



Imperial County Local Transportation Authority

1503 N. Imperial Ave., Suite 104, El Centro, CA, 92243
Phone: 760-592-4494 | Fax: 760-592-4410

AGENDA

WEDNESDAY

JANUARY 25, 2023

6:00 PM or immediately after the ICTC meeting

LARGE CONFERENCE ROOM

1503 N. IMPERIAL AVE., SUITE 104
EL CENTRO, CA 92243

CHAIRPERSON: MARIA NAVA-FROELICH

EXECUTIVE DIRECTOR: DAVID AGUIRRE

In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting on the LTA's website: <https://www.ltaimperial.com/>

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, Executive Order N-29-20, please contact the Secretary to the Commission at (760) 592-4494 if special assistance is needed to participate in a LTA meeting, including accessibility and translation services. Assistance is provided free of charge. Notification of at least 48 hours prior to the meeting time will assist staff in assuring reasonable arrangements can be made to provide assistance at the meeting.

To join by zoom meeting click on the following

link: <https://us06web.zoom.us/j/82313040216?pwd=ZW1IT013eFZwQW4yTENxcTN0clZWQT09>

To join the meeting by phone, dial 669-444-9171 and enter Meeting ID: 823 1304 0216 followed by the Passcode: 931853

I. CALL TO ORDER AND ROLL CALL

II. ACTION CALENDAR

- A. Adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361 Page 3

With LTA's Counsel's direction, the Interim Executive Director forwards this item to the Authority for review and approval after public comment, if any:

1. Approve the resolution of the Imperial County Local Transportation Authority authorizing remote meetings in accordance with the provisions of the State Assembly Bill (AB) 361.
2. Authorize the Chairperson to sign the resolution.

III. EMERGENCY ITEMS

- A. Discussion/Action of emergency items, if necessary.

IV. PUBLIC COMMENTS

This is an opportunity for members of the public to address the LTA Board on any subject matter within the LTA's jurisdiction, but not an item on the agenda. Any action taken because of a public comment shall be limited to direction to staff. In compliance with the Assembly Bill 361, the meeting will be held remotely and in person. Each speaker should contact the Secretary to the Commission at (760) 592-4494 or by email to cristilterma@imperialctc.org. When addressing the Board, state your name for the record prior to providing your comments. Please address the Board as a whole, through the Chairperson. Individuals will be given three (3) minutes to address the Board; groups or topics will be given a maximum of fifteen (15) minutes. Public comments will be limited to a maximum of 30 minutes. If additional time is required for public comments, they will be heard at the end of the meeting. Please remember to follow the Public Comment Code of Conduct and respect all people that are present or watching, obey the direction of the Chair and Secretary to the Commission.

V. CONSENT CALENDAR

- A. Approve Minutes for October 26, 2022 Pages 6-8

VI. ACTION CALENDAR

- A. Additional Fund Request to the Local Transportation Authority (LTA) – Traffic Control Assistance for Southbound Peak Traffic on State Route 111-Imperial Avenue, Cesar Chavez Boulevard and Second Street to the Downtown Calexico West Port of Entry Pages 10-23

The Management Committee met on January 11, 2023, and forwards the following recommendation(s) to the Authority for review and approval after public comment, if any:

1. Approve the allocation to the City of Calexico for additional funding needed in the amount of \$250,000 for one year from the Measure D 5% Highway set-aside allocations for FY 2023-24.
2. Authorize the Chairman to sign a one-year extension for FY 2023-24 to the Memorandum of Understanding (MOU) between the City of Calexico and the Imperial County Local Transportation Authority.

VII. ADJOURNMENT

- A. Motion to Adjourn.

**RESOLUTION OF THE IMPERIAL COUNTY LOCAL TRANSPORTATION
AUTHORITY AUTHORIZING REMOTE MEETINGS IN ACCORDANCE WITH THE
PROVISIONS OF STATE ASSEMBLY BILL 361.**

RESOLUTION NO._____

WHEREAS, the County of Imperial is committed to preserving and nurturing public access and participation in meetings of the Imperial County Local Transportation Authority and other public meetings subject to the Ralph M. Brown Act (“Brown Act”); and

WHEREAS, with the adoption of State Assembly Bill 361 (“AB 361”), section 54963(e) of the California Government Code was amended to make provisions for remote teleconferencing participation in meetings by members of a local legislative body, without compliance with the requirements of 54953(b)(3) of the California Government Code, subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to section 8625 of the California Government Code, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in section 8558 of the California Government Code; and

