

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

Wednesday, September 4, 2019
2:00 PM

JoAnn Busenbark Board Room

Independent Taxpayer Oversight Committee

All materials relating to an agenda item for an open session of a regular meeting of the Independent Taxpayer Oversight Committee (ITOC) are posted on our website at <https://nctpa.legistar.com/Calendar.aspx> at least 72 hours prior to the meeting and will be available for public inspection, on and after at the time of such distribution, in the office of the Secretary of the ITOC, 625 Burnell Street, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m., except for NVTA holidays. Materials distributed to the present members of the ITOC at the meeting will be available for public inspection at the public meeting if prepared by the members of the ITOC or staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Members of the public may speak to the ITOC on any item at the time the ITOC is considering the item. Please complete a Speaker's Slip, which is located on the table near the entryway, and then present the slip to the ITOC Secretary. Also, members of the public are invited to address the ITOC on any issue not on today's agenda under Public Comment. Speakers are limited to three minutes.

This Agenda shall be made available upon request in alternate formats to persons with a disability. Persons requesting a disability-related modification or accommodation should contact Karrie Sanderlin, ITOC Secretary, at (707) 259-8631 during regular business hours, at least 48 hours prior to the time of the meeting.

This Agenda may also be viewed online by visiting the NVTA website at <https://nctpa.legistar.com/Calendar.aspx>

Acceso y el Título VI: La NVTA puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Autoridad. Para solicitar asistencia, por favor llame al número (707) 259-8633. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Ang Accessibility at Title VI: Ang NVTA ay nagkakaloob ng mga serbisyo/akomodasyon kung hilingin ang mga ito, ng mga taong may kapansanan at mga indibiduwal na may limitadong kaalaman sa wikang Ingles, na nais na matugunan ang mga bagay-bagay na may kinalaman sa NVTA Board. Para sa mga tulong sa akomodasyon o pagsasalin-wika, mangyari lang tumawag sa (707) 259-8633. Kakailanganin namin ng paunang abiso na tatlong araw na may pasok sa trabaho para matugunan ang inyong kahilingan.

1. Call To Order
2. Roll Call
3. Introductions
4. Public Comment
5. Committee Member and Staff Comments

6. PRESENTATIONS

6.1 Project Overview by Jurisdictions on Measure T Projects

County of Napa staff will provide an overview of their Measure T Projects.

Estimated Time: 2:15 p.m.

Note: Where times are indicated for the agenda items they are approximate and intended as estimates only, and may be shorter or longer, as needed.

7. CONSENT AGENDA ITEMS (7.1)

7.1 Meeting Minutes of June 5, 2019 (Karrie Sanderlin) (Pages 8-11)

Recommendation: ITOC action will approve the meeting minutes of June 5, 2019.

Estimated Time: 2:30 p.m.

Attachments: [Draft Minutes](#)

8. ITOC MEMBER REQUESTED ITEMS (8.1 - 8.3)

8.1 Alternative Meeting Locations (Kate Miller)

Recommendation: None - this item was requested by a member of the ITOC.

Estimated Time: 2:30 p.m.

8.2 Meeting Cancellation Process (Kate Miller) (Page 12)

Recommendation: Staff will review the process for meeting cancellations.

Estimated Time: 2:40 p.m.

Attachments: [Staff Report](#)

8.3 Draft NVTA Whistleblower Protection Policy (Kate Miller) (Pages 13-20)

Recommendation: The ITOC will review the Draft NVTA Whistleblower Protection Policy and provide comment.

Estimated Time: 2:50 p.m.

Attachments: [Staff Report](#)

9. REGULAR AGENDA ITEMS

9.1 Measure T 6.67% Equivalent Funds Project List Review (Danielle Schmitz) (Pages 21-24)

Recommendation: Information only. The ITOC will receive a review of the Measure T 6.67% Project List.

Estimated Time: 3:00 p.m.

Attachments: [Staff Report](#)

9.2 Measure T Sales and Use Tax Revenues (Antonio Onorato/Tracy Schulze) (Pages 25-27)

Recommendation: The ITOC will accept and file the most recent Measure T sales tax revenue update provided by the Auditor-Controller.

Estimated Time: 3:15 p.m.

Attachments: [Staff Report](#)

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

11.1 Approval of Next Regular Meeting of Date of December 4, 2019 at 2:00 p.m. and Adjournment

Estimated Time: 3:30 p.m.

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at the NVTAs Offices, 625 Burnell Street, Napa, CA by 5:00 p.m. on Friday, August 30, 2019.

