarded pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall not exceed one-fifth of the total term of imprisonment imposed and shall not accrue until the defendant is physically placed in the state prison.

(6) If there is a current conviction for more than one felony count not committed on the same occasion, and not arising from the same set of operative facts, the court shall sentence the defendant consecutively on each count pursuant to subdivision (e).

(7) If there is a current conviction for more than one serious or violent felony as described in paragraph (6), the court shall impose the sentence for each conviction consecutive to the sentence for any other conviction for which the defendant may be consecutively sentenced in the manner prescribed by law.

(8) Any sentence imposed pursuant to subdivision (e) will be imposed consecutive to any other sentence which the defendant is already serving, unless otherwise provided by law.

(d) Notwithstanding any other law and for the purposes of subdivisions (b) to (i), inclusive, a prior conviction of a serious and/or violent felony shall be defined as:

(1) Any offense defined in subdivision (c) of Section 667.5 as a violent felony or any offense defined in subdivision (c) of Section 1192.7 as a serious felony in this state. The determination of whether a prior conviction is a prior felony conviction for purposes of subdivisions (b) to (i), inclusive, shall be made upon the date of that prior conviction and is not affected by the sentence imposed unless the sentence automatically, upon the initial sentencing, converts the felony to a misdemeanor. None of the following dispositions shall affect the determination that a prior conviction is a prior felony for purposes of subdivisions (b) to (i), inclusive:

(A) The suspension of imposition of judgment or sentence.

(B) The stay of execution of sentence.

(C) The commitment to the State Department of Health Services as a mentally disordered sex offender following a conviction of a felony.

(D) The commitment to the California Rehabilitation Center or any other facility whose function is rehabilitative diversion from the state prison.

(2) A prior conviction in another jurisdiction for an offense that, if committed in California, is punishable by imprisonment in the state prison shall constitute a prior conviction of a particular serious and/or violent felony if the prior conviction in the other jurisdiction is for an offense that includes all of the elements of a particular violent felony as defined in subdivision (c) of Section 667.5 or serious felony as defined in subdivision (c) of Section 1192.7.

(3) A prior juvenile adjudication shall constitute a prior serious and/or violent felony conviction for purposes of sentence enhancement if:

(A) The juvenile was 16 years of age or older at the time he or she committed the prior offense.

(B) The prior offense is listed in subdivision (b) of Section 707 of the Welfare and Institutions Code or described in paragraph (1) or (2) as a serious and/or violent felony.

(C) The juvenile was found to be a fit and proper subject to be dealt with under the juvenile court law.

(D) The juvenile was adjudged a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code because the person committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code.

(e) For purposes of subdivisions (b) to (i), inclusive, and in addition to any other enhancement or punishment provisions which may apply, the following shall apply where a defendant has one or more prior serious and/or violent felony convictions:

(1) If a defendant has one prior serious and/or violent felony conviction as defined in subdivision (d) that has been pled and proved, the determinate term or minimum term for an indeterminate term shall be twice the term otherwise provided as punishment for the current felony conviction.

(2) (A) Except as provided in subparagraph (C), if a defendant has two or more prior serious and/or violent felony convictions as defined in subdivision (d) that have been pled and proved, the term for the current felony conviction shall be an indeterminate term of life imprisonment with a minimum term of the indeterminate sentence calculated as the greatest of:

(i) Three times the term otherwise provided as punishment for each current felony conviction subsequent to the two or more prior serious and/or violent felony convictions.

(ii) Imprisonment in the state prison for 25 years.

(iii) The term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period prescribed by Section 190 or 3046.

(B) The indeterminate term described in subparagraph (A) shall be served consecutive to any other term of imprisonment for which a consecutive term may be imposed by law. Any other term imposed subsequent to any indeterminate term described in subparagraph (A) shall not be merged therein but shall commence at the time the person would otherwise have been released from prison.

(C) If a defendant has two or more prior serious and/or violent felony convictions as defined in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7 that have been pled and proved, and the current offense is not a ~~serious or~~ violent felony as defined in subdivision (d) *(c) of Section 667.5 as amended by this Act*, the defendant shall be sentenced pursuant to paragraph (1) of subdivision (e) unless the prosecution pleads and proves any of the following:

~~(i) The current offense is a controlled substance charge, in which an allegation under Section 11370.4 or 11379.8 of the Health and Safety Code was admitted or found true.~~

(i) The current offense is a felony sex offense, defined in subdivision (d) of Section 261.5 or Section 262, or any felony offense that results in mandatory registration as a sex offender pursuant to subdivision (c) of Section 290 except for violations of Sections 266 and 285, paragraph (1) of subdivision (b) and subdivision (e) of Section 286, paragraph (1) of subdivision (b) and subdivision (e) of Section 288a, Section 311.11, and Section 314.