WHEREAS, on March 4, 2020, the Governor proclaimed pursuant to his authority under 8625 of the California Government Code, that a state of emergency exists with regard to the novel coronavirus (a disease now known as COVID-19); and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021, did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to section 8629 of the California Government Code to lift the state of emergency, either by proclamation or by concurrent resolution in the State Legislature; and

WHEREAS, the Local Health Officer for the County of Imperial has recommended that the local legislative bodies that are subject to the Brown Act continue to meet remotely when possible, and that social distancing continues to provide a means by which to reduce the transmission of COVID-19; and

WHEREAS, Imperial County Local Transportation Authority believes that it is in the best interest of the public to continue holding remote meetings during the existing state of emergency in accordance with the requirements of AB 361.

NOW, THEREFORE, the Imperial County Local Transportation Authority resolves as follows:

- (1) The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
- (2) A proclaimed state of emergency exists as a result of the COVID-19 pandemic.
- (3) The Local Health Officer recommends that all local legislative bodies local legislative bodies that are subject to the Brown Act continue to meet remotely when possible, and that social distancing continues to provide a means by which to reduce the transmission of COVID-19
- (4) The staff of the Imperial County Local Transportation Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including implementing social distancing measures at meetings, and conducting meetings in accordance with section 54953(e) of the California Government Code, and other applicable provisions of the Brown Act.
- (5) This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Imperial County Local Transportation Authority takes action to extend the time during which it may continue to meet remotely without compliance with section 54953(b)(3) of the California Government Code.

PASSED AND ADOPTED by the Imperial County Local Transportation Authority, County of Imperial, State of California, this _____, by the following roll call vote:

| Agency | Yes | No | Abstain | Absent |
|--------------------|------------|-----------|----------------|---------------|
| Brawley | | | | |
| Calexico | | | | |
| Calipatria | | | | |
| El Centro | | | | |
| Holtville | | | | |
| Imperial | | | | |
| Westmorland | | | | |
| County of Imperial | | | | |
| County of Imperial | | | | |

MARIA NAVA-FROELICH
 Chair

ATTEST:

CRISTI LERMA
 Secretary to the Commission

V. CONSENT CALENDAR

A. APPROVE MINUTES FOR OCTOBER 26, 2022



Imperial County Local Transportation Authority

1503 N. Imperial Ave., Suite 104, El Centro, CA, 92243
Phone: 760-592-4494 | Fax: 760-592-4410

**MINUTES FOR
October 26, 2022**

VOTING MEMBERS PRESENT:

| | |
|---------------------|----------------------|
| City of Brawley | George Nava |
| City of Calipatria | Maria Nava-Froelich |
| City of Calexico | Absent |
| City of El Centro | Cheryl Viegas-Walker |
| City of Imperial | Absent |
| City of Holtville | Mike Goodsell |
| City of Westmorland | Ana Beltran via zoom |
| County of Imperial | Absent |
| County of Imperial | Luis Plancarte |

STAFF PRESENT: David Aguirre, Cristi Lerma (zoom), Michelle Bastidas, Virginia Mendoza, Angela Delgadillo, Eric Havens (Counsel)

OTHERS PRESENT: David Salgado: SCAG, Gustavo Dallarda: Caltrans (zoom)

I. CALL TO ORDER AND ROLL CALL

Meeting was called to order by Chair Nava-Froelich at 7:28 p.m. and roll call was taken.

II. ACTION CALENDAR

A. Adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361

1. Approved the resolution of the Imperial County Transportation Commission authorizing remote meetings in accordance with the provisions of the State Assembly Bill (AB) 361.
2. Authorized the Chairperson to sign the resolution.

A motion was made by [Viegas-Walker](#) and seconded by [Nava](#), roll call:

| Agency | Roll Call |
|------------------------------|-----------|
| City of Brawley | Yes |
| City of Calipatria | Yes |
| City of Calexico | Absent |
| City of El Centro | Yes |
| City of Holtville | Yes |
| City of Imperial | Absent |
| County of Imperial Plancarte | Yes |
| County of Imperial Kelley | Absent |
| City of Westmorland | Yes |

Motion Carried.

III. EMERGENCY ITEMS

There were none.

IV. PUBLIC COMMENTS

There were none.

V. CONSENT CALENDAR

- A. Approved minutes for June 22, 2022. A motion was made by [Viegas-Walker](#) and seconded by [Goodsell](#) as presented, roll call:

| Agency | Roll Call |
|------------------------------|-----------|
| City of Brawley | Yes |
| City of Calipatria | Yes |
| City of Calexico | Absent |
| City of El Centro | Yes |
| City of Holtville | Yes |
| City of Imperial | Absent |
| County of Imperial Plancarte | Yes |
| County of Imperial Kelley | Absent |
| City of Westmorland | Yes |

Motion Carried.

