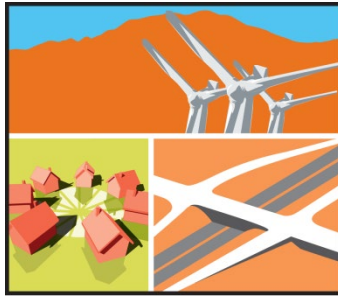


**EXECUTIVE COMMITTEE MEMBERS WILL RECEIVE A UNIQUE PANELIST LINK BY EMAIL.
PLEASE USE THIS LINK TO PARTICIPATE IN THIS MEETING.**



CVAG

EXECUTIVE COMMITTEE AGENDA

MONDAY, FEBRUARY 28, 2022

Regular Session: 4:30 p.m.

Pursuant to Assembly Bill 361 and the findings made by CVAG, this meeting will only be conducted via video/teleconferencing.

INSTRUCTIONS FOR PUBLIC PARTICIPATION

Members of the public may use the following link:

<https://us02web.zoom.us/j/89967511943?pwd=dTBZOGNramdmdUhlUkZ6L2MxMldqZz09>

Password: 817108

One Tap Mobile: +16699009128,,89967511943#

Dial In: +1 669 900 9128

Webinar ID: 899 6751 1943

Password: 817108

***This will provide listening access and ability to address the
Executive Committee when called upon.***

IF YOU ARE UNABLE TO CONNECT VIA DIAL IN OPTION, PLEASE CALL 760-346-1127.

Public Comment is encouraged to be emailed to the Executive Committee prior to the Meeting at cvag@cvag.org by 5:00 p.m. on the day prior to the committee meeting.

Comments intended to be read aloud should be no more than 300 characters.

**THIS MEETING IS HANDICAPPED ACCESSIBLE.
ACTION MAY RESULT ON ANY ITEMS ON THIS AGENDA.**

1. **CALL TO ORDER** – Chair Christy Holstege, Councilmember, City of Palm Springs

2. **ROLL CALL** – Jennifer Nelson

A. **Member Roster**

[5](#)

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC COMMENTS ON AGENDA ITEMS**

This is the time and place for members of the public to address the Executive Committee on agenda items. At the discretion of the Chair, comments may be taken at the time items are presented. Please limit comments to three (3) minutes.

5. **CHAIR / EXECUTIVE DIRECTOR ANNOUNCEMENTS**

6. **CONSENT CALENDAR**

A. **Approve the December 6, 2021 Executive Committee Meeting Minutes**

[6](#)

B. **Affirm that findings still exist, pursuant to Assembly Bill 361, and authorize continuation of remote teleconference/virtual meetings of CVAG committees**

[15](#)

C. **Approve Resolution No. 2022-01, adopting Caltrans Local Assistance Procedures Manual Chapter 10 regarding Procurement Requirements for Architectural and Engineering (A&E) consultant contracts**

[16](#)

D. **Adopt Resolution 2022-02 in support of Net Energy Metering and direct staff to distribute the resolution to Governor Newsom, the region's legislative delegation and members of the California Public Utilities Commission**

[19](#)

E. **Authorize the Executive Director to execute Amendment No. 2 to the Professional Services Agreement with Hoy Civil Engineering, providing for an additional \$371,360 annually and extending the contract to December 2025 in order to add additional personnel necessary for regional transportation efforts, and authorize the Executive Director and/or Legal Counsel to make clarifying revisions before finalizing**

[23](#)

F. **Adopt the updated Transportation Uniform Mitigation Fee (TUMF) Handbook, reflecting the current assessment rates and appeals process**

[32](#)

G. **Authorize the Executive Director to execute a Memorandum of Understanding with Riverside County Department of Waste Resources, providing up to \$25,000 annually for activities that implement waste diversion legislation and organics recycling programs**

[49](#)

6.1 **ITEM(S) HELD OVER FROM CONSENT CALENDAR**

7. **DISCUSSION / ACTION**

A. **Update on Federal and State Advocacy Efforts – Emmanuel Martinez** [55](#)

Recommendation: Adopt CVAG's 2022 Federal and State Legislative Platform

B. **Memorandum of Understanding between CVAG and IID – Emmanuel Martinez** [71](#)

Recommendation: Approve a Memorandum of Understanding with the Imperial Irrigation District to provide a Coachella Valley Energy Commission coordinator, and authorize the Executive Director and/or Legal Counsel to make clarifying changes prior to execution

C. **Funding Regional Projects in Cycle 6 of the State's Active Transportation Program – Emmanuel Martinez** [79](#)

Recommendation: Authorize the Executive Director to take the necessary actions to:

1. Amend the cost-sharing agreements between CVAG and the Cities of La Quinta, Indio and Coachella for design costs related to the Arts and Music Line, adding no additional costs to CVAG and reflecting project boundary changes to the project; and
2. Commit regional transportation funding to the Arts and Music Line and the CV Link Extension to Desert Hot Springs so that projects can maximize leveraging points in applications for the state's ATP Cycle 6 grant program, with the condition that actual expenditure of funds would be dependent on securing the grant funding and funding contributions by local jurisdictions

D. **Reimbursement Agreement with the City of Indio for the Avenue 50 Widening Project (Jefferson Street to Jackson Street) – Jonathan Hoy** [82](#)

Recommendation: Approve the Reimbursement Agreement with the City of Indio as the Lead Agency for the Avenue 50 Widening Project (Jefferson Street – Jackson Street), providing a not-to-exceed amount of \$675,000 in regional funding for the Preliminary Design and Environmental Studies (PS&E) Phase

E. **Terminate the Reimbursement Agreement with the City of Rancho Mirage for the Frank Sinatra Drive Bridge – Jonathan Hoy** [93](#)

Recommendation: Receive and file the environmental documents acknowledging the City of Rancho Mirage's acceptance of a no-build option for the Frank Sinatra Bridge Project and terminate the existing Reimbursement Agreement with the City to end the project

8. **INFORMATION**

a) **Executive Committee Attendance** [100](#)

b) **CVAG Regional Arterial Program – Project Status Report** [101](#)

c) **Status of I-10 Interchange Projects** [102](#)

d) Bicycle/Pedestrian Safety Program - Project Status Report	<u>103</u>
e) Update on Middle-Mile Broadband Efforts	<u>104</u>
f) 2022 Used Oil & Oil Filter Recycling Events	<u>109</u>
g) Inland Regional Energy Network Governance	<u>111</u>
h) Update on the Navigation Center in the City of Palm Springs	<u>113</u>
i) CV Housing First: 2021 Year in Review	<u>122</u>
j) Update on Ad Hoc Efforts to Explore Additional Homelessness Resources and Policies	<u>126</u>

9. **LEGISLATIVE ITEMS**

10. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

This is the time and place for members of the public to address the Executive Committee on items of general interest within the purview of this committee. Please limit comments to two (2) minutes.

11. **ANNOUNCEMENTS**

The next meeting of the **Executive Committee** will be held on Monday, April 25, 2022, at 4:30 p.m. via Zoom webinar.

12. **ADJOURNMENT**

ITEM 2A**EXECUTIVE COMMITTEE
2021-2022 ROSTER**

Jurisdiction	Members
City of Indio, Past Chair	Waymond Fermon Mayor
Twenty-Nine Palms Band of Mission Indians	Darrell Mike Tribal Chair
Torres Martinez Desert Cahuilla Indians	Joseph Mirelez Tribal Vice Chair
Cabazon Band of Mission Indians	Brenda Soulliere Tribal Member
Agua Caliente Band of Cahuilla Indians	Jeff Grubbe Tribal Chair
City of Indian Wells	Dana Reed Mayor
City of Cathedral City	Raymond Gregory Councilmember
City of Palm Desert	Kathleen Kelly Councilmember
City of La Quinta	Linda Evans Mayor
City of Blythe	Joseph DeConinck Vice Mayor
County of Riverside	Kevin Jeffries , 1st District Supervisor Karen Spiegel , 2 nd District Supervisor Chuck Washington , 3 rd District Supervisor V. Manuel Perez , 4 th District Supervisor Jeff Hewitt , 5 th District Supervisor
City of Rancho Mirage	Ted Weill Mayor
City of Desert Hot Springs	Scott Matas Mayor
City of Coachella, Vice Chair	Steven Hernandez Mayor
City of Palm Springs, Chair	Christy Holstege Councilmember

ITEM 6A

EXECUTIVE COMMITTEE MINUTES OF MEETING December 6, 2021



The audio file for this committee meeting can be found at: <http://www.cvag.org/audio.htm>
Any handouts distributed during the meeting will be placed in the meeting file.

1. CALL TO ORDER

The Executive Committee meeting was called to order by the CVAG Executive Assistant/Clerk, Jennifer Nelson, on behalf of Acting Chair Glenn Miller, Councilmember, City of Indio, at 4:00 p.m. via a Zoom webinar, which was pursuant to Gov. Newsom's executive order governing how meetings are held during the COVID-19 pandemic.

2. CLOSED SESSION

A. Public Comment for Closed Session Items Only:

None.

B. Closed Session

Pursuant to the provisions of Government Code Section 54956.8, the Executive Committee adjourned to Closed Session.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Assessor Parcel Number 600-010-017

CVAG Negotiator: Tom Kirk, Executive Director

Negotiating Party: Home Depot

Under Negotiation: Price and Terms of Payment for acquisition of easements for CV Link

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Assessor Parcel Number 674-020-011, 674-020-012, 674-020-052, 674-050-042

CVAG Negotiator: Tom Kirk, Executive Director

Negotiating Party: Allottee 92E, United States of America in Trust of Barbara M. Gonzalez

Under Negotiation: Price and Terms of Payment for acquisition of easements for CV Link

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Assessor Parcel Numbers 674-500-015, 674-500-018, 674-500-039 and 674-500-043

CVAG Negotiator: Tom Kirk, Executive Director

Negotiating Party: Allottee 28E, United States of America in Trust of Paula J. Bleile Belknap and Estate of Lisa M. Bleile, Deceased

Under Negotiation: Price and Terms of Payment for acquisition of easements for CV Link

Pursuant to the provisions of Government Code Section 54956.9 (a), the Executive Committee finds, based on advice from legal counsel, that discussion in open session will prejudice the position of CVAG in the litigation.

3. RECONVENE TO REGULAR SESSION & ROLL CALL – 4:30 p.m.

A roll call was taken, and it was determined that a quorum was present. Those in attendance were as follows:

MEMBERS PRESENT

Councilmember Glenn Miller
Tribal Vice Chair Joseph Mirelez
Tribal Chair Jeff Grubbe
Mayor Richard Balocco
Mayor Raymond Gregory
Mayor Kathleen Kelly
Mayor Linda Evans
Vice Mayor Joseph DeConinck
Supervisor Karen Spiegel
Supervisor V. Manuel Perez
Mayor Ted Weill
Mayor Scott Matas

MEMBERS NOT PRESENT

Tribal Chair Darrell Mike
Tribal Member Brenda Soulliere
Supervisor Kevin Jeffries
Supervisor Chuck Washington
Supervisor Jeff Hewitt
Mayor Steven Hernandez
Mayor Christy Holstege

OTHERS PRESENT

Casey Dailey
Kiana Valentine
Martin Magaña
Erin Sasse
Greg Rodriguez
Eric Lewis v
Jeff Van Wagenen
Mark Lancaster
Paul Vollandigham
Pat Cooper
Brittney Sowell
Jon McMillen
Anne Azzu
Luke Rainey
Pat Cooper
Sherry Barkas
Tina Grande
Joe Dieguez

AGENCY

City of Indio
Torres Martinez Desert Cahuilla Indians
Agua Caliente Band of Cahuilla Indians
City of Indian Wells *(Had to leave meeting at 5:28 p.m.)*
City of Cathedral City
City of Palm Desert
City of La Quinta
City of Blythe
County of Riverside 2nd District
County of Riverside 4th District
City of Rancho Mirage
City of Desert Hot Springs

AGENCY

Twenty-Nine Palms Band of Mission Indians
Cabazon Band of Mission Indians
County of Riverside 1st District
County of Riverside 3rd District
County of Riverside 5th District
City of Coachella
City of Palm Springs

AGENCY

WRCOG
Politico Group
CVAG Consultant
League of California Cities
County of Riverside
Webb and Associates
County of Riverside
County of Riverside
County of Riverside
County of Riverside
Sunline Transit Agency
City of La Quinta
KOA
City of Desert Hot Springs
County of Riverside
Desert Sun

Kosmont

Janis Leonard
Ken Seumalo
One attendee joined by phone

WCROG
City of Indian Wells

STAFF PRESENT

Tom Kirk
Erica Felci
Claude Kilgore
Jonathan Hoy
Eric Cowle
Gustavo Gomez
Emmanuel Martinez
Jennifer Nelson
Beverly Newton
Anyse Smith
Peter Satin
Joanna Stueckle

A. Report on Action from Closed Session

No reportable action was announced.

B. Pledge of Allegiance

Supervisor Karen Spiegel led the Executive Committee in the Pledge of Allegiance.

4. PUBLIC COMMENTS ON AGENDA ITEMS

Jennifer Nelson read a written comment provided by Brad Anderson of Rancho Mirage, provided a written comment to express opposition to Items 6B., 6C., 6H., 6L., and 7A.

5. CHAIR / EXECUTIVE DIRECTOR ANNOUNCEMENTS

La Quinta Mayor Linda Evans spoke a few words in memory of former La Quinta Councilmember Kristy Franklin, who recently passed away.

6. CONSENT CALENDAR

IT WAS MOVED BY MAYOR GREGORY AND SECONDED BY MAYOR KELLY TO APPROVE THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 7C.

- A. Approve the September 27, 2021 Executive Committee Meeting Minutes**
- B. Establish that findings exist, pursuant to Assembly Bill 361, and authorize remote teleconference/virtual meetings of CVAG standing committees**
- C. Item was pulled for discussion**
- D. Authorize the Executive Director to negotiate and enter into a five-year agreement with Questica for budgeting software at a total not-to-exceed amount of \$108,673**

- E. Authorize the Executive Director to enter into an agreement with Koff & Associates to conduct a Classification and Total Compensation Study as part of a joint effort along with the Western Riverside Council of Governments (WRCOG) in an amount not to exceed \$38,527.50, which is CVAG's portion of the total amount \$77,055; ; and authorize the Administrative/ Personnel Committee to direct the related next steps
- F. Authorize the Executive Director to execute a no-cost amendment with eBizUniverse, Inc., extending work on the CVAG website redesign through March 31, 2022
- G. Authorize the Executive Director to execute a no-cost amendment for HDR Engineering's GIS Project contract, extending work through June 30, 2022 and making minor adjustments to the scope of services
- H. Authorize the Executive Director to execute a two-year Professional Services Agreement with Magaña Consulting Services LLC. for work related to CV Link, at a total not-to-exceed annual amount of \$100,000, and authorize the Executive Director and/or Legal Counsel to make clarifying revisions before execution
- I. Adopt CVAG's Regional Active Transportation Design Guidelines
- J. Authorize the Executive Director to take the necessary steps to partner with OhmConnect on its free smart thermostat program, including encouraging smart energy use and providing a way for customers to save on their utility bills
- K. Approve Amendment No. 3 to the Professional Services Contract with HF&H Consultants, LLC for the Used Oil Recycling Program, extending the contract to June 30, 2022 for an additional not-to-exceed amount of \$26,885
- L. Receive and file the CV Housing First's third quarter update and endorse the program strategy for 2022, including the refresh of the CV 200 prospective client list as compiled in partnership with law enforcement and local healthcare partners
- M. Authorize the Executive Director to execute a contract with Kosmont Companies to conduct a revenue stream feasibility study as part of CVAG's REAP-funded projects, at a cost not to exceed \$235,049, including a 10 percent contingency, for services through June 2023, and authorize the Executive Director and/or Legal Counsel to make clarifying changes prior to execution; and authorize the Executive Director to execute any necessary agreements to accept additional REAP funding from SCAG for enhanced project support

THE MOTION CARRIED WITH 12 AYES, AND 7 MEMBERS ABSENT.

COUNCILMEMBER MILLER	AYE
TRIBAL CHAIR DARRELL MIKE	ABSENT
TRIBAL VICE CHAIR MIRELEZ	AYE
TRIBAL COUNCILMEMBER SOULLIERE	ABSENT
TRIBAL CHAIR GRUBBE	AYE
MAYOR BALOCCO	AYE
MAYOR GREGORY	AYE
MAYOR KELLY	AYE
MAYOR EVANS	AYE
VICE MAYOR DECONINCK	AYE

SUPERVISOR JEFFRIES	ABSENT
SUPERVISOR SPIEGEL	AYE
SUPERVISOR WASHINGTON	ABSENT
SUPERVISOR PEREZ	AYE
SUPERVISOR HEWITT	ABSENT
MAYOR PRO TEM WEILL	AYE
MAYOR MATAS	AYE
MAYOR HERNANDEZ	ABSENT
MAYOR HOLSTEGE	ABSENT

6.1 ITEM(S) HELD OVER FROM CONSENT CALENDAR

- C. Adopt CVAG Policy No. 21-04 to Establish Standardized Procurement Guidance in the Acquisition of Goods and Services; and Adopt CVAG Policy No. 21-05 to Establish a Procurement Card Policy and Authorize the Executive Director to Take the Necessary Steps to Apply to and Enroll in the CAL-Card Program**

In response to Mayor Gregory's request, staff indicated the wording in Policy No. 21-04 would be update to clarify the delegation of authority.

IT WAS MOVED BY MAYOR GREGORY AND SECONDED BY MAYOR KELLY TO ADOPT CVAG POLICY NO. 21-04 TO ESTABLISH STANDARDIZED PROCUREMENT GUIDANCE IN THE ACQUISITION OF GOODS AND SERVICES; AND ADOPT CVAG POLICY NO. 21-05 TO ESTABLISH A PROCUREMENT CARD POLICY AND AUTHORIZE THE EXECUTIVE DIRECTOR TO TAKE THE NECESSARY STEPS TO APPLY TO AND ENROLL IN THE CAL-CARD PROGRAM AND ALLOW STAFF TO REWORD THE DELEGATION OF AUTHORITY PARAGRAPH TO CLARIFY INTENT IN POLICY NO. 21-04

THE MOTION TO CARRIED WITH 12 AYES, AND 7 MEMBERS ABSENT.

COUNCILMEMBER MILLER	AYE
TRIBAL CHAIR DARRELL MIKE	ABSENT
TRIBAL VICE CHAIR MIRELEZ	AYE
TRIBAL COUNCILMEMBER SOULLIERE	ABSENT
TRIBAL CHAIR GRUBBE	AYE
MAYOR BALOCCO	AYE
MAYOR GREGORY	AYE
MAYOR KELLY	AYE
MAYOR EVANS	AYE
VICE MAYOR DECONINCK	AYE
SUPERVISOR JEFFRIES	ABSENT
SUPERVISOR SPIEGEL	AYE
SUPERVISOR WASHINGTON	ABSENT
SUPERVISOR PEREZ	AYE
SUPERVISOR HEWITT	ABSENT
MAYOR PRO TEM WEILL	AYE
MAYOR MATAS	AYE
MAYOR HERNANDEZ	ABSENT
MAYOR HOLSTEGE	ABSENT

7. DISCUSSION / ACTION

A. Launch of the Inland Empire Regional Energy Network – Tom Kirk

Tom Kirk introduced Casey Dailey from Western Riverside Council of Governments (WRCOG) who provided a presentation on the launch of I-REN. Member discussion ensued, including future IREN opportunities for expansion.

This was an information item and no vote was taken.

The Chair requested Item 7B be taken at the end of the other discussion items.

C. Next Funding Phase for the Monroe Street / Interstate 10 Interchange Project – Jonathan Hoy

Mr. Hoy presented the staff report. A brief discussion followed.

IT WAS MOVED BY COUNCILMEMBER MILLER AND SECONDED BY SUPERVISOR PEREZ TO APPROVE AMENDMENT NO. 5 TO THE REIMBURSEMENT AGREEMENT WITH THE CITY OF INDIO AND THE COUNTY OF RIVERSIDE FOR THE MONROE STREET/INTERSTATE 10 INTERCHANGE PROJECT, PROVIDING ADDITIONAL REGIONAL FUNDING FOR THE RIGHT OF THE WAY ACQUISITION, AT A TOTAL NOT-TO-EXCEED AMOUNT OF \$4,929,000

THE MOTION TO CARRIED WITH 12 AYES, AND 7 MEMBERS ABSENT.

COUNCILMEMBER MILLER	AYE
TRIBAL CHAIR DARRELL MIKE	ABSENT
TRIBAL VICE CHAIR MIRELEZ	AYE
TRIBAL COUNCILMEMBER SOULLIERE	ABSENT
TRIBAL CHAIR GRUBBE	AYE
MAYOR BALOCCO	AYE
MAYOR GREGORY	AYE
MAYOR KELLY	AYE
MAYOR EVANS	AYE
VICE MAYOR DECONINCK	AYE
SUPERVISOR JEFFRIES	ABSENT
SUPERVISOR SPIEGEL	AYE
SUPERVISOR WASHINGTON	ABSENT
SUPERVISOR PEREZ	AYE
SUPERVISOR HEWITT	ABSENT
MAYOR PRO TEM WEILL	AYE
MAYOR MATAS	AYE
MAYOR HERNANDEZ	ABSENT
MAYOR HOLSTEGE	ABSENT

D. Next Funding Phase for the Jackson Street/ Interstate 10 Interchange Project – Jonathan Hoy

Mr. Hoy presented the staff report. Brief discussion followed.

IT WAS MOVED BY COUNCILMEMBER MILLER AND SECONDED BY SUPERVISOR PEREZ TO APPROVE AMENDMENT NO. 3 TO THE REIMBURSEMENT AGREEMENT WITH THE CITY OF INDIO AND THE COUNTY OF RIVERSIDE FOR THE JACKSON

STREET/INTERSTATE 10 INTERCHANGE PROJECT, PROVIDING A TOTAL NOT-TO-EXCEED AMOUNT OF \$4,875,000 IN ADDITIONAL REGIONAL FUNDING FOR THE PLANS, SPECIFICATIONS AND ESTIMATES (PSE) PHASE

THE MOTION TO CARRIED WITH 12 AYES, AND 7 MEMBERS ABSENT.

COUNCILMEMBER MILLER	AYE
TRIBAL CHAIR DARRELL MIKE	ABSENT
TRIBAL VICE CHAIR MIRELEZ	AYE
TRIBAL COUNCILMEMBER SOULLIERE	ABSENT
TRIBAL CHAIR GRUBBE	AYE
MAYOR BALOCCO	AYE
MAYOR GREGORY	AYE
MAYOR KELLY	AYE
MAYOR EVANS	AYE
VICE MAYOR DECONINCK	AYE
SUPERVISOR JEFFRIES	ABSENT
SUPERVISOR SPIEGEL	AYE
SUPERVISOR WASHINGTON	ABSENT
SUPERVISOR PEREZ	AYE
SUPERVISOR HEWITT	ABSENT
MAYOR PRO TEM WEILL	AYE
MAYOR MATAS	AYE
MAYOR HERNANDEZ	ABSENT
MAYOR HOLSTEGE	ABSENT

E. Amendment No. 2 to the Reimbursement Agreement with City of La Quinta for the Dune Palms Road Bridge Project – Jonathan Hoy

Mr. Hoy presented the staff report. Brief discussion followed.

IT WAS MOVED BY MAYOR EVANS AND SECONDED BY MAYOR BALOCCO TO APPROVE AMENDMENT NO. 2 TO THE REIMBURSEMENT AGREEMENT WITH THE CITY OF LA QUINTA FOR THE DUNE PALMS ROAD BRIDGE PROJECT IN THE AMOUNT OF \$3,888,480, INCREASING CVAG'S SHARE OF LOCAL COSTS TO \$7,257,480, INCLUDING IMPROVEMENTS RELATED TO CV LINK AND EXTENDING THE TERM OF REIMBURSEMENT AGREEMENT THROUGH DECEMBER 2024

THE MOTION TO CARRIED WITH 12 AYES, AND 7 MEMBERS ABSENT.

COUNCILMEMBER MILLER	AYE
TRIBAL CHAIR DARRELL MIKE	ABSENT
TRIBAL VICE CHAIR MIRELEZ	AYE
TRIBAL COUNCILMEMBER SOULLIERE	ABSENT
TRIBAL CHAIR GRUBBE	AYE
MAYOR BALOCCO	AYE
MAYOR GREGORY	AYE
MAYOR KELLY	AYE
MAYOR EVANS	AYE
VICE MAYOR DECONINCK	AYE
SUPERVISOR JEFFRIES	ABSENT
SUPERVISOR SPIEGEL	AYE

SUPERVISOR WASHINGTON	ABSENT
SUPERVISOR PEREZ	AYE
SUPERVISOR HEWITT	ABSENT
MAYOR PRO TEM WEILL	AYE
MAYOR MATAS	AYE
MAYOR HERNANDEZ	ABSENT
MAYOR HOLSTEGE	ABSENT

B. Development of Broadband Middle-Mile Connections in the Coachella Valley – Jonathan Hoy

Mr. Hoy presented the staff report and updated members on the latest developments in the project. Member discussion ensued.

This was an informational item and no vote was taken.

8. INFORMATION

- a) Status of I-10 Interchange Projects**
- b) CVAG Regional Arterial Program - Project Status Report**
- c) Bicycle/Pedestrian Safety Program - Project Status Report**
- d) Executive Committee Attendance Roster**
- e) Extended closure of Amtrak station in Palm Springs**
- f) Letter of Support for Funding Train Service to the Coachella Valley**
- g) Assembly Bill 43 and local discretion in setting speed limits**
- h) American Public Works Association 2021 Projects of Merit**
- i) Air quality funds for regional street sweeping program**
- j) Development of a Navigation Center in the City of Palm Springs**
- k) Exploring Additional Homelessness Resources in the Coachella Valley**
- l) Operations Hub for CV Housing First**
- m) Point-in-Time Sheltered Homeless Data from Riverside County**
- n) Update on Federal and State Advocacy Efforts**

These items were placed in the agenda packet for members' information.

9. LEGISLATIVE ITEMS

Erin Sasse, League of California Cities, provided an update on legislative items and potential ballot initiatives.

10. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

11. ANNOUNCEMENTS

The next meeting of the **Executive Committee** will be held on Monday, January 31, 2022, at 4:30 p.m. via Zoom webinar.

12. ADJOURNMENT

There being no further business, Acting Chair Miller adjourned the meeting in memory of former Councilmember Franklin at 5:36 p.m.

ITEM 6B

**Coachella Valley Association of Governments
Executive Committee
February 28, 2022**



STAFF REPORT

Subject: Remote Teleconference/Virtual Meetings Pursuant to Assembly Bill 361

Contact: Jennifer Nelson, Executive Assistant/Clerk (jnelson@cvag.org)

Recommendation: Affirm that findings still exist, pursuant to Assembly Bill 361, and authorize continuation of remote teleconference/virtual meetings of CVAG committees

Background: All meetings of CVAG's standing committees are subject to the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*), and must be open and public so that any member of the public may attend and participate in the meetings.

Starting in March 2020, Governor Newsom issued a series of executive orders aimed at preventing the spread of COVID-19, as it was determined that social distancing was an important factor addressing the pandemic. Among these were Executive Orders N-25-20, N-29-20 and N-35-20 (collectively, the "Brown Act Orders") that waived the teleconferencing requirements of the Brown Act to allow legislative bodies to meet virtually.

On June 11, 2021, the Governor issued Executive Order N-08-21 to begin winding down some of the prior measures that were adopted to respond to COVID-19. Notably, this order rescinds the Brown Act Orders, effective September 30, 2021. On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which effective October 1, 2021, allows legislative bodies to meet virtually provided the legislative body makes specific findings.

Specific Findings Required under AB 361:

The CVAG Executive Committee has previously made the following findings pursuant to AB 361:

1. A statewide state of emergency is currently in place;
2. State or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and
3. Meeting in person would present imminent risks to the health or safety of attendees.

With this item, staff is recommending the CVAG Executive Committee confirm these findings still exist and continue remote/ virtual meetings, pursuant to AB 361.

Fiscal Analysis: There are no additional costs to CVAG hosting virtual meetings. Committee members are paid the same stipends as they would in person.

ITEM 6C

**Coachella Valley Association of Governments
Executive Committee
February 28, 2022**



STAFF REPORT

Subject: Updated Caltrans Procurement Requirements for Architectural and Engineering (A&E) Consultant Contracts

Contact: Eric Cowle, Transportation Engineer (ecowle@cvag.org)

Recommendation: Approve Resolution No. 2022-01, adopting Caltrans Local Assistance Procedures Manual Chapter 10 regarding Procurement Requirements for Architectural and Engineering (A&E) consultant contracts

Transportation Committee: CONCURS (Meeting of February 7th)

Background: In 2011, the Office of Inspector General (OIG) reviewed the Federal Highway Administration's (FHWA) oversight of Federal-Aid and Recovery Act projects administered by local agencies in California. OIG determined that FHWA and Caltrans were not managing risks properly and many projects were found to have procedural deficiencies in complying with federal regulations related to hiring Architectural and Engineering (A&E) consultants.

As a result, Caltrans revised its procedures to identify critical elements of the consultant procurement process to increase compliance with Title 23 CFR 172 and Government Code 4525-4529.5. Effective October 1, 2017, local agencies were required to adopt and follow the procedures of Chapter 10 (Consultant Selection) of Caltrans' Local Assistance Procedures Manual (LAPM) to receive state or federal funding. A link to the document is here: <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/ch10.pdf>

CVAG's Executive Committee formally adopted Chapter 10 of the LAPM at its meeting on December 7, 2017. The adopted chapter was also cross-referenced in CVAG's procurement policies, which were approved by the Executive Committee in December 2021.