(ii) During the commission of the current offense, *it was charged and proved that* the defendant used a firearm, ~~was armed with a firearm or~~ deadly weapon, or ~~intended to cause~~ *caused* great bodily injury to another person.

(iii) The defendant suffered a prior serious and/or violent felony conviction, as defined in subdivision (d) of this section, for any of the following felonies:

(I) A sexually violent offense as defined in subdivision (b) of Section 6600 of the Welfare and Institutions Code.

(II) Oral copulation with a child who is under 14 years of age, and who is more than 10 years younger than he or she as defined by Section 288a, sodomy with another person who is under 14 years of age and more than 10 years younger than he or she as defined by Section 286, or sexual penetration with another person who is under 14 years of age, and who is more than 10 years younger than he or she, as defined by Section 289.

(III) A lewd or lascivious act involving a child under 14 years of age, in violation of Section 288.

(IV) Any homicide offense, including any attempted homicide offense, defined in Sections 187 to 191.5, inclusive.

(V) Solicitation to commit murder as defined in Section 653f.

(VI) Assault with a machine gun on a peace officer or firefighter, as defined in paragraph (3) of subdivision (d) of Section 245.

(VII) Possession of a weapon of mass destruction, as defined in paragraph (1) of subdivision (a) of Section 11418.

(VIII) Any serious and/or violent felony offense punishable in California by life imprisonment or death.

(f) (1) Notwithstanding any other law, subdivisions (b) to (i), inclusive, shall be applied in every case in which a defendant has one or more prior serious and/or violent felony convictions as defined in subdivision (d). The prosecuting attorney shall plead and prove each prior serious and/or violent felony conviction except as provided in paragraph (2).

(2) The prosecuting attorney may move to dismiss or strike a prior serious and/or violent felony conviction allegation in the furtherance of justice pursuant to Section 1385, or if there is insufficient evidence to prove the prior serious and/or violent felony conviction. If upon the satisfaction of the court that there is insufficient evidence to prove the prior serious and/or violent felony conviction, the court may dismiss or strike the allegation. Nothing in this section shall be read to alter a court's authority under Section 1385.

(g) Prior serious and/or violent felony convictions shall not be used in plea bargaining as defined in subdivision (b) of Section 1192.7. The prosecution shall plead and prove all known prior felony serious and/or violent convictions and shall not enter into any agreement to strike or seek the dismissal of any prior serious and/or violent felony conviction allegation except as provided in paragraph (2) of subdivision (f).

(h) All references to existing statutes in subdivisions (c) to (g), inclusive, are to statutes as they existed on November 7, 2012 6, 2018,

(i) If any provision of subdivisions (b) to (h), inclusive, or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of those subdivisions which can be given effect without the invalid provision or application, and to this end the provisions of those subdivisions are severable.

(j) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

SECTION 5. PENAL CODE 667.5

§667.5(c) of the Penal Code is amended as follows: (This format presents struck wording in ~~{STRIKEOUT}~~ and new wording in *[ITALICS]*).

§667.5. Prior prison terms; enhancement of prison terms; enhancement of prison terms for new offenses.

Enhancement of prison terms for new offenses because of prior prison terms shall be imposed as follows:

(a) Where one of the new offenses is one of the violent felonies specified in subdivision (c), in addition to and consecutive to any other prison terms therefor, the court shall impose a three-year term for each prior separate prison term served by the defendant where the prior offense was one of the violent felonies specified in subdivision (c). However, no additional term shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(b) Except where subdivision (a) applies, where the new offense is any felony for which a prison sentence or a sentence of imprisonment in a county jail under subdivision (h) of Section 1170 is imposed or is not suspended, in addition and consecutive to any other sentence therefor, the court shall impose a one-year term for each prior separate prison term or county jail term imposed under subdivision (h) of Section 1170 or when sentence is not suspended for any felony; provided that no additional term shall be imposed under this subdivision for any prison term or county jail term imposed under subdivision (h) of Section 1170 or when sentence is not suspended prior to a period of five years in which the defendant remained free of both the commission of an offense which results in a felony conviction, and prison custody or the imposition of a term of jail custody imposed under subdivision (h) of Section 1170 or any felony sentence that is not suspended. A term imposed under the provisions of paragraph (5) of subdivision (h) of Section 1170, wherein a portion of the term is suspended by the court to allow mandatory supervision, shall qualify as a prior county jail term for the purposes of the one-year enhancement.