VI. REPORTS

- A. Mr. Aguirre reviewed the report on page 11 of the agenda. There were no questions.

VII. ACTION CALENDAR

- A. SR 78/86 Checkpoint Improvement Project Engineering Services – Change Order No. 2 – Contract Amendment

The Management Committee met on October 12, 2022, and forwarded this item to the LTA Board for review and approval after public comment, if any:

1. Approved the contract amendment to the Engineering Consultant Agreement for the SR86 Checkpoint Improvement Project with AECOM in the amount of \$139,000.00 modifying the total contract value to \$641,000.00.
2. Authorized the Chairperson to sign the contract amendment.

A motion was made by [Viegas-Walker](#) and seconded by [Plancarte](#) as presented, with a comment that all backup be provided online prior to the meeting. Roll call:

| Agency | Roll Call |
|--------------------|-----------|
| City of Brawley | Yes |
| City of Calipatria | Yes |
| City of Calexico | Absent |
| City of El Centro | Yes |
| City of Holtville | Yes |

| | |
|------------------------------|--------|
| City of Imperial | Absent |
| County of Imperial Plancarte | Yes |
| County of Imperial Kelley | Absent |
| City of Westmorland | Yes |

Motion Carried.

VIII. ADJOURMENT

- A. Meeting Adjourned at 7:38 p.m.

VI. ACTION CALENDAR

- A. Additional Fund Request to the Local Transportation Authority (LTA) – Traffic Control Assistance for Southbound Peak Traffic on State Route 111-Imperial Avenue, Cesar Chavez Boulevard and Second Street to the Downtown Calexico West Port of Entry
 - 1. Approve the allocation to the City of Calexico for additional funding needed in the amount of \$250,000 for one year from the Measure D 5% Highway set-aside allocations for FY 2023-24.
 - 2. Authorize the Chairman to sign a one-year extension for FY 2023-24 to the Memorandum of Understanding (MOU) between the City of Calexico and the Imperial County Local Transportation Authority.



Imperial County Local Transportation Authority

1503 N. Imperial Ave., Suite 104, El Centro, CA, 92243

Phone: 760-592-4494 | Fax: 760-592-4410

January 21, 2023

Maria Nava-Froelich, Chairperson
Imperial County Transportation Commission
1503 N. Imperial Ave., Suite 104
El Centro, CA 92243

SUBJECT: Additional Fund Request to the Local Transportation Authority (LTA) – Traffic Control Assistance for Southbound Peak Traffic on State Route 111-Imperial Avenue, Cesar Chavez Boulevard and Second Street to the Downtown Calexico West Port of Entry

Dear Authority Members:

Over a three-year period ending in FY 18-19, the City of Calexico previously requested LTA funds from the regional highway set-aside for traffic control staff assistance on State Route 111/Imperial Avenue, for southbound traffic leading to the Downtown Calexico West Port of Entry (POE). The city of Calexico continues to experience significant vehicle traffic and traffic control issues at various intersections along multiple roadway sections leading to the downtown port of entry.

The LTA had previously funded three years of assistance to the city in the amount of \$150,000 per year ending in FY18-19. The LTA Board considered the assistance a temporary measure as the City looked for opportunities to implement traffic control measures to ease the need for traffic control assistance while also possibly funding the need for traffic control staff independently.

The City's total annual traffic control costs are estimated at \$600,000 as noted in the attached letter provided by the City. The City currently has multiple locations where traffic control staff are required to mitigate traffic to the downtown port of entry. The City is currently requesting funding assistance to assist with the cost of providing traffic controllers in the downtown area. A requested specific dollar value has not been identified at this time, however, in the attached letter, the city has identified its annual cost to provide the service.

The City is committed to working with all local, state and federal stakeholders to analyze and evaluate traffic control measures to assist with minimizing the need for traffic control staff. It is important to note that there are ongoing construction efforts taking place along Highway 98 that directly impact the City's ability to fully utilize Cesar Chavez Boulevard as a significant POE entrance point.

SR-111/Imperial Avenue and Cesar Chavez Boulevard are regional corridors for Imperial County and a limited amount of revenue is available in the Regional Highway set-aside program to potentially fund the request.