In November 2021, Chapter 10 of the LAPM was updated to specify how local public agencies may submit evidence of Chapter 10 adoption. CVAG is now required to provide a copy of a formal resolution stating the agency has adopted Chapter 10 of the LAPM, not just a certified action. Staff is recommending approval of CVAG Resolution 2022-01 to meet this Caltrans requirement.

Fiscal Analysis: There is no cost to approving Resolution 2022-01, but it is required for all transportation projects involving state or federal funding.

Attachments

CVAG Resolution 2022-01

RESOLUTION NO. 2022-01

A RESOLUTION OF THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) ADOPTING CALTRANS LOCAL ASSISTANCE PROCEDURES MANUAL CHAPTER 10: CONSULTANT SELECTION

WHEREAS, the Coachella Valley Association of Governments (CVAG) is responsible for constructing transportation projects that are state and federally funded; and

WHEREAS, in order to comply with the Federal regulations and due to limited staffing and expertise, certain services including Architectural and Engineering (A&E) are contracted out to qualified firms; and

WHEREAS, the Federal regulations set forth standards for procuring and administering A&E contracts; and

WHEREAS, the provisions of the Brooks Act (40 United States Code, Section 1104) require local agencies to award federally funded engineering and design-related contracts, otherwise known as A&E contracts, on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications (23 CFR 31.201-3); and

WHEREAS, pursuant to 23 CFR 172.5 (b), local agencies shall develop and sustain organizational capacity and provide the resources necessary for the procurement, management, and administration of engineering and design related consultant services, reimbursed in whole or in part with Federal-Aid Highway Program funding as specified in 23 U.S.C. 106(g)(4)(A); and

WHEREAS, the provision 23 CFR 172.5 (b)(1) requires local agencies to adopt written policies and procedures for the procurement, management, and administration of engineering and design related consultant services in accordance with applicable Federal and State laws and regulations; and

WHEREAS, the State of California Department of Transportation (Caltrans) has developed the Local Assistance Procedures Manual (LAPM), Chapter 10, Consultant Selection which sets forth policies and procedures to be utilized by local agencies in the procurement and management of A&E contracts on state and federal funded transportation projects to ensure compliance with applicable Federal and State laws and regulations and to maintain eligibility for Federal-Aid reimbursement; and

WHEREAS, CVAG desires to adopt Caltrans's LAPM Chapter 10 and in accordance with CVAG's conflict of interest policies for compliance with Federal regulations on the procurement and administration of A&E contracts.

NOW, THEREFORE, BE IT RESOLVED by the CVAG Executive Committee as follows:

Section 1. The above recitals are true and correct findings of CVAG's Executive Committee.

Section 2. The Local Assistance Procedures Manual, Chapter 10, Consultant Selection dated January 2022 or as amended in future updates, is approved and adopted.

Section 3. The A&E Services Administration and Procurement Policies developed by CVAG for State and Federal Funded Projects dated February 28, 2022 are approved and adopted.

Section 4. Authorizes the Executive Director to approve amendments to CVAG's adopted A&E Services Administration and Procurement Policies in consultation with the Federal Highways Administration.

Passed and adopted this February 28, 2022 by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

The foregoing resolution is hereby approved.

APPROVED:

Christy Glibert Holstege, Esq.
Chair, CVAG Executive Committee

Tom Kirk
CVAG Executive Director

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the CVAG Executive Committee this February 28, 2022.

ATTEST:

Jennifer Nelson, CVAG Clerk

ITEM 6D

**Coachella Valley Association of Governments
Executive Committee
February 28, 2022**



STAFF REPORT

Subject: Resolution in Support of Rooftop Solar and Net Energy Metering

Contact: David Freedman, Program Manager (dfreedman@cvag.org)

Recommendation: Adopt Resolution 2022-02 in support of Net Energy Metering and direct staff to distribute the resolution to Governor Newsom, the region's legislative delegation and members of the California Public Utilities Commission

Energy & Environmental Resources Committee: CONCURS (Meeting of February 10th)

Background: Customers who install small solar, wind, biogas, and fuel cell generation facilities to serve all or a portion of onsite electricity needs are eligible for the Net Energy Metering (NEM) program adopted by the California Public Utilities Commission (CPUC). NEM allows customers who generate their own energy to serve their energy needs directly onsite and to receive a financial credit on their electric bills for any surplus energy fed back to their utility. NEM is designed to support the installation of customer-sited renewable energy generation, consistent with state law calling for the continued sustainable growth of such generation. This program applies to customers served by the state's three investor-owned utilities (IOUs): Pacific Gas & Electric, Southern California Edison and San Diego Gas & Electric. Publicly owned utilities, such as Imperial Irrigation District, have their own NEM programs and are not subject to the CPUC's NEM rules.

The CPUC adopted the current NEM program in Decision 16-01-044 on January 28, 2016. A previous NEM program is in effect for customers who were enrolled prior to the effective date of the 2016 decision. Through the NEM program, customers receive bill credits for excess generation that is exported to the grid, offsetting energy costs. NEM customers also pay the same charges for public services as non-NEM customers.

The CPUC launched a formal proceeding to update the current NEM structure in 2020. The new rulemaking is referred to as NEM 3.0 because this is the third iteration of the NEM program. Many different proposals have been submitted to the CPUC for consideration, including a joint proposal from the IOUs (otherwise known as the IOU Proposal). Opponents of the IOU Proposal claim that it would hinder the state's highly successful rooftop solar market, which is a key strategy in the state reaching its strong clean energy, greenhouse gas reduction, and other environmental goals.

NEM 3.0 is currently progressing through the necessary steps at the CPUC as part of the rulemaking proceeding. On December 13, 2021, the CPUC issued a proposed decision that is very similar to the IOU Proposal. The CPUC decided earlier this month to put the proposed NEM decision on hold until further notice, to analyze the record and consider revisions to the proposed decision based on party comments.

While it would be premature to advocate for one particular proposal of the many submitted, a number of local cities – including the City of Desert Hot Springs and Palm Springs – have started to weigh in on the issue. Additionally, the Desert Community Energy Board of Directors adopted a similar

resolution at its February 14, 2022 meeting. CVAG staff recommends that CVAG also take a broad position and is presenting Resolution 2022-02 to mirror the positions adopted locally. The resolution is general in nature but includes the following key goals and themes:

- Protecting and expanding rooftop solar via a strong succeeding NEM tariff;
- Expanding clean energy access by making it easier and more affordable for people to adopt rooftop solar and energy storage to meet California's ambitious clean energy targets; and
- Deploying solar in all communities and households, particularly those struggling to pay for electricity.

These goals and themes are consistent with goals and objectives previously adopted by CVAG's Energy & Environmental Resources Committee, including promoting opportunities that benefit energy consumers, reducing greenhouse gas emissions, increasing renewable energy usage, and advancing climate action and resilience. The draft resolution includes support for the items as stated above, and urges the CPUC to:

- Strengthen NEM to expand access to all households, particularly of low and moderate income;
- Expand access to other clean energy technologies that pair with solar, such as battery storage;
- Ensure that the solar installations continue to grow to meet climate goals set by the state and by CVAG's member jurisdictions; and
- Exclude provisions in the IOU Proposal such as imposing high monthly fixed fees and reducing or eliminating credits for sharing electricity with the power grid.

While the IOU Proposal and the solar and environmental advocates' plan are largely in opposition, a consensus is emerging that a fair and effective rooftop solar policy must provide benefits and opportunities for low-income and disadvantaged communities that have previously been left out. One of the participants in the NEM 3.0 proceeding seeking to protect access to customer-sited clean energy among low-income customers is GRID Alternatives, which has installed solar panels on housing for low-income residents in Blythe, Coachella, Cathedral City, Desert Hot Springs, Indio, Palm Desert, Palm Springs, and unincorporated east valley communities, while providing workforce education and training in connection with these installations. Several advocates have also been building support through letters and columns printed in The Desert Sun.

Fiscal Analysis: There is no cost to CVAG for adopting this resolution.

Attachment: Resolution 2022-02

RESOLUTION NO. 2022-02

A RESOLUTION OF THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS IN SUPPORT OF NET ENERGY METERING

WHEREAS, Net Energy Metering (NEM) is designed to support the installation of customer-sited renewable energy generation; and

WHEREAS, NEM allows customers to receive bill credits for power generated by their solar system and shared with the power grid and ultimately save money on their utility bills; and

WHEREAS, NEM is what has allowed solar to become increasingly accessible to low- and moderate-income households; and

WHEREAS, the California Public Utilities Commission (CPUC) has launched a formal proceeding to update the current NEM structure to be introduced in 2022 as NEM 3.0, and a number of parties have submitted their proposal for what they believe NEM 3.0 should look like; and

WHEREAS, the California Investor Owned Utilities (IOUs), Pacific Gas and Electric, San Diego Gas & Electric and Southern California Edison, have submitted a joint proposal (the "IOU Proposal") that calls for drastic changes to NEM that would make customer-sited renewable energy more expensive, increase the amount of time it takes for customers to pay off their systems, and ground to a halt the installation of distributed solar in California; and

WHEREAS, the IOU Proposal would make it impossible for customer-sited renewables to continue to grow sustainably as mandated by law as a result of high monthly fixed fees for all solar installations, and slashing credits customers receive for sharing their excess electricity with the power grid; and

WHEREAS, proposals submitted to CPUC by GRID Alternatives, Protect Our Communities Foundation, Vote Solar, California Solar & Storage Association, Solar Energy Industries Association, and others not only would encourage new solar adoption but also include additional subsidies for low-income customers; and

WHEREAS, California cannot meet its clean energy targets in time with utility-scale solar alone and needs to triple the amount of rooftop solar, as reported by the California Energy Commission's 2021 SB 100 Joint Agency Report Summary; and

WHEREAS, protecting rooftop solar and expanding access to rooftop solar in communities of concern will help California as well as our own region to move toward 100 percent clean energy, lessen the impacts of the climate crisis, and reduce climate injustices from polluting energy; and

WHEREAS, on December 13, 2021, the CPUC issued a Proposed Decision that is very similar to the IOU Proposal. Notable elements of it include the following:

- Credit value of excess energy saved and exported to the grid is slashed by nearly 80%
- Inadequate market transition credits
- Eligibility term reduced for existing (NEM 1.0 and NEM 2.0) solar customers
- Dramatic increases in payback periods for rooftop solar systems; and

WHEREAS, we are in a climate crisis and need to make the transition to clean energy more accessible.

NOW THEREFORE, BE IT RESOLVED that the Executive Committee of the Coachella Valley of Association of Governments supports protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity;

BE IT FURTHER RESOLVED that the Executive Committee of the Coachella Valley of Association of Governments urges the CPUC to reject the Net Energy Metering 3.0 Proposed Decision issued on December 13, 2021, and instead to:

1. strengthen NEM to expand access to all households, particularly of low and moderate income;
2. expand access to other clean energy technologies that pair with solar, such as battery storage;
3. ensure that the solar installations continue to grow to meet the State's and CVAG member jurisdictions' climate goals; and
4. exclude provisions in the IOU Proposal such as imposing high monthly fixed fees and reducing or eliminating credits for sharing electricity with the power grid.

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Governor Gavin Newsom, State Senator Melissa Melendez, Assemblymembers Eduardo Garcia and Chad Mayes, and the members of the California Public Utilities Commission.

APPROVED AND ADOPTED on this 28th day of February 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

Christy Gilbert Holstege, Esq.
CVAG Chair

ATTEST:

Tom Kirk
CVAG Executive Director

ITEM 6E

Coachella Valley Association of Governments Executive Committee February 28, 2022



Staff Report

Subject: Contract Amendment for Hoy Civil Engineering

Contact: Erica Felci, Assistant Executive Director (efelci@cvaq.org)

Recommendation: Authorize the Executive Director to execute Amendment No. 2 to the Professional Services Agreement with Hoy Civil Engineering, providing for an additional \$371,360 annually and extending the contract to December 2025 in order to add additional personnel necessary for regional transportation efforts, and authorize the Executive Director and/or Legal Counsel to make clarifying revisions before finalizing

Transportation Committee: CONCURS (Meeting of February 7th)

Background: At the December 2, 2019 meeting, the CVAG Executive Committee approved a contract with Hoy Civil Engineering (HCE). HCE is a local engineering company, led by the City of Coachella's former engineer Jonathan Hoy, that provides engineering, program management, grant writing and municipal consulting services. Under this contract, HCE has provided professional services to CVAG in navigating projects through each phase of project delivery, from design to right-of-way acquisition to construction. HCE brings extensive experience to CVAG, including long-established partnerships with federal, state, county, local and tribal jurisdictions and expert knowledge of project delivery, as well as history with regional projects.

HCE's experience and expertise has been invaluable to the CVAG Transportation Department as it reaches critical stages of several major projects – most notably launching construction of both CV Link and CV Sync and positioning the Coachella Valley for broadband investments from the state. HCE also has provided analysis and expertise as CVAG addresses funding needs for regional projects, including providing a cash flow analysis for the agency. In September 2021, the CVAG Executive Committee approved a contract amendment that extended the terms of the contract and provided additional funding to address ongoing tasks, which included processing compliance documents related to projects' funding sources, extensive coordination with Caltrans and other partners, as well as various project and department management duties.

Moving forward, CVAG is in need of continued assistance from HCE for its big, regional projects. The ongoing tasks include monitoring cost control; managing schedules; funding administration; preparing requests for proposals; processing documents through Caltrans related to Requests for Authorization, initial financial plans, contract procurements and Supplemental Agreements, audit preparation; construction management oversight; coordination with stakeholders and project partners; as well as departmental management duties. Additionally, CVAG staff is anticipating that additional resources will be necessary in the coming months in order to launch major regional efforts, including the looming update to the

Transportation Project Prioritization Study (TPPS) and its corresponding Regional Arterial Cost Estimate (RACE) and Active Transportation Plan (ATP).

HCE has indicated that additional resources are available to assist CVAG beyond the principal-in-charge. Amendment No. 2 to the HCE contract will expand the available resources to include two additional personnel – a project engineer and a project manager – who would work as needed on a time-and-materials basis. Like Mr. Hoy, the additional personnel come to the position with local experience, including previous coordination with CVAG projects. CVAG staff has reviewed the proposed rates and, as noted below in the fiscal analysis, has determined them to be more than competitive when compared to other firms in the region.

CVAG staff is recommending that the current contract with HCE be amended to include these positions and, as a result, raise the annual limit of expenditures. As recently noted to CVAG's Administrative/ Personnel Committee, CVAG and local agencies in the Coachella Valley have historically had difficulty finding and attracting qualified candidates to live and work in the desert. This is particularly true for expertise positions related to transportation engineering and planning. CVAG has been relying on independent contractors to provide much of project management and oversight necessary to deliver its projects. Given the workload – particularly in the transportation department, which is now leading construction of two \$100 million regional projects – augmenting independent contractor arrangements will ensure timely delivery of projects and programs.

Amendment No. 2 would also extend the terms until December 2025, with a provision to extend the term for another year. Should HCE's services be determined to not be needed at any time, the agreement can be terminated without cause.

Fiscal Analysis: The CVAG Executive Committee approved HCE's original agreement for a not-to-exceed annual amount of \$220,000. Amendment No. 1 extended the terms of the contract until December 2022, with an option to extend by the Executive Director, with a not-to-exceed annual maximum of \$275,000. This provided for up to 32 hours a week, although compensation will continue to be paid on a time and materials basis.

Amendment No. 2 will extend the terms of the contract until December 2025, with an option to extend by the Executive Director. The contract will add a project manager and a project engineer to the available resources provided by HCE, who would work as-needed and be paid on a time and materials basis. Amendment No. 2 would be for a not-to-exceed annual maximum of \$646,360.

The hourly rate will remain the same for the length of the contract, as CVAG staff negotiated a term that forgoes any cost-of-living adjustment. In recommending this amendment, CVAG staff analyzed the rates for similar services at local firms. The rates were as high as \$300 per hour for principals and \$210 for a project manager/ engineer, which is significantly higher than the hourly rates outlined in this amendment. CVAG staff would also note that HCE, including its new additions, already has established expertise with CVAG's projects, meaning they will be able to hit the ground running.

The cost of the services for this agreement will be paid for with existing transportation funding sources.

Attachment: Amendment No. 2 to the Professional Services Agreement for Hoy Civil Engineering.

**COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS
AGREEMENT FOR PROFESSIONAL SERVICES – AMENDMENT NO. 2**

THIS AMENDMENT No. 2 (“Amendment”) is made and entered into on _____, 2022, by and between the Coachella Valley Association of Governments, a California Joint Powers Authority (“CVAG”) and Hoy Civil Engineering, an independent contractor, (“Consultant”). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. Recitals. This Amendment No. 2 is made with the respect to the following facts and purposes:
 - a. On December 2, 2019, CVAG and Consultant entered into that certain agreement entitled “Coachella Valley Association of Governments Agreement for Professional Services” between CVAG and Consultant in an amount not to exceed \$220,000.00.
 - b. On September 21, 2020, CVAG and Consultant executed Amendment No. 1 to the Professional Services Agreement with Hoy Civil Engineering, extending the term to December 2022 and providing for an additional \$55,000 a year.
 - c. The parties now desire to amend the Agreement as set forth in this Amendment No. 2.
2. Amendment. Section 1, SERVICES/SCOPE OF WORK, is hereby amended in its entirety to read as follows:

“1. SERVICES/SCOPE OF WORK, Consultant shall provide CVAG with professional services for various projects and programs as described in the attached Scope of Work (Exhibit A). Consultant shall perform the services in accordance with the professional standards of care applicable to their profession.”
3. Amendment. Section 2, TERM OF AGREEMENT, is hereby amended in its entirety to read as follows:

“2. TERM OF AGREEMENT. The term of this Agreement shall be from December 2, 2019 to December 2, 2025, unless extended in writing by the Executive Director an additional year.”
4. Amendment. Section 4, PAYMENT FOR SERVICES, of the Agreement is hereby amended in its entirety to read as follows:

“4. PAYMENT FOR SERVICES. Consultant shall be compensated at the Consultant rates attached hourly rates (Exhibit B) on a Time and Materials basis. **Total Annual Compensation shall not exceed Six Hundred Forty-Six Thousand Three Hundred Sixty Dollars (\$646,360.00)** without written approval by the Executive Director. Consultant shall be paid within thirty (30) days of presentation of an invoice to CVAG for services performed to CVAG’s satisfaction. Consultant shall submit invoices describing the services performed by line item and category, the date services were performed, a description of reimbursable costs, and any other information requested by CVAG.”

5. Continuing Effect of Agreement. Except as amended by this Amendment, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this Amendment.
6. Adequate Consideration. The parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment.
7. Counterparts. This Amendment may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

[Signatures on Following Page]

IN WITNESS THEREOF, the parties have executed this Amendment No. 2 as of the day and year first set forth above, which date shall be considered by the parties to be the effective date of this Amendment No. 2.

Consultant: HOY CIVIL ENGINEERING:

Jonathan D. Hoy PE, Consultant

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS:

Tom Kirk, Executive Director

Exhibit A

Scope of Work

As requested by the Coachella Valley Association of Governments (CVAG). Hoy Civil Engineering will be providing professional services for the Transportation department, which include a Principal-in-Charge, and as-needed Project Management and Program Management for various regional projects and programs, including but not limited to CV Link, CV Sync, flooding and blow sand improvements and the Transportation Project Prioritization Study update. The following are some specific tasks, which Hoy Civil Engineering may be requested to provide for these projects:

Transportation Department

Principal-in-Charge

- Active Transportation Program
- ATP Master Planning
- Bike and Ped Guidelines
- Project/Agency Coordination
- Project Delivery (CV LINK)
- Traffic Synchronization Program
- ITS Master Planning
- Broadband Planning/Integration
- Project Delivery (CV SYNC)
- Operations and Maintenance
- Project Administration
- Project Status Tracking
- Administer Reimbursement Agreements
- Cash Flow Analysis
- Grant Administration
- Reporting
- RFP/Bid Advertisements
- Project Invoicing & Reimbursements (Caltrans)
- Transportation Planning
- TPPS/RACE/PMP/Traffic Counts/Data Collection
- TUMF Program
- Data Management
- Agency Coordination
- RCTC Coordination (TAC/RTIP/STIP/SB821)
- Member Agencies
- Federal & State Partners

Project/Program/Construction Management

- Provide Program and Project Development Implementation
- Provide Cost Control and Schedule Management
- Assist with Funding Administration (invoicing & Reimbursements)
- Participation in Project Management Team (PMT) meetings
- Provide Coordination with Government and Regulatory Agencies
- Review RFPs/Assist with Contract Procurements
- Attend meetings with CT Local Assistance and Right of Way Divisions
- Coordinate with CT Local Assistance to process required authorizations, such as, E-76, Finance Letter, Supplemental Agreement, etc.
- Provide Construction Management Oversight
- Provide Construction Contract Administration
- Assist with Public Financing Administration and Reimbursements
- Assist with Documentation Preparation and Auditing
- Provide Construction Scheduling Oversight

Exhibit B

Hourly Rates

Hoy Civil Engineering's fee to perform the work described in the Scope of Work above is represented by the hourly rate schedule shown below. Hoy Civil Engineering will adhere to the needs of the Coachella Valley Association of Governments (CVAG) to complete the requested tasks.

Personnel Classification	Hourly Rate
Principal-in-Charge	\$175.00
Project Engineer	\$135.00
Project Manager	\$135.00

Annual Estimate				
Personnel Classification	Rate	Hours/Week	Week/Year	Yearly Total
Principal-in-Charge	\$ 175.00	34	52	\$ 309,400.00
Project Engineer	\$ 135.00	24	52	\$ 168,480.00
Project Manager	\$ 135.00	24	52	\$ 168,480.00
			Total:	\$ 646,360.00

ITEM 6F

**Coachella Valley Association of Governments
Executive Committee
February 28, 2022**



STAFF REPORT

Subject: Update to CVAG's TUMF Handbook

Contact: Peter Satin, Regional Planner (psatin@cvag.org)

Recommendation: Adopt the updated Transportation Uniform Mitigation Fee (TUMF) Handbook, reflecting the current assessment rates and appeals process

Transportation Committee: CONCURS (Meeting of February 7th)

Background: The Transportation Uniform Mitigation Fee (TUMF) was established in 1989 as a one-time impact fee charged on all new development occurring within the CVAG region. Monies collected through the TUMF program are applied to transportation-related capital facilities and infrastructure required to address new growth within the Coachella Valley and are intended to compliment revenue generated through Riverside County's Measure A sales tax. To date, TUMF has provided less than the intended share of match toward Measure A funding.

The 2018 TUMF Handbook allows for the consideration of an annual inflation adjustment. The Executive Committee approved a 2.1 percent inflation adjustment to the TUMF at its June 28, 2021 meeting. To allow time for member jurisdictions to update their local TUMF ordinances, the adjustment did not go into effect until January 1, 2022.

Staff is now recommending an update to the TUMF handbook. The fee schedule listed in the TUMF Handbook, originally published in 2018, is being revised to reflect the current rates. In addition, the language regarding the TUMF appeal process is also being updated to reflect the Executive Committee's action on June 24, 2019, making the Transportation Committee, rather than the now-disbanded Technical Advisory Committee, the hearing body in any appeal. Minor clerical revisions have been made throughout the rest of the handbook to improve readability.

Fiscal Analysis: Revising the TUMF Handbook will have no fiscal impact.

Attachments: Updated TUMF Handbook with redlined changes

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) HANDBOOK



Effective November 01, 2018
Revised February 28, 2022

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1.0 INTRODUCTION AND PURPOSE

PREFACE

In 1987, the California Legislature passed a groundbreaking bill titled Assembly Bill 1600, also known as the "Mitigation Fee Act." The bill outlined the legal requirements in which a development impact fee is charged by a local governmental agency to an applicant related to the approval of a development project. The fee was intended to pay for all or a portion of the costs of public facilities associated with that project.

Two years later, in 1989, the Board of Supervisors of the County of Riverside drafted and adopted Ordinance No. 673, which outlines the establishment of a Transportation Uniform Mitigation Fee (TUMF) Program for the Coachella Valley. The fee would be imposed on future residential, commercial and industrial development within the jurisdiction.

The TUMF program compliments the 20-year Measure A sales tax measure approved by the voters of Riverside County in November of 1988. Measure A was due to expire in 2009, but the Riverside County Transportation Commission adopted Ordinance 02-001 following a 30-year extension by the voters in 2002. Measure A is currently slated to expire in 2039.

At the time of its adoption, the intention was for the TUMF to generate at least the equivalent of Measure A funding toward the Regional Arterial System. Today, TUMF revenue provides less than its intended share of match toward Measure A funding. The TUMF is required to be updated periodically. To accomplish this, a Nexus Study is conducted to lawfully link projected growth in the Coachella Valley to the current Transportation Project Prioritization Study (TPPS) Program. CVAG has utilized a five-year period for its updates, seeking to maintain the fee level at a fair and equitable level as conditions change.

On June 27, 2005, CVAG's General Assembly approved a modification of the CVAG boundaries as well as the TUMF collection boundary. CVAG updated the Transportation Project Prioritization Study in 2016 and conducted a Fee Schedule Nexus Study that was approved in April of 2018. Based on those documents, the Executive Committee approved the new \$245 Fee Per Average Daily Trip for implementation on April 30, 2018. Subsequently, the TUMF collecting jurisdictions amended their TUMF ordinances and fee setting resolutions to reflect the new fees effective November 1, 2018, 30 days after adoption.

The following provisions ~~from the TUMF Handbook~~ are provided as background information:

- The provisions of this TUMF Handbook shall apply only to new development yet to receive final discretionary approval and or issuance of a building permit or other development right and to any reconstruction or new use of existing buildings that results in a change of use and generates additional vehicular trips.
- No tract map, parcel map, conditional use permit, land use permit or other entitlement shall be approved unless payment of the mitigation fee is a condition of approval for any such entitlement. The mitigation fee shall be paid to the applicable jurisdiction.
- No building or similar permit, certificate of occupancy or business license reflecting a change of use shall be issued unless the applicant has paid the mitigation fee.
- No building or similar permit, shall be issued unless the applicant has paid the mitigation fee.
- Mitigation fees shall be imposed and collected by the applicable jurisdiction at building permit issuance and shall be transmitted to CVAG to be placed in the Coachella Valley Transportation Mitigation Trust Fund. All interest or other earnings of the Fund shall be credited to the Fund.

- An annual inflation factor is included in this TUMF. The inflation factor shall be the same one utilized by the Coachella Valley Local Development Mitigation Fee, based on the Riverside-San Bernardino-Ontario Consumer Price Index (CPI). Such CPI will be reviewed annually by the Executive Committee which will determine whether or not to apply the inflation factor.

The TUMF Handbook is the guiding document that jurisdictions and developers use to determine the TUMF costs of development. Based on the trip rate set by the Nexus Study, the actual fees to be charged to developers by land use category can be determined. The Institute of Transportation Engineers (ITE) is an organization of transportation professionals including transportation engineers, transportation planners, consultants, educators, technologists, and researchers. ITE has exhaustively analyzed different land uses with respect to trip-generation and publishes the ITE Trip Generation Manual. The ITE manual is the accepted industry standard with respect to trip generation data. CVAG has utilized the 10th Edition, published in 2017, for TUMF calculations.

This handbook establishes the TUMF that shall apply to all land uses listed. It is possible that certain developments may not be listed in the land use categories defined in the fee schedule. In cases where such ambiguity exists, an authorized representative from CVAG will make a determination as to the applicable fee(s). An applicant who disputes any fee may file a written notice of appeal.

For a TUMF appeal, the applicant must pay the fee and then file an appeal letter with CVAG within 90 days. There is a fee of \$500 that must be submitted with the appeal. The applicant shall pay the fee as determined and then submit a letter to CVAG stating the reason for the appeal, and including a copy of the City receipt for the fee payment, and a check for \$500 made out to CVAG. After CVAG receives the appeal letter, a hearing will be scheduled at a meeting of the ~~Technical Advisory Committee (TAC)~~ Transportation Committee. CVAG will notify the applicant of the time and date of the hearing. ~~TAC~~ The Transportation Committee will make a recommendation on granting or denying the appeal. The ~~TAC~~ Transportation Committee recommendation will then go to the CVAG Executive Committee for final action. The Executive Committee shall hear the appeal within 90 days from original receipt of the appeal letter at CVAG, or soon thereafter, and make a decision. The decision of the Executive Committee is final. If the decision is in the applicant's favor, the \$500 fee will be refunded.

TUMF DEFINITIONS

For the purposes of this Handbook, the following words and phrases shall have the meanings respectively ascribed to them as follows:

"Change of use" means any change in the use of an existing building that results in the increase of vehicular trips.

"Coachella Valley Association of Governments," hereinafter CVAG, means the legal entity which will manage and administer the transportation uniform mitigation fee in accordance with the laws of the State of California.

"Development" means any activity which requires discretionary or ministerial action by the City resulting in the issuance of grading, building, plumbing, mechanical or electrical permits, or certificates of occupancy issued by the City to construct, or change the use of, a building or property. Where "development" applies to an enlargement of an existing building, or a change of use of an existing building that results in increased vehicle trips, the average weekday trips shall be only the additional trips in excess of those associated with the existing use.

"Fee Study" means the TUMF Nexus Study prepared and approved by CVAG and adopted by the City Council, which supports the fee established by this ~~chapter~~ Handbook, and includes all the underlying reports and documents referenced therein.

"Mitigation Fee Act" means the law set forth in the California Government Code (Government Code Section 66000 et seq.) that establishes the criteria for establishing a fee as a condition of approval of a development project.

"Regional System" means the regional system of roads, streets and highways identified by CVAG in its Transportation Project Prioritization Study (TPPS) needed to accommodate growth in the Coachella Valley to the year 2040.

"Trip generation rate" means the number of average weekday trips generated by a particular land use. The trip generation rate for each of the following land use categories shall be the rate published by the Institute of Transportation Engineers (ITE), 10th edition, or as revised, calculated upon the measurement herein specified.