(c) For the purpose of this section, "violent felony" shall mean any of the following:

(1) Murder or voluntary manslaughter.

(2) Mayhem.

(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.

(4) Sodomy as defined in subdivision (c) or (d) of Section 286.

(5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.

(6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.

(7) Any felony punishable by death or imprisonment in the state prison for life.

(8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.

- (9) Any robbery *wherein it is charged and proved that the defendant inflicted great bodily injury on any person, or any robbery wherein it is charged and proved that the defendant used a firearm or other dangerous weapon.*
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
- (12) Attempted murder.
- (13) A violation of Section 18745, 18750, or 18755.
- (14) Kidnapping.
- (15) Assault with the intent to commit a specified felony, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
- (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, ~~wherein it is charged and proved that another person, other than an accomplice was present in the residence~~ *during the commission of the burglary the defendant inflicted great bodily injury on any person, or any burglary of the first degree wherein it is charged and proved that the defendant used a firearm or other dangerous weapon.*
- (22) Any violation of Section 12022.53.
- (23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.
- (d) For the purposes of this section, the defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody, including any period of mandatory supervision, or until release on parole or postrelease community supervision, whichever first occurs, including any time during which the defendant remains subject to reimprisonment or custody in county jail for escape from custody or is reimprisoned on revocation of parole or postrelease community supervision. The additional penalties provided for prior prison terms shall not be imposed unless they are charged and admitted or found true in the action for the new offense.
- (e) The additional penalties provided for prior prison terms shall not be imposed for any felony for which the defendant did not serve a prior separate term in state prison or in county jail under subdivision (h) of Section 1170.

(f) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense which, if committed in California, is punishable by imprisonment in the state prison or in county jail under subdivision (h) of Section 1170 if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under California law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(g) A prior separate prison term for the purposes of this section shall mean a continuous completed period of prison incarceration imposed for the particular offense alone or in combination with concurrent or consecutive sentences for other crimes, including any reimprisonment on revocation of parole which is not accompanied by a new commitment to prison, and including any reimprisonment after an escape from incarceration.

(h) Serving a prison term includes any confinement time in any state prison or federal penal institution as punishment for commission of an offense, including confinement in a hospital or other institution or facility credited as service of prison time in the jurisdiction of the confinement.

(i) For the purposes of this section, a commitment to the State Department of Mental Health, or its successor the State Department of State Hospitals, as a mentally disordered sex offender following a conviction of a felony, which commitment exceeds one year in duration, shall be deemed a prior prison term.

(j) For the purposes of this section, when a person subject to the custody, control, and discipline of the Secretary of the Department of Corrections and Rehabilitation is incarcerated at a facility operated by the Division of Juvenile Justice, that incarceration shall be deemed to be a term served in state prison.

(k) (1) Notwithstanding subdivisions (d) and (g) or any other provision of law, where one of the new offenses is committed while the defendant is temporarily removed from prison pursuant to Section 2690 or while the defendant is transferred to a community facility pursuant to Section 3416, 6253, or 6263, or while the defendant is on furlough pursuant to Section 6254, the defendant shall be subject to the full enhancements provided for in this section.

(2) This subdivision shall not apply when a full, separate, and consecutive term is imposed pursuant to any other provision of law.

SECTION 6. PENAL CODE 1170.12

§1170.12 of the Penal Code is amended as follows: (This format presents struck wording in ~~{STRIKEOUT}~~ and new wording in *[ITALICS]*).

§1170.12 Aggregate and consecutive terms for multiple convictions; Prior conviction as prior felony; Commitment and other enhancements or punishment.

(a) Notwithstanding any other provision of law, if a defendant has been convicted of a felony and it has been pled and proved that the defendant has one or more prior serious and/or violent felony convictions, as defined in subdivision (b), the court shall adhere to each of the following:

(1) There shall not be an aggregate term limitation for purposes of consecutive sentencing for any subsequent felony conviction.

(2) Probation for the current offense shall not be granted, nor shall execution or imposition of the sentence be suspended for any prior offense.