The Management Committee discussed this at length during the meeting on January 11, 2023 at the City of Holtville. A motion was made and seconded to recommend a \$250,000 allocation for one year, for next FY 2023-24, with the caveat that the City provides a long term solution. The motion passed.

Therefore, with Management Committee concurrence, the LTA Executive Director forwards the following recommendation(s) to the Authority, after the review of public comment, if any:

1. Approve the allocation to the City of Calexico for additional funding needed in the amount of \$250,000 for one year from the Measure D 5% Highway set-aside allocations for FY 2023-24.
2. Authorize the Chairman to sign a one-year extension for FY 2023-24 to the Memorandum of Understanding (MOU) between the City of Calexico and the Imperial County Local Transportation Authority.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Aguirre', with a stylized flourish at the end.

DAVID AGUIRRE
Executive Director

Attachment

DA/cl



City of Calexico

608 HEBER AVENUE

• CALEXICO, CA 92231

• (760) 768-2102

December 19, 2022

David Aguirre
Interim Executive Director
Imperial County Transportation Commission
1503 N. Imperial Ave., Suite 104
El Centro, CA 92243

Re: For Consideration of ICTC and the ICTC Management Board

Dear Mr. Aguirre,

The City of Calexico and its residents continue to have a historic influence in the development of transportation in the Imperial County. Calexico's outsized role and responsibilities in the direct management of border traffic greatly influence transportation patterns Countywide, often translating into the loss or gain of sales tax revenue and operational efficiency of many industries in the region. The City of Calexico like all cities in the County were greatly challenged by the loss of sales tax revenue from the pause in visa tourism during the Covid-19 restrictions and the limited pandemic hours (still not restored to original capacity) on the Calexico East Port of Entry. In addition to the dramatic increases in traffic control costs, Calexico emergency response time was choked at critical points during the pandemic where many of our ambulances had challenges getting to the nearest hospitals in time due to the rerouted Calexico East traffic.

The Calexico West Port of Entry is the third busiest border crossing in California and is impacted annually with over four million vehicles which play a critical role in the City's economy and the region's agricultural industry.

Calexico struggled for close to year with daily and close to day-long congestion of 75% of Calexico's highway miles during the Calexico East Port of Entry restriction. In addition, Highway 98 construction delays began to aggravate the situation and introduce fresh sources of road rage into our peaceful community. During peak periods of the Calexico East Port of Entry contingency, Calexico had to grapple with the reality of a divided town where Highway 98 and 111 congestions translated to forty-five-to-sixty-minute commutes across a small town.

David Aguirre, Interim Executive Director
Imperial County Transportation Commission
Page 2

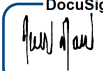
As the pandemic restrictions subsided, traffic resumed with greater intensity despite the fact that the Calexico East Port of Entry schedule is still not operating at its original capacity. Traffic is no longer just during peak periods but much earlier, it is also much more prolonged and impactful to the City's finances and overall traffic situations occurring throughout Imperial County and our sister cities.

During September, Calexico City Manager Esperanza Colio-Warren reported the tragic incident at the Calexico West Imperial Avenue border line where a Calexico traffic controller was hit by a vehicle attempting to turn into peak period restricted traffic. No major injuries were reported; however, it shows Calexico has not recovered and is once again in urgent need of traffic control subsidies to offset the dramatic increases in traffic control liabilities that we have absorbed during the contingency restrictions on the operating hours of Calexico East Port of Entry.

Calexico is moving quickly under the current administration to keep its promises by considering the original proposed traffic plan (post-Cesar Chavez Blvd. construction) to keep future traffic control cost in check and keep Calexico flowing during peak hours. We look forward to deeper collaboration with all ICTC stakeholders and neighboring cities to tackle root causes of this growing problem that affect all of us. Currently, the City of Calexico spends \$605,753 annually in traffic controller services. We respectfully petition Calexico be subsidized or reimbursed for the costs associated with the Calexico West contingency as we implement more permanent solutions with key stakeholders at a municipal level.

With much gratitude,

CITY OF CALEXICO

DocuSigned by:

300397828CDF491...

