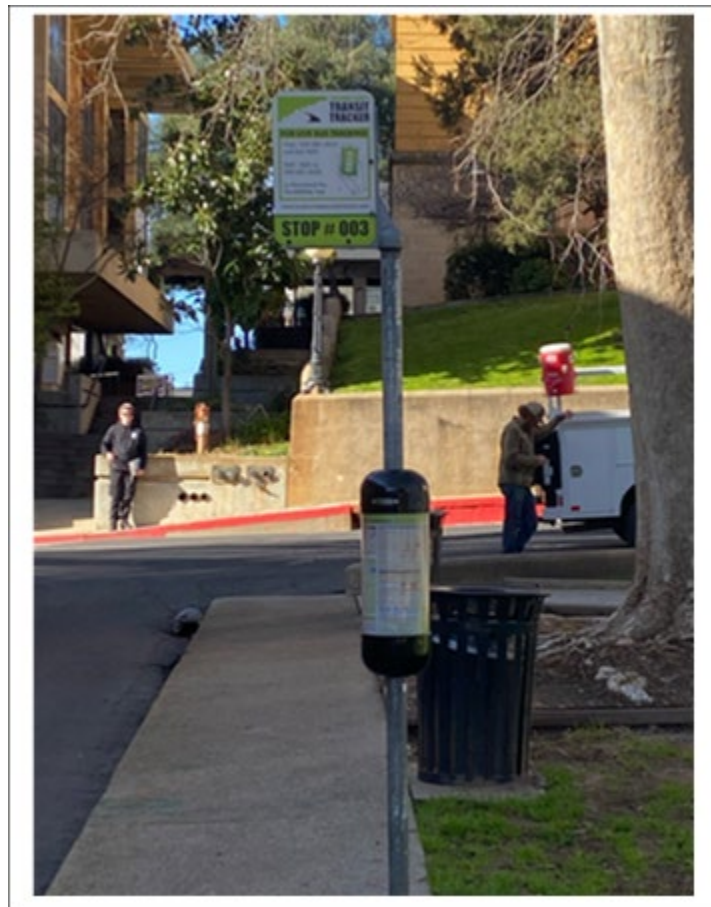




TUOLUMNE COUNTY TRANSIT AGENCY REPORT May 31, 2024



Tuolumne County Bus Stop Downtown at Courthouse Park

SUMMARY

In 2023, 72,000 rides were taken by county residents using the Tuolumne County Transit system to meet their transportation needs. The riders were largely seniors, disabled individuals, and students that are dependent upon public transportation for their daily activities. Often, the Tuolumne County Transit Agency is truly their lifeline to essential services.

The 2023-2024 Tuolumne County Grand Jury found that the agency in charge of the local public transportation system, the Tuolumne County Transit Agency (TCTA), does a satisfactory job of providing these services and has a dedicated staff striving to provide this necessary service. However, the service provided to the public is hampered due to a poorly functioning public information system, no existing citizen complaint procedure, lax enforcement of contractor obligations, inadequate written operational and administrative policies and procedures, and insufficient communication between the TCTA Board and the TCTA Executive Director.

The Grand Jury identified eight findings and recommendations to alleviate the current limitations and to use the currently available resources to better serve the public.

The Tuolumne County Transit Agency (TCTA) is an independent Joint Powers Agency that is in no way subordinate to the similarly named Tuolumne County Transportation Council (TCTC). To avoid confusion between these two wholly separate agencies this report will refer to Tuolumne County Transit Agency by its acronym (TCTA) and the Tuolumne County Transportation Council by its full name.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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GLOSSARY

TCTC	Tuolumne County Transportation Council The Tuolumne County Transportation Council is a joint powers agency between the County of Tuolumne and the City of Sonora that is responsible for developing transportation improvements that reflect the needs, concerns, and actions of all the agencies (including Tribal Governments) involved in the Tuolumne County region, while contributing to the region's mobility needs, economic health, and environmental quality.
TCTA	Tuolumne County Transit Agency The Tuolumne County Transit Agency is a joint powers agency between the County of Tuolumne and the City of Sonora that is responsible for the administration and operation of the Regional Public Transportation System, Tuolumne County Transit. Their Mission Statement is to "Provide safe, reliable and effective public transportation."
JPA	Joint Powers Agency An independent government entity formed by two or more government entities to solve mutual problems, fund a project, or act as a single representative entity for specific activities. These agencies are run by their own boards and are not subordinate to the agencies that formed them.
TCGJ	Tuolumne County Grand Jury

BACKGROUND

The Grand Jury chose to investigate the TCTA due to input from the public and from initial observation and investigation by the Grand Jury.