Karalyn E. Sanderlin (e-sign) August 28, 2019

Karalyn E. Sanderlin, NVTAs-TAs Board Secretary

Glossary of Acronyms

AB 32	Global Warming Solutions Act	GTFS	General Transit Feed Specification
ABAG	Association of Bay Area Governments	HBP	Highway Bridge Program
ADA	American with Disabilities Act	HBRR	Highway Bridge Replacement and Rehabilitation Program
ATAC	Active Transportation Advisory Committee	HIP	Housing Incentive Program
ATP	Active Transportation Program	HOT	High Occupancy Toll
BAAQMD	Bay Area Air Quality Management District	HOV	High Occupancy Vehicle
BART	Bay Area Rapid Transit District	HR3	High Risk Rural Roads
BATA	Bay Area Toll Authority	HSIP	Highway Safety Improvement Program
BRT	Bus Rapid Transit	HTF	Highway Trust Fund
BUILD	Better Utilizing Investments to Leverage Development	HUTA	Highway Users Tax Account
CAC	Citizen Advisory Committee	IFB	Invitation for Bid
CAP	Climate Action Plan	ITIP	State Interregional Transportation Improvement Program
Caltrans	California Department of Transportation	ITOC	Independent Taxpayer Oversight Committee
CEQA	California Environmental Quality Act	IS/MND	Initial Study/Mitigated Negative Declaration
CIP	Capital Investment Program	JARC	Job Access and Reverse Commute
CMA	Congestion Management Agency	LIFT	Low-Income Flexible Transportation
CMAQ	Congestion Mitigation and Air Quality Improvement Program	LOS	Level of Service
CMP	Congestion Management Program	LS&R	Local Streets & Roads
CalSTA	California State Transportation Agency	MaaS	Mobility as a Service
CTP	Countywide Transportation Plan	MAP 21	Moving Ahead for Progress in the 21 st Century Act
COC	Communities of Concern	MPO	Metropolitan Planning Organization
CTC	California Transportation Commission	MTC	Metropolitan Transportation Commission
DAA	Design Alternative Analyst	MTS	Metropolitan Transportation System
DBB	Design-Bid-Build	ND	Negative Declaration
DBF	Design-Build-Finance	NEPA	National Environmental Policy Act
DBFOM	Design-Build-Finance-Operate-Maintain	NOAH	Natural Occurring Affordable Housing
DED	Draft Environmental Document	NOC	Notice of Completion
EIR	Environmental Impact Report	NOD	Notice of Determination
EJ	Environmental Justice	NOP	Notice of Preparation
FAS	Federal Aid Secondary	NVTA	Napa Valley Transportation Authority
FAST	Fixing America's Surface Transportation Act	NVTA-TA	Napa Valley Transportation Authority-Tax Agency
FHWA	Federal Highway Administration	OBAG	One Bay Area Grant
FTA	Federal Transit Administration	PA&ED	Project Approval Environmental Document
FY	Fiscal Year	P3 or PPP	Public-Private Partnership
GHG	Greenhouse Gas	PCC	Paratransit Coordination Council
GGRF	Greenhouse Gas Reduction Fund		

Glossary of Acronyms

PCI	Pavement Condition Index	STA	State Transit Assistance
PCA	Priority Conservation Area	STIC	Small Transit Intensive Cities
PDA	Priority Development Areas	STIP	State Transportation Improvement Program
PID	Project Initiation Document	STP	Surface Transportation Program
PMS	Pavement Management System	TAC	Technical Advisory Committee
Prop. 42	Statewide Initiative that requires a portion of gasoline sales tax revenues be designated to transportation purposes	TCM	Transportation Control Measure
PSE	Plans, Specifications and Estimates	TCRP	Traffic Congestion Relief Program
PSR	Project Study Report	TDA	Transportation Development Act
PTA	Public Transportation Account	TDM	Transportation Demand Management Transportation Demand Model
RACC	Regional Agency Coordinating Committee	TE	Transportation Enhancement
RFP	Request for Proposal	TEA	Transportation Enhancement Activities
RFQ	Request for Qualifications	TEA 21	Transportation Equity Act for the 21 st Century
RHNA	Regional Housing Needs Allocation	TFCA	Transportation Fund for Clean Air
RM2	Regional Measure 2 (Bridge Toll)	TIGER	Transportation Investments Generation Economic Recovery
RM3	Regional Measure 3	TIP	Transportation Improvement Program
RMRP	Road Maintenance and Rehabilitation Program	TLC	Transportation for Livable Communities
ROW	Right of Way	TLU	Transportation and Land Use
RTEP	Regional Transit Expansion Program	TMP	Traffic Management Plan
RTIP	Regional Transportation Improvement Program	TMS	Transportation Management System
RTP	Regional Transportation Plan	TNC	Transportation Network Companies
SAFE	Service Authority for Freeways and Expressways	TOAH	Transit Oriented Affordable Housing
SAFETEA-LU	Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users	TOD	Transit-Oriented Development
SB 375	Sustainable Communities and Climate Protection Act 2008	TOS	Transportation Operations Systems
SB 1	The Road Repair and Accountability Act of 2017	TPA	Transit Priority Area
SCS	Sustainable Community Strategy	TPI	Transit Performance Initiative
SHA	State Highway Account	TPP	Transit Priority Project Areas
SHOPP	State Highway Operation and Protection Program	VHD	Vehicle Hours of Delay
SNCI	Solano Napa Commuter Information	VMT	Vehicle Miles Traveled
SNTDM	Solano Napa Travel Demand Model		
SR	State Route		
SRTS	Safe Routes to School		
SOV	Single-Occupant Vehicle		

