



TUOLUMNE COUNTY TRANSIT AGENCY

Richard S. York
Chairman

Darin Grossi
Executive Director

August 14, 2024

Judge Kevin Seibert
c/o Hector Gonzalez
12855 Justice Center Drive
Sonora CA 95370

Re: Response to Grand Jury Report – Tuolumne County Transit Agency dated May 31, 2024

The Honorable Judge Seibert:

The following is submitted in response to the 2023-24 Grand Jury Report as it pertains to the Tuolumne County Transit Agency (TCTA). The TCTA wishes to extend their gratitude to the Grand Jury members for their time in preparing the final Grand Jury report. We recognize the importance of citizen reviews of local government services. While we note that the Agency has several inadequacies, we are pleased that no major deficiencies were found and that services are primarily good. Let it also be noted that these responses were presented and approved by the TCTA Board at the August 14, 2024 meeting. Please accept this as a joint response from the Executive Director and the TCTA Board.

The following are our responses to the 2024 Findings on the TCTA:

FI. The TCTA does not have clearly defined Goals and Objectives or a process to analyze if the desired results are being met.

Response 1: Partially Disagree: As noted in the Grand Jury Reports narrative, the TCTA does have a Mission Statement in the 2021 TCTA Strategic Plan. The Mission Statement is followed by Strategies which are collaboratively established between the Board and Executive Director.

Additionally, the Regional Transportation Plan (RTP) plays a critical role in establishing Goals and Objectives for all modes of transportation in Tuolumne County. The 2017 RTP adopted the following clearly defined Goals and Objectives for public transportation:

Goal: Provide safe, reliable, and effective public transportation.

Objective 1: Increase public transportation trips in Tuolumne County by improving performance, reliability, safety, security, and bus stop facilities. (*Regional Blueprint Greenhouse Gas Study*).

Policy 1.1: Implement and periodically update the Transit Development Plan for Tuolumne County Transit and be consistent with the RTP (*RTP Evaluation & Analysis Plan*).

Policy 1.2: Ensure the public transportation system gives special attention to the transit needs of seniors, the disabled, youth, and economically disadvantaged transit riders.

Policy 1.3: Convene the Social Service Transportation Advisory Council (SSTAC) at least quarterly and coordinate among public and social service transportation operations so as to ensure the highest level of efficiency and cost-effectiveness possible.

Policy 1.4: Actively pursue public input into the operation of the Public Transportation System. Conduct an annual unmet transit needs hearing and meet any unmet transit needs that are “reasonable to meet” according to the criteria established by the TCTC.

Policy 1.5: Pursue improved access to bus stops by improving the non-motorized transportation network for the community and those looking to access Tuolumne County Transit.

Policy 1.6: Pursue interregional transit funds for service that links regionally locations such as: Yosemite, Central Valley, Calaveras County, and the Bay Area.

Policy 1.7: Coordinate transit system development with community planning, development efforts, and the locally developed coordinated transit plan and emphasize transit-oriented development near bus stops with high service levels (*RTP Evaluation & Analysis Plan*).

Policy 1.8: Continue to pursue a plan to provide fixed route services on the weekend through Tuolumne County Transit (*RTP Evaluation & Analysis Plan*).

Policy 1.9: Encourage extension of Dial-A-Ride services to more areas on Saturday and also provide a Sunday service when feasible (*RTP Evaluation & Analysis Plan*).

Policy 1.10: Connect Park and Ride facilities with transit services, where possible (*RTP Evaluation & Analysis Plan*).

Policy 1.11: Support a major transit route transfer facility at the County Law & Justice Center (*RTP Evaluation & Analysis Plan*).

Policy 1.12: Support bus stop improvements in Downtown Sonora consistent with the Vision Sonora Plan (*RTP Evaluation & Analysis Plan*).

Policy 1.13: Ensure that all TCT fixed route buses are equipped with bicycle racks (*RTP Evaluation & Analysis Plan*).

Policy 1.14: Coordinate with local agencies, organizations and businesses to improve and install transit amenities at all bus stops including bus signage, lightning, and shelters (*Regional Blueprint Greenhouse Gas Study*).

Objective 2: Raise awareness of Public Transportation in Tuolumne County and promote partnerships with other transit agencies to maintain and expand transit services.

Policy 2.1: Improve the public's knowledge of available transit services through effective marketing of all public transportation services in Tuolumne County (*Regional Blueprint Greenhouse Gas Study*).