Javier Moreno
Mayor

cc: Raúl Ureña, ICTC Commissioner (Calexico)
Esperanza Colio Warren, City Manager



Imperial County Local Transportation Authority

1503 N. Imperial Ave., Suite 104, El Centro, CA, 92243
Phone: 760-592-4494 | Fax: 760-592-4410

7243000 LTA 5% State Hwy Set-Aside

Processed Disbursements

| Agency | Project Description | Amount | LTA Board Approval | Funds Disbursed |
|--------------------|---|-------------|--------------------|-----------------------|
| Caltrans | Traffic Signal SR 86 & S Main St. Westmorland | \$373,000 | 7/24/2013 | 4/30/2014 |
| County of Imperial | Traffic Signal SR 22 & SR 86 Salton City | \$438,858 | 9/24/2014 | 1/12/2015 |
| Caltrans | Heber Bus Stop & Ped Access SR 86 | \$708,240 | 8/27/2014 | 11/2/2016 |
| City of Calexico | Two year funding for SR 111 Traffic Controllers | \$300,000 | 10/26/2016 | 1/10/2018 & 2/22/2018 |
| Caltrans | Forrester Road PSR | \$476,840 | 1/25/2017 | Invoiced to date |
| Caltrans/ICTC | SR 86 Border Patrol Checkpoint | \$443,391 | 9/27/2017 | Invoiced to date |
| City of Calexico | One year funding for SR 111 Traffic Controllers | \$150,000 | 2/27/2019 | 6/26/2019 |
| ICTC | Calexico East Port of Entry Bridge Expansion | \$1,197,082 | 2/27/2019 | Invoiced to date |
| Caltrans | State Route 98 from Ollie Ave & Rockwood Ave | \$200,000 | 9/23/2020 | 6/30/2021 |

Total Disbursements \$4,287,411

Pending Disbursements

| Agency | LTA 5% Regional Hwy Balance as of 1/9/2023 | \$7,834,451 | Pending projects | |
|--------------------|---|-------------|---------------------------------|--|
| County of Imperial | Traffic Signal SR 86 & Dogwood Rd Imperial County | \$1,680,815 | LTA Board approved on 9/23/2015 | |
| Caltrans | Forrester Road PSR | \$140,659 | LTA Board approved on 1/25/2017 | Multiple Invoices (\$617,500 approved amount) |
| Caltrans/ICTC | SR 86 Border Patrol Checkpoint | \$856,608 | LTA Board approved on 9/27/2017 | Multiple Invoices (\$1,300,000 approved amount) |
| ICTC | Calexico East Port of Entry Bridge Expansion | \$646,917 | LTA Board approved on 2/27/19 | Multiple Invoices (\$1,844,000 approved amount) |

Total pending to be Disbursed \$3,324,999

Available Balance Remaining \$4,509,452

Brawley | Calexico | Calipatria | El Centro | Holtville | Imperial | Westmorland | County of Imperial

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING

This FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING ("Amendment"), made and entered into this 1st day of August, 2018, is by and between the **IMPERIAL COUNTY LOCAL TRANSPORTATION AUTHORITY** ("LTA") and the **CITY OF CALEXICO**, a municipal corporation of the State of California ("CITY"), (individually, "Party;" collectively, "Parties").

RECITALS

WHEREAS, Parties entered into that certain Memorandum of Understanding for regional highway set-aside funds for traffic control staff assistance on State Route 111 / Imperial Avenue for southbound traffic leading to the Downtown Calexico West Port of Entry dated December 21, 2016, hereinafter the "MOU", attached hereto as **Exhibit "1"**; and

WHEREAS, paragraph 3K of the MOU provides that the MOU may be amended in writing by mutual agreement of the Parties; and

WHEREAS, Parties desire to extend the MOU for an additional one (1) year at the continued annual rate of funding in the amount of \$150,000 for FY 2018-19; and

WHEREAS, the Parties agree to enter into this Amendment.

NOW THEREFORE, and in consideration of the promises and payments herein set forth, the Parties have and hereby agree as follows:

1. Section 1 of the MOU is deleted and replaced with the following:

"1. LTA SHALL:

A. Reimburse CITY for additional funding needed in a not to exceed amount of \$150,000 for a one (1) year period FY 2018-19 from the Regional Highway set-aside from the Measure D allocations for the specific purposes set forth in **Exhibit "2"** attached hereto and incorporated herein by reference.

B. Reimbursement shall be provided in arrears after receipt of documentation for expenses including but not limited to payroll and other related expenses."

2. Paragraph 3A of the MOU is deleted and replaced with the following:

1 "A. Term and Termination. The term of this MOU shall begin on the Effective Date
2 and terminate on June 30, 2019. Either party may terminate this MOU at any time
3 with or without cause."

4 3. All other terms and conditions of the MOU are and will remain in full force and effect.

5 **IN WITNESS WHEREOF**, the Parties hereto have executed this First Amendment on the day
6 and year first above written.


