

MENDOCINO COUNCIL OF GOVERNMENTS

Approved MINUTES
Monday, November 7, 2022

Teleconference Only
Pursuant to Brown Act and Assembly Bill 361

The Mendocino Council of Governments (MCOG) meets as the Board of Directors of:
Mendocino Regional Transportation Planning Agency (RTPA) and
Mendocino County Service Authority for Freeway Emergencies (SAFE)

1. Call to Order / Roll Call. The meeting was called to order at 1:32 p.m. with Directors Jim Brown, Greta Kanne, Tess Albin-Smith, Scott Ignacio, John Haschak, Michael Carter, Tatiana Ahlstrand (Caltrans/PAC), and Dan Gjerde present by Zoom teleconference; Chair Gjerde presiding.

Staff present: Nephelie Barrett, Executive Director; Janet Orth, Deputy Director & CFO; Loretta Ellard, Deputy Planner; James Sookne, Program Manager; Lisa Davey-Bates, Transportation Planner; Alexis Pedrotti, Program Manager; and Jesus Rodriguez, Administrative Assistant. [Jody Lowblad, Administrative Assistant, was away at a Board Secretary/Clerk training conference]. Michael Villa was introduced as Dow & Associates' new staff member for Local Assistance.

Note: Public comment was invited via email and online comment form; staff monitored for incoming comments throughout the meeting, reporting periodically.

2. Convene as RTPA

3. Recess as RTPA – Reconvene as Policy Advisory Committee

4 - 5. Consent Calendar. Director Brown suggested an agenda item for December to plan for changes to meeting requirements in 2023, with the impending expiration of the Governor's Covid state of emergency. Director Ignacio reported a discussion at LAFCO's meeting earlier that day. Executive Director Barrett noted staff had been discussing this internally and agreed to agendize the matter for the next meeting. There was no public comment on the Consent Calendar.

Upon motion by Brown, second by Albin-Smith, and carried unanimously on roll call vote (8 Ayes – Brown, Kanne, Albin-Smith, Ignacio, Haschak, Carter, Ahlstrand/PAC, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that consent items are approved.

4. Adoption of Resolution Making Continued Findings Pursuant to Assembly Bill 361 to Conduct Public Meetings Remotely for MCOG's Legislative and Advisory Bodies During the COVID-19 State of Emergency.

Resolution No. M2022-19

Making Continued Findings Pursuant to Assembly Bill 361
to Continue Public Meetings Remotely
for MCOG's Legislative and Advisory Bodies
During the COVID-19 State of Emergency
[Reso. #M2022-19 is incorporated herein by reference]

5. Approval of October 3, 2022 Minutes – as written

6. Public Expression. Dave Shpak complimented Director Ahlstrand (Caltrans) for her timely response to his recent request for information, and thanked MCOG again for support of Gualala's Town Plan and its implementation.

7. Presentation and Acceptance of Transportation Development Act (TDA) Triennial Performance Audits – Moore & Associates. Ms. Orth summarized the requirement to designate an independent consultant to audit TDA compliance of both the Regional Transportation Planning Agency and the transit operator, noting the board had approved staff's recommended selection of auditor after a procurement process earlier in the year. She was pleased to report that both audit results were favorable, then introduced Ms. Kathy Chambers who gave a presentation covering the fiscal years 2018/19, 2019/20 and 2020/21.

- a. Mendocino Council of Governments. The two prior audit recommendations have been implemented. MCOG was found to be in full compliance with 15 applicable requirements. One functional finding was made, recommending more detailed fiscal audits of MTA's internal operating reserve funds, as the fiscal auditors are engaged by MCOG.
- b. Mendocino Transit Authority. Of the four prior audit recommendations, two have been implemented and two are in progress. One compliance finding was made of 13 applicable requirements, of a single late report to State Controller, which is not expected to be a problem in future. Two functional findings were made: the first identical to MCOG's and the other concerning the minimum farebox revenue recovery ratio of ten percent, which MTA will need to meet by fiscal year 2023/24 to avoid penalty. Legislative relief was provided during the pandemic, most of which will expire after FY 2022/23. The full report gives details of performance analysis and organizational functions, available at www.mendocinocog.org.

Board questions and discussion included:

- With revenue from local advertising on MTA busses counting toward farebox ratio, why is the percentage not higher? Discussion of downward trend. (Gjerde)
- Contributing factors include ridership at about 50 percent of normal that is being addressed following the pandemic, now starting to trend upward as services are restored. Lack of available drivers is constraining service. Legislation now allows federal funds to count toward the local farebox share, which will help with compliance. Update of the Short Range Transit Development Plan is anticipated to consider operational adjustments; the plan is now in process of procurement for a consultant. Meanwhile the ad revenue is supplementing MTA's reserve fund. (King)
- November is free fares month, so riders are encouraged to use transit. (Kanne, King)

Ms. Chambers was thanked and excused from the meeting. **Upon motion** by Brown, second by Haschak, and carried unanimously on roll call vote (8 Ayes – Brown, Kanne, Albin-Smith, Ignacio, Haschak, Carter, Ahlstrand/PAC, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that the triennial performance audits of MCOG and Mendocino Transit Authority are accepted as prepared by Moore & Associates.