**Napa Valley Transportation
Authority
Meeting Minutes - Draft
Independent Taxpayer Oversight
Committee**

625 Burnell Street
Napa, CA 94559

Wednesday, June 5, 2019

2:00 PM

NVTA Conference Room

1. Call To Order

Chair Kindig called the meeting to order at 2:00 p.m.

2. Roll Call

Present: 6 - Pamela Kindig
Robert Peterson
Leon Brauning
Chuck McMinn
Mandy Le
Kevin Alfaro

Non-Voting: 4 - Kate Miller
Tracy Schulze
Chris Canning
Erica Ahmann Smithies

Absent: 1 - Gregory Rodeno

3. Introductions

New ITOC member Kevin Alfaro introduced himself and provided a brief background on his qualifications.

4. Public Comment

None

5. Committee Member and Staff Comments

Committee Member Comments

Leon Brauning

- Stated his concern with meeting cancelations [December 5, 2018 & March 3, 2019].
- Stated his concern with NVTA's influence and oversight of the [ITOC] committee.
- Stated that he does not perceive the ITOC operates as independently as he believes it should be and suggested that the committee meetings be held somewhere other than the NVTA offices.
- Stated his concern that agenda items he requested were not being placed on the agenda.

6. PRESENTATIONS

6.1 Project Overview by Jurisdictions on Measure T Projects

Information only. The City of Napa staff provided an overview of their Measure T projects.

7. CONSENT AGENDA ITEMS (7.1 - 7.2)

At the request of Chair Kindig, Item 7.2 was pulled from consent for further discussion.

7.1 Meeting Minutes of October 3, 2018 (Karrie Sanderlin) (Pages 9-12)

Attachments: [Draft Minutes](#)

Motion MOVED by MCMINN, SECONDED by PETERSON, with ALFARO ABSTAINING, to APPROVE the meeting minutes of October 3, 2018. Motion carried by the following vote:

Aye: 6 - Kindig, Peterson, Brauning, McMinn, Le and Alfaro

Absent: 1 - Rodeno

7.2 Measure T Project Progress Reports: July 1, 2018 - December 31, 2108 (Alberto Esqueda) (Pages 13-22)

Attachments: [Staff Report](#)

Information Only / No action Taken

The semi-annual Measure T progress reports were provided for ITOC review.

Chair Kindig questioned why there wasn't an update from American Canyon included in the report. Staff reported that there was no work performed by America Canyon during the reporting period.

Chuck McMinn requested that the future Measure T progress reports contain information on the status 6.67% Equivalent funds [Class 1 infrastructure] .

8. REGULAR AGENDA ITEMS

8.1 Overview of the Independent Taxpayer Oversight Committee (ITOC) and the Napa Valley Transportation Authority-Tax Agency's (NVTA-TA) Roles and Responsibilities (Kate Miller) (Pages 23-25)

Attachments: [Staff Report](#)

Information Only / No Action Taken

The ITOC received an overview of the roles and responsibilities of the committee.

8.2 Napa Countywide Road Maintenance Act Measure T Process and Procedures (Alberto Esqueda) (Pages 26-35)

Attachments: [Staff Report](#)

Information Only / No Action Taken

The ITOC received a review of the Measure T Process and Procedures guidelines.

8.3 Public Sector Project Delivery Process (Sanjay Mishra) (Pages 36-37)

Attachments: [Staff Report](#)

Information Only / No Action Taken

Staff provided a review of the various phases and steps involved in the delivery of a typical transportation project.

