

KERN COUNCIL OF GOVERNMENTS

Minutes of Meeting for October 15, 2020

KERN COG BOARD ROOM  
1401 19TH STREET, THIRD FLOOR  
BAKERSFIELD, CALIFORNIA

THURSDAY  
October 15, 2020  
6:30 P.M.

The meeting was called to order by Chairman Smith at 7:12 p.m.

**I. ROLL CALL:**

**Members Present:** B. Smith, Vallejo, Crump, Mower, Krier, P. Smith, Reyna, Couch, Scrivner

**Congestion Management Agency Ex-Officio Members:** Navarro, Alcala, Kersey, Parra

**Members Absent:** Gurrola, Lessenevitch, McFarland, Alvarado

**Others:** Heckman, Patteson, Carr, Ariola

**Staff:** Ahron Hakimi, Rob Ball, Becky Napier, Veronica McCulloch, Bob Snoddy, Raquel Pacheco

- II. PUBLIC COMMENTS:** This portion of the meeting is reserved for persons to address the Council on any matter not on this agenda but under the jurisdiction of the Council. Council members may respond briefly to statements made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Council at a later meeting. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD PRIOR TO MAKING A PRESENTATION.**

Chairman Smith asked for public comments. There were no comments.

- III. CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT:** All items on the consent agenda are considered to be routine and non-controversial by Kern COG staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken. **ROLL CALL VOTE.**

**A. Approval of Minutes – September 17, 2020**

**B. Response to Public Comments**

**C. 2020 Community Transportation Needs Assessment Clean Mobility Options Voucher Consulting Contract Approval** (Napier)

**Comment:** At the August 20, 2020 Board meeting, the Kern COG Board reviewed and approved the grant-funding agreement from CALSTART's Clean Mobility Options a **Notice of Proposed Award** for our 2020 Community Transportation Needs Assessment Voucher in the amount of \$49,924. Providence Strategic Consulting, LLC serves as Kern COG's partner on this project and will be contracted to conduct this needs assessment. Their contract for services has been sent to County Counsel for review.

**Action:** approve the contract for the CALSTART Clean Mobility Needs Assessment between Kern COG and Providence Strategic Consulting, LLC in an amount not to exceed \$49,924 and authorize the Chair to sign.

**D. Local Clearinghouse: None.**

**\*\*\* END CONSENT CALENDAR - ROLL CALL VOTE \*\*\***

MOTION BY DIRECTOR CRUMP, SECOND BY DIRECTOR VALLEJO TO APPROVE THE CONSENT CALENDAR, MOTION CARRIED WITH A ROLL CALL VOTE.

**IV. STATUS OF THE CALIFORNIA VANPOOL AUTHORITY (CALVANS) (Napier)**

**Comment:** Ms. Napier presented the following information: Good evening Chairman and Members of the Board:

- The California Department of Transportation determined that the Kings County Area Public Transit Agency's vanpool programs should be replicated regionally as a means of addressing the non-traditional transportation needs of California resident.
- On October 21, 2011, certain public entities entered into an agreement to form a Joint Powers Authority known as the "California Vanpool Authority" or "CalVans". In Section 4 of Article IV of the Agreement provision was made for other public entities to join CalVans.
- Kern COG made a written request for inclusion as a member agency of CalVans and on July 19, 2012, the Board of Directors of CalVans voted unanimously to accept Kern COG as a member.
- In March 2020, CalVans released its Fiscal Year 2018/19 Financial Audit. After review of the Financial Report, it was noted that CalVans had a significant loss and did not have enough funds to pay its expenditures.
- During a Technical Advisory Committee meeting, it was discovered that CalVans had received grant-funded vehicles in which they made a "Lease Back" arrangement for \$1 million. According to CalVans staff, this was necessary because funds were needed to pay the expenditures, and this type of arrangement had been done in the past to generate additional funds to operate the program.
- At the April CalVans Board meeting, the Executive Director of the Kings County Area Public Transit Agency spoke concerning the issues outlined above and was told by the Board that this was the first time the Board had been informed there was a deficit, and that the prior and current Executive Director of CalVans had mortgaged assets without Board approval.
- CalVans management made several bad financial decisions including issuing over \$1.6 million in debt not approved by its Board.
- The Joint Powers Agreement states that the Board shall not obligate the Transit Authority to expenditures of funds not appropriated by the legislative bodies of the Member Agencies or received directly from the State or federal government.
- Approximately 21% (\$2,838,154) of the annual budget is associated with loan payments which are charged to the users of the system, resulting in rising rates that are more than twice the standard rates charged by the private sector.
- A Member Agency may withdraw from the Transit Authority by filing its written notice of withdrawal with the Executive Director 180 days before the actual withdrawal. Such a withdrawal shall be effective on the last day of that 180-day period.
- It should be noted that if Kern COG elects to withdraw from CalVans, the services to the riders in Kern County will continue uninterrupted as a result of our withdrawal.

The action request is either:

1. Continue as a Member Agency of the California Vanpool Authority; or
2. Direct staff to prepare written notice to the Executive Director of CalVans withdrawing from the California Vanpool Authority and authorize the Chairman to sign the letter.

Chairman Smith stated that he thought this organization provided a good service to the public and that the Board could wait and consider asking for more information from the Executive

Director of CalVans and ask for details on what the plans are to rectify this situation. Board Member Reyna asked what the benefit was to Kern COG to be a member. Board Member Vallejo stated that they now have a history of not keeping the Board informed. There was discussion about misusing public funds and needing to protect the public.

After further discussion, Executive Director Hakimi stated that if the Board wished to issue the withdrawal letter we would still have 180 days to potentially get more information and could most likely continue membership in CalVans if that was the Board's wishes.

Board Member Vallejo made a motion to direct staff to prepare written notice to the Executive Director of CalVans withdrawing from the California Vanpool Authority and authorize the Chairman to sign the letter; seconded by Board Member Couch; motion carried with a unanimous roll call vote.

**V. TRANSPORTATION AUTHORITY (None)**

**VI. CONGESTION MANAGEMENT AGENCY: (None)**

**VII. KERN MOTORIST AID AUTHORITY: (None)**

**VIII. MEETING REPORTS: (None)**

**IX. EXECUTIVE DIRECTOR'S REPORT:**

Executive Director Hakimi made the following report:

- Report on CDAC Meeting – September 29.
- Attended a COG Directors meeting on September 29 where the primary topic of discussion was the California Transportation Plan 2050 and the Valley COG Directors displeasure with the deemphasis on investment in roads and the states opinion that the state highway system is complete and doesn't need further emphasis.

**X. MEMBER STATEMENTS: (None)**

**XI. CLOSED SESSION: EXECUTIVE DIRECTOR EVALUATION.**

**XII. ADJOURNMENT: Seeing no other comments the meeting adjourned at 7:29 p.m. NEXT MEETING – November 19, 2020.**

Respectfully submitted,

ATTEST:

\_\_\_\_\_  
Bob Smith, Chairman

\_\_\_\_\_  
Ahron Hakimi, Executive Director

DATE: \_\_\_\_\_