- (3) The length of time between the prior serious and/or violent felony conviction and the current felony conviction shall not affect the imposition of sentence.
- (4) There shall not be a commitment to any other facility other than the state prison. Diversion shall not be granted nor shall the defendant be eligible for commitment to the California Rehabilitation Center as provided in Article 2 (commencing with Section 3050) of Chapter 1 of Division 3 of the Welfare and Institutions Code.
- (5) The total amount of credits awarded pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall not exceed one-fifth of the total term of imprisonment imposed and shall not accrue until the defendant is physically placed in the state prison.
- (6) If there is a current conviction for more than one felony count not committed on the same occasion, and not arising from the same set of operative facts, the court shall sentence the defendant consecutively on each count pursuant to this section.
- (7) If there is a current conviction for more than one serious or violent felony as described in subdivision (b), the court shall impose the sentence for each conviction consecutive to the sentence for any other conviction for which the defendant may be consecutively sentenced in the manner prescribed by law.
- (b) Notwithstanding any other provision of law and for the purposes of this section, a prior serious and/or violent conviction of a felony shall be defined as:
- (1) Any offense defined in subdivision (c) of Section 667.5 as a violent felony or any offense defined in subdivision (c) of Section 1192.7 as a serious felony in this state. The determination of whether a prior conviction is a prior serious and/or violent felony conviction for purposes of this section shall be made upon the date of that prior conviction and is not affected by the sentence imposed unless the sentence automatically, upon the initial sentencing, converts the felony to a misdemeanor. None of the following dispositions shall affect the determination that a prior serious and/or violent conviction is a serious and/or violent felony for purposes of this section:
- (A) The suspension of imposition of judgment or sentence.
- (B) The stay of execution of sentence.
- (C) The commitment to the State Department of Health Services as a mentally disordered sex offender following a conviction of a felony.
- (D) The commitment to the California Rehabilitation Center or any other facility whose function is rehabilitative diversion from the state prison.
- (2) A prior conviction in another jurisdiction for an offense that, if committed in California, is punishable by imprisonment in the state prison shall constitute a prior conviction of a particular serious and/or violent felony if the prior conviction in the other jurisdiction is for an offense that includes all of the elements of the particular violent felony as defined in subdivision (c) of Section 667.5 or serious felony as defined in subdivision (c) of Section 1192.7.
- (3) A prior juvenile adjudication shall constitute a prior serious and/or violent felony conviction for the purposes of sentence enhancement if:
- (A) The juvenile was sixteen years of age or older at the time he or she committed the prior offense, and
- (B) The prior offense is
- (i) listed in subdivision (b) of Section 707 of the Welfare and Institutions Code, or

(ii) listed in this subdivision as a serious and/or violent felony, and

(C) The juvenile was found to be a fit and proper subject to be dealt with under the juvenile court law, and

(D) The juvenile was adjudged a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code because the person committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code.

(c) For purposes of this section, and in addition to any other enhancements or punishment provisions which may apply, the following shall apply where a defendant has one or more prior serious and/or violent felony convictions:

(1) If a defendant has one prior serious and/or violent felony conviction as defined in subdivision (b) that has been pled and proved, the determinate term or minimum term for an indeterminate term shall be twice the term otherwise provided as punishment for the current felony conviction.

(2)(A) Except as provided in subparagraph (C), if a defendant has two or more prior serious and/or violent felony convictions, as defined in subdivision (b), that have been pled and proved, the term for the current felony conviction shall be an indeterminate term of life imprisonment with a minimum term of the indeterminate sentence calculated as the greatest of:

(i) three times the term otherwise provided as punishment for each current felony conviction subsequent to the two or more prior serious and/or violent felony convictions, or

(ii) twenty-five years or

(iii) the term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period prescribed by Section 190 or 3046.

(B) The indeterminate term described in subparagraph (A) of paragraph (2) of this subdivision shall be served consecutive to any other term of imprisonment for which a consecutive term may be imposed by law. Any other term imposed subsequent to any indeterminate term described in subparagraph (A) of paragraph (2) of this subdivision shall not be merged therein but shall commence at the time the person would otherwise have been released from prison.

(C) If a defendant has two or more prior serious and/or violent felony convictions as defined in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7 that has been pled and proved, and the current offense is not a *violent* felony described in ~~paragraph (1) of subdivision (b) (c) of this section~~ of Section 667.5 as amended by this act, the defendant shall be sentenced pursuant to paragraph (1) of subdivision (c) of this section, unless the prosecution pleads any of the following:

~~(i) The current offense is a controlled substance charge, in which an allegation under Section 11370.4 or 11379.8 of the Health and Safety Code was admitted or found true.~~

(i) The current offense is a felony sex offense, defined in subdivision (d) of Section 261.5 or Section 262, or any felony offense that results in mandatory registration as a sex offender pursuant to subdivision (c) of Section 290 except for violations of Sections 266 and 285, paragraph (1) of subdivision (b) and subdivision (e) of Section 286, paragraph (1) of subdivision (b) and subdivision (e) of Section 288a, Section 314, and Section 311.11.

(ii) During the commission of the current offense, it was charged and proved that the defendant used a firearm, ~~was armed with a firearm or~~ deadly weapon, or ~~intended to cause~~ caused great bodily injury to another person.