8. Approval of Internal Cash Flow Loans for Construction Phase of Covelo SR 162 Corridor Multi-Purpose Trail and Report of Current Activity. Executive Director Barrett introduced the issue and reported status of the project. The construction bid opening is now scheduled for November 29. Active Transportation Program (ATP) grants and Caltrans State Highway Operations and Protection Program (SHOPP) funds will reimburse expenditures. Ms. Orth as CFO reported the available sources and uses of cash in MCOG's various fund accounts and detailed staff's recommendation to tap into the Surface Transportation Block Grant (STBG) account first, and Local Transportation Fund (LTF) reserves if needed, to cover cash flow needs.

Board questions and public comments included:

- What is the anticipated turnaround time for reimbursement by Caltrans? (Haschak)
Invoices will be reviewed in draft form with Caltrans and submitted monthly, so that reimbursement will be made in the typical range of two to three weeks from approval. The resident engineer will ensure expenditures claimed are allowable. (Orth, Sookne)

- Saprina Rodriguez, MTA Chair, asked how long MCOG would need the use of any LTF Reserve funds, and whether there was a suggested cap on the amount to be borrowed, or any risk to availability of the reserve funds held in trust for MTA? Staff estimated drawing funds not more than two months at a time. No cap has been proposed to date. MTA may claim from the reserves held by MCOG according to policies and regulations, however no near-term budget impacts are anticipated and if circumstances warrant a claim, the processing time could accommodate MTA.

Upon motion by Haschak, second by Ignacio, and carried unanimously on roll call vote (8 Ayes – Brown, Kanne, Albin-Smith, Ignacio, Haschak, Carter, Ahlstrand/PAC, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that use of MCOG’s Surface Transportation Block Grant (STBG) Program fund account primarily, and Local Transportation Fund reserves secondarily, is authorized to cover cash flow needs of the Covelo SR 162 Multi-Purpose Trail project during the construction phase.

9. Recess as Policy Advisory Committee – Reconvene as RTPA – Ratify Action of Policy Advisory Committee. Upon motion by Brown, second by Haschak, and carried unanimously on roll call vote (7 Ayes – Brown, Kanne, Albin-Smith, Ignacio, Haschak, Carter, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

10. Reports - Information

- a. Caltrans District 1 – Projects Update and Information. Director Ahlstrand reported on the Clean California program with status of projects: Boonville’s will not go forward, and Westport’s is in progress. The public will be asked for input on designs, and the district is open to ideas for reaching the communities. Director Gjerde suggested Westport Municipal Advisory Council (MAC) as a resource.
- b. Mendocino Transit Authority. General Manager Jacob King had no news to report.
- c. Great Redwood Trail Agency. Director Haschak reported on the October 31 special meeting, with news of a ruling by the federal Surface Transportation Board on railbanking along the trail from Willits north, concerning 13 miles of disputed track, in GRTA’s favor. Also the GRTA board voted to remove 17 rail cars at the Willits depot, which will not affect operations of the Skunk Train. Senator McGuire hosted a virtual town hall recently with an estimate attendance of 2,500 people interested in the trail plan.
- d. MCOG Staff - Summary of Meetings. Ms. Barrett referred to the written report.
- e. MCOG Administration Staff
 - i. *2023 Active Transportation Program (ATP) Grant Awards – CTC Staff Recommendations.* Ms. Barrett reported results of the Statewide and Small Urban & Rural Components of the program, with good news that Gualala’s Downtown Streetscape Enhancement Project made the recommended list. MCOG staff had invested a great deal of effort in the application. The ATP grant of \$7,780,000 and matching funds of \$2,215,000 are expected to cover all project costs as estimated, unless costs rise. Construction is planned for FY 2025/26. Awards are to be made at the California Transportation Commission’s December meeting.
 - ii. *Miscellaneous.* None.
 - iii. *Next Meeting Date.* Monday, December 5, 2022.
- f. MCOG Planning Staff

- i. *Feasibility Study – Mobility Solutions for Rural Communities of Inland Mendocino County*. Ms. Ellard reported the project was going well, with over 335 survey responses received to date. The consultant is analyzing feasibility of solutions in each community under study. The mailer includes a QR code linked to the online survey, also found through MCOG’s website. Staff and consultant are reviewing upcoming funding sources for projects and will accommodate grant timelines as needed. Director Gjerde asked whether rideshare programs could be considered with potential solutions, noting past and current examples. Ms. Ellard agreed it could be included in a slate of options.
 - ii. *Feasibility Study - Mendocino Transit Authority's Ukiah Transit Center*. Ms. Ellard reported that procurement of a consultant was nearly complete, with staff working on a contract negotiation with the top-ranked firm.
 - iii. *Miscellaneous*. None.
- g. MCOG Directors. Director Haschak reported on Caltrans project work in Covelo, with a public walk through the downtown subject area November 16 to gather community input.
 - h. California Association of Councils of Governments (CALCOG) Delegates – Annual Regional Leadership Forum, March 6-8, 2023 in Riverside. Board members were invited to attend in person, noting MCOG’s available travel budget. The next business meeting will be held in San Jose on November 29, potentially with a call-in option.

11. Adjournment. The meeting was adjourned at 2:27 p.m.

Submitted: NEPHELE BARRETT, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director & CFO