8.4 City of American Canyon Five-Year Documents for Maintenance of Effort (MOE) Figure (Alberto Esqueda) (Pages 38-40)

Attachments: [Staff Report](#)

Information Only / No Action Taken

The City of American Canyon provided its revised Maintenance of Effort amount.

8.5 Revised City of Napa Five-Year Project List (Alberto Esqueda) (Pages 41-46)

Attachments: [Staff Report](#)

Motion **MOVED** by PETERSON, **SECONDED** by MCMINN to **APPROVE** (1) that the ITOC make a finding that the City of Napa's revised five-year project list is consistent with the intent of the measure [Measure T] and (2) make a recommendation for approval to the NVTA-TA. Motion carried by the following vote:

Aye: 6 - Kindig, Peterson, Brauning, McMinn, Le and Alfaro

Absent: 1 - Rodeno

8.6 Measure T Sales and Use Tax Revenues (Antonio Onorato/Tracy Schulze) (Pages 47-49)

Attachments: [Staff Report](#)

The ITOC received an update on the [Measure T] revenues for period of July 1, 2018 to September 30, 2018 and reviewed the process and timeline for how Measure T funds flow from State, County, NVTA-TA, and jurisdictions.

8.7 Audit Work Plan for Fiscal Year (FY) 2018-19 (Antonio Onorato) (Pages 50-52)

Attachments: [Staff Report](#)

Motion MOVED by MCMINN, SECONDED by LE to APPROVE to forego the compliance and performance audits until Fiscal Year (FY) 2019-20, with the audit schedule as follows:

FY 2019-20: City of Napa, Town of Yountville
FY 2020-21: County of Napa, City of St. Helena
FY 2021-22: City of American Canyon, City of Calistoga

Motion carried by the following vote:

Aye: 6 - Kindig, Peterson, Brauning, McMinn, Le and Alfaro

Absent: 1 - Rodeno

8.8 Countywide Transportation Plan (CTP) (Danielle Schmitz) (Pages 53-56)

Attachments: [Staff Report](#)

Information Only / No Action Taken

The ITOC received an overview of the CTP and the context for how Measure T revenues and projects fit into the larger Napa Valley planning efforts.

9. FUTURE AGENDA ITEMS

- Establish a hotline/email address for residents to communicate anonymously/confidentially to the ITOC directly regarding issues with Measure T, if one is not already established.
- Include 6.67% Equivalent Fund information in the Measure T progress reports [6.67% Progress and Process]
- Included the Draft Report Elements on future agenda items
- Discussion of the proper meeting cancelation process.
- Discussion of holding future ITOC meetings at neutral locations [other than at the NVTA offices].

10. ADJOURNMENT

10.1 Approval of Next Regular Meeting of Date of September 23, 2019 at 2:00 p.m. and Adjournment

Karalyn E. Sanderlin, NVTA Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY ITOC Agenda Letter

TO: Independent Taxpayer Oversight Committee
FROM: Kate Miller, Executive Director
REPORT BY: Karrie Sanderlin, Program Manager-Administration and Human Resources
(707) 259-8633 / Email: ksanderlin@nvta.ca.gov
SUBJECT: Meeting Cancellation Process

RECOMMENDATION

Staff will review the meeting cancellation process.

EXECUTIVE SUMMARY

At the June 5^h meeting, ITOC member Brauning requested a discussion on the process for canceling ITOC meetings. Section IV.A of the ITOC bylaws, which were approved by both the ITOC and the NVTA-TA board, states that any regularly scheduled meeting may be canceled by majority vote or, if there is not a quorum, be adjourned by the Chair or Secretary. If there are no substantive items for discussion, the executive director, in coordination with the ITOC Chair may cancel a meeting.

FISCAL IMPACT

Is there a Fiscal Impact? No

SUPPORTING DOCUMENTS

None



NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY ITOC Agenda Letter

TO: Independent Taxpayer Oversight Committee
FROM: Kate Miller, Executive Director
REPORT BY: Karrie Sanderlin, Program Manager-Administration and Human Resources
(707) 259-8633 / Email: ksanderlin@nvta.ca.gov
SUBJECT: Draft NVTA Whistleblower Protection Policy

RECOMMENDATION

The ITOC will review the draft NVTA Whistleblower Protection Policy and provide comment (Attachment 1).