A Tale of Two Bus Stops

We first looked at two of TCTA's bus stops. The newest, most expensive bus stops were recently installed on Stockton Street as part of a major project. According to the Sonora Union Democrat, the cost of the project exceeded \$3 million.

The other bus stop is on West Jackson Street at Courthouse Square. This was the primary downtown bus stop prior to the Stockton Street project; however, the buses no longer stop there.

The bus stop on West Jackson, the original downtown bus stop, still has a bus stop sign, a current bus schedule, and a sign showing a long-defunct transit app. However, the bus has not stopped here for months. Furthermore, at the new bus stop on Stockton Street, there is no bus schedule posted, nor are there security cameras or informational kiosks as were described by TCTA during construction of the stops.

The discrepancies of these two bus stops, along with citizen complaints, made the Jury curious about TCTA management. What is the process for making decisions, major and minor? Who does what? What policies and procedures guide them? Where does the responsibility lie? Are the roughly 5 million dollars a year of taxpayer money being spent wisely by TCTA?

METHODOLOGY

The first questions we asked were as follows:

- What is a Joint Powers Authority?
- Why does TCTA exist?
- What is its mission?
- How is its success measured?

We found that a Joint Powers Agency, such as TCTA, is an independent government entity that is formed by two or more government entities to solve mutual problems, to fund a project, or to act as a single representative entity for specific activities. In the case of TCTA, Tuolumne County and the City of Sonora formed the TCTA JPA to run the local transportation system. It is important to remember that TCTA is an independent entity and is run by its own board. It is not a subdivision of either the county or the city. It is also not a subdivision of, or in any way subordinate to, the Tuolumne County Transportation Council.

The Grand Jury gained an understanding about TCTA after speaking with various city and county employees and board members, obtaining documentation from both the city and county concerning the formation of TCTA, researching extensively online, and reading Tuolumne County Transportation Council and TCTA Board of Directors minutes.

In 1967, the Tuolumne County Board of Supervisors and the Sonora City Council formed a Joint Powers Agency known as the Tuolumne County and Cities Area Planning Council.

In 2003, to acknowledge the increased role of this organization as the Regional Transportation Planning Agency (RTPA) for the area, the name was changed to the Tuolumne County Transportation Council.

In 2010, this JPA was altered to, among other things, transfer the responsibilities for the “Public Transportation System” from the Board of Supervisors to the Tuolumne County Transportation Council.

In 2011, Caltrans informed the Tuolumne County Transportation Council that RTPA’s were not eligible to receive certain funds and that either legislative action would be required to allow the funds to come to the Tuolumne County Transportation Council, or a separate JPA would need to be formed to receive the funds and operate the “Public Transportation System.” The Sonora City Council and the Tuolumne County Board of Supervisors decided to remove the responsibility of running the “Public Transportation System” from the Tuolumne County Transportation Council JPA and to form a separate and independent JPA. This new JPA was named the Tuolumne County Transit Agency (TCTA).

Extensive documentation shows that the intention of both the Sonora City Council and the Tuolumne County Board of Supervisors in their formation of the TCTA was to utilize the same personnel as currently staffing the Tuolumne County Transportation Council. Although TCTA would be governed by a separate board of directors, the board would be made up of the same

individuals that served as the board of directors for the Tuolumne County Transportation Council.

This situation of having two separate and distinct JPA's, with legally different sets of responsibilities and distinct boards of directors made up of the same individuals both as staff and board members, often leads to confusion as to which organization is responsible for what function. However, during this investigation, the Grand Jury attempted to keep its focus purely on the **TCTA role**, the **TCTA functions**, the **TCTA staff**, and the **TCTA Board of Directors**. This was sometimes difficult, as not only are the lines between the two agencies ill-defined, but all the individuals we spoke with had a difficult time keeping the roles and responsibilities of the two agencies distinct. Few, if any, individuals could articulate what the mission of TCTA was and/or how their efforts were designed to accomplish that mission.

According to the "2021 Strategic Plan Update for the Tuolumne County Transportation Council and the Tuolumne County Transit Agency", the TCTA Mission is to "Provide safe, reliable and effective public transportation. In fulfilling its mission, the TCTA Board and staff will strive to serve transit-dependent persons, include transportation opportunities for residents and visitors, and assist in developing a full spectrum of pedestrian, cyclist, personal, and commercial vehicle, and air travel transportation options".