7 **IMPERIAL COUNTY LOCAL**
8 **TRANSPORTATION AUTHORITY:**

9
10 By: 
11 LUIS PLANCARTE, Chairperson

CITY OF CALEXICO

By: 
_____, Mayor

12 ATTEST:

13 
14 CRISTI LERMA
15 Secretary to the Authority


ATTEST:

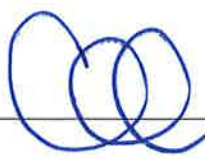


City Clerk

16
17 APPROVED AS TO FORM:

18 KATHERINE TURNER
19 COUNTY COUNSEL

20 By: 
21 Eric Havens
22 Deputy County Counsel

By: 

City Attorney

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING ("MOU"), made and entered into this 21st day of December, 2016, is by and between the **IMPERIAL COUNTY LOCAL TRANSPORTATION AUTHORITY** ("LTA"), and the **CITY OF CALEXICO**, a municipal corporation of the State of California ("CITY"), (individually, "Party;" collectively, "Parties").

RECITALS

WHEREAS, on September 12, 2016, CITY made a request to LTA for funds from the regional highway set-aside for traffic control staff assistance on State Route 111 / Imperial Avenue, for southbound traffic leading to the Downtown Calexico West Port of Entry (POE); and

WHEREAS, CITY's request is \$150,000 for each of two (2) years for a total request of \$300,000 for Fiscal Year 2016-17 and FY 2017-18; and

WHEREAS, on September 28, 2016, the LTA Board approved the allocation for additional funding needed in the amount \$150,000 for each of two (2) years for a total request of \$300,000 from the Regional Highway set-aside from the Measure D allocations and authorized the Executive Director to execute the necessary agreements between CITY and LTA.

NOW THEREFORE, for and in consideration of the mutual promises set out herein, LTA and CITY have and hereby agree as follows:

1. LTA SHALL:

A. Reimburse CITY for additional funding needed in a not to exceed amount of \$150,000 for each of two (2) years Fiscal Year 2016-17 and FY 2017-18 for a total request of \$300,000 from the Regional Highway set-aside from the Measure D allocations for the specific purposes set forth in **Exhibit "A"** attached hereto and incorporated herein by reference.

B. Reimbursement shall be provided in arrears after receipt of documentation for expenses including but not limited to payroll and other related expenses.

2. CITY SHALL:

A. Utilize funds only for those purposes set forth in **Exhibit "A"**.

B. Invoices, clearly indicating the period for which the bill is made, shall be submitted to:
Attn: Executive Director
Imperial County Local Transportation Authority

1 claim against any LTA fringe program, including, but not limited to, LTA's pension plan, medical and
2 health care plan, dental plan, life insurance plan, or any other type of benefit program, plan, or
3 coverage designated for, provided to, or offered to LTA's employees. LTA shall not withhold or pay,
4 on behalf of CITY, or any of its employees, any Federal, State, or local tax, including, but not limited
5 to, any personal income tax, owed by CITY. CITY shall not have the authority, express or implied, to
6 act on behalf of, bind or obligate LTA in any way.

7 C. Indemnification. To the furthest extent allowed by law, CITY shall indemnify, hold
8 harmless and defend LTA and each of its members, board members, officers, officials, employees,
9 agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages
10 (whether in contract, tort or strict liability, including but not limited to personal injury, death at any
11 time and property damage), and from any and all claims, demands and actions in law or equity
12 (including reasonable attorney's fees and litigation expenses) arising or alleged to have arisen directly
13 or indirectly out of performance of this MOU. CITY'S obligations under the preceding sentence shall
14 apply regardless of whether LTA or any of its members (excluding the member CITY who is a party to
15 this MOU), board members, officers, officials, employees, agents and volunteers are passively
16 negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused
17 by the active or sole negligence, or the willful misconduct, of LTA and each of its members (excluding
18 the member CITY who is a party to this MOU), board members, officers, officials, employees, agents
19 and volunteers.

20 If CITY should subcontract all or any portion of the services to be performed under this MOU,
21 CITY shall require each subcontractor to indemnify, hold harmless and defend LTA and each of its
22 members, board members, officers, employees, agents and volunteers in accordance with the terms of
23 the preceding paragraph.