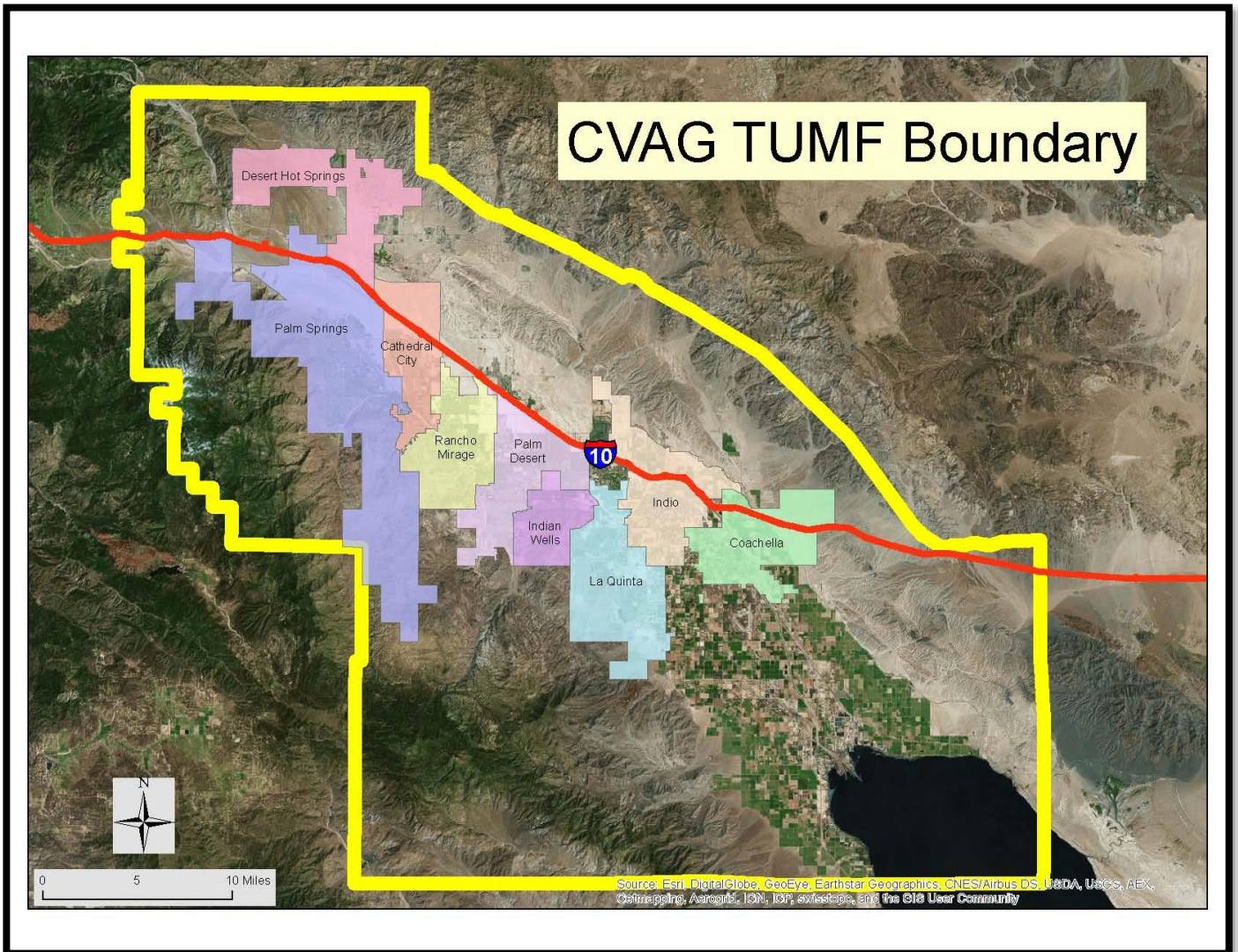
Trip generation rates shall be calculated based upon the following measurements:

1. Residential. Single-family, multifamily, mobile homes and nursing/congregate care uses shall be calculated per dwelling unit. Transit Oriented Developments (TOD) shall receive a 15% discount on the calculated fee. Low Income housing is exempt from this fee.
2. Non-Residential. Industrial, office and retail uses shall be calculated per 1,000 square feet.
3. Fuel Dispensers for gas and electric. Fuel dispensers for gas and electric vehicles shall be calculated per dispensing unit.
4. Golf Courses. Golf courses shall be calculated per acre.
5. Hotel. Hotels shall be calculated per room.

"TUMF" means the Transportation Uniform Mitigation Fee established by the TUMF Nexus Study, approved by CVAG's Executive Committee on April 30, 2018.

"TUMF area" means the CVAG TUMF boundary as established by the CVAG General Assembly and illustrated in Exhibit A of this Handbook.

Exhibit A



2.0 STANDARD FEE CALCULATIONS

A standard methodology will be applied for calculating all TUMF obligations based on the rates for various land use categories. Fees associated with new residential development are to be calculated based on the prescribed TUMF rate and the total number of dwelling units associated with a new development. Similarly, fees for all new nonresidential developments are to be calculated based on the prescribed TUMF rate and the gross floor area, or as otherwise indicated.

2.1 Standard Residential Fee Calculations

For calculating the TUMF obligation, residential dwelling units are defined as a building or portion thereof, which is designed primarily for residential occupancy. Residential dwelling units may include, but are not limited to, detached houses, apartment homes, condominiums and mobile homes. Residential dwelling units do not include hotel and motel rooms.

Residential TUMF obligations are calculated by multiplying the net increase in the total number of dwelling units associated with a new development by the appropriate residential land use category fee rate. Residential land use categories include single-family residential dwelling units, multi-family dwelling units, mobile homes and nursing/congregate care, as defined in ~~the respective Handbook Sections~~ Section 3.0.

2.2 Standard Non-Residential Fee Calculations

For calculating the TUMF obligation, non-residential development is defined as retail, commercial and industrial development which is designed primarily for use as a business and is not intended for residential occupancy or dwelling use. The applicable non-residential land use category for a non-residential development is determined based on the predominate use of the building or structure associated with the new development and may be related to the underlying land use zoning of the new development site, as prescribed in ~~the respective Handbook Sections~~ Section 4.0. The TUMF non-residential land use categories were defined with reference to the socioeconomic data obtained from the Southern California Association of Governments (SCAG) and used as the basis for completing this Nexus Study analysis. The SCAG employment data is provided for employment sectors consistent with the California Employment Development Department (EDD) Major Groups, ~~as shown in Table 2-1~~.

Table 2.1 provides a table detailing the EDD Major Groups and corresponding North American Industry Classification System (NAICS) Categories that are included in each CVAG non-residential sector type. Table 2.1 should be used as a guide to determine the applicable non-residential TUMF land use category based on the predominate use of the buildings associated with the new development.

Non-residential TUMF obligation are calculated by multiplying the net increase in the gross floor area of the buildings or structures associated with a new development by the appropriate non-residential land use category (or as otherwise indicated). The gross floor area of non-residential developments is defined as the sum, measured in square feet, of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are included within the principal outside faces of the exterior wall of the building or structure, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (at least 6 feet, 6 inches) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior walls of the building or structure is left un-roofed, the gross floor area of the un-roofed portion will be added to the overall square footage of the building for the non-residential fee calculation unless the unroofed area is solely provided for architectural or aesthetic purposes.

2.3 Rules related to “Mid-Stream” Shopping Centers Assessed TUMF prior to 6/25/2018

There is a special procedure for Shopping Center developments which started after the 2012 Handbook was implemented but did not reach the three building and 10,000 square foot minimum requirements to be assessed a “shopping center” rate. While CVAG staff believes that only two such developments meet the criteria as of June 25, 2018, developments within approved shopping centers, as defined by the 2012 Handbook, that have paid TUMF at the Convenience Market, Fast Food, or other retail rates after the 2012 Handbook was implemented shall be entitled to a refund of a portion of the TUMF paid based on the difference between the amount paid and TUMF calculated in the Service/Retail rate in the 2012 Handbook. To qualify for a refund under this section, CVAG Staff must receive confirmation (entitlement, resolution, specific plan, etc.) from a jurisdiction that a development that falls under this situation is a bona-fide shopping center. Refunds will only be provided to the person or entity who paid the TUMF for which a refund is requested or their authorized representative. Persons or entities requesting a refund shall provide written evidence acceptable to CVAG that they are authorized to seek a refund with respect to such development.

TABLE 2.1**CVAG TUMF****SIC Code and Description**

INDUSTRIAL	Agriculture	01	Agricultural - crops
		02	Agricultural - livestock
		07	Agricultural services
		08	Forestry
		09	Fishing, hunting and trapping
	Mining	10	Metal mining
		12	Coal Mining
		13	Oil and gas extraction
		14	Non-metallic minerals, except fuels
	Construction	15	General building contractors
		16	Heavy construction contracting
		17	Special trade contractors
	Manufacturing	20	Food and kindred products
		21	Tobacco manufacturers
		22	Textile mill products
		23	Apparel and other textile products
		24	Lumber and wood products
		25	Furniture and fixtures
		26	Paper and allied products
		27	Printing and publishing
		28	Chemicals and allied products
		29	Petroleum and coal products
		30	Rubber and miscellaneous plastics products
		31	Leather and leather products
		32	Stone, clay, glass and concrete products
		33	Primary metal industries
		34	Fabricated metal products
		35	Industrial machinery and equipment
		36	Electrical and electronic equipment
		37	Transportation equipment
		38	Instruments and related products
		39	Miscellaneous manufacturing industries
	Transportation and Utilities	40	Railroads
		41	Local and interurban passenger transit
		42	Motor freight transportation and warehousing
		43	US Postal Service
		44	Water Transportation
		45	Transportation by air
		46	Pipelines except natural gas
		47	Transportation services
		48	Communications
		49	Electric, gas and sanitary services

	Wholesale	50	Wholesale trade - durable goods
		51	Wholesale trade - nondurable goods
RETAIL	Retail	52	Building materials, hardware and garden supply
		53	General merchandise stores
		54	Food stores
		55	Automotive dealers and gasoline service stations
		56	Apparel and accessory stores
		57	Furniture, home furnishings and equipment stores
		58	Eating and drinking places
		78	Motion pictures
		79	Amusement and recreational services
		59	Miscellaneous retail
HOTELS		70	Hotels, rooming houses, camps and lodging places
OFFICE	Finance	60	Depository institutions
		61	Non-depository credit institutions
		62	Security, commodity brokers and services
		63	Insurance carriers
		64	Insurance agents, brokers and services
		65	Real estate
		67	Holding and other investment offices
	Service	72	Personal services
		73	Business services
		75	Automotive repair, services and parking
		80	Health services
		81	Legal services
		82	Educational services
		83	Social services
			Museums, art galleries, botanical and zoological garden
		84	
		86	Membership organization
		87	Engineering and management services
		88	Private households
		89	Miscellaneous services
	Government	91	Executive, legislative and general government
		92	Justice, public sector and safety
		93	Finance, taxation, and monetary policy
		94	Administration of human resources
		95	Environmental quality and housing
		96	Administration of economic programs
		97	National security and international affairs

For certain non-residential land use types that have been explicitly defined in this handbook (herein referred to as 'defined use') un-enclosed un-roofed areas and un-enclosed roofed spaces that are integral to the performance of the principal business of the site will be added to the overall square footage of any buildings or structures associated with a new development for the purpose of fee calculation. Defined land use categories are listed in **Table 2.2** below.

Table 2.2	
<u>Land Use Category</u>	<u>Fee Per Unit¹</u>
Residential	
Single Family Detached	\$2,310 <u>2,358</u> /dwelling unit
Multi-Family/Mobile Home Park	\$1,330 <u>1,358</u> /dwelling unit
Nursing/Congregate Care	\$ 495 <u>505</u> /dwelling unit
Non-Residential	
Industrial	\$1,215 <u>1,240</u> /1000 sq. ft.
Office	\$2,390 <u>2,440</u> /1000 sq. ft.
Retail ²	\$6,010 <u>6,135</u> /1000 sq. ft.
Fuel Dispensers - Gas	\$8,610 <u>8,790</u> /dispensing unit
Fuel Dispensers – Electric	\$ 94 <u>93</u> /dispensing unit
Multiple Land Uses	See Section 4.4
Golf Courses	\$ 920 <u>939</u> /acre
Hotel	\$3,510 <u>3,583</u> /room

1- Derived by multiplying the ITE trip rate by fee/trip of \$245/trip-and includes any inflationary adjustments authorized pursuant to Section 1.0 above.

2- Retail TUMF is reduced by 35% percent to account for linked and pass-through trips.

3.0 DETAILED METHODOLOGY FOR RESIDENTIAL DEFINED USE TYPES

As mentioned in Section 1.0, the ITE manual is the accepted industry standard with respect to trip generation data. CVAG has utilized the ITE Trip Generation Manual (10th Edition), published in 2017, as the methodology for calculating trip generation in the TUMF calculations. It should be noted that any additions and/or improvements to an existing dwelling unit will not be subject to implementation of the TUMF unless, the addition/improvement creates an additional dwelling unit.

The following defines each of the residential land use types and the trip generation rates for calculating the TUMF for each.

3.1 Single-Family Detached

Single-Family detached is a home on an individual lot, including subdivisions with public streets, or dwelling units within planned unit development. This also includes mobile homes not in a mobile home park. The TUMF obligation for this category and for mobile homes to be located on individually owned lots will be considered single-family dwelling units and will be calculated using the ITE Manual Trip Generation rate of 9.44 on a per dwelling unit basis.

3.2 Multi-Family and Mobile Home Parks

Includes all multiple-family dwelling units. Typical uses include, but are not limited to, high-rise and low-rise apartments, high-rise and low-rise condominiums, and mobile home parks. The TUMF obligation for this category will be calculated using the ITE Manual Trip Generation rate of 5.44 on a per dwelling unit basis.

A mobile home park is a planned development designed to accommodate mobile homes for recreational vehicles on individual pad sites, for lease or rent. The TUMF will be required to be paid in full by the mobile home park developer at the time of building permit, with the TUMF obligation at the Multi-Family detached rate of 5.44.

3.3 Nursing/Congregate Care

Nursing/Congregate Care uses include, but are not limited to, nursing homes, group homes, correctional facilities, mental hospitals, college dormitories, military barracks, missions and shelters. Nursing/Congregate Care uses typically provide a group of rooms with shared living quarters for unrelated persons. Occupants of Nursing/Congregate Care uses live and eat together with other persons in the building sharing at a minimum communal kitchen, dining and living facilities.

All Nursing/Congregate Care uses will be considered residential service use types. The TUMF obligation for this category will be calculated using the ITE Manual Trip Generation rate of 2.02 on a per dwelling unit basis.

3.4 Transit-Oriented Development

A Transit Oriented Development (TOD), is a development project a) consisting of residential use or mixed use where not less than 50 percent of the floorspace is for residential use...if, b) is located within ½ mile of a transit station and with direct walking access to the station, c) is within ½ mile of convenience retail uses including a store that sells food, and d) with-has a maximum number of parking spaces as required by state statute or local ordinance. Consistent with California Government Code 66005.1, a reduction in any transportation related fee for residential developments must be provided. For calculating the TUMF obligation, a 15% factor reflecting the reduction in automobile trip generation associated with residential TOD will be applied to the standard residential TUMF obligation. This is based on a California study (Effects of TOD on housing parking, and travel; R. Cervero et al.; TCRP report 128; 2008). The discount will only be given to residential development projects that pay TUMF.

Documentation will be submitted with the development application as the basis for determining the eligibility of the residential land use as a TOD and will include a validation of a transit hub (California Government Code 65460.1) by Sunline Transit Agency. Documentation will include a site plan indicating that at least 50% of the floorspace of the development is dedicated to residential use and the required number of parking spaces associated with the subject development. Documentation will also include a map showing the location of the subject development circled with a ½ mile radius, as well as the location of a transit station(s), the location of diverse uses and direct walking routes of ½ mile or less between the subject development and the listed uses to justify that the development satisfies the characteristics of TOD.

3.5 Low Income Housing

Low and lower-income residential housing includes single-family homes, apartments, and mobile homes built for those whose income is no more than 80% of the median income in the San Bernardino-Riverside Standard Metropolitan Statistical Area and as determined and approved by the applicable legislative body or its designee. Exemptions granted for Low Income housing must be reported in the jurisdiction's monthly TUMF report.

Low Income Housing is EXEMPT from paying TUMF obligations.

For rental housing, the units shall be made available, rented and restricted to low-income households (as defined in Health and Safety Code Section 50079.5 and Section 50053) at an affordable rent for a period of at least fifty-five (55) years after the issuance of a certificate of occupancy for new residential development. A restricted covenant shall be recorded with the County and shall run with the land for the term of fifty-five (55) years to qualify for the exemption.

For "for-sale" housing units, the units shall be sold to persons or families of low income (as defined in Health and Safety Code Section 50093) at a purchase price that will not cause the purchaser's monthly housing cost to exceed affordable housing cost (as defined in Health and Safety Code Section 50052.5). Affordable units that are "for-sale" housing units shall be restricted to ownership by persons and families of low income for at least forty-five (45) years after the issuance of a certificate of occupancy for the new residential development. A restricted covenant shall be recorded with the County and shall run with the land for the term of forty-five (45) years to qualify for the exemption.

4.0 DETAILED METHODOLOGY FOR NON-RESIDENTIAL LAND USE TYPES

The following defines each of the non-residential land use types and the trip generation rates for calculating the TUMF for each.

Additions of less than 1,000 square feet to non-residential development will not be subject to imposition of the TUMF.

4.1 Industrial

Industrial land-uses include all light manufacturing, industrial parks, warehousing, mini-warehousing, greenhouses and utilities. The TUMF obligation for this category will be calculated using the ITE Manual Trip Generation rate of 4.96 on a per 1,000SF basis. For greenhouses, the square footage of the facility dedicated to growing crops will not be subject to the TUMF obligation.

4.2 Office

The office building category includes all office-related uses. This category includes, but is not limited to, general office buildings, corporate headquarters, public facilities, medical office buildings, research centers, office parks, business parks, insurance offices, trade schools and other training centers. The TUMF obligation for this category will be calculated using the ITE Manual Trip Generation rate of 9.74 on a per 1,000SF basis.

4.3 Retail

The retail category includes all sales tax producing retail related uses. This category includes, but is not limited to, retail, general merchandise, specialty retail centers, discount stores, hardware/paint stores, beauty salons, supermarkets, wholesale markets, apparel stores, furniture stores, and automotive parts/supply stores. The cost per trip of \$245 established in the 2018 TUMF Nexus Study is reduced by 35% to \$159.25 for Retail land uses to account for linked and pass-through trips. The TUMF obligation for this category will be calculated using the ITE Manual Trip Generation rate of 37.75 on a per 1,000SF basis. The rate of 37.75 represents an average for all Retail land-use categories.

4.3.1 Fuel Dispensers (Gasoline)

For calculating the TUMF obligation, all types of fuel filling stations or facilities with fuel filling positions will be considered retail use types. The methodology described as follows will be applied to determine the gross floor area for calculating the TUMF obligation for all types of gasoline fuel filling stations or facilities with fuel filling positions (*for the example calculation assume a fuel filling station with 12 fuel filling positions and a building area of 3,000 square feet*). The total number of fuel dispensers is equal to the maximum number of vehicles that could be supplied with fuel at the same time.

1. Multiply the total number of fuel filling positions by 1,403.8 square feet. The 1,403.8 SF number was derived from national ITE data for service stations.
(i.e. for the example station it is $12 \times 1,403.8 = 16,846$ square feet)
2. Determine the total floor area of buildings on the site, noting that the canopy area is *not* included as part of the gross floor area of the buildings on the site.
(i.e. for the example station it is 3,000 square feet)
3. Compare the results for steps 1 and 2 and **use the greater** of the two values as the gross floor area to calculate the TUMF obligation calculations. (i.e. $16,846 > 3,000$; for the example station TUMF would be calculated for 16,846 square feet)
TUMF Obligation for example = $16,846/1,000 \times 37.75 \times \$159.25 = \$101,273$

4.3.2 Electric Vehicle Supply Equipment Charging Stations

For calculating the TUMF obligation, stand-alone businesses with the primary purpose of providing publicly accessible Electric Vehicle Supply Equipment (EVSE) are designated as EVSE charging stations and will be considered retail use types. The methodology described as follows will be applied to determine the gross floor area for calculating the TUMF obligation for all types of EVSE charging stations.

Multiply the total number of EVSE charging units by 14.9 SF. The 14.9 SF number was derived from national data for Electric Vehicle Supply stations (The EV Project). The total number of EVSE charging units is equal to the maximum number of vehicles that could be connected for charging at the same time.

EVSE located within a residential or non-residential use type, where the residential or non-residential use is the primary use of the site, and the EVSE is for the sole and exclusive use of residents, employees and/or customers of the same premises, are ancillary to the primary residential or non-residential use of the site. There is no additional TUMF obligation for EVSE located within a residential or nonresidential use type for the sole and exclusive use of residents, employees and/or customers of the same premises.

4.4 Multiple Land Uses on Same Development

For determining the TUMF obligation, developments with multiple land uses on the same project are split into separate categories (retail, industrial, office). TUMF obligation for these projects will be calculated based on the separate gross floor areas of all uses associated with the project, calculated at their respective rates. For example, an automobile dealership TUMF obligations would be calculated based upon vehicle sales floor area (retail), auto service bay areas (industrial) and administrative offices (office). The TUMF will be paid at their respective rates.

4.5. Golf Courses

For calculating the TUMF obligation, all public and private golf courses are considered to be their own land use type. The methodology will be applied to determine the acreage area and other buildings (i.e., clubhouse, pro shop, restaurants, office) for calculating the fee obligation for all public and private golf courses. The TUMF obligation for this category will be calculated using the ITE Manual Trip Generation rate of 3.74 on a per acre basis for the golf course, and the applicable ITE Manual Trip Generation rate for additional land uses incorporated into the development, similar to Section ~~54~~.4 for multiple land uses on the same development.

4.6 Hotel

A hotel is a place of lodging that provides sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities and/or other retail and service shops. For the sake of calculating the TUMF, all of the ancillary uses are considered as one use under the Hotel category. The Hotel land-use category includes all hotels and motels, including all-suite and resort hotels. The TUMF obligation for this category will be calculated using the ITE Manual Trip Generation rate of 14.34 on a per room basis.

5.0 Exemptions

Low Income Housing is EXEMPT from paying TUMF obligations.

ITEM 6G

**Coachella Valley Association of Governments
Executive Committee
February 28, 2022**



Staff Report

Subject: Memorandum of Understanding to Implement Waste Diversion Programs

Contact: Erica Felci, Assistant Executive Director (efelci@cvaq.org)

Recommendation: Authorize the Executive Director to execute a Memorandum of Understanding with Riverside County Department of Waste Resources, providing up to \$25,000 annually for activities that implement waste diversion legislation and organics recycling programs

Energy and Environmental Resources Committee: CONCURS (Meeting of February 10th)

Background: In 1993, the Riverside County Board of Supervisors authorized annual funding to CVAG as reimbursement for costs associated with implementation of Assembly Bill 939 (AB 939) waste diversion programs to augment County waste reduction efforts. Future reimbursements amounts were evaluated annually. In 2002, due to a decrease in AB 939 activities, funding levels were adjusted to fund the CVAG Solid Waste and Recycling Technical Working Group and its efforts to coordinate directly with member cities.

In 2020, CVAG's formal Brown Act Solid Waste and Recycling Technical Working Group was transitioned into an informal working group now known as the Recycling Roundtable. As such, annual funding for AB 939 was not provided in 2020. To resume annual funding, the RCDWR and CVAG developed a memorandum of understanding that memorializes allowable activities as related to AB 939. In addition, it provides for tasks that relate to Senate Bill 1383, which set regulations going into effect in 2022 related to organics recycling. While cities are currently leading their own efforts, having a broader MOU would allow CVAG to explore regional outreach and waste reduction activities, organics capacity planning, and edible food recovery/donation opportunities with its jurisdictions.

This MOU was approved by the Riverside County Board of Supervisors on October 5, 2021. Staff recommends approval of the MOU.

Fiscal Analysis: Funding to be received by CVAG will be calculated annually using \$0.51 per occupied housing for 25 percent of unincorporated Riverside County, which is not to exceed \$25,000 annually.

The funding in the MOU would support areas within unincorporated Riverside County that fall within the CVAG boundaries. CVAG will need to submit an annual report to the RCDWR describing tasks and results.

Attachment: RCDWR MOU

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE RIVERSIDE COUNTY DEPARTMENT OF WASTE
RESOURCES AND THE COACHELLA VALLEY ASSOCIATION OF
GOVERNMENTS REGARDING WASTE DIVERSION LEGISLATION AND
IMPLEMENTATION**

In 1991, Riverside County Department of Waste Resources (RCDWR) began providing funding to Coachella Valley Association of Governments (CVAG) as a partner to assist in the implementation of Assembly Bill 939 (AB939) recycling and waste diversion plans in the Coachella Valley. As a joint powers authority, CVAG coordinates energy and environmental policy conversations with desert valley jurisdictions that include Blythe, Cathedral City, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palms Springs, Rancho Mirage and Unincorporated Riverside County.

1 Funding

Beginning July 1, 2021, RCDWR shall provide funding to the CVAG on an annual basis. The Department of Finance report as of January 1 of each year shall be used in determining the number of occupied housing. Funding shall be calculated annually using \$0.51 per occupied housing for 25% of unincorporated Riverside County, not to exceed \$25,000 annually. Funding will be submitted to CVAG after submittal of required reports and acceptance of them.

2 Tasks

CVAG shall use the funds in a coordinated Countywide system approach that augments and complements the County's Integrated Waste Management Plan, including implementation of AB939, AB341, AB1826, SB1383 and similar recycling and waste diversion regulations that are passed. CVAG staff shall serve as a liaison with cities, private industry, and Riverside County. The funds shall be used to promote recycling, collecting data diversion information, and conducting related studies as necessary. Tasks include, but are not limited to the following:

2.1 Legislative Implementation

- Senate Bill 1383 (Short-Lived Climate Pollutants) and Assembly Bills 341 and 1826
 - Organics capacity planning
 - Edible food recovery/donation
 - Develop uniform messaging throughout the region/county regarding legislative requirements focused on commercial, multi-family and residential accounts
- Future legislation implementation tasks

2.2 Technical Assistance

- Business waste reduction and training programs
- Legislative review and analysis
- Surveys and studies of solid waste issues
- Provide notification of area training and workshops availability
- Provide technical support on solid waste and recycling issues upon request
- Provide AB939 Annual Report assistance upon request
- Provide support for local tire collection events

3 Reports

CVAG shall submit an annual report to the RCDWR describing the tasks and results from the prior calendar year. The report shall be submitted by April 1 each year.

4 Notices and Correspondence

All written notices and correspondence contemplated within the MOU shall be provided to the parties hereto at the following addresses:

Coachella Valley Association of Governments
Director of Environmental Resources
73710 Fred Waring Drive, Ste 200
Palm Desert, CA 92260

Hans Kernkamp, General Manager-Chief Engineer
Riverside County Department of Waste Resources
14310 Frederick Street
Moreno Valley, CA 92553

CVAG and RCDWR may designate any other addresses by giving written notice to the other party.

5 Modification and Termination

This MOU may only be modified by the written agreement of the parties, duly signed by their authorized representatives. This MOU may be terminated in writing at will by any party. Except as otherwise provided herein, upon termination of this MOU, neither party shall have any obligations to the other.

6 Transferability

This MOU is not transferable except with the written consent of the parties.

7 Effective Date

This MOU takes effect beginning on the day after the last party signs.

8 Authority to Execute

The persons executing this MOU warrant and represent that they have the authority to execute this MOU on behalf of the party for which they are executing this MOU.

9 Alternative Dispute Resolution

The parties agree that before either party commences any legal or equitable action, action for declaratory relief, suit, proceeding or arbitration, the parties shall submit the dispute to mediation through a mutually acceptable professional mediator in Riverside County. Each party shall bear its own expenses and costs associated with the mediation. The cost of mediation shall be shared equally by the parties.

10 Conflict of Interest

No member, official or employee of RCDWR or CVAG, shall have any personal interest, direct or indirect, in this MOU nor shall any such member, official or employee participate in any decision relating to this MOU which affects his or her personal interest or the interests of any corporation, partnership or association in which he or she is directly or indirectly interested.

11 Interpretation, Governing Law, Severability and Venue

This MOU and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This MOU shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the Parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this MOU. All parties having been represented by counsel in the negotiation and preparation hereof.

Any legal action related to the performance or interpretation of this MOU shall be filed only in the Superior Court of the State of California located in Riverside, California, and the parties waive any provision of law providing for a change of venue to another location.

12 No Third-Party Beneficiaries

This MOU is made and entered into for the sole protection and benefit of the parties hereto and shall not create any rights in any third parties. No other person or entity shall have any right of action based upon the provisions of this MOU.

13 Indemnification

CVAG shall indemnify and hold RCDWR, its officers, directors, Board of Supervisors, agents and employees free and harmless from and against any and all claims, loss, injury, damage, liability, or expense (including without limitation, reasonable attorney's fees), to any person, entity or property, which relates to or arises from the negligence or willful misconduct of RCDWR, its officers, directors, Board of Supervisors, agents and/or employees, in the execution or implementation of this MOU.

RCDWR shall indemnify and hold CVAG, its officers, directors, commissioners, agents and employees free and harmless from and against any and all claims, loss, injury, damage, liability, or expense (including without limitation, reasonable attorney's fees), to any person, entity or property, which relates to or arises from the negligence or willful misconduct of CVAG, its officers, directors, Board of Supervisors, agents and/or employees, in the execution or implementation of this MOU.

The parties shall promptly notify each other of any claims or demands which arise and for which indemnification is sought. The terms of this Section shall survive the termination of this MOU.