TCTA states that their goals and objectives are the same as the Mission stated above. However, the Grand Jury was unable to find any documentation titled "Goals and Objectives", nor a directive for employees with regards to the mission, goals, or objectives, nor any process designed to evaluate if goals had been met.

The Grand Jury did obtain the 2021 Strategic Plan that puts forth what TCTA states are its goals and objectives. However, the effects of not having clearly stated goals and objectives nor data for understanding if TCTA is meeting the goals and objectives became more evident as the Grand Jury investigation proceeded.

The Grand Jury found that when TCTA was formed there were many actions that the TCTA Board of Directors failed to take. For instance, there is no evidence that the TCTA Executive Director position was ever created by the TCTA Board of Directors. The current position of TCTA Executive Director is employed under a job description written by the Tuolumne County Transportation Council in 2010 and was never approved by the TCTA Board. In that 2010 Executive Director job description, the very first example of "duties" is "Oversees the development and implementation of TCTC goals, objectives, policies and procedures". No corresponding directive for the TCTA "goals, objectives, policies and procedures" was found.

The Grand Jury found no evidence of a contract or other formal agreement between the TCTA Board of Directors and the Tuolumne County Counsel for the delivery of legal services to TCTA. Likewise, there does not seem to be any agreement between Tuolumne County Human Resources & Risk Management and the TCTA Board of Directors to provide services to TCTA.

TCTA relies on actions taken by the Tuolumne County Transportation Council before the formation of TCTA and on inference from specific actions of the TCTA board to rationalize the existence of such actions and directives. However, members of both the County Counsel's Office

and the Human Resources and Risk Management Office do not share the same opinion. It is important to note that both Human Resources and County Counsel have provided some services to TCTA.

After our initial look at the two bus stops in downtown Sonora and gaining an understanding of the formation and structure of the TCTA, the Grand Jury examined the TCTA online presence by searching their websites, Facebook and Instagram accounts, and various online links promoted by TCTA on these public facing tools. The results were uninformative.

Confidentiality

Grand Jury members are sworn to secrecy regarding any matter brought before them. This assures all individuals that their testimony will be strictly confidential. Each Grand Juror must keep all evidence confidential. It is a misdemeanor to violate the confidentiality of any individual or evidence brought before the Grand Jury.

Recusal

The Grand Jury recognizes that a conflict of interest may arise during its investigations. In such instances the juror may ask to be recused from all aspects of an investigation. Those members do not investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result from an investigation.

Therefore, whenever the perception of a conflict of interest existed on the part of a member of the 2023-2024 Tuolumne County Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejections of any related subject.

FIRST CHAPTER OF THE REPORT or DISCUSSION

TCTA Public Information System

The TCTA uses two primary web sites to provide information to the public.

Website 1: <https://www.tuolumnecountytransportationCouncil.org/>

The above webpage is more of an administrative web site and is shared with the Tuolumne County Transportation Council. Both the URL (containing the phrase Tuolumne County Transportation Council) and the Home Page construction (Tuolumne County Transportation Council on top and in Capital letters, while Tuolumne County Transit Agency is beneath and in lowercase) make it appear that the TCTA is a subordinate agency to the Tuolumne County Transportation Council, which it is not.

The same website contains links to the Tuolumne County Transportation Council and TCTA Board of Directors meeting agendas and minutes, the Tuolumne County Transportation Council and TCTA budgets, and information concerning the two boards. The Grand Jury also noted that the link to the contract between Storer Transportation Services and TCTA actually shows an expired contract rather than the current contract.

Website 2: <https://www.tuolumnecountytransit.com/>

The second site is the public face of the Tuolumne County Public Transportation System. The website is not up-to-date, and the administrator is not apparent. On the home page, there is a red banner listing “Covid-19 Precautions” and stating that “Passengers need to reserve trips by calling into the dispatch center at 209-532-0404”. The home page also provides a link that states “Tuolumne County Transit is providing FREE rides to Tuolumne County vaccination site(s)”.

Icons across top of the home page under the search bar are as follows:

RSS Feed: Link Does Not Work

Bus Icon: Takes you to a google page that explains to transit agencies how to use Google Transit. It does nothing for a user and may be a remnant from an app TCTA no longer uses.

Instagram Icon: Brings you to TCTA Instagram page where few recent posts appear.

Facebook Icon: Brings you to TCTA Facebook page where there have been 4 posts in 2024 as of May 15, 2024.