24 This section shall survive termination or expiration of this MOU.

25 D. Insurance.

26 Throughout the life of this MOU, CITY shall pay for and maintain in full force and effect all
27 policies of insurance required hereunder with an insurance company(ies) either (i) admitted by the
28 California Insurance Commissioner to do business in the State of California and rated not less than "A-

1 deductibles or self-insured retentions must be declared to, and approved by, the LTA's Executive
2 Director or his/her designee. At the option of the LTA's Executive Director or his/her designee, either:
3 (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to LTA,
4 its board members, officers, employees, agents and volunteers; or (ii) CITY shall provide a financial
5 guarantee, satisfactory to LTA's Executive Director or his/her designee, guaranteeing payment of
6 losses and related investigations, claim administration and defense expenses. At no time shall LTA be
7 responsible for the payment of any deductibles or self-insured retentions.

8 All policies of insurance required hereunder shall be endorsed to provide that the coverage shall
9 not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written
10 notice has been given to LTA. Upon issuance by the insurer, broker, or agent of a notice of
11 cancellation, non-renewal, or reduction in coverage or in limits, CITY shall furnish LTA with a new
12 certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire
13 during the work to be performed for LTA, CITY shall provide a new certificate, and applicable
14 endorsements, evidencing renewal of such policy not less than 15 calendar days prior to the expiration
15 date of the expiring policy.

16 The General Liability and Automobile Liability insurance policies shall be written on an
17 occurrence form and shall name LTA, its members, board members, officers, officials, employees,
18 agents and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so
19 CITY's insurance shall be primary and no contribution shall be required of LTA. The Workers'
20 Compensation insurance policy shall contain a waiver of subrogation as to LTA, its members, board
21 members, officers, employees, agents and volunteers. The coverage(s) shall contain no special
22 limitations on the scope of protection afforded to LTA, its members, board members, officers,
23 officials, employees, agents and volunteers. Should CITY maintain insurance or self-insurance with
24 broader coverage and/or limits of liability greater than those shown above, LTA requires and shall be
25 entitled to the broader coverage and/or the higher limits of liability maintained by CITY. Any
26 available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall
27 be available to LTA.

1 E. Nondiscrimination. During the performance of this MOU, CITY and its subcontractors
2 shall not unlawfully discriminate against any employee or applicant for employment or member of the
3 public because of race, religion, color, national origin, ancestry, physical or mental disability, medical
4 condition, marital status, age or gender. CITY shall insure that the evaluation and treatment of their
5 employees and applicants for employment and members of the public are free of such discrimination.
6 CITY shall comply with the provisions of the Fair Employment and Housing Act (California
7 Government Code §12900 et seq.). The applicable regulations of the Fair Employment and Housing
8 Commission implementing Government Code §12900, set forth in Chapter 5 of Division 4 of Title 1 of
9 the California Administrative Code, are incorporated into this MOU by reference and made a part
10 thereof as if set forth in full. CITY shall also abide by the Federal Civil Rights Act of 1964 and all
11 amendments thereto, and all administrative rules and regulations issued pursuant to said Act. CITY
12 shall give written notice of its obligations under this clause to labor organizations with which it has a
13 collective bargain or other agreement. CITY shall include the non-discrimination and compliance
14 provision of this paragraph in all subcontracts to perform work under this MOU.

15 F. Nonappropriation. This MOU is valid and enforceable only if sufficient funds are made
16 available for the purposes of this MOU. If sufficient funds are not available for this MOU, it shall be
17 invalid and of no further force and effect. In that event, LTA shall have no liability to pay any funds to
18 CITY. CITY will be due the share of reimbursement of expenses incurred as represented by the
19 proportion of services rendered and expenses charged, if any, at the time of termination once a final
20 billing is approved by LTA.

21 G. Notices. All payments, notices hereunder and communications regarding interpretation
22 of the terms of this MOU or changes thereto shall be provided by the mailing thereof by registered or
23 certified mail, return receipt requested, postage prepaid and addressed, as follows:

24 **LTA:**


25 Imperial County Local Transportation Authority
26 1405 N. Imperial Avenue, Suite 1
El Centro, CA 92243

27 ///

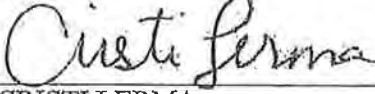
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1 IN WITNESS WHEREOF, the Parties hereto have executed this MOU on the day and year
2 first above written.