14 Section Headings

The Section headings herein are for the convenience of the parties only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this MOU.

15 Compliance with Laws and Regulations

By executing this MOU, RCDWR and CVAG agree to comply with all applicable federal, state and local laws, regulations and ordinances.

16 Waiver

Failure by a party to insist upon the strict performance of any of the provisions of this MOU by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this MOU thereafter.

17 Severability

Each paragraph and provision of this MOU is severable from each provision, and in the event any provision in this MOU is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

18 Entire Memorandum of Understanding

This MOU is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith. Any amendments to or clarification of this MOU shall be in writing and acknowledged by all Parties to the Agreement.

[Signatures on Following Page]

DATE: _____

RIVERSIDE COUNTY
DEPARTMENT OF WASTE RESOURCES

By: _____
HANS KERNKAMP
GENERAL MANAGER-CHIEF ENGINEER

APPROVED AS TO FORM:

GREGORY P. PRIAMOS
COUNTY COUNSEL

BY:  _____
AMRIT P. DHILLON
DEPUTY COUNTY COUNSEL

DATE: _____

COACHELLA VALLEY
ASSOCIATION OF GOVERNMENTS

By: _____
TOM KIRK
EXECUTIVE DIRECTOR

APPROVED AS TO FORM:
JOANNA STUECKLE,
CLERK

BY: _____

DATE: _____

ITEM 7A

Coachella Valley Association of Governments Executive Committee February 28, 2022



STAFF REPORT

Subject: Update on Federal and State Advocacy Efforts

Contact: Emmanuel Martinez, Senior Programs Manager (emartinez@cvag.org)

Recommendation: Adopt CVAG's draft 2022 Federal and State Legislative Platform

Administrative/Personnel Committee: Concurred and requested the draft platform be distributed, which it was, to Tribal/City/County managers for review and comment (Meeting of January 31st)

Background: On September 27, 2021, the Executive Committee authorized the Executive Director to seek proposals for both state and federal lobbying services for a term of six months and in an amount not to exceed \$100,000. for both state and federal advocacy. Authorization was also given to issue a request for proposals for longer-term services. The purpose of this arrangement was to evaluate the short-term effectiveness of selected firms, allowing CVAG to determine if another firm would be better suited to meet CVAG needs. CVAG staff solicited proposals and received three responses for federal and five responses for state lobbying services. After review and scoring of the proposals, CVAG selected the Politico Group for representation in Sacramento and The Ferguson Group to represent CVAG in Washington, D.C.

Both firms officially started on November 1, 2021. They were both introduced to the Administrative/ Personnel Committee when it met in November 2021. As was discussed at that meeting, CVAG staff's immediate priority was to increase their understanding of, and assess challenges and opportunities for, CVAG's projects and programs. Both firms were also tasked with developing a legislative platform that could guide efforts moving forward. Although the impetus to retain lobbyists was due to issues related to decreased outside funding for CVAG's transportation projects, there are other policy and funding related issue areas that have been identified as important for CVAG and its member jurisdictions. For instance, at the state level, issues related to the Active Transportation Program, middle-mile broadband infrastructure, cap-and-trade funding, the use of CalEnviroScreen mapping tool and increasing focus on climate resiliency funds are a few of the issue areas that have a nexus to the operation of CVAG's programs and projects. At the federal level, the passage of the 2021 Infrastructure, Investment and Jobs Act has increased the focus on investments in transportation and related infrastructure, as well as broadband. Congress is also continuing to work on components of the social spending bill, dubbed the Build Back Better Act, which may provide funding opportunities for CVAG projects such as active transportation. Additionally, both the state and federal policymakers have supported the use of earmarks, which are opportunities CVAG continues to monitor.

To help guide CVAG's advocacy efforts in Sacramento and Washington, D.C., CVAG staff, in coordination and collaboration with the both lobbyists, developed a draft 2022 CVAG Federal

and State Legislative Platform. This document outlines key issue areas of importance to CVAG and establishes parameters and recommended positions that align with CVAG's transportation, environmental and homelessness programs. It also incorporates policy directives that have been previously approved by the CVAG Executive Committee, including securing funds for locally controlled affordable housing initiatives and fighting policy changes in the state's cap-and-trade program.

To continue these efforts, the legislative platform includes a "Fighting for Fairness and Funding" under the state section of the platform. This will ensure that advocacy efforts related to state's cap-and-trade funds continue and that inequities faced by the Coachella Valley region in relation to Cap-and-Trade funding are addressed. For example, CVAG staff has highlighted the misalignment of planning and implementation grants related to the Transformative Climate Communities Program; the limited amount of census tracts in the Coachella Valley that qualify for funding under CalEnviroScreen criteria; and the high-density, transit-oriented development standards that disproportionately favor large urban centers. CVAG staff is leery that future funding opportunities might use these as a template, and would recommend that they continue to be priority issues for CVAG.

Based on previous feedback from CVAG's member jurisdictions, the platform also identifies broadband as a new emerging opportunity and it is highlighted in a similar fashion to CVAG's long-standing priority topics in the platform. The pandemic has increased visibility to connectivity issues and the federal and state governments are making significant investments in broadband infrastructure. To reap the benefits of this new investment, CVAG staff was successful in placing the Coachella Valley on the state's 18 initial projects list for middle-mile by way of a dig-once opportunity presented by the CV Sync, the regional signal synchronization project. Staff would note that this was included with a bit of reluctance. Although this first step with the Governor's administration was positive for the region, it required significant CVAG staff time and resources in order to coordinate the necessary partnerships. Should CVAG continue to pursue broadband as a priority regional issue, staff anticipates that additional resources and technical capacity would be required. CVAG staff and lobbyists will continue to work to identify programs that fund technical capacity, planning and implementation opportunities.

To help ensure a nexus for collaborative advocacy, CVAG staff also reviewed platforms of the Riverside County Transportation Commission (RCTC), County of Riverside and Southern California Association of Governments (SCAG) to ensure alignment on common policy areas of interest and would anticipate lobbyists' future effort with include coordination with those agencies.

Once adopted, the legislative platform will help CVAG's staff and lobbyists develop advocacy strategies based on the issues and positions. Staff anticipates that the document be updated at least annually to reflect any changes in priority issues and to align CVAG's priorities with the priorities of the federal and state government. The ultimate goal of this effort is to better position the region for funding and optimize future opportunities by influencing policy decisions to ensure they are favorable to CVAG and its member jurisdictions.

CVAG's advocacy efforts will compliment other regional and local advocacy efforts to help elevate CVAG's regional projects to improve their financial viability by optimizing collective resources and improving regional coordination through the legislative, regulatory and grant procurement processes. CVAG staff and its lobbyists are also mindful that the redistricting at both the state and federal level – including splitting the Coachella Valley into two congressional districts – will impact advocacy efforts after the 2022 election. By increasing access to

legislators and relevant agencies in Sacramento and Washington, CVAG can better position its projects to compete for funding and ensure the region's fair share is secured.

CVAG staff presented the draft legislative platform to the Administrative/ Personnel Committee when it met on January 31. Members provided some initial thoughts, and requested that CVAG staff forward to member jurisdictions' staffs for any additional input prior to the Executive Committee's meeting. The draft was circulated to the city managers, tribal executives and Riverside County's chief executive officer on February 2. CVAG staff received only one comment from Indian Wells City Manager Chris Freeland, who suggested the legislative platform should incorporate regional collaboration to address housing needs. Because such a policy could have a ripple effect, particularly as it relates to addressing cities' Regional Needs Housing Allocation (RHNA), CVAG staff is recommending this be revisited in the future and considered separately in any update to the legislative platform. The CVAG Executive Director is also hosting a roundtable discussion with the managers on February 28, and staff will provide a verbal update if there are additional considerations or additions proposed.

CVAG staff is now recommending adoption of the 2022 Federal and State Legislative Platform.

Fiscal Analysis: The authorization the Executive Committee provided in September 2021 allocated a not-to-exceed amount of \$100,000 for short-term federal and state advocacy services. CVAG has executed six-month agreements with the Ferguson Group and Politico Group, whose monthly retainers are \$10,000 and \$5,000 per month respectively.

Regional transportation funding is available for these costs. CVAG staff would note that there is a strong return on the investment in services if this advocacy results in additional state and federal resources or better positions projects for funding opportunities.

Attachment: Draft 2022 Federal and State Legislative Platform

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

2022 Federal and
State Legislative
Platform

January 2022



Coachella Valley Association of Governments

The Coachella Valley Association of Governments (CVAG) is a council of governments in the Coachella Valley and eastern Riverside County that funds and delivers transportation projects, operates regional programs and coordinates government services in order to improve and address issues of regional significance. CVAG's activities include, but are not limited to, improving the regional transportation system, providing services to the chronically homeless and promoting the use of green energy and sustainability. CVAG's membership includes 10 cities, the County of Riverside and four Indian tribes. As an organization committed to addressing issues of common interest and concern of its member agencies, CVAG strives to implement regional programs and policies that advance a better quality of life and balanced growth for residents, businesses and tourists of Central and Eastern Riverside County.

The legislative platform will guide the tracking and analysis of priority legislative, budget, regulatory, and administrative issues at the federal and state levels. It will assist in providing staff and lobbyists guidance on policy-related matters that may impact the operation and implementation of the various programs and services offered by CVAG. This document will also facilitate the development of a federal and state strategy and focused action plan to address the needs and priorities of CVAG and its member jurisdictions.

**Agua Caliente Band of Cahuilla
Indians**

City of Blythe

Cabazon Band of Mission Indians

City of Cathedral City

City of Coachella

City of Desert Hot Springs

City of Indian Wells

City of Indio

City of La Quinta

City of Palm Desert

City of Palm Springs

City of Rancho Mirage

County of Riverside

**Torres Martinez Desert Cahuilla
Indians**

**Twenty-Nine Palms Band of
Mission Indians**

CVAG

**73-710 Fred Waring Drive
Suite 200**

Palm Desert, CA 92260

Tel: 760-346-1127

www.cvag.org

Key Categories



TRANSPORTATION

Reliable, sustainable, and safe multimodal transportation infrastructure is a top priority for the Coachella Valley Association of Governments as it strives to support the transportation needs of current and future residents and visitors.



ENERGY

Supporting and securing funding for clean energy sources and energy efficiency initiatives that reduce our carbon footprint, improve air quality, and increase climate resiliency for our member agencies and our residents.



ENVIRONMENTAL

Conservation of the Coachella Valley's natural resources and maintaining and growing our rich and abundant wildlife is a focus of CVAG and our members.



BROADBAND

Deployment of middle-mile infrastructure that can facilitate a high-speed last-mile broadband network for beneficial use among CVAG's residents, businesses, and members is key to the success and vitality of CVAG and the communities it serves.



HOMELESS AND AFFORDABLE HOUSING

Addressing the dual challenges of homelessness and development of affordable housing through regional solutions is critical to ensuring a high quality of life in the Coachella Valley.



PUBLIC SAFETY

Maintaining a safe and secure community, free of crime, while ensuring clean and engaging public spaces, is essential to maintaining vibrant and growing business and residential communities.

FEDERAL

Transportation

Bridges, Regional Arterials and Improved Access

- Support regional efforts for the Coachella Valley-San Geronio Pass Rail Corridor Service (CV Rail), including funding opportunities to advance the preferred alternative, to support alternate transportation modes and better connect desert communities and attractions with Los Angeles, Orange County and the Inland Empire.
- Support actions by the Riverside County Transportation Commission, the Federal Railroad Administration and the California Department of Transportation that advance CV Rail and advocacy efforts by the Facilitate Equitable Deals Task Force to improve coordination and collaboration with Union Pacific Railroad (FED-UP).
- Secure funding for CVAG's priority projects as outlined in the Transportation Project Prioritization Study (TPPS), including interchanges along the Interstate 10 corridor and State Highway Route 86, in order to reduce the burden on regional and local funds.
- Support legislative and regulatory efforts that increase funding for the expansion and improvement of regional arterial projects in order to improve public safety, encourage economic development, ease traffic congestion, and reduce air quality and environmental impacts.
- Support efforts by Riverside County Transportation Commission, San Diego Association of Governments and the San Bernardino Association of Governments, to reduce congestion and increase mobility to and from the CVAG region, including increased funding for bypass roads, bridges and transportation improvements in the pass area.
- Support Congressionally directed spending requests for transportation projects in the Coachella Valley and in eastern Riverside County.
- Support increased funding for Tribal nations in the Coachella Valley for implementation of regional transportation projects.
- Support efforts that expand public transportation opportunities in the City of Blythe, including increased transit.
- Support National Environmental Policy Act (NEPA) reform to expedite and streamline environmental review and project delivery for transportation projects.
- Support efforts that dedicate funding for goods movements projects, including grade separation projects, in eastern Riverside County.
- Oppose efforts that infringe on CVAG's control in collecting and administering revenue sources, including, but not limited to, Measure A sales tax revenue and the Transportation Uniform Mitigation Fee (TUMF).

- Oppose efforts that would divert revenue derived from transportation sources to non-transportation related projects or activities.
- Monitor implementation of programs in the federal Infrastructure Investment and Jobs Act (2021 Infrastructure Bill), such as the Bridge Investment Program, and support funding for existing programs such as the Highway Bridge Program and the Transportation Infrastructure Financing Innovation Act (TIFIA) Program.
- Monitor regulatory and legislative changes to the recently authorized Federal Highway Administration's Congestion Mitigation and Air Quality (CMAQ) Improvement Program which would impose additional requirements on, or decrease funding for, CVAG or its member agencies.
- Monitor efforts that would make changes to the Clean Air Act and associated transportation programs to meet nonattainment or maintenance requirements.
- Monitor potential replacement mechanisms for the federal gasoline excise tax.

Active Transportation

- Support and identify programs that provide funds for regional projects identified in CVAG's Active Transportation Plan.
- Advocate for increased federal funding to the state's Active Transportation Program, including opportunities to augment the program through infrastructure legislation such as the 2022 Build Back Better Act.
- Monitor legislative and regulatory activity related to new mobility devices, such as scooters and automated vehicles, to ensure adequate safety compatibility with active transportation systems.

Intelligent Transportation Systems

- Identify and pursue funding opportunities supporting intelligent transportation systems, including CVAG's synchronization (CV Sync) traffic signal program.
- Monitor legislative and regulatory changes to funding sources for intelligent transportation systems, including the Congestion Mitigation and Air Quality program, and oppose efforts to decrease funding for non-attainment areas.

Energy and Environment

- Support legislation and programs that invest in projects that achieve environmental benefits, including improved air and water quality, water and energy conservation, and urban greening initiatives in the region.
- Support programs that fund implementation of the Coachella Valley Multiple Species Habitat Conservation Plan and that support habitat restoration in the Coachella Valley.
- Support Salton Sea Authority efforts related to the Salton Sea and legislation that provides funding for the restoration and revitalization of the Salton Sea to limit regional impacts to air quality, wildlife habitat, and health of communities, including the Phase One: 10 Year Plan.
- Support legislation that facilitates environmentally sensitive renewable energy development at the Salton Sea Known Geothermal Resource Area, including lithium extraction.
- Support legislation that provides funding for electric vehicle infrastructure and incentives for early adoption of electric vehicles.
- Monitor federal legislative, regulatory, and administrative activities that may impact the Coachella Valley Multiple Species Habitat Conservation Plan and the Desert Renewable Energy Conservation Plan.
- Monitor legislative and regulatory actions that may impact Property Assessed Clean Energy programs.
- Identify programs and support legislation that provides funding for clean energy, energy efficiency, decarbonization and green building programs.
- Monitor and support funding opportunities for wildlife crossing structures to increase habitat connectivity and decrease wildlife-vehicle collisions in areas where populations are fragmented by highways and interstates.
- Support policies and funding that expand access for rooftop solar to households of all incomes. Monitor issues related to Net Energy Metering and initiatives that impact availability and affordability of rooftop solar.

Broadband

- Support implementation of the California Department of Technology's statewide open-access middle-mile broadband initial projects list which includes CVAG's proposed middle-mile project.
- Support and advocate for funding for open access middle-mile infrastructure to facilitate last-mile connections and leverage existing networks and construction projects to build networks, when possible.
- Support efforts that prioritize connectivity to unserved and underserved communities and community anchor institutions.

- Support and identify programs that support middle-mile and last-mile broadband infrastructure and that leverage dig-once opportunities such as CVAG's CV Sync project.
- Monitor actions by the Federal Communications Commission related to broadband and implementation of the broadband investments as authorized in the 2021 infrastructure Bill.

Homeless and Affordable Housing

- Identify and advocate for opportunities for CVAG's member agencies to secure funding that assists in building affordable housing and increasing housing opportunities for low-, moderate-, and workforce housing.
- Monitor and support programs and funding for CVAG's CV Housing First program and regional solutions to addressing homelessness.

Public Safety

- Identify, monitor and support legislation that provides funding for operations, maintenance, and updates to early earthquake warning systems.
- Identify funding opportunities for member jurisdictions to mitigate and reduce the incidents of green waste fires.
- Monitor legislation and administrative actions related to race, diversity and inclusion policies as it pertains to law enforcement.
- Monitor and support funding opportunities that will assist in the reduction of the spread of COVID-19 and other public health and safety concerns, to assist public entities in their response.

STATE

Fighting for Fairness and Funding

- Support legislative efforts that improve funding opportunities for the Coachella Valley in the state's Cap-and-Trade program and oppose policies that disproportionately disadvantage the CVAG region to compete for funding.
- Support legislative and regulatory changes to the Transformative Climate Communities program to allow eligible and qualifying planning grant recipients to also be eligible and qualify to apply for implementation grants.
- Support policies that allow for a diverse set of social equity metric measuring tools to qualify and compete for Cap-and-Trade funded grant programs including, but not limited to, household income and the AB 1550 low-income definition and oppose efforts that would limit use to, or increase reliance on, the CalEnviroScreen in grant programs.
- Support policy changes to funding programs that use the CalEnviroScreen tool that would broaden eligible competitive areas and that better reflect the diversity in the Coachella Valley.
- Oppose legislative and regulatory actions that utilize CalEnviroScreen and high-housing density criteria, which favor large urban centers, to determine allocation of state grant funds and would decrease funding competitiveness for areas such as the Coachella Valley.
- Oppose program guidelines that use transit oriented development standards, such as the Affordable Housing and Sustainable Communities program, that disproportionately favor large urban centers and do not reflect the reality of growth and development in the Coachella Valley, therefore decreasing funding opportunities for the CVAG region.
- Advocate for policy changes that allow for regional variances related to transit quality, transit frequency and density related to housing oriented development, to allow the CVAG region better compete for funding in the state's Cap-and-Trade program.

Transportation

Bridges, Regional Arterials and Improved Access

- Support regional efforts to increase passenger rail service between Los Angeles and the Coachella Valley, including funding opportunities and actions by the Facilitate Equitable Deals task force to improve coordination and collaboration with Union Pacific Railroad (FED-UP).
- Support legislation that increases funding opportunities for bridges, interchanges and regional arterials in the Coachella Valley.
- Support efforts by the California Department of Transportation, Riverside County Transportation Commission, San Diego Association of Governments and the San Bernardino Association of Governments, to implement congestion projects identified in the Inland Empire

Multimodal Corridor Plan that increase mobility to and from the CVAG region, including increased funding for bypass roads, bridges and transportation improvements in the pass area.

- Support California Environmental Quality Act (CEQA) reform to expedite and streamline project delivery for transportation projects.
- Support and advocate for actions that increase transportation resources in the City of Blythe and local Tribal Nations, to address historic underinvestment and improve mobility, economic development opportunities and quality of life.
- Monitor the state's road charge pilot program and other potential replacement mechanisms for the state gasoline excise tax.
- Monitor legislative changes to Senate Bill 1 (Statutes 2017); oppose efforts to divert funding to non-transportation related uses, such as housing, or otherwise qualifying eligibility of SB 1 funds on non-transportation related goals and objectives.
- Oppose legislative changes that create or strengthen a nexus between the availability of transportation funding and local jurisdictions' ability to meet their requirements under the Regional Housing Needs Assessment (RHNA) numbers.
- Monitor legislation that would increase voter approval thresholds for the creation, extension, or increase of local transportation tax measures.

Active Transportation

- Support efforts to increase funding to the Active Transportation Program (ATP) to address the backlog of applications and increase the program's funding capacity.
- Support increased investment in active transportation infrastructure as a component of other state-funded transportation programs that increase access and opportunities for walking, biking, and complete streets that connect the multimodal transportation system.
- Support policies and programs that promote increased use of active transportation infrastructure and systems.
- Support efforts that streamline project delivery, build local capacity such as additional technical assistance, and provide increased flexibility to innovate and strategically invest funds to meet local needs.
- Oppose legislative, regulatory, and administrative efforts to score ATP applications on non-transportation related criteria, such as housing-related policies, CalEnviroScreen and policies which would hinder low density areas like the Coachella Valley and the City of Blythe.
- Oppose changes to the ATP that would decrease CVAG's competitiveness, such as the elimination of leveraged funding and other categories that are advantageous to CVAG and its members jurisdictions.

Intelligent Transportation Systems

- Support programs that leverage technology to improve mobility, increase goods movement efficiency, reduce emissions and help to mitigate environmental impacts.
- Identify state programs and funding that supplement CVAG's CV Sync project, such as the Coachella Valley's middle-mile broadband project as selected as one of 18 initial statewide projects.
- Monitor legislation that incorporates new innovative technologies into the state transportation system, such as zero or near-zero emission vehicles, autonomous vehicles, and small electric mobility devices that improve transportation accessibility, efficiency and reduce environmental impacts.

Energy and Environment

- Support legislative and regulatory efforts to increase the flexibility of funding programs from the California Air Resources Board's Cap-and-Trade Program to ensure the Coachella and Palo Verde Valleys get their fair share, including taking into account regional variances related to growth, housing, and greenhouse gas (GHG) reduction strategies.
- Support increased investments of the state GHG reduction funds toward transportation projects to reduce transportation related GHG emissions.
- Support investments in Cap-and-Trade funded programs, such as the Clean Vehicle Rebate Program, Single-Family Energy Efficiency, and Low-income Weatherization programs.
- Advocate for changes in the CalEnviroscreen mapping tool that reflect the socio-economic realities of the diverse communities in the Coachella Valley and Palo Verde Valleys, or the use of alternative tools such as household income.
- Support policies that ensure criteria for defining disadvantaged communities and environmental justice areas accurately represent eastern Riverside County, including those that mirror AB 1550 community mapping, in order to ensure the region can compete for funding opportunities.
- Support policies, programs, and funding for electric vehicle charging infrastructure and increased use of electric vehicles in the region.
- Support efforts that provide necessary resources for implementation of the Coachella Valley Multiple Species Habitat Conservation Plan as well as resources for desert communities to prepare and adapt to changing climate and natural disasters, such as the Climate Resiliency programs.
- Support funding for programs that support local planning and response measures to extreme heat events, including nature-based solutions, to protect critical infrastructure, habitat and public health and safety.

- Identify and support legislation that provides funding for the restoration and revitalization of the Salton Sea to limit regional impacts to air quality, wildlife habitat, and health of communities, including the Phase One: 10 Year Plan.
- Support mitigation efforts at the Salton Sea that address air quality and facilitate economic development, such as lithium extraction.
- Monitor actions related to the 1934 Agreement of Compromise between Imperial Irrigation District and the Coachella Valley Water District and support Coachella Valley Energy Commission efforts to achieve a permanent service option and governance structure between Coachella Valley stakeholders and IID post-2033.
- Identify programs and support legislation that provides funding for clean energy, energy efficiency, decarbonization, and green building programs.
- Monitor legislative and regulatory efforts related to vehicle electrification and building decarbonization that would add new requirements to local governments, including Title 24 building standards.
- Monitor implementation of the state's climate resiliency efforts and efforts related to environmental justice communities and AB 617 (Statutes of 2017) emission reduction funding programs.
- Support policies and funding that expand access for rooftop solar to households of all incomes. Monitor issues related to Net Energy Metering and initiatives that impact availability and affordability of rooftop solar.

Broadband

- Support funding and implementation of the Coachella Valley's middle-mile broadband project and the creation of ongoing programs to assist with last-mile connections that bridge the digital divide in the Coachella Valley.
- Monitor legislative and regulatory actions related to SB 156 (Statutes of 2021) and related actions by the California Department of Technology and the Office of Broadband and Digital Literacy.
- Monitor the California Middle-Mile Advisory Committee and its recommendations regarding implementation of middle-mile infrastructure.
- Monitor the California Public Utilities Commissions proceedings related to broadband infrastructure implementation, such as Rulemaking (R.) 20-09-001 and Rulemaking proceeding, R.20-08-021.

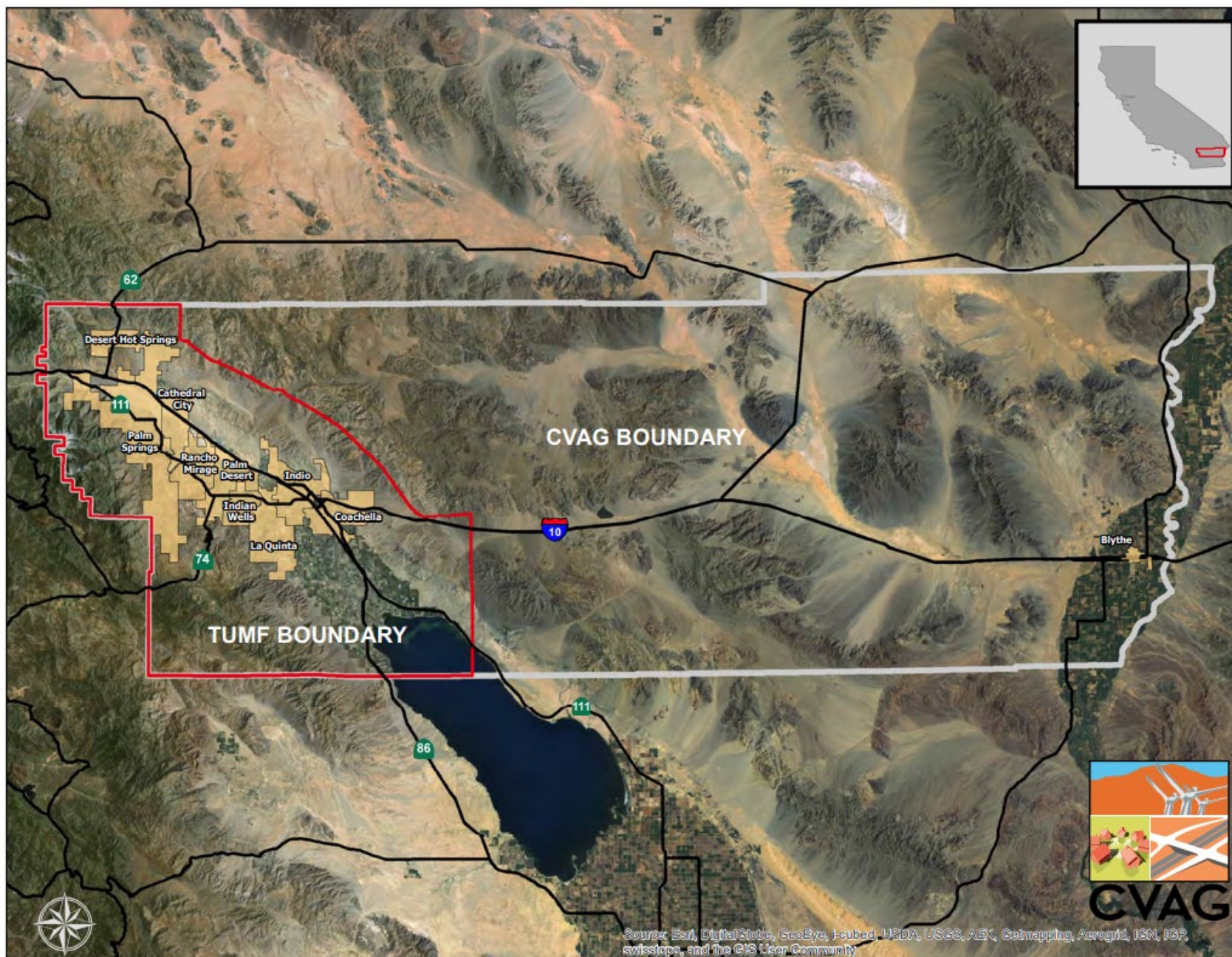
Homelessness and Affordable Housing

- Support increased investment in, and creation of, programs that assist local governments, counties and regional collaborations to address the challenges associated with homelessness.

- Support legislative efforts that allow for sustainable financing options, as outlined in CVAG's Regional Early Action Plan (REAP) and member jurisdictions' Local Early Action Plans (LEAP), in order to address housing shortages and provide affordable housing options.
- Support efforts by Lift to Rise to establish the Coachella Valley Housing Catalyst Fund to increase housing production in the Coachella Valley and create homeownership opportunities for low- and very-low income families, permanent supportive housing for the homeless and address unpermitted mobilehome park issues.
- Support CEQA reform to streamline the delivery of housing projects.
- Monitor the Affordable Housing and Sustainable Communities Program and advocate for increased flexibility and changes that ensure a greater share of funding is available to areas that don't have Transit Oriented Developments (TOD) and thereby more accurately account for unique community characteristics and growth patterns in the Coachella Valley.
- Support the extension of state-funded solutions, including Project RoomKey and Project HomeKey, with an emphasis on ensuring those investments are used in the Coachella Valley.
- Support efforts to establish homeless courts that can help local jurisdictions provide additional solutions and services for homeless individuals.
- Support legislative efforts that would allow local jurisdictions to implement, if they choose, programs and ordinances that increase the available housing units and/or require unsheltered individuals to accept housing solutions and treatment solutions so long as there are adequate housing units available.