YouTube Icon: Most recent posting is over a year old; most are 3 and 4 years old.

Another issue the Grand Jury noted, was at the tab for “Sonora Loop. Per that bus schedule, the Courthouse Square bus stop is noted as “On-Demand” which means that riders must call to be picked up. Using the same webpage to find out when the bus stops at the new Stockton Street bus stops, the Grand Jury found that there is no listing for the Stockton Street bus stops. There is

a link for “Full Schedule/Brochure” but that link states that riders must “Flag” the bus driver for the bus to stop at Stockton Street near Save Mart.

The Grand Jury’s findings corroborate the public’s concerns regarding the poor quality of public information found online with regards to TCTA and bus schedules. The Grand Jury interviewed TCTA staff to understand the issues surrounding public information.

The Grand Jury discovered the following:

- a. There are no written goals or objectives for a TCTA public information program. Specifically, there are no written goals or objectives for the Web Sites, the Facebook Page, the Instagram Account, the YouTube Account, or any other means of reaching the public.
- b. The Grand Jury can find no criteria that defines what information TCTA wants on the web sites.
- c. There are no established criteria for what information TCTA wants at each bus stop.
- d. There are no established criteria for what information TCTA wants on each bus.
- e. No TCTA employee has any written direction in establishing or maintaining public information.
- f. There is no process to determine the effectiveness of any TCTA public information efforts.

How Do I Complain?

The Grand Jury could not locate information pertaining to a TCTA complaint procedure on the TCTA website, nor on any of the buses or bus stops, nor in TCTA brochures.

After much research, the Grand Jury found the following:

- a. There is a “Tuolumne County Transit Customer Comment/Complaint Form” on the TCTA web site. Under “Resources” on the Home Page, there is a drop-down menu. Under “Documents and Links”, there is a tab titled “Customer Complaint Form”. However, the form cannot be filled out or submitted online. There is no information as to how it should be filled out or to whom it should be submitted.
- b. TCTA does not have a written citizen complaint procedure or policies concerning citizen complaints.
- c. TCTA forwards most complaints it receives to Storer Transit Services which has a one paragraph complaint process.
- d. TCTA does not report out to the public concerning the number, the type, the outcome, or any other information about the reports they and/or Storer receive.

We Go There, We Get You There

The purpose of forming TCTA JPA as stated in its 2011 Joint Powers Agreement was to create an agency “...with full power and authority to own, operate and administer a public transportation system within the boundaries of the County of Tuolumne...”. TCTA accomplishes this in large measure by contracting for professional services.

By far the largest contract TCTA has entered to provide professional services is with Storer Transportation Services. The current contract became effective on July 1, 2021, and runs through June 30, 2025, with a two-year extension available if Storer and the TCTA Board of Directors agree on the extension. The contract calls for Storer to “manage, operate and maintain the Tuolumne County regional public transportation system, Tuolumne County Transit, to the TCTA’s satisfaction”.

The contract imposes extensive performance standards, record keeping, and reporting requirements. It also states that all services rendered by Storer shall meet the performance criteria as set by TCTA.

Under the terms of the contract, in the event of Storer’s noncompliance with the provisions of the contract, TCTA shall impose contract sanctions as deemed appropriate. Furthermore, the TCTA Executive Director may issue a Notice of Deficiencies to the Contractor in the event of unsatisfactory performance. This notice will specify what improvements are necessary.

The fourteen performance standards that Storer Transit Services is obligated to meet are clearly listed in Exhibit “C” Section I of the contract. Each performance standard has an associated “monitoring” component that lays out how the performance will be documented. Each performance standard also has a liquidated damages/incentive component which describe the possible sanctions for failing to meet the standard but also rewards for Storer delivering commendable service.

Two notable portions of the performance standards are items 6-9, which deal with on-time performance, and item 11 which deals with monthly management reports. Item 6 sets a 95% on-time standard and states, “Periods to be exempted from monitoring, such as during sever winter storms, will be negotiated between the TCTA and the Contractor on an as needed basis.”

Exhibit “C” Section II, Records and Reports, of the contract specifies amongst other items, the reports, their content, and their due dates that Storer is required to submit to TCTA. These reports are designed to allow TCTA to evaluate and analyze the type and quality of the services Storer is providing pursuant to the contract.

Exhibit “C” Section II, Records and Reports, B Reports, 1) “Reports Due on a Monthly Basis” spells out fourteen specific items that Storer is required to report upon each month. It is important to note that the contract states that the “December Report shall include a year-to-date summary for the first six months of the fiscal year in all categories and the June Report shall include a year-end summary in all categories covering July 1st through June 30th of the full fiscal year”.