3
4 **IMPERIAL COUNTY LOCAL
TRANSPORTATION AUTHORITY:**

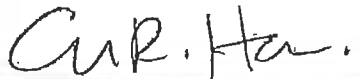
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6 By: , Chairperson
7

8 ATTEST:


9 
10 CRISTI LERMA
11 Secretary to the Authority
12

13 APPROVED AS TO FORM:


14 KATHERINE TURNER
15 COUNTY COUNSEL

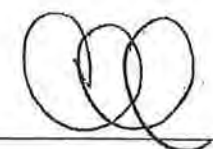
16 By: 
17 Eric Havens
18 Deputy County Counsel
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CITY OF CALEXICO

By: 
ARMANDO G. REAL, Mayor

ATTEST:


GABRIELA T. GARCIA
Deputy City Clerk

By: 
Carlos Campos
Interim City Attorney



CITY OF CALEXICO

608 Heber Avenue
Calexico, CA 92231
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

June 6, 2018

Mr. Luis Plancarte
Imperial County Local Transportation Authority
1405 N. Imperial Ave., Ste. 1
El Centro, CA 92243

Honorable Committee Members,

The City of Calexico respectfully requests consideration of granting one additional year of funding in the amount of \$150,000 for traffic controllers. The funding, if granted, would be used to address the existing and anticipated traffic congestion created within the City of Calexico by traffic crossing the International Border at the new Calexico Land Port of Entry (LPOE) during the Cesar Chavez Blvd expansion project.

The Calexico LPOE is deemed the third busiest in the State of California by the General Services Administration (GSA), with northbound vehicle crossings alone totalling approximately 4 million each year. As a result, a new LPOE has been under construction since 2015 to increase capacity. It is scheduled to be operational between July and September of 2018. The location of the new LPOE will result in Cesar Chavez Blvd becoming the new border crossing corridor, as it feeds directly into the new LPOE. It will be heavily impacted by the excess through traffic to and from the new LPOE. To accommodate the anticipated traffic, Cesar Chavez Blvd. will be expanded. The expansion project will include widening of the street, inclusion of turn lanes, sidewalks, gutters, signal lights and resurfacing.

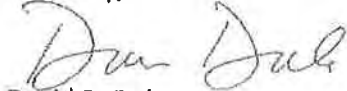
The opening of the new LPOE and the completion of the Cesar Chavez Blvd expansion project were originally scheduled to occur simultaneously. An unanticipated delay in funding of the Cesar Chavez Blvd expansion project has resulted in construction beginning in July, 2018 with a tentative completion date in January, 2019. Cesar Chavez Blvd. will be heavily impacted by both southbound and northbound traffic to and from the new LPOE. With the additional factor of on-going construction impacting traffic flow, along with the unpredictable nature of border traffic in general, human judgement will be needed to control traffic and ensure safety during the Cesar Chavez Blvd expansion project. We propose scheduling traffic controllers at six key intersections along the new border corridor to prevent gridlock and ensure the safety of our residents and regional travelers during the 6 months required to complete the necessary Cesar Chavez Blvd expansion.

Viva Calexico!

The City of Calexico greatly appreciates your past assistance in funding traffic controllers along the existing border corridor of Hwy 111/Imperial Ave. in Calexico. Your financial commitment over the past two fiscal years allowed the city to continue to address safety concerns created by traffic congestion along the existing border corridor and ensure the community was able to receive public safety assistance during these times. Traffic control staffing was utilized at 5-6 intersections along the existing border corridor, with costs totaling over \$300,000 per fiscal year. The border traffic congestion acts as a divider by creating a barrier along Imperial Ave./Hwy. 111 between the east and west areas of our city. There is a constant need for public safety to cross intersections impacted by the border traffic. The Calexico Fire Department responds to approximately 1,800 calls per year that are considered "overlapping" because they require crossing sides of town in order to assist residents. Without the necessary traffic controllers, public safety response time would have been adversely impacted and residents' lives and property would have been placed at risk.

While the actual impacts of the new LPOE increased capacity remain to be seen, the established correlation between border wait times and revenue losses for the region, leads us to anticipate that the increased capacity at the new LPOE will result in a reduction in border wait times. This reduction will likely lead to an increase in international border travelers, which will benefit our entire region economically. Unfortunately, our past experience with the border traffic flow has shown that the LPOE traffic flow can be unpredictable and inconsistent. The increased LPOE traffic flow is anticipated to bottleneck onto either Cesar Chavez Blvd or East Second Street towards Imperial Ave., creating the potential need for solutions to ensure safety, minimize gridlock, and prevent the dangerous blocking of intersections that would otherwise hinder public safety emergency response time and movement of travelers and goods. Therefore, in addition to requesting funding for traffic controllers during the Cesar Chavez Blvd. expansion project to accommodate border traffic to and from the new LPOE, we respectfully request your continued support to find solutions for the anticipated long term effects of the new LPOE and its increased capacity.

Sincerely,



David B. Dale
City Manager

Viva Calexico!