EXECUTIVE SUMMARY

The Napa Valley Transportation Authority (NVTA) is committed to fostering and maintaining a workplace with a high legal and ethical standard of conduct in all activities and operating its business in a fair, effective, efficient, and transparent manner. NVTA has a strong commitment to support legal and ethical behavior in the workplace, provide a safe environment for employees and members of the community to report actions that may be potentially illegal or unethical, and to investigate any allegations of retaliatory behavior for the reporting of potentially illegal or unethical behavior. While the State already has a Whistleblower law, NVTA staff recognized that there was no formal way to report issues and concerns anonymously to the NVTA board chair and legal counsel. This Whistleblower Protection Policy establishes procedures, for NVTA employees, committee members, and members of the community, to report alleged illegal, fraudulent, or improper activity by NVTA officials and/or employees to assure that such reports will not result in retaliation by NVTA.

FISCAL IMPACT

Is there a Fiscal Impact? No

SUPPORTING DOCUMENTS

Attachments: (1) Draft NVTA Whistleblower Protection Policy
 (2) Draft Whistleblower Complaint Form

**NVTA
POLICIES, PRACTICES AND PROCEDURES MANUAL**

WHISTLEBLOWER PROTECTION POLICY

CHAPTER 1 WHISTLEBLOWER PROTECTION POLICY	2
Section 1.1. Purpose	2
Section 1.2. Definition.....	2
Section 1.3. Policy	2
Section 1.4. Prohibited Activities.....	3
Section 1.5. Protection from Retaliation.....	3
Section 1.6. Procedures for Filing a Whistleblower Complaint with NVTA.....	4
A. When to Report	4
B. How to Report	4
C. Compliance with State and Federal Laws.....	5
D. Investigation of Complaint.....	5

DRAFT

CHAPTER 1 WHISTLEBLOWER PROTECTION POLICY

Section 1.1. Purpose

The [California Labor Code Section 1102.5](#) referred to as the “whistleblower” statute, is intended to protect employees who report violations of state and federal laws by their employers from retaliation. The Napa Valley Transportation Authority (NVTA) is committed to fostering and maintaining a workplace with a high legal and ethical standard of conduct in all activities and operating its business in a fair, effective, efficient, and transparent manner. Further, NVTA must protect its assets and resources from fraudulent, illegal, and dishonest activities by maintaining effective internal controls and by identifying and investigating any possibility of fraud or other improper activities. NVTA has a strong commitment to support legal and ethical behavior in the workplace, provide a safe environment for employees and members of the community to report actions that may be potentially illegal or unethical, and to investigate any allegations of retaliatory behavior for the reporting of potentially illegal or unethical behavior. This Whistleblower Protection Policy establishes procedures, for NVTA employees, committee members, and members of the community, to report alleged illegal, fraudulent, or improper activity by NVTA officials and/or employees to assure that such reports will not result in retaliation by NVTA.

Section 1.2. Definition

A whistleblower is an employee of the NVTA, a committee member, or a member of the community who reports an activity that he/she has reasonable cause to believe is a violation of state or federal laws, or a violation or noncompliance with local, state or federal rules or regulations. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Section 1.3. Policy

This policy establishes a complaint procedure that employees, committee members, and members of the community may use to report potentially illegal or unethical behavior. Community members, NVTA officers, NVTA contractors, elected officials and NVTA employees are encouraged to report good faith suspicions of misconduct by NVTA officials and/or NVTA employees and any misuse of NVTA property or resources. If you have knowledge of or a concern that NVTA activity is in violation of state or federal laws, or a violation or noncompliance with local, state or federal rules or regulations follow the procedures for filing a whistleblower complaint as outlined in Section 1.6 of the policy. Any NVTA employee who makes such a good faith report is protected against adverse employment actions by the NVTA or any person acting on behalf of NVTA for raising such allegations, and shall not suffer any reprisals or retaliation by NVTA or person acting on behalf of NVTA for making the report, whether or not the allegations are sustained.

Section 1.4. Prohibited Activities

Persons should report information related to any violation of state or federal laws, or a violation or noncompliance with local, state or federal rules or regulations. Examples of potential violations may include, but are not limited to the following:

- Violation of any law, regulation, or ordinance
- Conflict of interest
- Fraud, waste, or misuse of NVTA property
- Theft, misuse of, or misappropriation of NVTA resources, property, information, assets or funds, or an attempt to do any of the same
- Creation of a specific and substantial danger to public health or safety by failing to perform duties required by the NVTA
- Intentional falsification of records (including failure to disclose material facts or making of false or misleading entries or statements with the intent to deceive on any NVTA document or other official document, report, or form, including but not limited to NVTA financial records and environmental regulatory reporting), or the willful and unauthorized destruction or mutilation of any NVTA document or other official document, report, or form, including financial records
- Intentionally submitting false claims for payment or reimbursement
- Knowingly submitting or signing a timesheet that contains false information
- Forgery or intentional unauthorized alteration of a NVTA document or other official document, application, report, or form, including but not limited to, NVTA financial documents
- Improprieties in the handling or reporting of financial transactions involving the NVTA
- Authorizing or receiving payment by the NVTA for goods not received or services not performed
- Computer-related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of data or misappropriation of NVTA-owned software