Public Safety

- Support programs and policies that provide funding for the CVAG region to obtain, enhance, operate, maintain and update early earthquake warning systems.
- Monitor legislation and executive orders related to the COVID-19 pandemic and other public health and safety emergencies and support programs that provide assistance to negatively impacted communities in the Coachella Valley.
- Monitor legislation impacting race, diversity, and inclusion policies as it pertains to local law enforcement.



ITEM 7B

**Coachella Valley Association of Governments
Executive Committee
February 28, 2028**



STAFF REPORT

Subject: Memorandum of Understanding between CVAG and IID

Contact: Emmanuel Martinez, Senior Programs Manager (emartinez@cvag.org)

Recommendation: Approve a Memorandum of Understanding with the Imperial Irrigation District to provide a Coachella Valley Energy Commission coordinator, and authorize the Executive Director and/or Legal Counsel to make clarifying changes prior to execution

Energy and Environmental Resources Committee: CONCURS (Meeting of February 10th)

Background: The eastern Coachella Valley Cities served by the Imperial Irrigation District (IID)) have expressed priority interest in addressing governance and electrical service issues posed by the 1934 Agreement of Compromise between the IID and the Coachella Valley Water District which expires in 2033. As it currently stands, the Coachella Valley cities served by IID do not have any decision-making authority on electrical related matters, other than an advisory role as established through the Energy Consumers Advisory Committee. In order to better address service concerns and have increased local input on electrical matters, representatives of the eastern Coachella Valley communities have expressed an interest in establishing a stronger governance and decision-making role on electricity related issues post-2033.

In June 2021, CVAG's Energy and Environment committee authorized the Executive Director to establish and convene the East Valley Electricity Task Force as an ad hoc group to address issues related to the continued service of the IID in the Coachella Valley. At the same time, the IID Board of Directors was creating IID's Coachella Valley Energy Commission (CVEC) to explore issues related to energy delivery after the Agreement of Compromise expires. Initially, the CVAG task force was to review the CVEC bylaws and related governance. The CVAG Executive Director coordinated with stakeholders in order to address any concerns. At the same time, IID moved forward with initial meetings of the CVEC. The Commission is tasked with providing immediate and diverse local representation by Coachella Valley stakeholders for the unique energy needs of the greater Coachella Valley portion of the IID's energy service area. Its focus will include the development of a long-term strategic plan for continued energy service to the Coachella Valley following the 2033 expiration of the 99-year lease between IID and the Coachella Valley Water District.

To help facilitate Coachella Valley engagement, Section 5.06 of the IID approved CVEC bylaws includes the appointment of a coordinator by the IID in collaboration with CVAG. The role of the coordinator is to assist in carrying out and overseeing the actions, activities and affairs of the Commission. To formalize the appointment and establish the working relationship on the CVEC between IID and CVAG – as outlined in Section 5.06 of the bylaws – CVAG staff is recommending approval of an MOU outlining the roles and responsibilities of each entity has been drafted. The MOU will allow CVAG to provide some staff support to the CVEC and its activities, which would be largely carried out by the Senior Programs Manager serving in a coordinator role. The term of the MOU ends on December 31, 2022, but may be extended by mutual consent of the IID and CVAG. Also, it specifically outlines the responsibilities of the parities, which are to carry out the CVEC bylaws. As

outlined in the draft MOU, the activities of the coordinator include being a liaison between CVAG and the CVEC; attending monthly CVEC meetings and provide CVAG updates or reports; assisting with CVEC agenda planning and setting; attending IID Board of Directors meetings and relaying updates to CVAG; and providing updates on CVEC related matters to CVAG's Energy and Environmental Resources and Executive Committees, as needed.

The MOU allows CVAG to recover some of the staff time related to CVEC activities. This MOU may be terminated at any time and for any reason upon written notice to the other party. Since its creation, the CVEC has been holding monthly meetings which occur on the second Thursday of the month at 4 p.m. at the IID's offices in La Quinta. There are 12 members that comprise the CVEC and three subcommittees have been established: governance, growth and economic development and reliability, to further investigate relevant issues. If the MOU is approved, CVAG will make any necessary non-substantive changes to the MOU to ensure its provisions are aligned with the goals of CVAG. Staff will also continue to participate in CVEC meetings as well as any related activities that relate to energy service in CVAG's member jurisdictions.

Fiscal Analysis: There is no cost to CVAG for this MOU. With approval of the MOU, CVAG would be able to be reimbursed for staff costs associated with the CVEC and related matters. The MOU includes a compensation provision which would allow CVAG to be reimbursed \$75 per hour up to a maximum of 40 hours per month for the coordinator's time allocated to the CVEC's activities. However, additional hours may be allocated to fulfill the duties of the MOU if it is mutually agreed upon by the Executive Director and IID's general manager.

**Memorandum of Understanding Between
the Imperial Irrigation District and the Coachella Valley Association
of Governments Regarding the Coachella Valley Energy Commission Coordinator**

This Memorandum of Understanding (“MOU”) is entered into and effective this 28th day of February 2022 (“Effective Date”) by and between the Imperial Irrigation District, a California special district (“IID”) and the Coachella Valley Association of Governments, a California joint powers authority (“CVAG”). IID and CVAG are each referred to herein as a “Party” and Collectively as the “Parties.”

RECITALS

1. IID serves the retail electric needs of a portion of the greater Coachella Valley under the Agreement of Compromise between IID and the Coachella Valley Water District dated 1934. The 99-year lease provisions set forth in the Agreement of Compromise expire in 2033.
2. Questions regarding IID’s continued energy service to the Coachella Valley after 2033, representation of and by Coachella Valley energy stakeholders, and the protection of IID’s Imperial Valley water rights led to formation of the Coachella Valley Energy Commission in order to resolve said questions and concerns by providing a temporary transition toward a locally developed and permanent solution for continued energy service and governance forged between Coachella Valley energy stakeholders and IID.
3. The Coachella Valley Energy Commission was formed for the purpose of providing direct, immediate, and diverse local representation by Coachella Valley energy stakeholders for the unique energy needs of the greater Coachella Valley portion of the IID energy service area and to develop a long-term strategic plan for continued energy service to the Coachella Valley following the 2033 expiration of the 99-year lease provision of the Agreement of Compromise.
4. As stipulated in Section 5.06 of the Coachella Valley Energy Commission bylaws, IID shall appoint, in collaboration with the Coachella Valley Association of Governments, a Coordinator (the “Coordinator”) for the Commission and its members.
5. CVAG is the regional planning agency coordinating government services in the Coachella Valley. By providing solutions to the common issues of the local governments and tribes that are its members, CVAG promotes a better quality of life and balanced growth for residents of Central and Eastern Riverside County.

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. *Term.* This MOU shall remain in full force and effect beginning on the Effective Date and ending on December 31, 2022 ("Term"). This term may be extended by mutual written agreement executed by the Parties.
2. *Responsibilities of CVAG.* Pursuant to Section 5.06 of the Coachella Valley Energy Commission bylaws, the parties hereby jointly appoint Emmanuel Martinez as Coordinator to support the Coachella Valley Energy Commission for the term of this MOU or the expiration of his employment with CVAG, whichever comes first. The Coordinator shall be responsible for carrying out and overseeing activities, actions and affairs of the Coachella Valley Energy Commission as stipulated by its bylaws and this MOU.

Activities of Coordinator shall include, but may not be limited to:

- Liaison between CVAG and the CVEC
 - Attend monthly CVEC meetings and provide CVAG updates or reports, as needed
 - Assist with CVEC agenda planning and setting, as needed
 - Monitor IID Board of Directors meetings and attend to provide CVAG updates, as needed
 - Provide updates on CVEC related matters to CVAG's Energy and Environmental Resources and Executive Committees, as needed
3. *Responsibilities of IID.* IID will be responsible for providing information reasonably necessary for the Coordinator to accomplish the duties identified herein.
 4. *Responsibilities of CVAG and IID.* The parties will work together to support requests made by the Coachella Valley Energy Commission board and agree to create an open line of communication to ensure all necessary issues that may arise, as related to the role of the Coordinator position, are adequately addressed.
 5. *Collaboration.* The parties' designated staff will meet as reasonably necessary to collaborate exchange ideas and information in an expeditious manner to inform IID or CVAG of necessary changes.
 6. *Compensation.* The Coordinator is a CVAG employee and his duties as described herein are part of his employment duties with CVAG. IID will reimburse CVAG the cost associated with the portion of the Coordinator's duties directed to managing IID's responsibilities under this MOU at the rate of \$75 per hour up to a maximum of 40 hours per month. Additional hours may be allocated to fulfill the duties of this MOU by the Coordinator if mutually agreed upon by the CVAG Executive Director and the IID General Manager. Coordinator's hourly rate is subject to adjustment based on future modifications to Coordinator's compensation. CVAG will invoice IID for the portion of Coordinator's duties managing IID's responsibilities under this MOU not more frequently than monthly. Invoices will show the number of hours attributable to IID's portion of Coordinator's work in a

format acceptable to IID. The Parties otherwise agree to each bear the cost of their respective staffs' time devoted to performing each Party's responsibilities identified herein.

7. General Provisions

- a) *Authority.* Each signatory of this MOU represents that s/he is authorized to execute this MOU on behalf of the party for which/he signs. Each party represents that it has legal authority to enter into this MOU and to perform all obligations under this MOU.
- b) *Amendment.* This MOU may be amended or modified only by a written instrument executed by each party of this MOU.
- c) *Headings.* The paragraph headings used in this MOU are intended for convenience only and shall not be used in interpreting this MOU or in determining any of the rights or obligations of the parties to this MOU.
- d) *Construction and Interpretation.* This MOU has been arrived at through mutual discussions between the Parties and each Party has had a full and fair opportunity to revise the terms of this MOU. As a result, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in the construction of this MOU.
- e) *Integration.* This MOU is intended by the Parties to be the final expression of their agreement with respect to the subject matter of this MOU between the Parties, and supersedes any prior understandings between the Parties, whether oral or written.
- f) *Partial Invalidity.* If, after the date of execution of this MOU, any provision of this MOU is held to be illegal, invalid, or unenforceable under present or future laws effective during the Term of this MOU, such provision shall be fully severable and the remaining portions of this MOU shall not be affected thereby and shall remain in force and effect to the fullest extent permissible by law. However, in lieu thereof, there shall be added a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.
- g) *Waiver.* No waiver of any provision of this MOU shall be deemed or shall constitute a waiver of any other provision, whether or no similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing.
- h) *Successors and Assigns.* This MOU shall be binding on and inure to the benefit of successors of the respective Parties to this MOU. No Party may assign its interest in or obligations under this MOU.

- i) *Compliance with Law.* In performing their respective obligations under this MOU, the parties shall comply with and conform to all applicable laws, rules, regulations and ordinances.
- j) *Third Parties Beneficiaries.* This MOU shall not create any right or interest in any non-Party or in any member of the public as a non-party beneficiary.
- k) *Counterparts.* This MOU may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.
- l) *Notices.* All notices, request, demands or other communications required or permitted under this MOU shall be in writing unless provided otherwise in this MOU and shall be deemed to have been duly given and received on:
 - (i) the date of service if served by electronic mail or facsimile transmission on the Party to whom notice is to be given at the address(es) provided below, (ii) on the first day after mailing , if mailed by Federal express, U.S Express Mail, or other similar overnight courier service, postage prepaid, and addressed as provided below, or(iii) on the third day after mailing if mailed to the Party to whom notice is to be given by first class mail, registered or certified, postage prepaid, addressed as follows:

To IID: Imperial Irrigation District
Attn: General Manager
P.O Box 937
333 E. *Baroni* Blvd.
Imperial, CA 92251

To CVAG: Coachella Valley Association of Governments
Attn: Executive Director
Tom Kirk
73-710 Fred Waring #200
Palm Desert, CA 92260

- m) *Termination.* Either party may terminate this MOU at any time for any reason or no reason upon written notice to the other Party. The notice shall provide date of termination.
- n) *Default.* Prior to the initiation of any legal action for a default of this MOU, the Parties shall meet to discuss resolution of the alleged default before initiating litigation. Each Party shall bear its own attorneys' fees and cost incurred in connection with meeting to resolve the alleged default, unless the Parties agree in writing otherwise.

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DRAFT

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their duly authorized representatives as of the dates set forth below.

IMPERIAL IRRIGATION DISTRICT

By: Enrique B. Martinez
General Manager

Date

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

By: Tom Kirk
Executive Director

Date

ITEM 7C

**Coachella Valley Association of Governments
Executive Committee
February 28, 2022**



Staff Report

Subject: Funding Regional Projects in Cycle 6 of the State's Active Transportation Program

Contact: Emmanuel Martinez, Senior Programs Manager (emartinez@cvag.org)

Recommendation: Authorize the Executive Director to take the necessary actions to:

1. Amend the cost-sharing agreements between CVAG and the Cities of La Quinta, Indio and Coachella for design costs related to the Arts and Music Line, adding no additional costs to CVAG and reflecting project boundary changes to the project; and
2. Commit regional transportation funding to the Arts and Music Line and the CV Link Extension to Desert Hot Springs so that projects can maximize leveraging points in applications for the state's ATP Cycle 6 grant program, with the condition that actual expenditure of funds would be dependent on securing the grant funding and funding contributions by local jurisdictions

Transportation Committee: Concurs (Meeting of February 7th)

Background: The Coachella Valley has made it a priority to make significant investments in the local and regional transportation networks, particularly as it pertains to creating safe routes for pedestrians and cyclists. In June 2019, the CVAG Executive Committee unanimously voted to establish a Bicycle and Pedestrian Safety Program that provided funding for getting regional Active Transportation Plan (ATP) projects "shelf ready" for future grant opportunities, and authorized staff to begin the process of securing one or more firms to design of these projects.

One of those projects is the CV Link extension to the City of Desert Hot Springs. Another is the Arts and Music Line, which generally extends along Avenue 48 between Interstate 10 and Washington Street. Work on the project has been led by CVAG and is done in partnership with the Cities of La Quinta, Indio and Coachella. The Arts and Music Line will provide a community connector to CV Link as well as a number of local destinations, including the music and art festivals at the Empire Polo Grounds. This project incorporates a number of unique elements, including light and striking art features, to further encourage the use by pedestrians and cyclists.

In September 2019, CVAG's Executive Committee approved staff's recommendation that CVAG hire Albert A. Webb Associates to complete preliminary engineering, environmental analysis, and final design work for on the Arts and Music Line, as well as regional design guidelines for bike and pedestrian projects valley-wide. The Committee also authorized the hiring of Omnis to complete work in Desert Hot Springs, which was led by the City under an authorized reimbursement agreement with CVAG. In September 2021, the CVAG Executive Committee authorized a no-cost extension to extend Webb's contract through December 2022.

Much of this work is geared toward securing large awards from the state's Active Transportation Program. This is an incredibly competitive grant program that attracts hundreds of applications each cycle – and the Coachella Valley has been consistently successful in bringing home millions of dollars for local and regional projects. CVAG led applications in both ATP Cycle 4 and ATP Cycle 5. Projects are scored on a 100-point scale; projects that don't get funded in the statewide round are then considered for funding in the Metropolitan Planning Organization (MPO) round, where there are fewer dollars to spread out across the state. In both cycles of ATP, the Arts and Music Line and the CV Link extension to Desert Hot Springs was short of the cut-off for the statewide round and was left in the painstaking position of having to turn down partial funding in the MPO round – as much as \$7.7 million – because it would have put too much strain on the local and regional resources to accept that award and fill the funding gap.

CVAG and its partners have an interest in revisiting the project for ATP Cycle 6. This cycle will provide \$445.5 million in funding through fiscal year 2026-27. The call for projects is expected in March 2022 with applications due in June 2022. CVAG staff would argue the project should apply to Cycle 6 unless the state agrees to move forward with the much-debated funding augmentation to Cycle 5. Committee members will recall that this was discussed during last year's budget negotiations, and as much as \$500 million was proposed as an augmentation to Cycle 5. Based on the scores, it would have meant that the Arts and Music Line project, as well as the CV Link extension to the City of Desert Hot Springs, were in a strong position of securing \$16.9 million and \$29 million respectively, for a total of \$45.9 million in construction funding. At this point, however, there is no guarantee that such an augmentation will manifest and plans should be made for Cycle 6 instead.

In preparing for Cycle 6, CVAG staff is recommending two actions. The first would be to address the the cost-sharing agreements with the cities of La Quinta, Indio and Coachella for the Arts and Music Line. Webb's contract has available contingency to complete an application for Cycle 6. However, amendments to the cities' agreements are recommended in order to reflect changes to route design and project scope that have occurred. The original agreements were based on a longer project route. In preparing the application for Cycle 5, CVAG staff completed various analysis of the route and determined the project should stop at Washington Street in order to provide strong connections to the community while remaining competitive for grant applications. This meant that an originally expected segment along Washington Street and Eisenhower Drive was eliminated in the City of La Quinta. The City concurred with this analysis.

CVAG staff is now recommending the Executive Director is authorized to work with the cities to re-distribute the costs of the 25 percent local share in order to reflect the new project boundaries. Initial conversations with those jurisdictions' staffs indicate support for the revised approach.

The second action would mirror the authority that the CVAG Executive Committee provided in ATP Cycles 4 and 5. Under the application, medium and large projects will get an automatic five points if they can demonstrate that more than 20 percent of the ATP-eligible costs is covered by non-ATP funding. Up to five additional points are given for projects that demonstrate cost effectiveness. These are newer part of the application, and it can better position regional projects in terms of their competitive advantage. The funding that the CVAG Executive Committee approved through the Bicycle and Pedestrian Safety Program, which is getting this cycle's ATP projects shovel ready, can be used toward the match. However, additional funding commitment would be necessary to maximize the points. In the last two funding cycles, the CVAG Executive Director was able to authorize the use of additional transportation funding in

order to maximize these points on the grant application. CVAG staff is recommending an identical strategy for this cycle.

Fiscal Analysis: The contract for Webb Associates was for a not-to-exceed amount of \$2,731,897. Funding is being split on the 75 percent/ 25 percent funding formula that is standard for regional projects. Because the Arts and Music Line's local share spans more than one jurisdiction, the original reimbursement agreements split the 25 percent local share based on the length of the project in each jurisdiction.

The revised cost-sharing figures for the 25 percent local share would be reflected in the amendments. 25 percent local share would total \$682,974 and would be split between the three agencies per the table below:

La Quinta	Indio	Coachella	Total Local Share(25%)	Notes
\$ 324,061	\$ 327,094	\$ 31,819	\$ 682,974	Cycle 5 Reimbursement Agreement
47%	48%	5%	100%	
\$ 170,744	\$ 457,593	\$ 54,638	\$ 682,974	Amended Cycle 6 Reimbursement Agreement
25%	67%	8%	100%	
\$ (153,317)	\$ 130,499	\$ 22,819	\$ -	Delta
-22%	19%	3%		

To date, CVAG has not requested reimbursement for design costs incurred. Once the amended contracts are approved, CVAG staff will request reimbursement based on the newly amended shares prior to the application deadline. The revised cost shares were based on linear feet and proposed benefit areas should the Arts and Music Line be funded and built.

The first recommended action is to amend existing agreements for pre-construction phases. The second provides additional funding for the construction phase. Maximizing the points for cost and for leveraging effectiveness points will make both the Arts and Music Line and the CV Link extension more competitive than others in the state. In essence, the region is putting forward a relatively small financial investment in order to incentivize a far larger commitment in state funding.

The exact amount of funds needed for these projects is still being determined as the consultants finalize the scope of both projects. As done in the past two cycles, CVAG staff is recommending that at least 20 percent of each project's total cost is committed locally. As with other regional transportation projects, CVAG staff recommends that the leverage is provided with a cost-sharing agreement with the local jurisdictions involved in the project. Because the Avenue 48 project crosses multiple jurisdictions, the cities' share of the leverage would be split.

As was done in both Cycle 4 and Cycle 5, the additional funding will be identified and reported to the Executive Committee once the total project cost is known, which could be in the fall 2022 based on the current ATP grant cycle. Staff is recommending that, with approval of this item, the allocation of regional transportation funding is conditioned on successfully securing the grant funds.

ITEM 7D

**Coachella Valley Association of Governments
Executive Committee
February 28, 2022**



STAFF REPORT

Subject: Reimbursement Agreement with the City of Indio for the Avenue 50 Widening Project (Jefferson Street to Jackson Street)

Contact: Jonathan Hoy, Director of Transportation (jhoy@cvag.org)

Recommendation: Approve the Reimbursement Agreement with the City of Indio as the Lead Agency for the Avenue 50 Widening Project (Jefferson Street – Jackson Street), providing a not-to-exceed amount of \$675,000 in regional funding for the Preliminary Design and Environmental Studies (PS&E) Phase

Transportation Committee: CONCURS (Meeting of February 7th)

Background: On December 10, 2021 the City of Indio requested regional transportation funding to secure a consultant to design the improvements on Avenue 50. The proposed project would improve Avenue 50 to the ultimate condition, with two lanes each direction with sidewalks and bike lanes on each side. The corridor spans from Jefferson Street to approximately 300-ft west of Botella Place into a four-lane boulevard.

Improving Avenue 50 has long been a regional priority. The Transportation Project Prioritization Study (TPPS) breaks down the proposed scope of work into three different projects and-rankings as summarized below:

- Avenue 50 widening from Jefferson Street to Madison Street is the 10th ranked project with 13 points. The jurisdiction of the corridor is shared with the City of La Quinta.
- Two segments of Avenue 50 widening are tied as 34th ranked projects with 11 points. They are Avenue 50 from Madison Street to Monroe Street, and then the widening from Monroe Street to Jackson Street.

As noted above, a portion of those improvements includes the City of La Quinta, which has expressed support for the project and for the City of Indio serving as Lead Agency.

Under CVAG's cost-sharing policy of funding Measure A eligible projects, the responsible jurisdiction(s) will be responsible for paying 25 percent of the project costs (the Local Share), and CVAG will be responsible for 75 percent of eligible project costs (the Regional Share). CVAG staff is recommending a standard reimbursement agreement with the City of Indio to start the project and provide a regional funds for the Preliminary Design and Environmental Studies (PS&E) phase of the project, which would be paid as a reimbursement to the jurisdiction as invoices are submitted and approved.

Fiscal Analysis: The City of Indio estimates that the PS&E phase will cost \$900,000. CVAG's 75 percent regional share of the cost would be for a not-to-exceed amount of \$675,000, and the 25 percent local share is \$225,000. There are sufficient regional transportation funds to cover this phase of the project.

Attachments:

City of Indio request letter
Avenue 50 Conceptual Plans



December 10, 2021

Jonathan Hoy
Director of Transportation
Coachella Valley Association of Governments
73710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260

Subject: City of Indio - Project Programming Request – Avenue 50 Widening (Jefferson Street – Jackson Street), Project No. ST2004

Dear Mr. Hoy,

The City of Indio, respectfully, requests funding from Measure A and the Transportation Uniform Mitigation Fee (TUMF) Programs to cover 75% of the project costs to improve the Avenue 50 corridor from Jefferson Street to approximately 300-ft west of Botella Place into a four-lane boulevard, as prescribed by the Regional Arterial Program Guidelines. Currently, the corridor consists of one or two lanes in each direction with a painted median. There is a portion of existing raised median on Avenue 50 between Jefferson Street and Madison Street. The City of Indio proposes to improve this corridor to the ultimate condition with two lanes in each direction with sidewalks and bike lanes on each side. A map outlining the area of the proposed improvements is included as an attachment.

This corridor is included in the most current Transportation Project Prioritization Study under three different projects, and are classified as high-ranking corridors:

- Avenue 50 widening from Jefferson Street to Madison Street is currently the 10th ranked project. The City of Indio proposes to improve Avenue 50 from Jefferson Street to Madison Street. The jurisdiction of the corridor is shared between City of Indio and City of La Quinta, who is in support of Indio taking the role as lead agency for the project.
- Avenue 50 widening from Madison Street and Monroe Street is currently the 34th ranked project. The City of Indio proposes to improve Avenue 50 from Madison Street to Monroe Street, which will complete this project in the program.
- Avenue 50 widening from Monroe Street to Jackson Street is currently the 34th ranked project. The City of Indio proposes to improve Avenue 50 from Monroe Street to approximately 300-ft west of Botella Place, which will complete this project in the program.

In its existing condition, Avenue 50 from Jefferson Street to Jackson Street has drainage issues due to the lack of drainage infrastructure that must be addressed with this project. The Avenue 50 corridor is also part of the CV Link plan and will serve as a Community Connector through the Polo Grounds from Madison Street through the project limits. Due to drainage, potential right-of-way complexities, and CV Link design guideline criteria, the City of Indio is requesting funds to secure a consultant to design the improvements. The preliminary design and environmental studies are expected to cost \$900,000, of which the City requests CVAG fund 75% up to \$675,000. The City of Indio is committed to funding the City's cost of 25% of the project, \$225,000. Once refined project details, right-of-way impacts, and construction costs have been established, the City will request an amendment to include these costs.

As discussed above, the City of La Quinta has expressed support for the City of Indio to act as Lead Agency and complete these important improvements. The City of Indio appreciates your consideration to program 75% of the total design costs up to \$675,000 for this project into the Regional Arterial Program with Measure A and TUMF funding.

Should you have any questions, please do not hesitate to contact me by phone at (760) 391-4018 or by email at twassil@indio.org.

Sincerely,

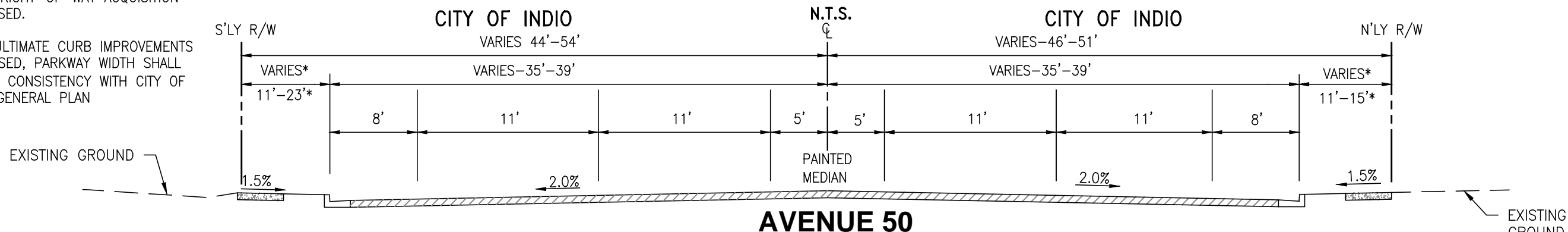


Timothy T. Wassil, PE
Public Works Director
City of Indio

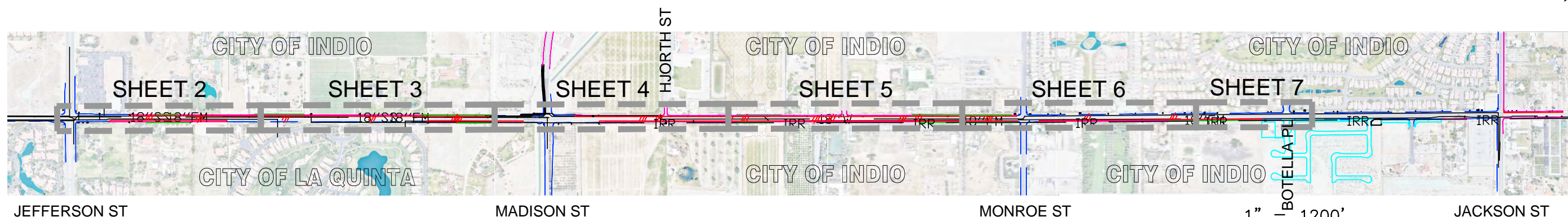
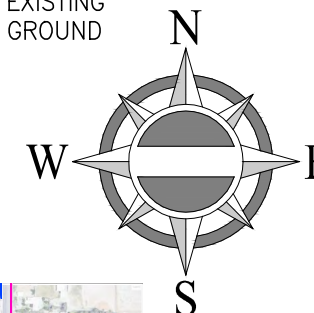
Attachment: Avenue 50 Conceptual Plan (7 pages)

CC: Bryan Montgomery, City Manager, City of Indio
Juan Raya, PE, City Engineer, City of Indio
Vianka Orrantia, City of Indio
Joshua Nickerson, NAI Consulting, Inc.