The Grand Jury reports the following findings:

- a. Storer Transportation Services by and large performs its services well and in accordance with the contract.
- b. Storer Transportation Services often fails to fulfill the reporting requirements specified in the contract, especially concerning the bi-yearly summary reports.

- c. Storer Transportation Services often fails to meet the 95% On-Time Performance Standard listed in the contract. In fact, the Grand Jury could find no reports produced by Storer or TCTA showing a period of time when this Performance Standard was met.
- d. TCTA has never issued a “Notice of Deficiencies” to Storer.
- e. TCTA has never sanctioned Storer Transit Services for failing to meet reporting requirement such as the “December Report shall include a year-to-date summary for the first six months of the fiscal year in all categories and the June Report shall include a year-end summary in all categories covering July 1st through June 30th of the full fiscal year”.
- f. TCTA can produce no records of any semi-annual reports for the period covered under the current contract.
- g. TCTA has never kept a written Record of “exemptions” negotiated pursuant to the on-time performance section of the contract.
- h. TCTA has never sanctioned Storer in any way for failing to meet the 95% On-Time Performance standard.
- i. TCTA has never attempted to amend the 95% On-Time Performance standard even though the standard has rarely been met.

Talk To Me

During the investigation, the Grand Jury looked into the role that the TCTA Board of Directors plays in the functioning of the TCTA. The TCTA Board of Directors meeting minutes indicate a lack of critical questioning by the Board concerning the performance of Storer and other contractors. The Grand Jury also wondered about the lack of “connecting the dots” when the agency was formed. Also, the minutes do not contain information about contract compliance presented to the Board.

For example, when Storer failed to provide the semi-annual performance reports, it was not noted in the Board minutes. TCTA did not pursue it and the board never asked about it. It is noteworthy as the TCTA Board will be tasked with evaluating the performance of Storer when it is time to extend, or to not extend, the contract for an additional two years.

The Grand Jury interviewed board members concerning the role of the board, the mission of the agency, the goals and objectives mentioned in the Executive Director’s job description, the evaluation process for the Executive Director, the oversight of the Storer contract, the reports they received from TCTA, and the process by which the Storer contract would be evaluated.

The Board members’ responses to interview questions demonstrated a lack of understanding regarding the Board’s duties and responsibilities. The Board members were unable to state the TCTA’s mission or the written goals and objectives of the agency. Board members were confused about the criteria used to evaluate the TCTA Executive Director, and the Board members did not know who evaluated the Executive Director’s performance. The Board members understood that the TCTA Board of Directors evaluated the TCTA Executive Director. However, the Grand Jury could find no evidence that this has ever happened. In fact, it is the Tuolumne County Transportation Council Board that evaluates the Tuolumne County Transportation Council Executive Director. Again, no action by the TCTA Board on this matter can be found. Board members exhibited a lack of knowledge regarding the criteria for extension

of the Storer and/or if it was the Board that approved it. The Board members did not seem to be concerned with receiving the regular reports on performance standards as required by the Storer contract. There is no evidence to suggest that the Board and the Agency communicate regularly.

FINDINGS AND RECOMMENDATIONS

Findings

F1. The TCTA does not have clearly defined Goals and Objectives or a process to analyze if the desired results are being met.

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

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

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

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

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

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

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.

Recommendations

R1. 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.

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 concert.

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

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.

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.

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.

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.

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.

REQUEST FOR RESPONSES

Required Responses

Pursuant to Penal Code Sections 933 and 933(c), responses are required from the following governing body within 90 days.

- TCTA Board of Directors: Findings F2, F4, F7, F8 and Recommendations R2, R4, R7, and R8

Invited Responses

Although not required under Penal Code Sections 933 and 933(c), the following responses are invited within 90 days.

- Executive Director of the Tuolumne County Transportation Council acting as the Executive Director of the TCTA: Findings F1-F8 and Recommendations R1-R8

BIBLIOGRAPHY

Tuolumne County Transit Annual Performance Report 2023

2021 Tuolumne County Transportation Council and TCTA Strategic Plan

Joint Powers Agreement Forming TCTA

Conceptual Approval of TCTA

Latest Tuolumne County Transportation Council Executive Director Contract with Job Description

Contract between Storer and TCTA

Nevada County Grand Jury Report on JPA's

Storer Citizen Complaint Policy