(iii) The defendant suffered a prior conviction, as defined in subdivision (b) of this section, for any of the following serious and/or violent felonies:

(I) A “sexually violent offense” as defined by subdivision (b) of Section 6600 of the Welfare and Institutions Code.

(II) Oral copulation with a child who is under 14 years of age, and who is more than 10 years younger than he or she as defined by Section 288a, sodomy with another person who is under 14 years of age and more than 10 years younger than he or she as defined by Section 286 or sexual penetration with another person who is under 14 years of age, and who is more than 10 years younger than he or she, as defined by Section 289.

(III) A lewd or lascivious act involving a child under 14 years of age, in violation of Section 288.

(IV) Any homicide offense, including any attempted homicide offense, defined in Sections 187 to 191.5, inclusive.

(V) Solicitation to commit murder as defined in Section 653f.

(VI) Assault with a machine gun on a peace officer or firefighter, as defined in paragraph (3) of subdivision (d) of Section 245.

(VII) Possession of a weapon of mass destruction, as defined in paragraph (1) of subdivision (a) of Section 11418.

(VIII) Any serious and/or violent felony offense punishable in California by life imprisonment or death.

(d)(1) Notwithstanding any other provision of law, this section shall be applied in every case in which a defendant has one or more prior serious and/or violent felony convictions as defined in this section. The prosecuting attorney shall plead and prove each prior serious and/or violent felony conviction except as provided in paragraph (2).

(2) The prosecuting attorney may move to dismiss or strike a prior serious and/or violent felony conviction allegation in the furtherance of justice pursuant to Section 1385, or if there is insufficient evidence to prove the prior serious and/or violent conviction. If upon the satisfaction of the court that there is insufficient evidence to prove the prior serious and/or violent felony conviction, the court may dismiss or strike the allegation. Nothing in this section shall be read to alter a court's authority under Section 1385.

(e) Prior serious and/or violent felony convictions shall not be used in plea bargaining, as defined in subdivision (b) of Section 1192.7. The prosecution shall plead and prove all known prior serious and/or violent felony convictions and shall not enter into any agreement to strike or seek the dismissal of any prior serious and/or violent felony conviction allegation except as provided in paragraph (2) of subdivision (d).

(f) If any provision of subdivisions (a) to (e), inclusive, or of Section 1170.126, or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of those subdivisions which can be given effect without the invalid provision or application, and to this end the provisions of those subdivisions are severable.

(g) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

SECTION 7. PENAL CODE 1170.24

§1170.24 added to the Penal Code to read:

(a) The resentencing provisions under this section and related statutes are intended to apply exclusively to persons presently serving an indeterminate term of imprisonment pursuant to paragraph (2) of subdivision (e) of Section

667 or paragraph (2) of subdivision (c) of Section 1170., whose 'sentence under this act would not have been an indeterminate life sentence.

(b) Any person serving an indeterminate term of life imprisonment imposed pursuant to paragraph (2) of subdivision (e) of Section 667 or paragraph (2) of subdivision (c) of Section 1170.12 upon conviction, whether by trial or plea, of a felony or felonies that are not defined as violent pursuant to subdivision (c) of Section 667.5 as amended by this act, may file a petition for recall of sentence after the effective date of the act that added this section before the trial court that entered the judgment of conviction in his or her case, to request resentencing in accordance with the amendment made by this act.

(c) An inmate is eligible for resentencing if:

(1) The inmate is serving an indeterminate term of life imprisonment imposed pursuant to paragraph (2) of subdivision (e) of Section 667 or subdivision (c) of Section 1170.12 for conviction of a felony or felonies that are not defined as violent felonies by subdivision (c) of Section 667.5 as amended by this act.

(d) A person who meets the requirements of subdivision (a) to (c) shall be entitled to representation by counsel under this section, and for the purpose of resentencing, trial, or retrial. The person may request appointment of counsel by sending a written request to the court.

(e) Notwithstanding any other provision of law, the right to resentencing pursuant to this act is absolute and shall not be waived. This prohibition applies to, but is not limited to, a waiver that is given as part of an agreement resulting in a plea of guilty or nolo contendere.

(f) Those qualifying individuals shall be resentenced within 180 days of a filed petition.

(g) Under no circumstances may resentencing under this act result in the imposition of a term longer than the original sentence.

(h) Notwithstanding subdivision (b) of Section 977, a defendant petitioning for resentencing may waive his or her appearance in court for the resentencing, provided that the accusatory pleading is not amended at the resentencing, and that no new trial or retrial of the individual will occur. The waiver shall be in writing and signed by the defendant.