2. WHERE ULTIMATE CURB IMPROVEMENTS ARE PROPOSED, PARKWAY WIDTH SHALL BE 15' FOR CONSISTENCY WITH CITY OF LA QUINTA GENERAL PLAN



* WHERE EXISTING RIGHT OF WAY
EXTENDS BEYOND GENERAL PLAN
REQUIREMENTS, RIGHT OF WAY VACATION
IS NOT PROPOSED



AVENUE 50 INDEX MAP



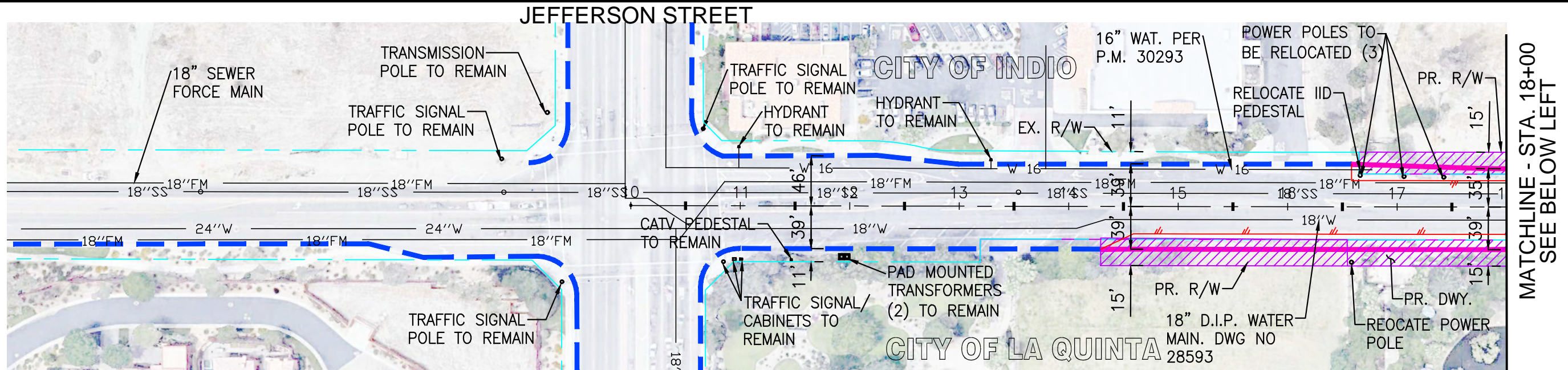
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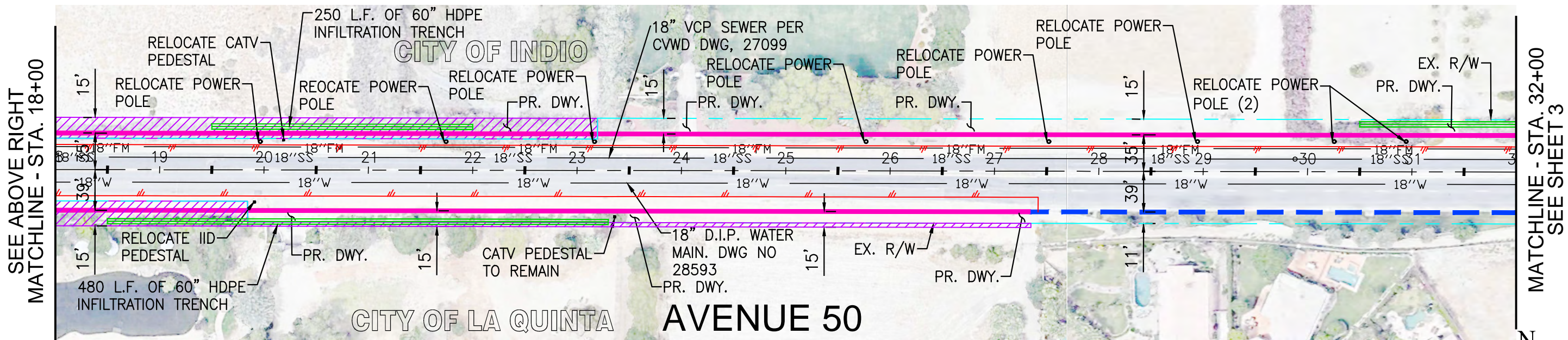
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OF 7 SHEETS

AVENUE 50 CONCEPTUAL PLAN

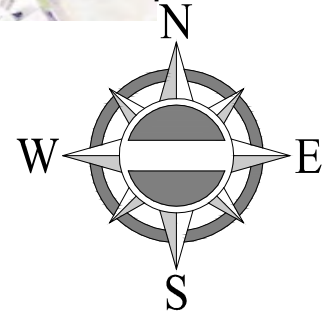
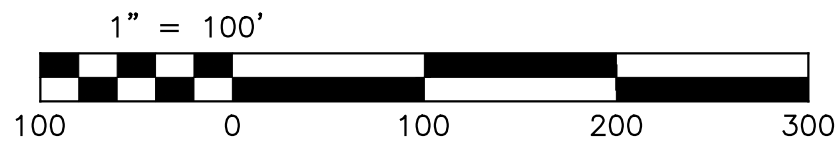


AVENUE 50



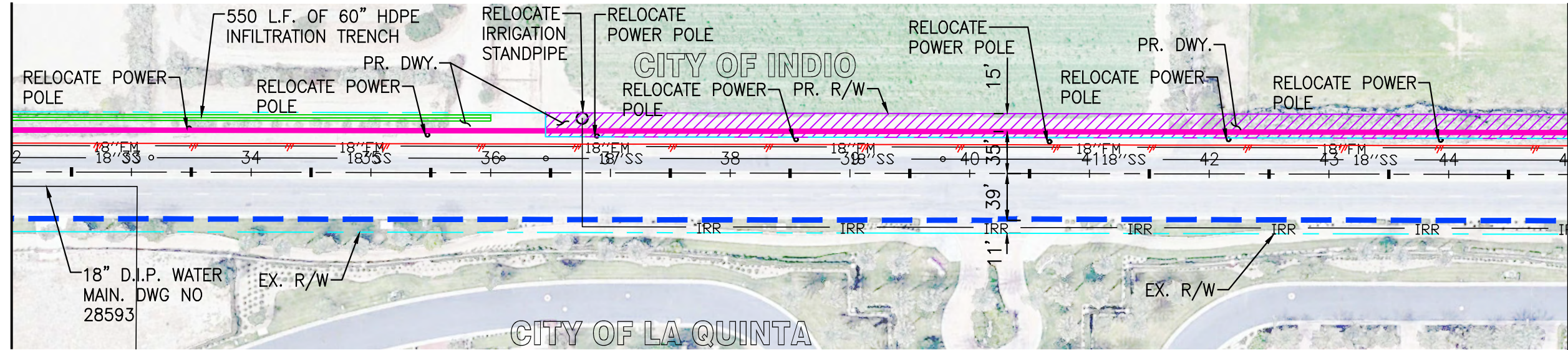
LEGEND

- LA QUINTA GENERAL PLAN-PRIMARY ARTERIAL, INDIO GENERAL PLAN-4 LANE BLVD.
- EXISTING CURB PER GENERAL PLAN
- ADDITIONAL RIGHT OF WAY REQUIRED FOR GENERAL PLAN COMPLIANCE
- PR. PARKWAY INFILTRATION TRENCH W/60" PERFORATED HDPE
- EXIST. R/W
- EXIST. SEWER FORCE MAIN
- EXIST. WATER MAIN
- EXIST. SEWER MAIN
- EXIST. IRRIGATION LINE



AVENUE 50 CONCEPTUAL PLAN

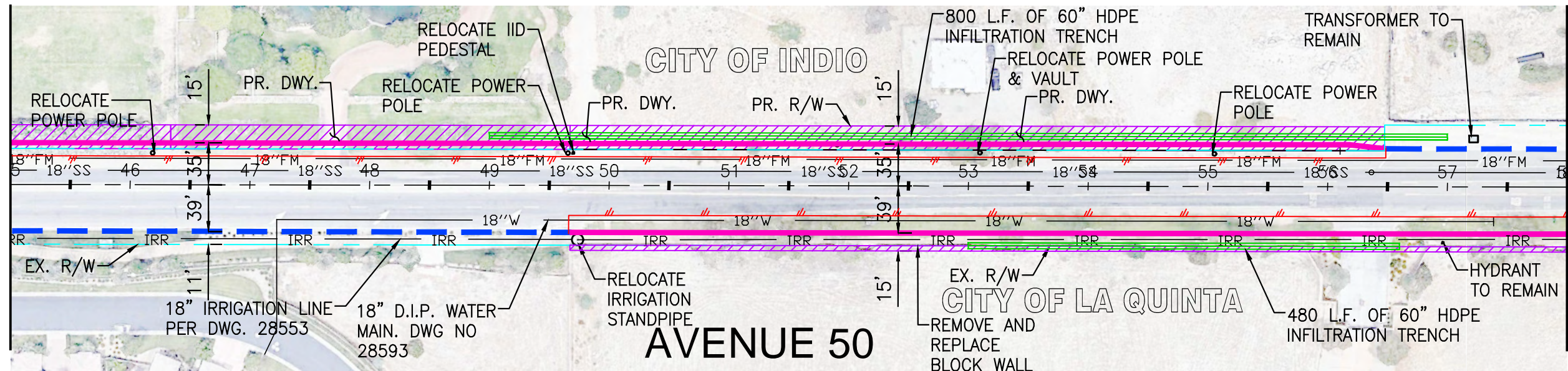
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MATCHLINE - STA. 32+00



MATCHLINE - STA. 45+00
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AVENUE 50

SEE ABOVE RIGHT
MATCHLINE - STA. 45+00

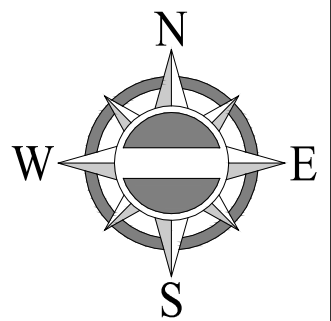
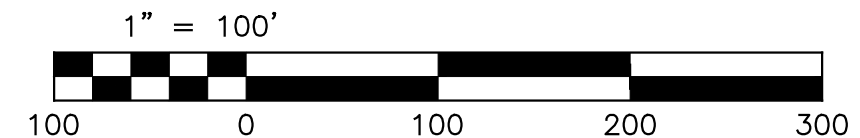


MATCHLINE - STA. 58+00
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LEGEND

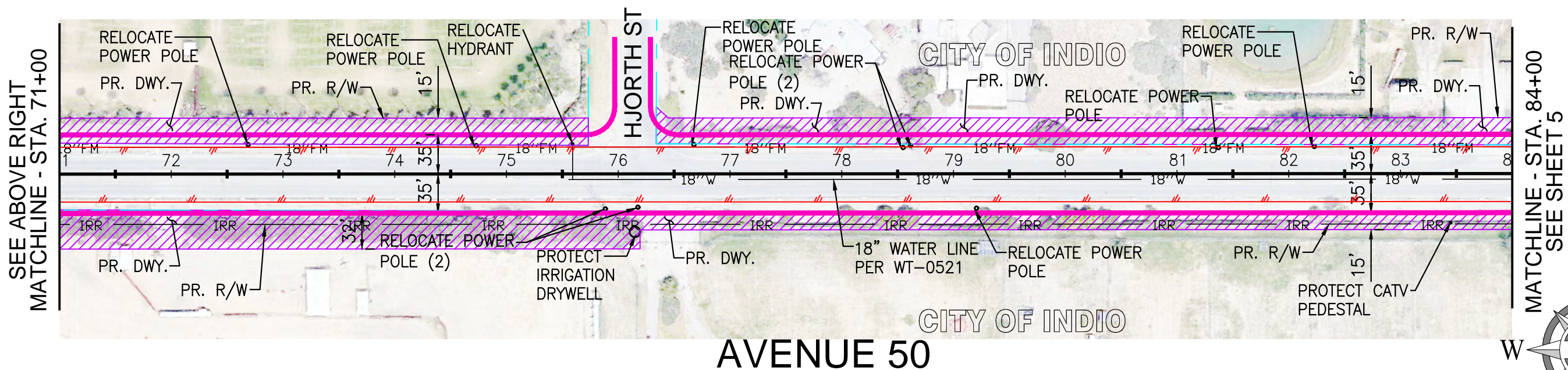
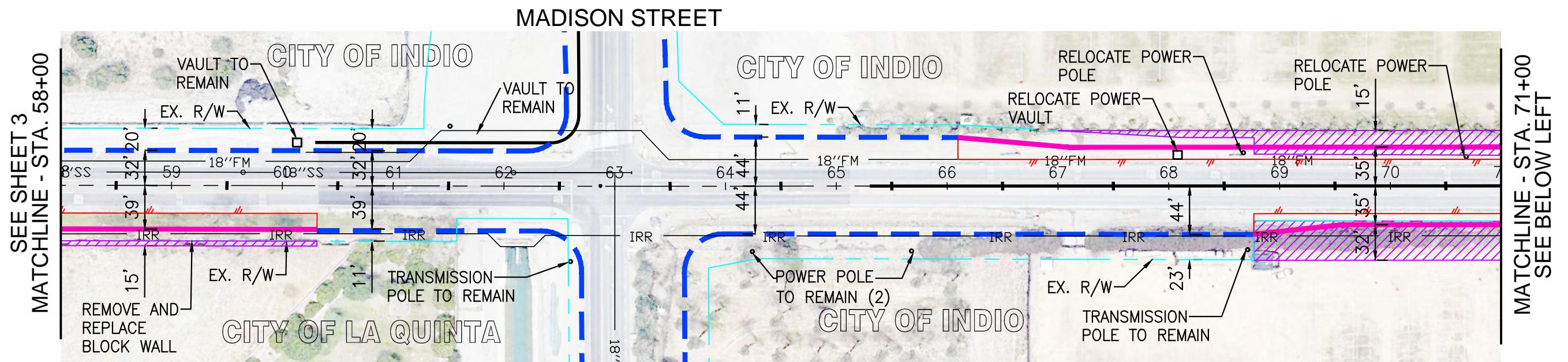
- LA QUINTA GENERAL PLAN—PRIMARY ARTERIAL,
INDIO GENERAL PLAN—4 LANE BLVD.
- - - - - EXISTING CURB PER GENERAL PLAN

- ADDITIONAL RIGHT OF WAY REQUIRED
FOR GENERAL PLAN COMPLIANCE
- PR. PARKWAY INFILTRATION TRENCH
W/60" PERFORATED HDPE
- - - - - EXIST. R/W
- 18" FM EXIST. SEWER FORCE MAIN
- W 16" EXIST. WATER MAIN
- 18" SS EXIST. SEWER MAIN
- IRR EXIST. IRRIGATION LINE



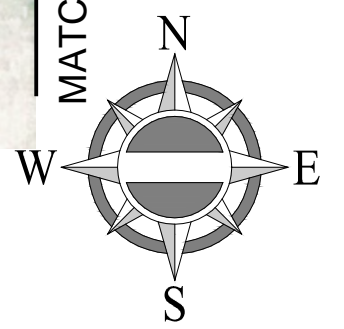
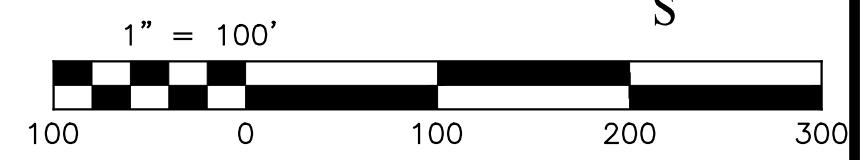
AVENUE 50 CONCEPTUAL PLAN

W.O. 19-0203
SHEET
3
OF 7 SHEETS



LEGEND

- LA QUINTA GENERAL PLAN—PRIMARY ARTERIAL
INDIO GENERAL PLAN—4 LANE BLVD.
- EXISTING CURB PER GENERAL PLAN
- EXIST. R/W
- 18" FM EXIST. SEWER FORCE MAIN
- W 16 EXIST. WATER MAIN
- 18" SS EXIST. SEWER MAIN
- IRR EXIST. IRRIGATION LINE
- ADDITIONAL RIGHT OF WAY REQUIRED FOR GENERAL PLAN COMPLIANCE



AVENUE 50 CONCEPTUAL PLAN

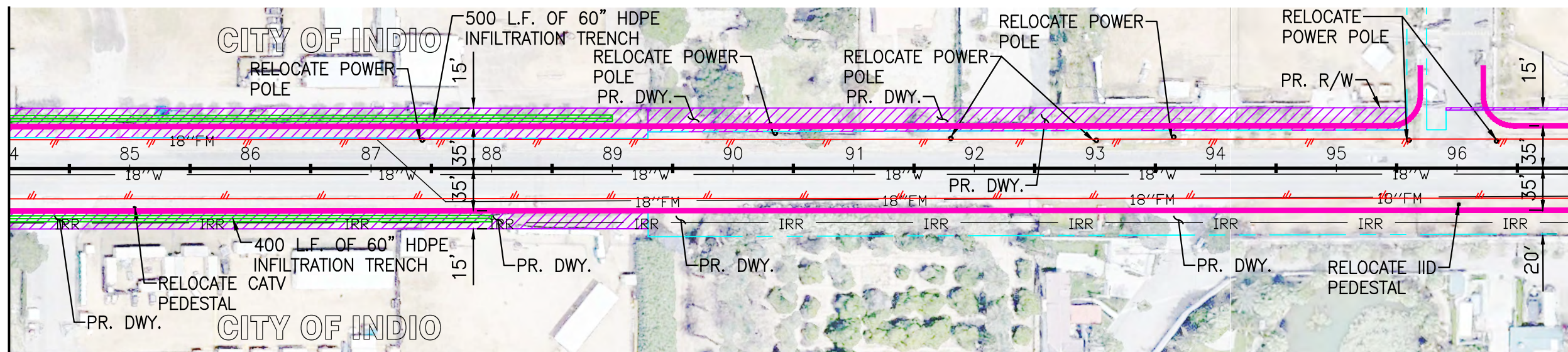
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OF 7 SHEETS

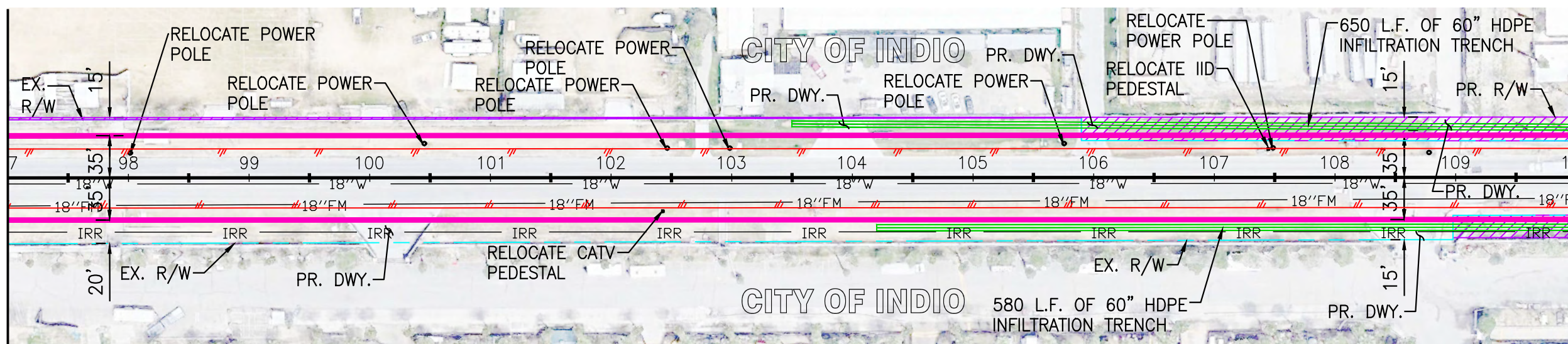
SEE SHEET 4
MATCHLINE - STA. 84+00



MATCHLINE - STA. 97+00
SEE BELOW LEFT

AVENUE 50

SEE ABOVE RIGHT
MATCHLINE - STA. 97+00



MATCHLINE - STA. 110+00
SEE SHEET 6

AVENUE 50

LEGEND

LA QUINTA GENERAL PLAN—PRIMARY ARTERIAL,
INDIO GENERAL PLAN—4 LANE BLVD.

EXISTING CURB PER GENERAL PLAN



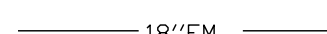
ADDITIONAL RIGHT OF WAY REQUIRED
FOR GENERAL PLAN COMPLIANCE



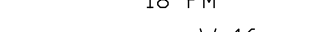
PR. PARKWAY INFILTRATION TRENCH
W/60" PERFORATED HDPE



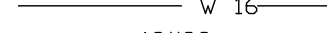
EXIST. R/W



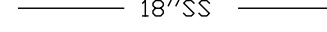
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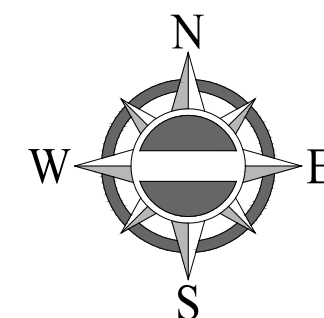
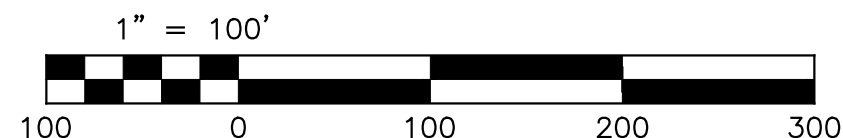
EXIST. WATER MAIN



EXIST. SEWER MAIN



EXIST. IRRIGATION LINE



AVENUE 50 CONCEPTUAL PLAN

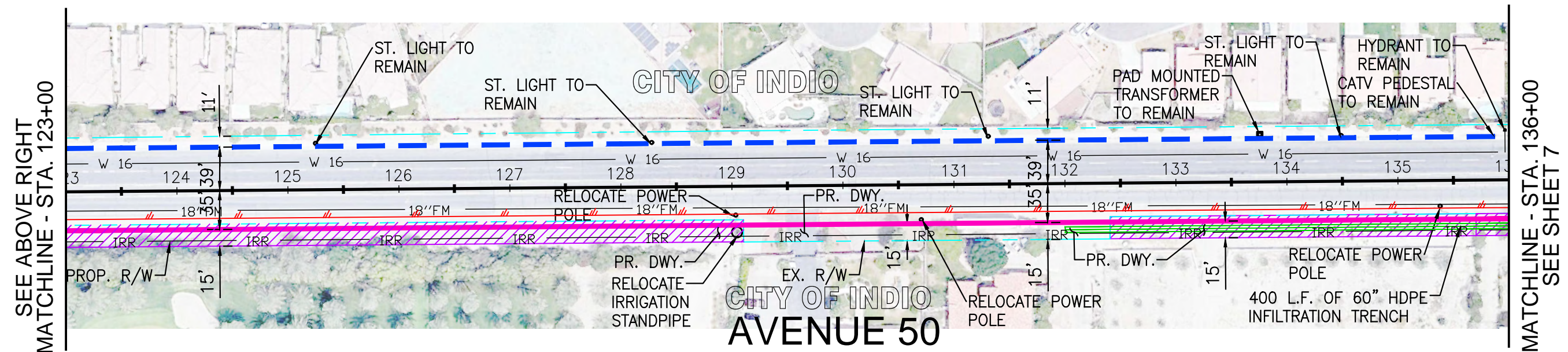
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SHEET

5

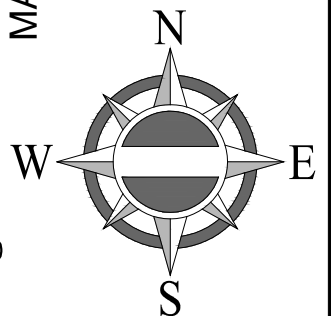
OF 7 SHEETS

AVENUE 50



LA QUINTA GENERAL PLAN-PRIMARY ARTERIAL,
INDIO GENERAL PLAN-4 LANE BLVD.

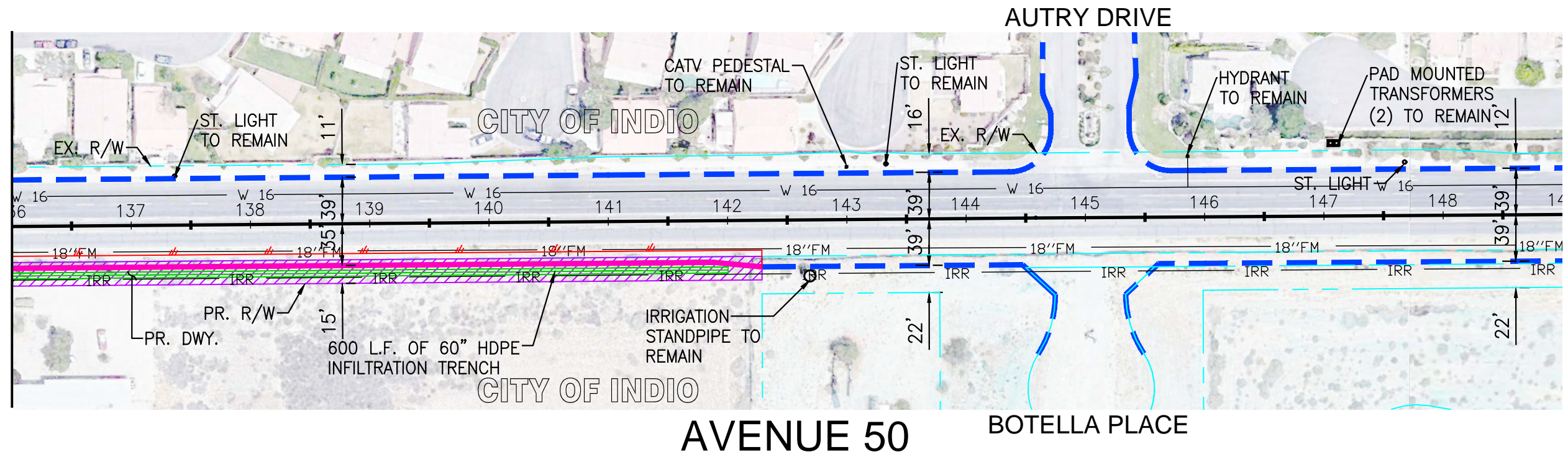
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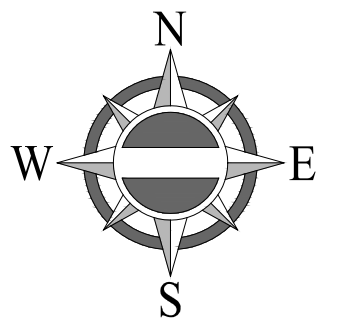
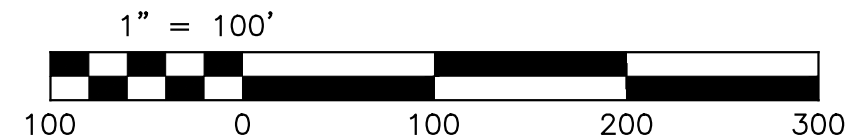
OF 7 SHEETS

SEE SHEET 6
MATCHLINE - STA. 136+00



LEGEND

- | | | | |
|--|---|--|---|
| | LA QUINTA GENERAL PLAN-PRIMARY ARTERIAL,
INDIO GENERAL PLAN-4 LANE BLVD. | | ADDITIONAL RIGHT OF WAY REQUIRED
FOR GENERAL PLAN COMPLIANCE |
| | EXISTING CURB PER GENERAL PLAN | | PR. PARKWAY INFILTRATION TRENCH
W/60" PERFORATED HDPE |
| | 18" FM | | EXIST. R/W |
| | W 16 | | EXIST. SEWER FORCE MAIN |
| | 18" SS | | EXIST. WATER MAIN |
| | IRR | | EXIST. SEWER MAIN |
| | | | EXIST. IRRIGATION LINE |



AVENUE 50 CONCEPTUAL PLAN

W.O. 19-0203
SHEET
7
OF 7 SHEETS

ITEM 7E

Coachella Valley Association of Governments Executive Committee February 28, 2022



STAFF REPORT

Subject: Terminate the Reimbursement Agreement with the City of Rancho Mirage for the Frank Sinatra Drive Bridge

Contact: Jonathan Hoy, Director of Transportation (jhoy@cvag.org)

Recommendation: Receive and file the environmental documents acknowledging the City of Rancho Mirage's acceptance of a no-build option for the Frank Sinatra Bridge Project and terminate the existing Reimbursement Agreement with the City to end the project

Transportation Committee: CONCURS (Meeting of February 7th)

Background: The City of Rancho Mirage has long considered building a bridge on Frank Sinatra Drive to replace the existing low-water crossing at the Whitewater River storm water channel. The City successfully acquired a Highway Bridge Program (HBP) grant to construct a bridge and the total estimated cost of the bridge at that time was approximately \$35 million. The HBP grant provides 88.53% of this amount, leaving the remaining 11.47 percent of project costs as the Local Share. In accordance with CVAG policy, CVAG would pay 75 percent of the Local Share of the project and the City would pay the remaining 25 percent.

At its June 27, 2011 meeting, CVAG's Executive Committee approved a reimbursement agreement with the City of Rancho Mirage providing regional funding to supplement federal grant funds for the project. At the time, the City had not yet programmed the matching federal funding, and CVAG conditioned this programming as a Time Trigger in the agreement. The City was successful in getting these matching funds programmed in 2012. The project is currently funded with federal funds for design and construction.

At its February 22, 2021 meeting, CVAG's Executive Committee approved Amendment No. 1 to the reimbursement agreement with Rancho Mirage, revising the total project cost to \$52,876,000 and increasing CVAG's total share by \$1,512,836. This cost increase reflected an increase in the cost of construction from the 2011 estimate, and design changes required from the Coachella Valley Water District's (CVWD) 2019 updated development standards for construction within the Whitewater River Channel. Amendment No. 1 also included a Time Trigger of February 28, 2023 for starting the construction of the bridge.

Over the last year, the Rancho Mirage's project team has fully evaluated the impacts of CVWD's updated regulations, finding that the additional improvements would increase construction costs and the environmental footprint of the project. The additional scope would include the construction of Grade Control Structures (GCS) measuring 1000' by 600'; the relocation of an existing 24" waterline beyond the GCS that would require additional right of way; and

approximately 3.5 acres of new environmental impacts that would impact Agua Caliente Band of Cahuilla Indians' lands and sensitive biological resources.

The City determined that these additional improvements would result in a situation wherein it is no longer feasible to proceed with the project. Therefore, the City of Rancho Mirage is now requesting that CVAG terminate the reimbursement agreement for the project.

CVAG has reviewed the project accounting provided by the City and finds that the regional funds expended to date were appropriately used to complete the planning, engineering, and environmental phases of work. This led to the ultimate approval of the National Environmental Policy Act (NEPA) No Build Option, which the Rancho Mirage City Council adopted at its December 16, 2021 meeting. CVAG staff is now recommending that CVAG receive and file the finding, and terminate the existing reimbursement agreement. With Caltrans' acceptance of the NEPA No Build Option and the subsequent cancellation of the construction phase, the February 28, 2023 Time Trigger would not apply.

CVAG staff would also anticipate this project is removed from future versions of the Transportation Project Prioritization Study (TPPS).

Fiscal Analysis: CVAG's total share for the construction of the Frank Sinatra Bridge is \$4,548,858, of which \$277,971.67 has been expended. The termination of the reimbursement agreement for the Frank Sinatra Bridge Project will unencumber \$4,270,886.33 in regional transportation funding.