Policy 2.2: Maintain the partnership between TCTA and Yosemite National Park for the delivery of Yosemite transit service between Sonora and Yosemite Valley.

Policy 2.3: Maintain the partnership between TCTA and Dodge Ridge for the delivery of SkiBUS services on a seasonal basis.

Policy 2.4: Support special event services at qualifying public events to be served by Tuolumne County Transit to help mitigate congestion, improve air quality and positively affect community.

Policy 2.5: Support cost effective bus stop improvements along the State Highway through a streamlined permitting system.

A process to evaluate if Goals and Objectives are being met is fragmented.

F2. When TCTA was formed many administrative tasks were left incomplete, causing ambiguity concerning legal and human resources matters.

Response 2: Disagree: The Grand Jury was provided copies of TCTC agenda staff reports, resolutions, and meeting minutes documenting exactly how staff functions would occur when creating the TCTA whereby existing staff would continue to serve both the TCTC and public transit (TCTA). The meeting documents clearly show participation and support by legal counsel and the Human Resources Manager for using the same staff for both TCTC and TCTA functions. The County Administrator, Auditor Controller and City Manager were also consulted in the creation of the TCTA leading to the Joint Powers Agreement approval by both the City of Sonora and County of Tuolumne. Specific language in the July 27, 2011 background report states:

"The purpose of this agenda item is to inform the TCTC of this pressing situation and gain support for the approval of a Joint Powers Agreement between the County and City to create a new agency named the "Tuolumne County Transit Agency." This agency would be governed by the same Board members as the TCTC, and staff functions would be performed by the existing staff of the TCTC. No title or compensation changes are proposed with this reorganization."

The approved JPA stated:

"SECTION 6. MANAGER

*The Board **may** appoint a manager who shall be the chief administrative officer of the Agency and assume such other duties and responsibilities as the board may direct including, but not limited to, the execution of Agency documents and contracts when so authorized by resolution of the board. The manager shall serve at the pleasure of the board. Other employees may be hired as may be from time to time required."*

While the TCTA has the option to appoint a Manager to be the chief administrative officer. In its first adopted budget, the TCTA decided to continue to share the Executive Director with the TCTC, splitting the cost of the position 60% TCTC/40% TCTA, thereby reducing costs to the public.

Therefore, the Grand Jury accusation “there is no evidence the Executive Director position was ever created by the TCTA Board of Directors”, is categorically false.

The Grand Jury was provided a copy of the Joint Powers Agreement for the TCTC signed by both the County of Tuolumne and City of Sonora stating these agencies would provide support services to the TCTA and may be reimbursed for such services. Currently the County provides Accounting and Auditing, Legal Services, Human Resources, IT, Facility Management and other support services on an as needed basis. Some services are reimbursed directly through invoices such as legal services while many other services are reimbursed indirectly through what is known as A87 charges which are clearly shown in annual budgets. The Agreement specifically states:

“10.8. Other Personnel.

Additional professional and administrative staff will serve as employees of the TCTC to provide the support needed to carry out TCTC's responsibilities as the regional transportation planning agency for the Tuolumne County Region. TCTC employees will work under the direct supervision of the Executive Director. The specific positions and their duties and responsibilities are identified in the TCTC Organization and Procedures Manual.

Upon request of the Executive Director, the County Administrative Officer or City Manager may assign County or City personnel to perform work for the TCTC.

TCTC work assigned to County and/or City employees should be programmed and approved in the TCTC's annual Overall Work Programs and included in the TCTC's annual budgets. Compensation for the direct and indirect costs of work performed for the TCTC by County and City employees will be reimbursed to the respective Member Agency by the TCTC at the rate mutually agreed upon in advance.

The TCTC may annually negotiate an agreement with the Member Agencies for services that may include, but are not limited to, Treasurer, Auditor-Controller, Legal Services, Information Technology (IT) and Human Resources.”

Support services historically negotiated with the County and City has saved considerable costs to each agency. For this and other reasons, the agencies added the following section in the TCTA JPA:

“SECTION 2. AMENDMENT OF PREVIOUS AGREEMENT- CONTINUATION OF RIGHTS, DUTIES AND OBLIGATIONS

It is the purpose of this Agreement to take over the operations, rights, duties, and property informally carried out, incurred, and acquired by the Tuolumne County Transportation Council and the County of Tuolumne with respect to the Public Transportation System. All rights, duties, and obligations incurred thereby shall remain in full force and effect. The Agency is to be construed as having been in continual existence since its inception and no action previously taken is to be considered modified, amended, or otherwise affected by this Agreement.”