(i) The case shall be heard by the judge who conducted the trial, or accepted the convicted person's plea of guilty or nolo contendere, unless the presiding judge determines that judge is unavailable. Upon request of either party, the court may order, in the interest of justice, that the convicted person be present at the hearing of the motion.

(j) Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the defendant.

(k) Nothing in this and related sections is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this act.

(l) The resentencing judge shall have the discretion to impose any enhancements under §667(a)(1) as provided by law. Under no circumstances shall the court impose any enhancements that weren't imposed during the original sentencing hearing, nor may the court reimpose a Three Strike sentence.

SECTION 8. PENAL CODE 1192.7

§1192.7 of the Penal Code is amended as follows:

(This format presents struck wording in [STRIKEOUT] and new wording in *[ITALICS]*).

(a)(1) It is the intent of the Legislature that district attorneys prosecute violent sex crimes under statutes that provide sentencing under a "one strike," "three strikes" or habitual sex offender statute instead of engaging in plea bargaining over those offenses.

(2) Plea bargaining in any case in which the indictment or information charges any serious felony, any felony in which it is alleged that a firearm was personally used by the defendant, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited, unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

(3) If the indictment or information charges the defendant with a violent sex crime, as listed in subdivision (c) of Section 667.61, that could be prosecuted under Sections 269, 288.7, subdivisions (b) through (i) of Section 667, Section 667.61, or 667.71, plea bargaining is prohibited unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence. At the time of presenting the agreement to the court, the district attorney shall state on the record why a sentence under one of those sections was not sought.

(b) As used in this section plea bargaining means any bargaining, negotiation, or discussion between a criminal defendant, or his or her counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.

(c) As used in this section, serious felony means any of the following:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under 14 years of age; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) any burglary of the first degree; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32)

assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100; (37) intimidation of victims or witnesses, in violation of 136.1;~~(38) criminal threats, in violation of Section 422;~~(39)(38) any attempt to commit a crime listed in this subdivision other than an assault; (40) (39) any violation of Section 12022.53; (41) (40) a violation of subdivision (b) or (c) of Section 11418; and (42) (41) any conspiracy to commit an offense described in this subdivision.

(d) As used in this section, bank robbery means to take or attempt to take, by force or violence, or by intimidation from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association.

As used in this subdivision, the following terms have the following meanings:

(1) Bank means any member of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) Savings and loan association means any federal savings and loan association and any insured institution as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(3) Credit union means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union administration.

(e) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

SECTION 9. LIBERAL CONSTRUCTION.

This act is an exercise of the public power of the People of this state of California, and shall be liberally construed to effectuate those purposes.

SECTION 10. SEVERABILITY.

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this act, which can be given effect without the invalid provision or application in order to effectuate the purposes of this act. To this end, the provisions of this act are severable.

SECTION 11. CONFLICTING MEASURES.

If this measure is approved by the voters, but superseded by any other conflicting ballot measure approved by more voters at the same election, and the conflicting ballot measure is later held invalid, it is the intent of the voters that this act shall be given the full force of the law.

SECTION 12. EFFECTIVE DATE.

This act shall become effective on the first day after enactment by the voters.

SECTION 13. AMENDMENT.

The Legislature shall not amend or repeal this initiative statute by another statute without the approval of the electors pursuant to Article II, Section 10, subdivision (c) of the California Constitution.

RESOLUTION 17-23

A RESOLUTION OF THE GOVERNING BOARD OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS (“SGVCOG”) REGARDING THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW

WHEREAS, AB 109 transfers responsibility for supervising certain kinds of felony offenders and state prison parolees from state prisons and state parole agents to county jails and probation officers,

WHEREAS, during the past several years, State legislative changes have made fundamental alterations to the fabric of California’s criminal justice system. Many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences,

WHEREAS, California cities, counties, and the State, however, are facing increased crime which endangers the health and safety of police officers, residents, business owners, and property due to some of these legislative changes which created a situation where violent and career criminals are serving little to no prison time,

WHEREAS, negative impacts from State legislative changes have been far reaching and crime rates and the number of victims are skyrocketing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders,

WHEREAS, incentives for offenders to voluntarily enroll in substance abuse programs have diminished, which has had the effect of eroding the safety of our communities,

WHEREAS, AB 109 transferred nearly 45,000 felons from the State prison system to local jail facilities, which were not designed to house criminals on a long-term basis and were unprepared for such an increase in incarcerations, resulting in lower-level criminals being released early, directly impacting rising property crime rates throughout the State,

WHEREAS, many probationers who have severe mental illness are released into communities where they continue to commit crimes that adversely impact the safety of community members and drain the resources of probation departments and police departments throughout the state,