Attachments:

NEPA No-Build option related to the Frank Sinatra Bride Project (Project Nos: CP 12-269, BR-NBIL (514), Bridge No. 00L0046)



**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 04/2021)**

Project Information

Project Name (if applicable): Frank Sinatra Drive at Whitewater

DIST-CO-RTE: 08-Riv-Rancho Mirage **PM/PM:** NA

EA: NA **Federal-Aid Project Number:** BR-NBIL(514)

Project Description

The City of Rancho Mirage, in the County of Riverside, originally proposed to replace the existing 4-lane low water crossing along Frank Sinatra Drive with a new 4-lane bridge over the Whitewater River.

The attached letter from the City of Rancho Mirage provides justification that the project scope of work would increase substantially due to requirements set forth by external regulatory agency permitting requirements. Additional scope would include the construction of Grade Control Structures measuring 1000' by 600'. Approximately 3.5 acres of new environmental impacts would be added including impacts to the Agua Caliente Band of Cahuilla Indians and sensitive biological resources. Given the additional requirements of the GCS and corresponding impacts to tribal lands and sensitive biological resources, the City of Rancho Mirage cannot proceed with the project due to its inflated scope and accompanying costs. In conclusion, the no-build alternative was selected as the only viable alternative.

Caltrans CEQA Determination

☒ **Not Applicable** – Caltrans is not the CEQA Lead Agency

Caltrans NEPA Determination (Check one)

☐ **Not Applicable**

Caltrans has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). See [SER Chapter 30](#) for unusual circumstances. As such, the project is categorically excluded from the requirements to prepare an EA or EIS under NEPA and is included under the following:

☒ **23 USC 326:** Caltrans has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to 23 USC 326 and the Memorandum of Understanding dated April 18, 2019, executed between FHWA and Caltrans. Caltrans has determined that the project is a Categorical Exclusion under:

☒ **23 CFR 771.117(c): activity (c)(1)**

☐ **23 CFR 771.117(d): activity (d)()**

☐ **Activity _ listed in Appendix A of the MOU between FHWA and Caltrans**

☐ **23 USC 327:** Based on an examination of this proposal and supporting information, Caltrans has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by



**CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM**

Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 23, 2016 and executed by FHWA and Caltrans.

Senior Environmental Planner or Environmental Branch Chief

Aaron Burton

Print Name

Aaron Burton

Signature

11/15/2021

Date

Project Manager/ DLA Engineer

Alberto Vergel de Dios

Print Name

Signature

11/15/2021

Date

Date of Categorical Exclusion Checklist completion (if applicable): NA

Date of Environmental Commitment Record or equivalent: NA. The No Build Alternative was selected.

Briefly list environmental commitments on continuation sheet if needed (i.e., not necessary if included on an attached ECR). Reference additional information, as appropriate (e.g., additional studies and design conditions).



CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation sheet:

No Environmental Commitments are required. The project is not proceeding to Construction.



October 29, 2021

Mr. Matthew Sapp
Division of Transportation Planning/Local Assistance
Caltrans District 8

Dear Mr. Sapp:

Re: HBP - BR-NBIL (514) Bridge No. 00L0046 (Frank Sinatra Bridge at Whitewater River)

This letter is a project status update and notice from the City of Rancho Mirage regarding the Frank Sinatra Bridge at Whitewater River project that staff is recommending to the City Council that we close the project. Events within the last eighteen months have resulted in a situation wherein it is no longer feasible to proceed with the project through the project development phase. Requirements placed on the project due to outside agency regulations have led to staff's recommendation.

One of the relevant issues to affect the project was a requirement to add a grade control structure (GCS) to the project. In 2018 Coachella Valley Water District (CVWD) enacted a regulation intended to reduce erosion and increase stability in the Whitewater River channel. This requirement led to the inclusion of a GCS measuring 600 feet by 1,000 feet to the Frank Sinatra Bridge Project. The GCS increased the construction cost and the environmental footprint of the project resulting in additional impacts.

Approximately 3.5 acres of environmental impacts would be added with the inclusion of the GCS, including impacts to the Agua Caliente Band of Cahuilla Indians land that are located within the channel. In addition, the project would also impact the Coachella Valley milk-vetch, which is a Covered Species under the Tribal Habitat Conservation Plan and a federally endangered plant species. In 2014 the project's biological survey area (BSA) only identified one occurrence of Coachella Valley milk-vetch; in 2019 after the GCS was added to the project 19 occurrences of Coachella Valley milk-vetch were documented within the BSA. Additionally, permits would be required from the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board, and California Department of Fish and Game (CDFW) for impacts to jurisdictional aquatic resources. These impacts would require mitigation which would most likely include purchasing mitigation bank credits for the impacted acreage.

Lastly, access to an existing 24-inch waterline that crosses the channel parallel to Frank Sinatra Drive would be eliminated since the GCS would be constructed over that line. CVWD, the waterline's owner, has requested that the line be relocated to a location beyond the GCS to maintain access. Relocating the line beyond the GCS would result in additional right of way impacts to the Tribal Lands and additional channel impacts.

Given the additional requirement of the GCS and its corresponding impacts to Tribal Lands and the channel's environmental resources, the City is planning to close the project. Per Local Assistance Program Guidelines, Chapter 6, Section 6.8, the City is eligible for reimbursement of funds for work performed under the E-76 authorizing the PE. A NEPA no-build determination is required to accompany the final invoicing and project closure which we believe can be prepared for review and action by the City Council in 2022.

The City appreciates your assistance and the HBP funding received for the project, but unfortunately, the project is not feasible given the current circumstances. If there are steps or notifications required in addition to obtaining the NEPA no-build approval and submitting the project close-out forms per Local Assistance Procedure Manual, Chapter 17, Project Completion, then please let me know.

If you have any questions or would like additional detail, please do not hesitate to contact me at (760) 770-3224, extension 254, or email me at ryans@ranchomirageca.gov.

Sincerely,



Ryan Stendell
City of Rancho Mirage
Public Works Director

ITEM 8a**2020/2021 EXECUTIVE COMMITTEE ATTENDANCE ROSTER**

CVAG JURISDICTION	JUL	AUG	SEP	OCT	NOV(Dec)	DEC	JAN	FEB	MAR	APR	MAY(JUN)	JUN
Blythe	-	-	✓	-	✓	-	-					
Cathedral City	-	-	✓	-	✓	-	-					
Coachella	-	-	✓	-		-	-					
Desert Hot Springs	-	-	✓	-	✓	-	-					
Indian Wells	-	-	✓	-	✓	-	-					
Indio	-	-	✓	-	✓	-	-					
La Quinta	-	-	✓	-	✓	-	-					
Palm Desert	-	-	✓	-	✓	-	-					
Palm Springs	-	-	✓	-		-	-					
Rancho Mirage	-	-	✓	-	✓	-	-					
Riverside County	-	-	✓	-	✓	-	-					
Agua Caliente Band of Cahuilla Indians	-	-	✓	-	✓	-	-					
Cabazon Band of Mission Indians	-	-	✓	-		-	-					
Torres Martinez Desert Cahuilla Indians	-	-	✓	-	✓	-	-					
Twenty-Nine Palms Band of Mission Indians	-	-		-		-	-					

Absent

No Meeting

Scheduled Dark Month

*

-

ITEM 8b**COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS**

Regional Arterial Program - Project Status Report

2/23/2022

Project Description	Lead Agency	PEng	ENV	PSE	ROW	CON	CVAG Funded Through	Status
Interchanges								
Avenue 50 @ 86S	COA						Environmental	PA & ED underway
Avenue 50 @ I-10	COA						PSE	PS&E contract under way.
Jackson @ I-10	COR						PSE	Final Env Doc approved by Caltrans. CVAG approved PS&E funds. City moving forward with PSE by MBI
Monroe @ I-10	COR						PSE	Final Env Doc approved by Caltrans. City moving forward with PSE by MBI. CVAG approved PS&E and ROW funds.
Jefferson @ I-10	COR						Construction	Completed. Working on post-construction close out
Arterial Links								
Ave. 48 (Jackson St. to Van Buren St.)	COA						Construction	Completed
Ave. 50 (Calhoun St. to Harrison St)	COA						Construction	PA/ED completed. PS&E under way.
Coachella Traffic Signal Conversion	COA						Construction	Completed
Date Palm Drive from I-10 to Varner	CC						PSE	Phase II is completed. The final design for Phase III in underway.
North Indian Canyon Widening	COR/DHS/PS						Construction	Phase I paving completed. Phase II construction completed.
Monterey Av. Corridor (fr. Gerald Ford to Dinah Shore)	RM						Construction	Construction completed.
Madison Street Widening (Highway 111 to Ave 48)							ROW	PS&E complete, City moving forwards with ROW
Jackson Street Widening (Ave 49 to Ave 52)							Environmental	Environmental filed on October 2021. City moving forward with PS&E phase.
Bridges								
Avenue 66 Grade Separation over UPRR	COR						Construction	Bridge opening and project completion anticipated March 2022.
Avenue 44 Bridge over WWR	Indio						Construction	Enviro cleared. Plans are at 99%. Pending permits from CVWD and Caltrans to clear ROW.
Avenue 50 Bridge over WWR	COA						PSE	PS&E underway. Funding agreement amendment approved by CVAG in September 2020
Cathedral Canyon Bridge	CC						Construction	Construction ongoing
Date Palm Bridge (Across WWR)	CC						Construction	Completed
Dune Palms Bridge over WWR	LQ						Construction	City constructing project by advancing HBP funding. Construction planned in 2022
Frank Sinatra Bridge over WWR	RM						Construction	City approved no-build alternative.
South Palm Canyon Bridge over Tahquitz Creek	PS						PSE	In final design. Plans submitted for review
East Palm Canyon Drive Bridge over Palm Canyon Wash	PS						PSE	In final design. Plans submitted for review
Indian Canyon (fr. Garnet to & Incl. RR Crossing)	PS						Construction	Advanced Construction Funding authorized by Caltrans
Ramon Bridge Widening	PS						Construction	Continuing ROW and utility phase
Vista Chino Bridge over WWR	PS						PE	Project is in PE phase. Extensive negotiations with SCE for utility relocation
Interchange Preparation Fund Projects								
Portola @ I-10	PD/COR						ROW	ROW on hold due to Union Pacific stalemate. 100% PS&E expected by end of February 2022.
Golf Center Parkway @ I-10	Indio						PSR	PSR on hold
Da Vall Drive @ I-10	CC						PSR	PSR-PDS returned to Caltrans for their review
Dillon Road @ I-10, SR86, WWR	COA						PSR	PA&E underway.
Jackson @ I-10	Indio						PSR	Enviro complete. CVAG approved PS&E funding.
Monroe @ I-10	Indio						PSR	Enviro complete. CVAG approved PS&E and ROW funding.
Regional Projects								
CV Sync - Phase 1	CVAG						Construction	Phase I Construction underway on Hwy 111, Ramon & Washington
CV Sync - Phase 2	CVAG						Construction	Phase II design and environmental documents completed in February for 21 corridors

COR=County of Riverside; RM=Rancho Mirage; IW=Indian Wells; PD=Palm Desert, PS=Palm Springs; CC=Cathedral City; COA=Coachella LQ-La Quinta;

PE = Preliminary Engineering; Env=Environmental; PSE=Plans, Specifications and Estimate; ROW=Right of Way; CON=Construction

ITEM 8c

**Coachella Valley Association of Governments
Executive Committee
February 28, 2022**



STAFF REPORT

Subject: Status of I-10 Interchange Projects

Contact: Gustavo Gomez, Management Analyst (ggomez@cvag.org)

Recommendation: Information

Background: Attached is the latest status for Interstate 10 interchange projects as of January 2022:

Completed

- | | |
|---|--|
| 1) Indian Canyon @ I-10 (Mar '12) | 4) Monterey Avenue Ramp @ I-10 (Apr '15) |
| 2) Gene Autry/Palm Drive @ I-10 (Mar '12) | 5) Bob Hope/Ramon @ I-10 (Sep '11) |
| 3) Date Palm Drive @ I-10 (May '14) | 6) Jefferson Street @ I-10:
Post-construction closeout underway |

Portola @ I-10

Final PA&ED completed. ROW on hold until funding is identified. PS&E is nearing completion. Project will be shelved until ROW and construction funding are secured.

Monroe @ I-10

Final environmental document approved by Caltrans. PS&E phase began April 2021 and is ongoing. ROW acquisition funding has been approved by CVAG for City of Indio.

Jackson @ I-10

Environmental document was approved in September 2021. CVAG approved funding for PS&E.

Avenue 50 @ I-10

PS&E contract underway.

Avenue 50 @ SR 86

PA&ED completed in May 2019. Funding agreement amendment for PS&E and ROW acquisition approved by Executive Committee in September 2020. PA&ED underway.

Dillon Road @ I-10 @ SR 86

PA&ED underway. Caltrans Approved Preliminary Environmental Study (PES) on July 13, 2020.

Golf Center Parkway @ I-10

PSR on hold.

Da Vall Drive @ I-10

Intersection Control Evaluation submitted to Caltrans.

Fiscal Analysis: Funding for these projects has been budgeted through the project phase indicated and secured through various funding sources. There is no additional fiscal impact.

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

Bicycle/Pedestrian Safety Program - Project Status Report

2/23/2022



ITEM 8d

Project Description	Lead Agency	Design	CVAG Funded		Status
			CON	Through	
Bike/Pedestrian Safety Projects					
Palm Drive Signals and Lighting	DHS			Construction	Project completed.
Palm Canyon Intersection Pedestrian Enhancements	PS			Construction	Construction underway.
S. Palm Canyon, E. Palm Canyon Improvements	PS			Construction	Project completed.
Indian Canyon Intersection Pedestrian Enhancements	PS			Construction	Project completed.
Date Palm Sidewalk Gaps	CC			Construction	Project completed.
Calhoun Street Improvements	Indio			Construction	Project completed.
Vista Chino Signals	PS			Construction	Project completed.
Dinah Shore Mid-Block Crossing	CC			Construction	Project completed.
Palm Canyon Crosswalks	PS			Construction	Project completed.
Avenue 48 Bicycle Lanes	Indio			Construction	Project completed.

COR-County of Riverside; RM-Rancho Mirage; IW-Indian Wells; PD-Palm Desert; PS-Palm Springs; CC-Cathedral City; COA-Coachella; LQ-La Quinta; DHS-Desert Hot Springs

Project Description	Lead Agency	Design	Grant App	CON	Status
CV Link	CVAG				Construction ongoing. Additional groundbreakings forthcoming, including Palm Springs in March.
ATP - Arts & Music Line	CVAG				Under design, with plans to submit for ATP Cycle 6 funding.
ATP - DHS CV Link Extension	DHS				Under design, with plans to submit for ATP Cycle 6 funding.
ATP - Cathedral City Downtown Connectors	CC				Working on final plans and bid documents.

ITEM 8e

Coachella Valley Association of Governments Executive Committee February 28, 2022



STAFF REPORT

Subject: Update on Middle-Mile Broadband Efforts

Contact: Jonathon Hoy, Transportation Director (jhoy@cvag.org)

Recommendation: Information

Background: In July 2021, Governor Gavin Newsom signed into law Senate Bill 156 that makes a \$6 billion, multi-year investment in broadband a component of which helps to create an open-access middle-mile network to bring equitable high-speed broadband service to all Californians. SB 156 provides \$3.25 billion to build the necessary middle-mile infrastructure to bring internet connectivity to homes, businesses and community institutions. The design and construction of the middle-mile network is monitored by the Middle-Mile Advisory Committee (MMAC). Holistically, the legislation invests:

- \$3.25 billion to build, operate and maintain an open access, state-owned middle mile network – high-capacity fiber lines that carry large amounts of data at higher speeds over longer distances between local networks.
- \$2 billion to set up last-mile broadband connections that will connect homes and businesses with local networks. The legislation expedites project deployment and enables Tribes and local governments to access this funding.
- \$750 million for a loan loss reserve fund to bolster the ability of local governments and nonprofits to secure financing for broadband infrastructure.
- Creation of a broadband czar position at the California Department of Technology, and a broadband advisory committee with representatives from across state government and members appointed by the Legislature.

Millions of Californians lack access to high-speed, reliable internet. Some don't have internet speeds fast enough for their needs, and some have no connection at all. As has been amplified by the COVID-19 pandemic, it is essential to have reliable internet to be able to work, attend school, access healthcare services, and connect with family and friends. California is building an open-access middle-mile network so service providers can reach unserved or underserved Californians.

The middle mile is the physical fiber optic infrastructure needed to enable internet connectivity. It is made up of high-capacity fiber lines that carry large amounts of data at high speeds over long distances. An open-access network gives providers and entities access to broadband infrastructure that will allow any networks to connect on equal economic and service terms.

As was reported at previous CVAG meetings, the State has identified 18 locations– including the Coachella Valley – for initial middle-mile investment. The inclusion of CVAG's CV Sync project positions the regional signal synchronization project as an opportunity to also create an

open-access middle-mile network that provides needed infrastructure to connect unserved and underserved areas in the Coachella Valley and increase competition in areas already being served. As directed by the Executive Committee, CVAG staff has been actively engaged in aligning broadband infrastructure opportunities with current work being completed for CV Sync, which has phase I under construction along Highway 111, Ramon Road and Washington Street. In September 2021, the CVAG Executive Committee authorized the Executive Director to execute Amendment No. 2 to Advantec Consulting Engineer's Environmental and Engineering Services Phase II Contract, including design of redundant fiber optic cable in CVAG's CV Sync project. This creates a dig-once opportunity to install infrastructure, helping to optimize available funds while addressing connectivity issues in the Coachella Valley.

Current Status

CVAG staff continues to work with local stakeholders on the proposed design of the middle-mile for the Coachella Valley as well as with the state's third-party administrator, CENIC who is operating under Golden State, Inc., for this effort. Specifically, staff is working to finalize project design, cost estimates and contract structure and language. But much work remains, including finalizing details for how the funding will be invested and how to extend this fiber broadband network to critical anchor institutions throughout the valley, as well as the underserved communities such as Sky Valley, Thermal and Mecca.

It is important to note that the proposed middle-mile project will be owned and transferred over to the state after it is completed. The benefit to CV Sync will be savings related to trenching and other construction related costs.

Additionally, CVAG staff will continue to seek opportunities for funding for last-mile connections that can be facilitated via completion of the middle-mile. For example, the CPUC has recently issued a Proposed Decision for the California Advanced Services Fund Broadband "Local Agency Technical Assistance Grant Program (LATA)" with a \$50 million allocation to the program. The LATA funding is scheduled to be approved at the February 24, 2022 CPUC Meeting. Once approved, the Technical Assistance grants would allow local governments and tribal governments to be reimbursed for costs related to the development of broadband network deployment projects to benefit unserved Californians, including the costs of joint powers authority formation, environmental studies, network design, and engineering study expenses.

The federal government is also making historic investments in broadband which staff and lobbyists will continue to monitor. For instance, the recently approved Infrastructure Investments and Jobs Act (IIJA) directs \$65 billion towards broadband. With the state approved legislation, SB 156, California will be well positioned to leverage its programs and investments with federal funds. Staff and lobbying team will continue to monitor implementation of the IIJA and identify opportunities.

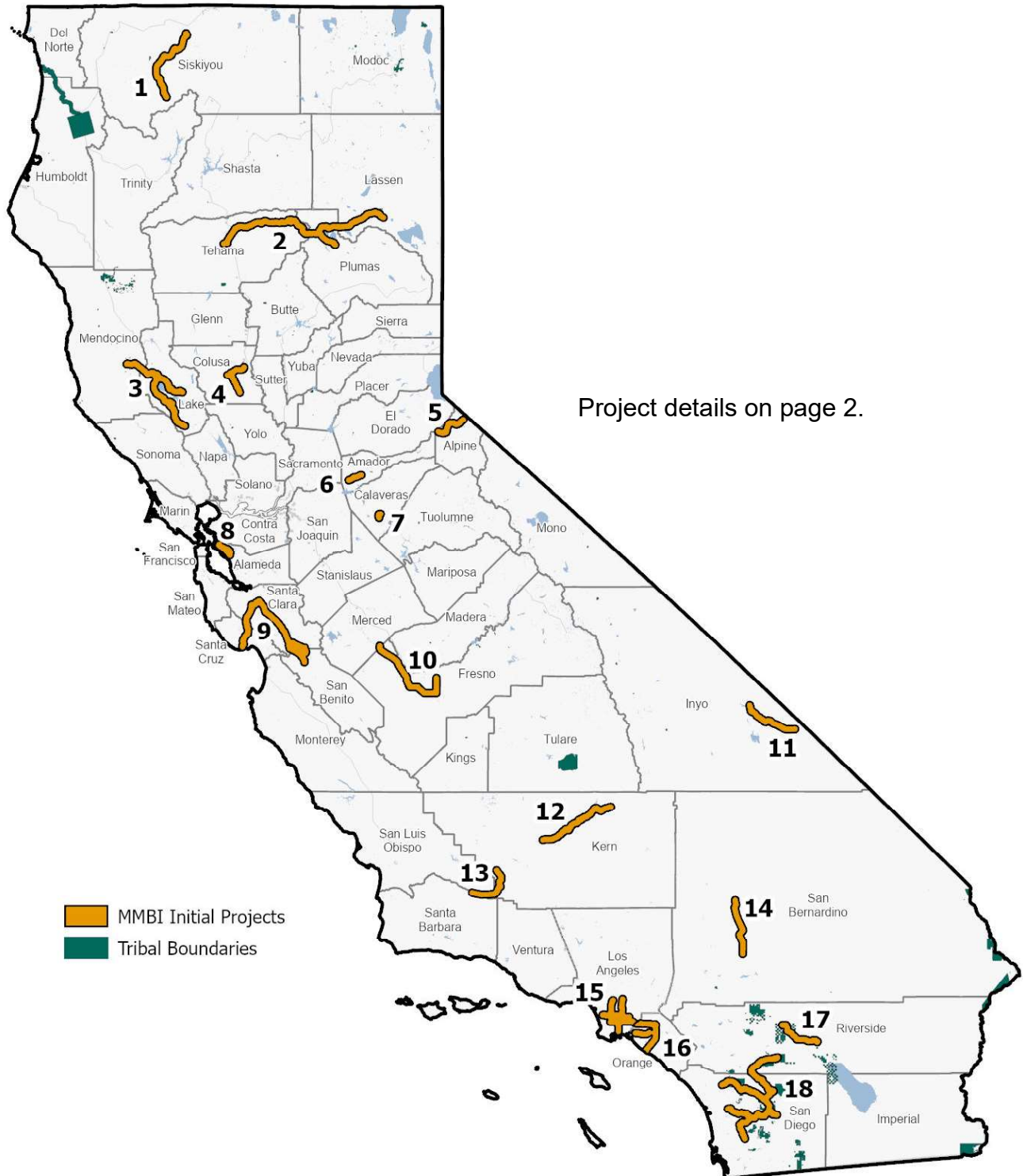
Staff will also continue to coordinate with local stakeholders, including cities, school districts and community institutions to identify opportunities to reap the benefits of the investments being made in broadband to benefit the Coachella Valley, particularly unserved and underserved areas. Lastly, CVAG staff will continue to keep its committees apprised of progress on the Coachella Valley's middle-mile project development and work with the state.

Fiscal Analysis: With inclusion on the state's list of 18 projects, CVAG anticipates savings to CV Sync related to shared costs related to construction of the Coachella Valley's proposed middle-mile along the same path of CV Sync.

Getting to this stage – including coordination of regional resources and partnerships – required significant staff time, which was covered under existing resources. In the future, should the Executive Committee continue to implement this as a priority for CVAG, staff would anticipate a need for additional resources, either in terms of staff or independent consultants.

Attached: Middle-Mile Broadband Initiative Initial Projects

Middle-Mile Broadband Initiative Initial Projects



Middle-Mile Broadband Initiative Initial Projects: Map Detail Table

Project Area Description

- 1 Siskiyou Area: Siskiyou County, State Route 3 communities from Yreka to Callahan
- 2 Plumas Area: Tehama, Lassen and Plumas counties from Red Bluff to Johnstonville along Hwy 36 and 89
- 3 Lake County Area: Lake and Mendocino counties, including Laughlin, Upper Lake, Robinson Rancheria, and Kelseyville
- 4 Colusa Area: Colusa County including Colusa, Williams and Arbuckle
- 5 Alpine County: Alpine County, Hwy 88 communities from Kirkwood to Mesa Vista
- 6 Amador County: Hwy 88 communities from Jackson Valley to Sutter Hill and Jackson
- 7 Calaveras County: Hwy 4 including Copperopolis and La Honda Park
- 8 Oakland: Oakland Flats Neighborhoods
- 9 Central Coast: Southern Santa Clara Valley to Hollister and Santa Cruz to Los Gatos
- 10 West Fresno: Fresno County, including South Dos Palos, Kerman, Mendota, Firebaugh, Tranquility and San Joaquin
- 11 Inyo County: Hwy 190 including Death Valley Junction and Greenwater
- 12 Kern County: Kern Canyon and Hwy 178 from Bakersfield to Lake Isabella and Weldon
- 13 Kern/San Luis Obispo Area: Kern, San Luis Obispo and Santa Barbara counties, Taft to New Cuyama along Hwy 166 and 33
- 14 San Bernardino County: Hwy 247, High Desert, Barstow to Thorn
- 15 Los Angeles and South Los Angeles: South Los Angeles communities including South Gate, Lynwood, Paramount, Bell Flower, Compton and Lakewood
- 16 Orange County: Inland Orange County communities including Buena Park, Orange, Fullerton, Garden Grove and Westminster
- 17 Coachella Valley: Riverside County, Palm Springs to Indio and Coachella
- 18 Riverside/San Diego Area: San Diego and Riverside counties including the Cahuilla Reservation, Julian and Santee

Used Oil & Oil Filter Recycling Events



The Coachella Valley Association of Governments (CVAG) invites you to recycle your used motor oil and filters.

Bring your used oil filters to the event and receive a new replacement filter (of equal or lesser value) for FREE.

Limit two free filters per household.

Bring your used oil for recycling (up to five gallons per vehicle). Participants will also receive a shop rag and funnel for FREE (while supplies last).

Open to all Coachella Valley residents.

**Saturday
March 5, 2022**

AutoZone
73605 Highway 111
Palm Desert, CA
9:00 am to 12:00 pm

**Saturday
May 14, 2022**

AutoZone
50-700 Harrison St.
Coachella, CA
9:00 am to 12:00 pm

For questions about the events please call CVAG at (760) 346-1127.

Please maintain social distance. Face masks will be required to participate.

Visit www.CVAG.org for the 2022 used oil event schedule.



*These events are sponsored by the
Coachella Valley Association of
Governments and funded by a grant
from CalRecycle.*



Eventos Para Reciclar Filtros y Aceite



La Asociación Gubernamental del Valle de Coachella (CVAG) lo invita a reciclar su aceite usado de motor y los filtros.

Traiga su filtro de aceite usado al evento y reciba un nuevo filtro de reemplazo (de igual o menor valor) GRATIS. Hay un límite de dos filtros gratuitos por hogar.

Traiga su aceite usado para reciclar (hasta 5 galones por vehículo). Los participantes también recibirán un trapo y un embudo GRATIS (hasta agotar las existencias).

Para todos los residentes del valle de Coachella.

Sabádo 5 de marzo, 2022

AutoZone
73605 Highway 111
Palm Desert, CA
9:00 am to 12:00 pm

Sabádo 14 de mayo, 2022

AutoZone
50-700 Harrison St.
Coachella, CA
9:00 am to 12:00 pm

Si tiene preguntas sobre los eventos, por favor llame a CVAG al (760) 346-1127.

Por favor de mantener distancia social. Se requerirán máscaras faciales para participar.

Visite www.CVAG.org para ver el calendario de eventos de aceite usado en 2022.



These events are sponsored by the Coachella Valley Association of Governments and funded by a grant from CalRecycle.



ITEM 8g

Coachella Valley Association of Governments Executive Committee February 28, 2022



STAFF REPORT

Subject: Inland Regional Energy Network Governance

Contact: David Freedman, Program Manager (dfreedman@cvag.org)

Recommendation: Information

Energy and Environmental Committee: Reviewed and provided feedback at the February 10th meeting

Background: As noted in previous reports to the Executive Committee, CVAG has been collaborating with Western Riverside Council of Governments (WRCOG) and San Bernardino Associated Governments (SANBAG) on creating a new joint Regional Energy Network for the Inland Empire. After years of coordination, the California Public Utilities Commission (CPUC) in November 2021 approved the I-REN application and business plan. Further details about I-REN are in the attached staff report from the Executive Committee's meeting of December 6, 2021.

In anticipation for the I-REN's operational launch this year, CVAG staff is working with WRCOG and SANBAG staff on I-REN's governance structure, which will be set out in a Memorandum of Agreement (MOA) among CVAG, SANBAG and WRCOG and a Governance and Operations Charter (Charter) that will be an exhibit to the MOA. CVAG staff anticipates bringing the MOA and Charter to the Energy & Environmental Resources Committee and the Executive Committee for recommended approval in April 2022.

The current draft of the MOA and Charter provide for I-REN to be governed by an Executive Committee consisting of representatives of each Council of Governments (COG). The I-REN Executive Committee will have final responsibility to make all executive decisions including:

- Establishing portfolio-level strategy and overall I-REN prioritization;
- Establishing and managing portfolio-level budgets;
- Addressing and resolving high-level programmatic concerns and issues such as program design, branding and marketing, strategy, procurement, and consulting support;
- Authorizing responses to relevant CPUC regulatory filings, inquiries, data requests and similar issues; and
- Authorizing procurements related to I-REN.

The I-REN Executive Committee will meet quarterly in public, open meetings. WRCOG will be responsible for administering I-REN on a day-to-day basis for all invoicing, contracts, and agreements once those documents have been approved by the I-REN Executive Committee.