Section 1.5. Protection from Retaliation

Whistleblower protections are provided in two important areas: confidentiality of the report and protection against retaliation. The confidentiality of the whistleblower will be maintained to the extent possible in order to investigate the report and to address the alleged violation. However, identity may be disclosed to conduct a thorough investigation, to comply with the law, or to provide any accused individuals their legal rights of defense.

No NVTA officer, or employee, or any person acting on behalf of the NVTA, shall influence, restrain, or prevent any employee or member of the community from disclosing information that the employee or member of the community has reasonable cause to believe relates to or is evidence of misconduct. Any employee acting in good faith and upon a reasonable belief as a whistleblower that misconduct has occurred, or who believes the NVTA has disclosed or may disclose such information will be protected from threats or retaliation, including, but not

limited to, discharge, demotion, suspension, harassment, reduced compensation, changes in the terms and conditions of employment, or other forms of discrimination. Additionally, no employee may be adversely affected because the employee refused to carry out a directive that would result in a violation of state or federal statute or a violation of or noncompliance with local, state, or federal rule or regulation.

Whistleblower protection from retaliation also includes the following circumstances:

- When a whistleblower complaint is filed against a person who has authority over the complainant or filed against a person who has authority to investigate, discover or correct the alleged violation or noncompliance.
- When whistleblowers provide information to or testify before any public body which is investigating, hearing, or inquiring into an employer's violation of or noncompliance with local, state, or federal rules or regulations.
- When a whistleblower reports a reasonable belief of a violation of a NVTA ordinance.

This policy does not prohibit the NVTA from taking adverse action for legitimate, non-discriminatory reasons that are unrelated to the whistleblower complaint. Such legitimate or non-discriminatory actions may include discipline for a legal cause or refusing to hire, promote, transfer, or take any other legitimate personnel action based on inadequate qualifications or poor performance reviews.

Section 1.6. Procedures for Filing a Whistleblower Complaint with NVTA

A. When to Report

A complaint filed under this Policy should be filed within thirty (30) days of the date of the act or event.

B. How to Report

Use of the "Whistleblower Complaint Form" is preferred and it is located on the NVTA website at the following link: [[Need to add weblink here once document is posted](#)]

Please email the completed form to whistleblower@nvta.ca.gov [[will need to establish this email or similar](#)] or mail to:

Napa Valley Transportation Authority
Attention: Whistleblower Protection Program
625 Burnell Street
Napa CA 94559

Employees and members of the community are encouraged to provide as much specific information as possible, including names, dates, places, the events that took place, and the reason(s) why the incident(s) may constitute a violation or misconduct.

C. Compliance with State and Federal Laws

The NVTA Whistleblower Protection Policy is intended to describe the policies and procedures for reporting prohibited activities and protecting whistleblowers. This policy is in addition to and does not supplant whistleblower protections and procedures provided under state and federal laws.

D. Investigation of Complaint

Depending on the nature of the complaint, the NVTA Manager or his or her designee may investigate the complaint to determine if misconduct or violation of this policy has occurred. To the extent permitted by personal privacy laws, the NVTA Manager or his or her designee may meet with the complainant to discuss the findings of the investigation and will use best efforts to ensure timely resolution of the matter.

DRAFT



WHISTLEBLOWER COMPLAINT FORM

Napa Valley Transportation Authority, 625 Burnell St., Napa CA 94559

Instructions: Complete the “Whistleblower Complaint Form”

Employees and members of the community are encouraged to provide as much specific information as possible, including names, dates, places, the events that took place, and the reason(s) why the incident(s) may constitute a violation or misconduct.

While you may submit a complaint anonymously, we may not be able to determine whether your complaint has merit if we are not able to interview you.

(Optional) Name: _____

(Optional) Address: _____

(Optional) Work Phone: _____ (Optional) Home/Cell Phone: _____

Are you a NVTA employee? Yes No

(Optional) If yes, what is your position or relationship to NVTA?

1. Identify the person or persons against whom your allegations are being made.

2. Describe the nature of your complaint, the incident(s) or event(s), date(s), time(s), and place(s). Attach additional pages to this complaint if necessary. Attach additional pages if necessary.