WHEREAS, Proposition 47, The Safe Neighborhoods and Schools Act, downgraded a number of serious crimes from felonies to misdemeanors—drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs,

WHEREAS, Proposition 57 categorizes rape by intoxication, rape of an unconscious person, human trafficking involving sex with minors, drive-by shooting, assault with a deadly weapon, domestic violence, hate crime causing physical injury, and corporal injury to a child as “non-violent” felonies and offenders convicted of violating such laws are able to avoid appropriate prison sentences,

WHEREAS, under Proposition 57, criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single

crime against a single victim and allows repeat criminals to be eligible for release after the same period of incarceration as first time offenders, and

WHEREAS, cities must join together to voice their concerns for these legislative changes that have created an assault on the safety of residents and businesses in local communities.

NOW, THE SGVCOG GOVERNING BOARD RESOLVES THE FOLLOWING:

1. Promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.

2. Advocates to place into law that for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following:

Murder or voluntary manslaughter.

Mayhem.

Rape.

Sodomy by force, violence, duress, menace, or threat of great bodily harm.

Oral copulation by force, violence, duress, menace, or threat of great bodily harm.

Lewd acts on a child under the age of 14 years.

Any felony punishable by death or imprisonment in the state prison for life.

Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.

Attempted murder.

Assault with intent to commit rape or robbery.

Assault with a deadly weapon or instrument on a peace officer.

Assault by a life prisoner on a non-inmate.

Assault with a deadly weapon by an inmate.

Arson.

Exploding a destructive device or any explosive with intent to injure.

Exploding a destructive device or any explosive causing great bodily injury.

Exploding a destructive device or any explosive with intent to murder.

Robbery.

Kidnapping.

Taking of a hostage by an inmate of a state prison.

Attempt to commit a felony punishable by death or imprisonment in the state prison for life.

Any felony in which the defendant personally used a dangerous or deadly weapon.

Escape from a state prison by use of force or violence.

Assault with a deadly weapon.

Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22.

Carjacking.

3. Requests the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

4. Encourages the collection and organization of real world data from cities and counties on the universe of post-release community supervision (PRCS) offenders.

5. Encourages cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of recent policy changes to the criminal justice system.

6. Calls for the Governor and the Legislature to work with the SGVCOG and others stakeholders to consider and implement such criminal justice system reforms.

PASSED, APPROVED, and ADOPTED this 20th day of July, 2017.

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

By: _____

Cynthia Sternquist, President

Attest:

I, Philip A. Hawkey, Executive Director and Secretary of the Board of Directors of the San Gabriel Valley Council of Governments, do hereby certify that Resolution 17-23 was adopted at a regular meeting of the Governing Board held on the 20th day of July, 2017, by the following roll call vote:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	

Philip A. Hawkey, Secretary



AGENDA AND NOTICE OF THE REGULAR MEETING OF THE
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS GOVERNING BOARD

JULY 19, 2018 - 6:00 P.M.

**Upper San Gabriel Valley Municipal Water District Office
602 E. Huntington Drive, Suite B, Monrovia, California 91016**

SGVCOG Officers

President
Cynthia Sternquist

1st Vice President
Margaret Clark

2nd Vice President
Becky Shevlin

3rd Vice President
Tim Hepburn

Members

- Alhambra
- Arcadia
- Azusa
- Baldwin Park
- Bradbury
- Claremont
- Covina
- Diamond Bar
- Duarte
- El Monte
- Glendora
- Industry
- Irwindale
- La Cañada Flintridge
- La Puente
- La Verne
- Monrovia
- Montebello
- Monterey Park
- Pomona
- Rosemead
- San Dimas
- San Gabriel
- San Marino
- Sierra Madre
- South El Monte
- South Pasadena
- Temple City
- Walnut
- West Covina

First District, LA County
Unincorporated Communities

Fourth District, LA County
Unincorporated Communities

Fifth District, LA County
Unincorporated Communities

SGV Water Districts

Thank you for participating in tonight’s meeting. The Governing Board encourages public participation and invites you to share your views on agenda items.