The Charter will further describe the roles and responsibilities of each COG, the I-REN Executive Committee, as well as sector-specific working groups. CVAG staff, for example, has opted to be the lead agency on developing and implementing programs and policies in I-REN's Codes and Standards sector, and WRCOG and SANBAG will share lead responsibility for developing and implementing programs and policies related to the Public sector and Workforce Education and Training sector. Although there will be a lead COG for some sectors, each COG will be involved in the development of I-REN's programs in each sector, and each COG will be responsible for implementing programs within its jurisdiction.

The Charter gives each COG three votes on the I-REN Executive Committee. Each COG's governing board will determine how its voting power on the I-REN Executive Committee will be exercised, including the number of representatives it will have on the I-REN Executive Committee and whether its representatives will be elected officials, staff members, or a combination of elected officials and staff members. Decisions will be made based on majority of the total votes cast on a matter.

CVAG is the only COG that has an existing Energy & Environmental Resources Committee, and CVAG staff has intended that the Committee would take an active role in the I-REN. At the Committee meeting of February 10, staff asked the members to provide input on how CVAG's voting power should be exercised. The options included:

- *Appointing up to three Energy & Environmental Resources Committee members to serve on the I-REN Executive Committee.*
- *Delegating authority to the Energy & Environmental Resources Committee to serve as CVAG's decision-making body for I-REN.*

The Energy & Environmental Resources Committee did not make a formal recommendation, but members expressed general support for the second option. This approach would allow the Energy & Environmental Resources Committee to review and provide direction on all items being considered at the I-REN Executive Committee, then delegate voting on such items to the Energy & Environmental Resources Committee Chair, or, in the Chair's absence, to the CVAG Executive Director or the Executive Director's designee.

The I-REN MOA and Charter documents will be brought back to the Energy & Environmental Resources and Executive Committees for further review and approval in spring 2022. At the same time, the Committees will confirm the approach to CVAG's representation on I-REN's Executive Committee noted above.

Fiscal Analysis: There is no additional costs to the proposed governance options. Staff time dedicated to the I-REN is covered through the I-REN budget, which is nearly \$65.6 million through the 2022-2027 period. This funding comes from customers of Investor-Owned Utilities (IOUs) such as SCE and SoCalGas through the on-bill Public Goods Charge levied by the IOUs. The I-REN Executive Committee will, as part of its budget process, determine amounts to be allocated through each of the COGs in furtherance of I-RENs programs.

Attachment: December 2021 Staff Report detailing I-REN launch:
http://www.cvag.org/downloads/admin/exec/EXEC_12_06_2021SR7A.pdf

ITEM 8h

**Coachella Valley Association of Governments
Executive Committee
February 28, 2022**



STAFF REPORT

Subject: Update on the Navigation Center in the City of Palm Springs

Contact: Greg Rodriguez, CVAG contract staff (grodrigu@rivco.org)

Recommendation: Information

Background: As previously discussed by the CVAG Homelessness Committee, one of the more persistent challenges in addressing homelessness in the western Coachella Valley – and specifically in the City of Palm Springs – has been the lack of a comprehensive facility such as a navigation center where shelter, food and the full suite of support services can be co-located. Building a navigation center provides a unique opportunity to greatly expand on recent progress, including opening of the Access Center that was opened at the former Palm Springs Boxing Club in partnership with Martha's Village and Kitchen. A well-managed navigation center would greatly expand the region's network of services for the unhoused population and reduce secondary impacts that can negatively impact quality of life.

At its November 4, 2021 meeting, the Palm Springs City Council voted 4-1 to have city staff to proceed with the acquisition of 3589 McCarthy Road for the intention of creating a navigation center. The McCarthy Road site is 3.64 acres and has three buildings totaling 46,760 square feet. The goal would be to have the campus operational within a year. In addition to providing services directly to unhoused residents, a navigation center with comprehensive services has potential to provide services to housed residents such as childcare; assisting individuals with securing health, disability, social security, and other benefits; computer skills, access to internet, employment support and assessments; basic first aid; computer labs; and referrals to other resources. An appropriately sized facility and property could also provide an opportunity to co-locate other services, including the county's mental and/or behavioral health programs, or to have an on-site medical clinic.

Riverside County staff is working in partnership with the City to develop the site, and County staff provided an update to the CVAG Homelessness Committee at the November 2021 meeting. This report is an update to the recent actions that have taken place to move the project forward.

On January 25, 2022, the Riverside County Board of Supervisors unanimously approved Supervisor V. Manuel Perez's request to allocate American Recovery Plan Act (ARPA) funding for acquisition of the property by the City of Palm Springs. Additionally, the Board of Supervisors authorized the County to be a co-applicant for Project Homekey 2, which is competitive funding opportunity administered by the California Department of Housing and Community Development (HCD) that allows state, regional, and local public entities to develop a broad range of housing types by converting hotels, motels, commercial properties and other existing buildings into to permanent or interim housing. On January 27, 2022, the City of Palm Springs voted 5-0 to accept

the terms of the County allocation and to join with the County as a co-applicant for the Homekey funding. Escrow closed on January 28, 2022.

For the navigation center to be fully remodeled and provide interim or transitional housing units there needed to be an effort to secure more funding outside of the commitments by the City and the County. The City recently contracted with LeSar Development Consultants, and in conjunction with County staff worked on the HK2 application. As part of the need to identify a service provider for the application process, the City sent out a request for a Letter of Interest to various providers in Southern California. Martha's Village and Kitchen was the only provider to submit an interest letter by the January 14, 2022 deadline. Since being the only provider interested, the City of Palm Springs approved Martha's as the service provider for the navigation campus operations going forward at the January 27th City Council meeting.

Homekey funding applications are being accepted on a rolling basis until funds are exhausted or until May 2, 2022, whichever comes first.

Fiscal Analysis: There is no cost to CVAG for this update.

Attachment: Desert Sun article on the Navigation Center, February 8, 2022.

Desert Sun.

■ FOR SUBSCRIBERS NEWS

Palm Springs homeless navigation center: Here's what we know so far

Paul Albani-Burgio Palm Springs Desert Sun

Published 3:44 p.m. PT Feb. 8, 2022

The city of Palm Springs and Riverside County on Jan. 27 finalized an agreement to jointly fund the creation of a new facility that will provide temporary housing and myriad other services aimed at helping people in the Coachella Valley who are experiencing homelessness.

The process, however, has been met with controversy as some north Palm Springs residents have objected to the decision to place the facility in a residential area within their community, while others have simply wondered how the facility will operate.

While discussions and planning for the facility have been underway for months, the documents outlining the city's agreements with Riverside County and homeless services provider Martha's Village & Kitchen, which will operate the facility, have provided the clearest picture yet of what the facility will look like, what services it will offer, and what the process will be to get it open.

Here is a look at what we know so far.

The McCarthy Road facility

The facility, which the city is calling a homeless navigation center, will be constructed on a 3.64-acre site at 3589 McCarthy Road. The property includes three warehouse buildings containing a total of 46,760 square feet of usable space. The city has said the existing buildings will be retrofitted to accommodate navigation center use.

The McCarthy Road site is located across the street from several automotive businesses and the Palm Springs View Apartments, while the Palm Springs Villas condo complex is located across San Rafael Drive. The site also neighbors Desert Highlands Gateway Estates, a historically Black neighborhood. The Desert Highland Gateway Estates Community Action Association organized a recent protest against locating the complex at that site.

Who will be served

Martha's Kitchen CEO Linda Barrack said she is hopeful that the center could serve around 400 people a year. She said about 600 people came to the Palm Springs Action Center — a daytime center where services are provided to homeless residents operated out of the old boxing club near the Palm Springs airport that opened last year — to seek out some service and about 200 continued to regularly sit down with case managers.

Barrack said she is optimistic there will be high demand to come to the center when it first opens as she knows there is a large population of homeless people in Palm Springs who have indicated they would be willing to go to a navigation center, but do not want to go all the way to Indio to do so.

During the 2020 point-in-time count, the most recent time in which the annual one-night of homeless people across the Coachella Valley has taken place, volunteers counted 627 unsheltered homeless individuals in the Coachella Valley, with an estimated 300 residing in the western part of the valley. The 2021 count was canceled as a result of the COVID-19 pandemic, and the 2022 count will be conducted on Feb. 23.

Greg Rodriguez, a policy advisor in Riverside County Supervisor V. Manuel Perez's office who has been closely involved with the project, said that at this point in the process it is difficult to estimate how many people the facility could serve at once but he estimated that the combined capacity of the housing units and shelter units would be at least 160.

Temporary housing

A city council staff report included with the agreements states that the shelter will have 80 housing units that will provide temporary housing to people as they receive services aimed at helping them transition out of homelessness. At least a portion of those units likely will be built as modular units, which can be constructed more quickly.

While plans for those housing units are still being developed, City Manager Justin Clifton said five of those units likely will include two bedrooms to accommodate families. Around 15% of those units also will be set aside for young adults ages 18-24 who are transitioning out of foster care, he added.

Shelter beds

The facility will include about 50 or 60 shelter beds, which will be in addition to the housing units. About half of those units will be for women and the other half for men. The shelter beds will be used for people first coming to the center, with the idea being that they will transition to one of the housing units as they receive more services.

Rodriguez said the shelter will not be able to prevent people from coming and going from the center unless the shelter is full, but that the whole structure of the center will be based around reaching those people with services and encouraging them to stay. He added that people may be more likely to come and go and use the shelter temporarily during periods of extreme weather.

He also said the shelter beds will not be congregated together in one room, but instead be more like dormitories.

"We're looking at individual rooms within that shelter system, not only to provide individual security and safety but also for, if God forbid, another pandemic hits," he said.

Rodriguez said during the Jan. 28 meeting that while the intention of the shelter is to provide longer-term housing to help people transition out of homelessness, it is important that it have beds to provide to people more immediately.

"There has to be some element where we can get people off the street and into the bed," he said.

He added that if the police department or a nonprofit agency encountered someone who was willing to get off the street but was not necessarily ready to move into a longer-term transitional housing unit, it still makes sense to offer them a shelter bed so they can eventually move to the facility and begin receiving services.

Clifton has also said that recent federal court rulings have required that cities be able to offer shelter beds to homeless residents if it is going to implement and enforce rules limiting camping in public spaces.

Clifton has previously said that the ability of Palm Springs and other cities to enforce rules relating to camping are limited by a 2018 US Circuit of Appeals ruling stating that cities cannot restrict camping unless they have open shelter beds to house those who are camping in. Rodriguez said he did not believe Palm Springs has camping regulations on the books.

The operator: Martha's Village & Kitchen

In December, the city issued a request for proposals to run the navigation center to 12 homelessness service providers located in Southern California. The city received one proposal from Martha's Village & Kitchen. Martha's Village & Kitchen is based in Indio, where it operates a 120-bed facility similar to the planned navigation center.

The staff report states that the Indio facility is regarded of the first and only resource center of its kind in the region. Among the services offered at that center are medical and dental care and drug counseling. The report also states that Martha's is the only nonprofit certified by the state to provide workforce development services in the Coachella Valley, and is a state-licensed childcare facility.

Over the past year, 554 homeless children and adults were provided housing at Martha's, according to data included in the staff report. About 80% of those clients moved directly from homeless housing into permanent housing and 70% of the individuals who completed an employment program offered by Martha's obtained work.

Martha's Village & Kitchen also operates the Access Center.

Services to be offered

The city's memorandum of understanding with Martha's outlines several services they will be expected to provide.

Martha's will be responsible for providing for providing both physical and behavioral health services, including medical care, dental care, psychiatry and counseling. The provider also will be responsible for assessing clients for their eligibility for various state and federal benefits, and helping them enroll in those benefits, including assisting with acquiring documentation necessary to do so.

It also will offer services aimed at helping clients eventually obtain housing outside the facility, including connecting them with providers of affordable housing in the community.

The center is also required to offer several job and employment-related services, including a GED acquisition program, skills training and application assistance. Other required offerings include training in various life skills, such as budgeting, cleaning and selecting medical providers.

Martha's also will be responsible for operating a commercial kitchen within the facility to serve meals to those living there.

Each client will be provided with a case manager and case management plan, if they so choose. Case managers will continue to follow up with clients up to 12 months after they leave the facility.

Martha's will contract with other agencies to offer many of the specific services. It will also be required to provide 24/7 security for the facility.

Operation costs

The memorandum of understanding estimates that it will cost \$2,459,713 to operate the center annually. Of that figure, about \$1.46 million in costs will be staffing for the center while the roughly \$1 million that remains is expenses. Here is a breakdown of some of the key costs:

- Four full-time case managers: \$227,152
- Water and electric utilities: \$237,475
- Five security and intake staff members: \$224,640
- Food service employees: \$115,440
- Food purchases: \$70,000

How the facility will be funded

So far, the city of Palm Springs has approved \$5.3 million for the project while Riverside County has approved \$5.74 million, which is likely enough to buy the site and build the center. However, the city has also applied for as much as \$25 million in grants from the state of California Homekey 2 program (although city leaders say it can expect to receive about half that amount) that would then be used to help cover the purchase of the land.)

Rodriguez said that the city's Homekey 2 grant is a strong one and if the city gets the \$12.5 million, it would then have enough money to operate the center for about five or six years between the Homekey 2 funds and another one-time homeless grant the county received. The idea is that Martha's Village and the city and county would then have six years to find additional grant money to fund the long term operation of the site.

Rodriguez said that even if the city does not get the Homekey 2 grant it is hoping for, the city and county together still have enough money to fund the center, albeit on a more limited

scale.

"We still believe that we have at least currently enough resources that we could still be able to open up some type of facility that would do an element of housing, shelter and wraparound services," he said. "Additionally ... there are other pots of money that are coming down from the state that will run through the county and I've already had discussions with county staff about how we will be able to access those dollars. So I'm not overly concerned."

What's next?

The city has hired Lesar Development Consultants to help with the Homekey 2 application. During the meeting, Lesar Principal Mitch Leffern said Lesar has completed some initial design sketches of the facility and would be finalizing a plan for how it will get public input into the design.

"Our vision is that we would be doing outreach into the surrounding communities, speaking with interest groups from every perspective we can reach, doing some surveys in order to get some feedback from folks and then setting up with the help of city staff regular opportunities to ask questions and give feedback into the process," he said.

Lesar representatives said the plan is to have those engagement processes finalized within a month or so of the January meeting, as well as to have some of the initial engagement channels, such as the online survey, up and running by then.

No one at the city could be immediately reached to provide an update on those efforts.

Project timeline

At the Jan. 13 meeting, the council authorized the city to enter into a loan agreement with the county that will include the following set of deadlines for the progression of construction on the center. Under those deadlines, construction must begin by Jan. 1, 2023. The center must be open and operating by February 2024.

However, City Attorney Jeff Ballinger said the final details of that agreement had not been worked out and it was not clear what the penalties will be.

Rodriguez said that in the event the deadlines were not met, the county would likely extend them as its goal is to get the shelter completed. However, he said he did not anticipate that

would be an issue as many of the grants the city is hoping to acquire to fund operation of the center have deadlines occurring well before those construction deadlines.

"They're pretty liberal deadlines are," he said.

Ballinger added that it is the city's expectation that the center can be opened well before that date, however. Clifton said the next year will likely be devoted to citizen outreach and finalizing the design of the center.

Paul Albani-Burgio covers breaking news and the City of Palm Springs. Follow him on Twitter at @albaniburgiop and via email at paul.albani-burgio@desertsun.com.

ITEM 8i

Coachella Valley Association of Governments Executive Committee February 28, 2022



STAFF REPORT

Subject: CV Housing First: 2021 Year in Review

Contact: Tom Kirk, Executive Director (tkirk@cvaq.org) and
Anyse Smith, Management Analyst (asmith@cvaq.org)

Recommendation: Information

Background: After nearly two decades of providing regional homelessness services, 2021 marked the first year where CVAG directly operated a program using its own staff. Based on the direction and feedback from the CVAG Homelessness and Executive Committees, the CV Housing First program focused on the CV200, a by-name list of chronically homeless individuals residing in desert cities that have frequent contacts with law enforcement and who are likely to be shelter resistant or who have already fallen out of housing. The list was developed in partnership with CVAG's member jurisdictions and local law enforcement.

CVAG staff has committed to adjusting CV Housing First programming based on the data, and provides quarterly updates to its members about the program. The CV Housing First team uses two primary methods to get clients to housing solutions: rapid resolution and crisis stabilization units:

- Rapid resolution is an urgent, cost-saving solution that the Housing First staff use to help overcome the barriers that keep people from getting housing. This could include options such as helping them secure their identifying paperwork, which then can help them qualify for benefits. It also includes sorting out the process for housing, medical, mental health, substance abuse, employment, and mainstream benefits.
- The crisis stabilization units allow CVAG to connect CV200 individuals to housing. These are apartments and hotel rooms where clients stay, generally up to 90 days, that keep them off the streets. Through case management and frequent interactions with the team, CVAG is helping them achieve the goal of permanent housing, programs, and family reunifications

On a weekly basis, staff also conducts valley-wide coordinated outreach, and participates in regular planning meetings with law enforcement, healthcare providers, county behavioral health teams, and other service providers. By working collaboratively, staff can respond directly when unsheltered CV 200 individuals are located in the field and desiring services. Some of this work will be done by the mobile access center, which launched in 2021 to bring services to the unsheltered service-resistant homeless population where they are located and progressively provide the necessary assessments, interventions, and services. By bringing the access center into the field, the project has expanded services to individuals residing in places not meant for habitation and those who are unsheltered that may not be in the Coordinated Entry System or Homeless Management Information System (HMIS). CVAG staff is collaborating with partners including healthcare providers, county agencies, and legal service providers to offer medical services, referrals and assessments for housing, and assistance with vital documents and public benefits.

CVAG staff set a lofty internal goal of getting 90 individuals into permanent housing solutions in its first year. By the end of the year, 75 CV200 clients were in permanent housing solutions and another 32 non-CV200 clients were housed.

CV Housing First Clients – By the Numbers through December 31, 2021

CV200 as of 12/31/2021	Q1	Q2	Q3	Q4	TOTAL
Clients housed in Crisis Stabilization Units (CSH)	50	22	35	32	139
Clients being helped through Rapid Resolution (RR)	--	3	2	0	5

Clients returned to the street (failures)	6	11	5	10	32
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Clients moved into permanent housing from CSH (successes)	20	21	12	12	65
Clients moved into permanent housing from RR (successes)	5	3	2	0	10
TOTAL HOUSED FROM LIST OF 200	25	24	14	12	75

NON CV200 as of 12/31/2021	Q1	Q2	Q3	Q4	TOTAL
Households Housed in CSH Units	5	3	0	3	11
Households being helped through RR	--	0	0	3	3

Households returned to the street (failures)	0	1	0	3	4
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Households moved into permanent housing from CSH (successes)	3	2	0	0	5
--	---	---	---	---	---

Households moved into permanent housing from RR (successes)	2	0	0	2	4
TOTAL HOUSEHOLDS HOUSED	5	2	0	2	9
TOTAL INDIVIDUALS HOUSED	19	11	0	2	32

CVAG staff continues to track program metrics, such as the length of stay in the units. For the fourth quarter, the CV200 clients who successfully exited the program into permanent housing stayed in a crisis stabilization unit for 104 days. Those CV200 clients who exited the program unsuccessfully stayed 78 days. Since the end of the third quarter the length of stay for permanent resolutions has increased (up from 82 days), and the length of stay for returns to the street has also increased slightly (up from 71 days). Part of the reason for the extended length of stay has been due to the availability of permanent bed space, as well as challenges in securing necessary behavioral health services.

Throughout the year, CVAG staff also added additional program metrics to track the permanent housing resolutions. Knowing the type of housing where clients resolve will help with identifying future opportunities and options for housing, while also highlighting where we face challenges in finding placement for clients. Of the 12 permanent housing resolutions in the fourth quarter, the breakdown of clients' Exit Destination is as follows:

- Family/Friends – 1
- Permanent Supportive Housing (PSH) – 1
- Rental With Ongoing Subsidy (Low Income Senior Housing) – 3
- Rental With Ongoing Subsidy (VASH Voucher) – 1
- Rental With Ongoing Subsidy (Housing Choice Voucher) – 5
- Shared Housing - 1

The Housing First team has, over the past year, worked diligently to connect individuals experiencing homelessness to services and permanent housing. Case managers focused on each individual or household to determine their unique needs, and provided linkages to services as part of a collaborative effort. CVAG also established new partnerships with organizations – such as Inland County Legal Services – to assist with acquiring clients' vital documents, mainstream benefits, Social Security, SSI, and SSDI. Staff worked diligently to be responsive to landlords and to maintain the needed units valleywide. The efforts to house individuals on the CV200 is a unique challenge, as these clients are often the toughest of the tough cases.

CVAG staff will also be tracking the housing status of permanently resolved clients at the six- and 12-month period after they were initially housed to determine which clients still remain in housing and which have returned to homelessness. As of December 31, 2021, three people have reported having returned to homelessness and CVAG staff is working closely with these clients to determine additional housing opportunities. For the clients who are still in housing, CVHF staff remains ready and available to assist our clients with transitioning into independent living and to help prevent a return to homelessness.

Looking forward to 2022, and as detailed to the Homelessness Committee in November, CVAG staff is working with partners in law enforcement and the county to review the CV200 list for names that should be removed and update with new clients who are chronically homeless and high utilizers of public services. Those clients on the CV 200 who have not yet been housed and who have been contacted within the last 90 days will remain part of the list and staff will continue to engage these individuals through

street outreach. CVAG staff is still awaiting some feedback from local law enforcement, but anticipates the list will be finalized this month. Additionally, CVAG staff this month met with Riverside County Sheriff Chad Bianco and the department's leadership in the Coachella Valley to provide a detailed update on CVAG's efforts to address homelessness. CVAG staff will continue to follow up with the Sheriff and department staff as the department is working on programs – such as the recently announced homeless court – that may provide additional opportunities for collaboration with the CV Housing First team.

CVAG staff continues to identify areas of need and gaps. In 2022, staff anticipates exploring partnerships that improve outreach efforts. CVAG staff also is exploring ways to bolster the available behavioral health services, which can ultimately help get clients into permanent housing solutions. The availability of beds – whether it is retaining crisis stabilization units or having permanent supportive housing and affordable housing units – will also be critical to the program's long-term success.

Fiscal Analysis: The CV Housing First program, including the staffing and CV200 program, is incorporated into the CV Housing First budget, which has been funded by contributions from cities, Riverside County, the Desert Healthcare District/Foundation, and grants.

ITEM 8j

Coachella Valley Association of Governments Executive Committee February 28, 2022



STAFF REPORT

Subject: Update on Ad Hoc Efforts to Explore Additional Homelessness Resources and Policies

Contact: Erica Felci, Assistant Executive Director (efelci@cvag.org) and Greg Rodriguez, CVAG contract staff, (GRodrigu@rivco.org)

Recommendation: Information

Background: At the September 2021 meeting, the Homelessness Committee received an update on the ongoing Performance Assessment and Gaps Analysis of Riverside County's homeless services, which is being led by the County's Continuum of Care. This led to a conversation among the Homelessness Committee members about an idea brought forward by Palm Desert Mayor Pro Tem Sabby Jonathan, who had suggested creating an ad hoc committee to explore the additional services being used in other communities. The goal of the ad hoc, as outlined by Councilmember Jonathan, was to explore models that cities such as Los Angeles and Seattle have used to address homeless individuals who have refused services or who are not being helped by existing services. The ad hoc would evaluate optional programs that would be in addition to CV Housing First, then return to the full Homelessness Committee with a report and recommendations in 2022.

Members of the Homelessness Committee supported the approach. The ad hoc was created with the following members: Mayor Pro Tem Jonathan, Cathedral City Councilmember Mark Carnevale, Desert Healthcare District/ Foundation Director Carole Rogers, Indio Mayor Waymond Fermon and Palm Springs Councilmember Christy Holstege, who is chair of the Homelessness Committee.

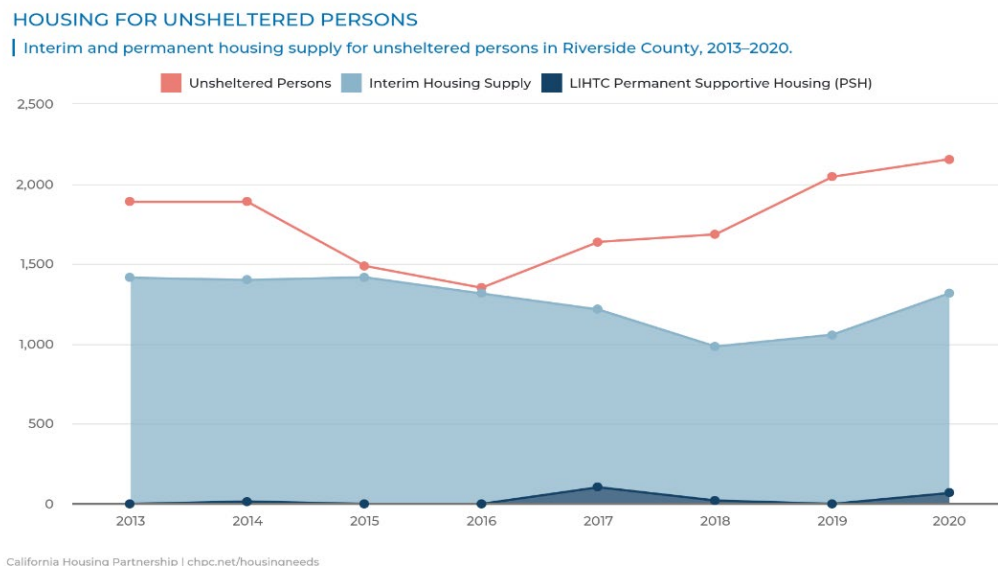
The ad hoc met again in January and February 2022 to discuss a policy proposal in the City of Sacramento that's garnering widespread attention. The proposal, which was introduced by Sacramento Mayor Darrell Steinberg, would have the City adopt a first-in-the-nation right to housing, which includes an obligation of homeless individuals to accept housing if offered. The proposal, as introduced, would have taken effect in January 2023 and would have applied to every unsheltered resident who was previously housed for at least one year in the city limits. According to the City, "each person offered at least two forms of shelter or housing would have an obligation to accept one, or they could be moved from their camping site." A full copy of the proposal is here: https://sacramento.granicus.com/MetaViewer.php?view_id=21&event_id=4175&meta_id=65348
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At its January meeting, the ad hoc members heard from retired Superior Court Judge Lloyd Connelly, who is leading the effort for Mayor Steinberg's proposal. The mayor's Director of Communications, Mary Lynne Vellinga was also present. The proposal is in initial stages and it

was explained that many legal issues and implementation methods need to be addressed. Much of the Judge's presentation focused on best practices that are being implemented in Sacramento, which CVAG staff would note are also being implemented in the Coachella Valley. These include:

- Housing First approaches like the CV200 program;
- Crisis Stabilization Units (CSU) or transitional housing such as CVAG's units, Jewish Family Services and the proposed interim housing units at the planned Palm Springs Navigation Campus;
- Coordination of Respite Care services such as those at Martha's Village and those being developed with CVAG's program;
- Imbedding Behavioral Health Staff with police, which is a model used by the cities of Palm Desert and Palm Springs as well as Riverside County; and
- Navigation Centers such as the one being pursued in the City of Palm Springs, providing shelter beds, interim housing and full wrap-around services including behavioral health, medical and dental clinic, workforce development and access to other services

It should be noted that in order to fully comply with an obligatory requirement, the Coachella Valley needs more shelter capacity in the west, but more importantly transitional and permanent supportive housing units throughout the Coachella Valley. This is especially true due to the *Martin v. Boise* 9th Circuit Court decision preventing enforcement of anti-camping ordinances if jurisdictions do not have adequate shelter and housing supply. The following graphic illustrates the deficiencies in transitional and PSH units compared to the level of unsheltered persons countywide. While desert-specific information was not available for this staff report, CVAG staff will be following up with the County to see specific data for the region.



In addition, and based on the feedback from the ad hoc committee discussions to date, CVAG staff has incorporated the following position into its draft legislative platform, which is up for consideration by the Executive Committee at its February 2022 meeting: *“Support legislative efforts that would allow local jurisdictions to implement, if they choose, programs and ordinances*

that increase the available housing units and/or require unsheltered individuals to accept housing solutions and treatment solutions so long as there are adequate housing units available.”

Staff has also proposed the following approaches, which were supported by the ad hoc:

- Work with the County after the 2022 Point in Time Count is released to quantify housing needs specifically for the Coachella Valley;
- Monitor Sacramento’s policy adoption, implementation and any resource and/or legal challenges;
- Monitor potential housing and homeless legislation through organizations such as The Steinberg Institute and Housing California that would address rights to housing and funding of housing infrastructure. This would include Permanent Supportive Housing units (PSH), which are defined as community-based housing without a designated length of stay in which formerly homeless individuals and families live as independently as possible;
- Analyze 2022 legislation after the state Legislature’s February deadline to see if any bills address rights to housing and homeless infrastructure;
- Work with CVAG and County lobbyists on legislative platforms to address resource needs and reduced bureaucracy for increased development of PSH, CSU, transitional and affordable housing; and
- Support current activities around the Palm Springs Navigation Campus and any expansions to other valley cities.

At the February Homelessness Committee meeting, ad hoc members were provided an update on the work so far and some initial thoughts on the opportunities and challenges of doing a similar program in the Coachella Valley. Members of the Homelessness Committee expressed support for continuing to explore additional approaches to addressing homelessness, particularly for those who are refusing current services.

Fiscal Analysis: There is no cost to CVAG for this update. However, depending on the extent of the ad hoc’s scope and analysis in the future, CVAG staff may ask the Homelessness and Executive Committee to consider allocating additional resources beyond staff time.