3. Identify others who may have observed or witnessed the above incident(s) or event(s).

4. Do you have any documents that support your allegation? (If yes, please list and attach copies).

Please e-mail the completed form to whistleblower@nvta.ca.gov; or mail it to:

NVTA
Attention: Whistleblower
Program
625 Burnell Street
Napa, CA 94559



NAPA VALLEY TRANSPORTATION AUTHORITY ITOC Agenda Letter

TO: Independent Taxpayers Oversight Committee
FROM: Kate Miller, Executive Director
REPORT BY: Danielle Schmitz, Director – Projects, Programs and Planning
(707) 259-5968 / Email: dschmitz@nvta.ca.gov
SUBJECT: Measure T 6.67% Equivalent Funds Project List Review

RECOMMENDATION

Information only.

EXECUTIVE SUMMARY

Jurisdictions receiving Measure T revenues must demonstrate that at least an amount equal to 6.67% of annual Measure T funds is committed to Class I facilities. Measure T Equivalent funds are funds not derived from the Measure T Ordinance. Revenues that count toward a jurisdictions' Measure T Equivalent fund are general funds, or any transportation formula fund in which the jurisdiction or NVRTA have discretion. Eligible Class I facilities must also be identified in the adopted Countywide Bicycle Plan/Active Transportation Plan.

Specifically, the Ordinance states:

Once this measure becomes operative, in order to receive annual allocations under this measure, the Agencies (collectively) must demonstrate that at least six and sixty-seven one-hundredths percent (6.67%) of the value of the allocations each year under Section 3(A) has been committed to Class I Bike lane project(s) identified in the adopted Countywide Bicycle Plan, as the Plan may be amended from time to time, through funding not derived from this Ordinance.

Jurisdictions can demonstrate this by collectively setting aside funds in their budgets to meet the requirement. NVRTA can also meet the requirement for the jurisdictions by *programming* funds for Class 1 facilities or expending eligible funding sources on Class 1 facilities. The term “programming” refers to a formal board action and inclusion in the Metropolitan Transportation Commission’s Transportation Improvement Program depending upon funding source and project significance, Measure T projects are approved on a five-year rolling basis. The Measure T Equivalent program of projects will

also be identified and approved by the NVTA-TA board on a five-year basis.

FISCAL IMPACT

Is there a fiscal impact? No

BACKGROUND AND DISCUSSION

For the first five years of the ordinance, July 1, 2018 through July 1, 2023, the dollar amount for Measure T Equivalent Projects will be roughly \$6.97 million. Measure T revenues are likely to vary from year to year and adjustments to the Measure T Equivalent commitments will be updated as part of the biennial project update. Excess revenues counted toward the Measure T Equivalent requirement will roll forward to meet the next five-year requirement. If there is a shortfall, the jurisdictions will work together to ensure that the requirement is being met in a timely manner in coordination with the NVTA-TA Board.

Measure T Equivalent commitments can be any capital improvement to Class I facilities identified in the Countywide Bike Plan/Pedestrian Plan including maintenance and rehabilitation of a facility.

Under Section 26 the Ordinance also states:

Maintenance means repair, reconstruction or rehabilitation, and/or replacement of streets, roadways, and other infrastructure within the public right-of-way.

It is by this definition of *Maintenance* that NVTA staff considers routine maintenance not to be an eligible use of Measure T Equivalent Funds.

Staff has identified a draft list of projects that count toward the Measure T Equivalent commitment as follows:

Table. 1 Measure T Equivalent Commitments

Project Title	Agency	Measure T Equivalent Amount	Year	Fund Source	Total Project Amount	Project Status
SR 29 Undercrossing	City of Napa	\$561,000	18/19	TFCA/Local Funds	\$1,189,000	Design
Devlin Road Segment E	County of Napa	1,200,000	19/20	Local funds	5,000,000	Construction
Devlin Road Segment H	American Canyon	570,000	18/19	STIP	5,368,000	Final design
Vine Trail Soscol Gap Closure	City of Napa	1,487,000	18/19	STIP & Local Funds	1,487,000	Design
Green Island Road Vine Trail Segment	American Canyon	1,000,000	19/20	OBAG 2 - STP	1,250,000	Design
Vine Trail Calistoga to St. Helena	County of Napa/ St. Helena/ Calistoga	450,000	20/21	Local Funds	9,917,000	Design
Bothe Park segment of Vine Trail Calistoga to St. Helena.	NVTA	711,000	20/21	PCA STP	9,917,000	Design
Vine Trail Calistoga to St. Helena	NVTA	200,000	20/21	TFCA	9,917,000	Design
Finnell Multi-Use Path Phase I	Yountville	90,000	18/19	Local Funds	90,000	Completed
Finnell Multi-Use Path Phase II	Yountville	190,000	19/20	Local funds	190,000	Bidding Process
Vine Trail Crack-Seal and Micro Surface	Yountville	35,000	19/20	Local	35,000	Construction
Sierra Avenue Extension	City of Napa	50,000	20/21	Local Funds	900,000	Design/ROW
Main St. Exchange Pedestrian Bridge	City of Napa	311,000	18/19	Local Funds	467,000	Completed
Kohl's Parking Lot Multi-use Path	City of Napa	50,000	22/23	Local Funds	550,000	Design
Total		\$6,690,200				