MEETINGS: *Regular Meetings of the Governing Board are held on the third Thursday of each month at 6:00 PM at the Upper San Gabriel Valley Municipal Water District Office (602 E. Huntington Drive, Suite B, Monrovia, California 91016).* The Governing Board agenda packet is available at the San Gabriel Valley Council of Government’s (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvco.org. Copies are available via email upon request (sgv@sgvco.org). Documents distributed to a majority of the Board after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

CITIZEN PARTICIPATION: Your participation is welcomed and invited at all Governing Board meetings. Time is reserved at each regular meeting for those who wish to address the Board. SGVCOG requests that persons addressing the meeting refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE GOVERNING BOARD: At a regular meeting, the public may comment on any matter within the jurisdiction of the Board during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. There is a three minute limit on all public comments. Proxies are not permitted and individuals may not cede their comment time to other members of the public. **The Governing Board may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Governing Board. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Governing Board can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Board member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Governing Board.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



PRELIMINARY BUSINESS

5 MINUTES

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment (*If necessary, the President may place reasonable time limits on all comments*)
5. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting

CONSENT CALENDAR

5 MINUTES

(It is anticipated that the SGVCOG Governing Board may take action on the following matters)

6. Governing Board Meeting Minutes
Recommended Action: Adopt Governing Board minutes.
7. Monthly Cash Disbursements/Balances/Transfers
Recommended Action: Approve Monthly Cash Disbursements/Balances/Transfers.
8. Capital Projects Committee Minutes
Recommended Action: Receive and file.
9. Committee Attendance
Recommended Action: Receive and file.
10. ACE/COG Integration Update
Recommended Action: Receive and file.
11. SGVCOG Committee Appointments
Recommended Action: Adopt Resolution 18-41 to update appointments to SGVCOG Policy Committees membership for FY 18-19.
12. Committee Meeting Dates/Times
Recommended Action: Adopt Resolution 18-42 updating committee meeting dates/times.
13. Service Delivery and Cost Comparison Study Request for Proposals (RFP)
Recommended Action: Authorize the Executive Director to release a RFP to conduct a municipal service delivery and cost comparison study.
14. CalPERS and Employee Contributions
Recommended Action: Adopt the following resolutions:
 - 1) *Adopt resolution 18-43 that requires all employees (PEPRA or Classic) hired after January 1, 2013 pay the CalPERS contribution.*
 - 2) *Adopt resolution 18-44 that allows all employee (PEPRA or Classic) hired after January 1, 2013 to have employee-paid CalPERS contributions to be made pre-tax.*
15. The Fair Sentencing and Public Safety Act
Reccomended Action: Adopt Resolution 18-45 to oppose the Fair Sentencing and Public Safety Act.
16. Revisions to Implementation of Proposition 63 (Mental Health Services Act)
Reccomended Action: Adopt Resolution 18-46 to support revisions to the implementation of Proposition 63, which would include more accountability from the Department of Health Care Services and the Mental Health Services Oversight Commission.
17. Guiding Principles on Homeless Programs
Recommended Action: Adopt Resolution 18-47 affirming SGVCOG guiding principles on homeless programs.
18. Regional Homeless Coordination Quarterly Report
Recommended Action: Receive and file.

19. Measure M Subregional Administrative Funds Contract
Recommended Action: Authorize the Executive Director to execute a contract with Metro which would enable the SGVCOG to be reimbursed for an amount not to exceed \$188,136 for subregional administrative and development work pertaining to developing the first Measure M 5-Year Programming Plan..
20. AB 2762 (Carrillo and Muratsuchi) - Public contracts: disabled veteran business enterprises: local small business enterprises: social enterprises.
Recommended Action: Adopt Resolution 18-48 in support of AB 2762 (Carrillo and Maratsuchi).
21. SGVCOG 2018-2019 Strategic Theme
Recommended Action: Adopt Resolution 18-49 identifying "XXXX" as the Strategic Theme for FY 2018-19.

LIAISON REPORTS

10 MINUTES

22. Gold Line Foothill Extension Construction Authority
23. Foothill Transit
24. Los Angeles County Metropolitan Transportation Authority
25. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy
26. Southern California Association of Governments
27. League of California Cities
28. San Gabriel Valley Economic Partnership
29. South Coast Air Quality Management District

ACTION ITEMS

10 MINUTES

30. SB 1 Repeal
Recommended Action: Adopt Resolution 18-50 to oppose repeal of SB 1.

PRESIDENT'S REPORT

5 MINUTES

EXECUTIVE DIRECTOR'S REPORT

20 MINUTES

31. City Homeless Plans Summary – LeSar Development Consultants, Rachel Ralston, Principal
Recommended Action: For information only.

GENERAL COUNSEL'S REPORT

5 MINUTES

COMMITTEE REPORTS

10 MINUTES

32. Transportation Committee
33. Homelessness Committee
34. Energy, Environment and Natural Resources Committee
35. Water Committee
36. Capital Projects and Construction Committee

PROJECT REPORTS

5 MINUTES

37. Homeless Coordination Efforts
38. San Gabriel Valley Energy Wise Partnership

BOARD MEMBER ITEMS

ANNOUNCEMENTS

ADJOURN