While the legal and documentation path to utilization of the Executive Director and existing TCTC staff for the TCTA is complicated, there is nothing fundamentally wrong with our process just because it is different than the Grand Jury’s suggestion. Furthermore, the joint powers agreement language for support services from the County and City are also perfectly valid.

F3. The current TCTA Public Information function is in poor condition.

Response 3: Partially Disagree: The TCTA public information system has many positive attributes not mentioned by the Grand Jury. The TCTA increases public awareness of public transit services with booths at the County Health Fair, Community Roots Resource Fair, 49er Festival and events at Columbia College, Advertisements on MyMotherlode.com, radio advertising, TV commercials and streaming impressions also promote Tuolumne County Transit. The TCTA website is utilized thousands of times each year for schedule and real time arrival information. The public can access considerable information via the website. However, some information was outdated when reviewed by the Grand Jury and other notable shortcomings do exist.

F4. TCTA does not have a written Citizen Complaint Procedure.

Response 4: Agree: As a small transit operator, the Federal Transit Administration does not require the TCTA to have an adopted formal complaint procedure for general service complaints.

F5. Storer Transportation Services (Storer) has failed to provide the bi-yearly summary reports required by their contract with TCTA.

Response 5: Agree.

F6. Storer consistently fails to meet the 95% on-time Performance Standard required by their contract with TCTA.

Response 6: Agree.

F7. TCTA Board members have an inadequate knowledge of the role and functions of the TCTA Board.

Response 7: Disagree: The Grand Jury made its finding based upon the written meeting minutes. The TCTA uses summary action minutes that often do not capture verbatim comments from Board members or staff. Frequently, the phrase "discussion ensued" is used to cover what can often be lengthy and detailed conversation between the Board and staff. It is wholly inappropriate for the Grand Jury to jump to the conclusion that "a lack of critical questioning by the Board" ... "lack of connecting the dots" ... or "There is no evidence to suggest that the Board and the Agency communicate regularly" simply because it was not included in meeting minutes that were never intended to capture such dialogue. Furthermore, it is unfair for the Grand Jury to disparage citizen Board members on the basis they could not recite the Board duties and responsibilities verbatim. The authors of this report had unreasonable expectations of technical aspects of TCTA's Board knowledge that would typically fall under the purview of staff. All TCTA meetings are recorded on video and can be viewed by the public and Grand Jury for a more accurate picture of the Board's knowledge and engagement.

F8. TCTA has very few written goals, objectives, policies, and procedures. Much of the "corporate knowledge" of TCTA operations is merely stored in the Executive Director's mind.

Response 8: Disagree: The goals, objectives, and policies of the TCTA are noted in response #1. Additionally, policies of the agency are written and stored in the agency's electronic filing system available to all staff and public. Furthermore, an adopted Organization and Procedures Manual provides substantial information about how to run the agency. Finally, a hierarchy of executive, senior and mid-level staff having 31, 15, 8 and 3 years' experience provides considerable continuity of institutional knowledge to new employees and Board members.

To say corporate knowledge of TCTA operations is merely stored in the Executive Director mind is simply incorrect.

The following are the TCTC and Executive Director's response to the Grand Jury Recommendations:

RI. The TCTA Executive Director should develop and implement TCTA goals and objectives, and a yearly process to analyze if the desired results are being met.

Response 1: Will not be implemented because it is not warranted. It is unclear why the Grand Jury incorrectly determined the TCTA did not have adopted Goals and Objectives. The RTP is Updated every 5 years at which time TCTA Goals and Objectives will be reconsidered. The TCTA receives semi-annual reports that monitor performance. The semi-annual report will be re-formatted to clear analyze if desired results are being met.

R2. The TCTA Executive Director and the TCTA Board of Directors should meet with Tuolumne County Office of County Counsel and the Office of Human Resources and Risk Management to ensure all agencies are working in conceit.

Response 2: Has not yet been implemented but will be implemented in the future. Since many Human Resources and Legal Counsel staff that originally developed the TCTA Joint Powers Agreement are no longer with the County and have been replaced by relatively new staff that understandably lack institutional knowledge, the Executive Director will meet with leaders of each department to ensure their personally aware of existing agreements for support services and reimbursement methodologies.

R3. After developing Public Information goals and objectives, the TCTA should either assign employees to the Public Information system or contract for such services.