As part of their semi-annual Measure T Progress Report, jurisdictions will provide updates on their Measure T Equivalent Projects. NVTA will also provide Measure T equivalent project updates in the Annual Report and the Monthly Project Reports that go to the NVTA Technical Advisory Committee (TAC) to ensure the jurisdictions comply with the requirement.

SUPPORTING DOCUMENTS

None



NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY ITOC Agenda Letter

TO: Independent Taxpayer Oversight Committee
FROM: Kate Miller, Executive Director
REPORT BY: Antonio Onorato, Director, Administration, Finance, and Policy
(707) 259-8779 / Email: anonorato@nvta.ca.gov
SUBJECT: Measure T Sales and Use Tax Revenue Update

RECOMMENDATION

That the ITOC receive a report on Measure T sales tax revenues provided by the Auditor-Controller.

EXECUTIVE SUMMARY

Measure T became operative on July 1, 2018. The Auditor-Controller will provide detailed handouts at the meeting. The document will include information on actual revenues received and allocations to the member jurisdictions. The Background and Discussion section of this memo presents revenues received compared to projections and the five (5) year revenue outlook.

BACKGROUND AND DISCUSSION

The initial Measure T financial projection developed in 2015 showed revenue estimates of \$403 million over the 25-year period. An update occurred in March 2018 increasing projections to \$578 million based upon recent sales tax collection, which is consistent with historical average. A strong local economy is the main driver of increased revenues.

Table 1 shows the FY19 projections compared to actuals revenues. Table 2 shows the current year projection and five (5) year outlook. There are no revisions to the five-year outlook at this time.

Table 1: Projection vs. Actuals

MONTH	Projection	Actual	Difference \$	Difference %
July	\$1,347,055	\$1,231,229	(115,826)	-8.60%
August	1,347,055	1,480,913	133,858	9.94%
September	1,796,108	2,122,668	326,561	18.18%
3rd Qtr Adjustment	577,265	-	(577,265)	-100.00%
CDFTA Fee	-	(44,630)	(44,630)	0.00%
Quarter Total	5,067,482	4,790,180	(277,302)	-5.79%
October	\$1,391,335	\$1,433,728	\$42,393	3.05%
November	1,327,812	1,523,937	196,125	14.77%
December	1,770,485	2,251,378	480,893	27.16%
4th Qtr Adjustment	696,409	-	(696,409)	-100.00%
CDFTA Fee	-	(44,630)	(44,630)	0.00%
Quarter Total	5,186,040	5,164,413	(21,627)	-0.42%
January	1,112,376	1,508,286	395,910	35.59%
February	1,112,376	1,604,238	491,862	44.22%
March	1,483,099	1,459,536	(23,563)	-1.59%
1st Qtr Adjustment	316,899	-	(316,899)	-100.00%
CDFTA Fee	-	(105,875)	(105,875)	0.00%
Quarter Total	\$4,024,750	\$4,466,185	\$441,434	10.97%
April	1,295,408	1,715,325	419,917	32.42%
May	1,295,408	1,835,856	540,448	41.72%
June	1,727,211	1,727,211	-	0.00%
2nd Qtr Adjustment	362,117	-	(362,117)	-100.00%
CDFTA Fee	-	(44,630)	(44,630)	0.00%
Quarter Total	\$4,680,145	\$5,233,762	\$553,617	11.83%
Total Estimated Rev	\$18,958,418	\$19,654,540	\$696,122	3.67%

Table 2: Current and five (5) year revenue projection

<i>Current Year</i>						
2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
\$18,958,418	\$19,082,526	\$19,206,460	\$19,686,622	\$20,178,787	\$21,200,338	\$21,730,347

SUPPORTING DOCUMENTS

None, handouts will provided at the meeting.