Response 3: Has been implemented. Over the years TCTA has utilized both existing staff and services contracts for public information efforts. As with many small agencies, funding of a public information officer is an unaffordable luxury. Thus, public information and transit marketing activities are included in the adopted Transit Planner job description as follows:

- *Develop and direct the design, production and distribution of specific marketing materials directed at human services agencies and other entities.*
- *Assists in studies related to transportation issues, public outreach, agency coordination.*
- *Assists in monitoring the activities of the contract operator for the County's public transit system, assists staff in updating transit information at bus stops, online, and in creating general notices regarding public transit services.*

The TCTA has programmed grant funding for restoration of a public transit marketing/social media service contract. The restored marketing and social media program will be developed in consideration of concerns noted by the Grand Jury.

R4. TCTA and the TCTA Board of Directors should establish a written Citizen Complaint procedure. Upon establishing a Citizen Complaint procedure, TCTA should ensure that the process is known to the public by, at a minimum, posting information on the web, on social media sites, on buses, at bus stops, and on brochures. TCTA should also release yearly statistics to the public concerning the number, type, and outcome of complaints.

Response 4. Has not yet been implemented but will be implemented in the future. The TCTA could do better, by having a formal complaint submittal, response and reporting procedure adopted. Therefore, adoption of a formal complaint procedures process will be prioritized. The online submittal form is already operational, and a formal complaint procedure will be created, adopted and posted by January 31, 2025.

Currently, complaints are accepted by phone, email, in person or through websites by both the TCTA and Storer Transit. Plus, we do have an online “comment” form which can be submitted with the push of a button. Dozens of complaints are received from the public via these formats and responded to each year leading staff to believe this is not an actual problem. Copies of complaints and responses were provided to the Grand Jury.

R5. TCTA should take actions it deems appropriate to ensure Storer begins and continues to provide all reports that are required by their contract with TCTA.

Response 5: Has not yet been implemented but will be implemented in the future. Storer has been deficient in terms of reporting and on time performance. Staff has worked with Storer management to ensure all required reports are submitted monthly and provide the data pertaining to performance criteria beginning in June 2024. These performance criteria will be included in semi-annual reports to the TCTA Board at a public meeting. A supplemental performance report containing previously omitted information will be presented at a future meeting before the end of the calendar year. The omitted information will be added to all subsequent semi-annual performance reports.

R6. TCTA should either sanction Storer for failing to meet the 95% on-time Performance Standard to improve Storer's performance, or TCTA and Storer should negotiate a change in this Performance Standard to a more realistic figure.

Response 6: Requires further analysis. The on-time performance standard of 95% will be reconsidered in the Short-Range Transit Plan update.

R7. TCTA and the TCTA Board of Directors should institute a formal on-boarding procedure for new TCTA Board members that covers the history of the agency, TCTA differences with Tuolumne County Transportation Council and the Tuolumne County Transportation Council Board, functions of the Agency, contract specifics, and the role of both the board and TCTA Executive Director.

Response 7: Has not yet been implemented but will be implemented in the future. Presently, new Board members have the option to meet with the Executive Director before monthly meetings to go over agenda items and review historical information about the organization. The on-boarding process will be memorialized in writing and amended into the Organization and Procedures Manual.

R8. The TCTA Board of Directors should direct the Executive Director to establish a written "Transition Plan" to allow the agency to function efficiently when the current Executive Director leaves the position. This "Transition Plan" should include goals, objectives, policies, and procedures that will enhance agency operations and memorialize corporate knowledge.

Response 8: Will not be implemented because it's not warranted. As noted above, goals, objectives, and policies of the TCTA are already adopted. This information is written and stored in the agencies electronic filing system available to all Board members, staff and public. Furthermore, an adopted Organization and Procedures Manual provides substantial information about how to run the agency. A hierarchy staff having 15-, 8- and 3-years' experience provides considerable continuity of institutional knowledge to new employees and Board members.

The TCTA considered the upcoming retirement of the Executive Director in the 2021 Strategic Plan and determined the recruitment and training of staff was the best approach to ensuring a smooth transition from the Executive Director retirement. The agency is in the process of recruiting an Assistant Director. The Assistant Director will work side by side with the Executive Director. This should provide adequate transition of knowledge to enable the agency to carry on without disruption upon the retirement of the Executive Director.

Respectfully submitted,

A handwritten signature in blue ink that reads "Darin Grossi". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Darin Grossi, Executive Director
Tuolumne County Transit Agency