

# MENDOCINO COUNCIL OF GOVERNMENTS

## Approved MINUTES

Monday, May 5, 2014

County Administration Center, Board of Supervisors Chambers

### **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 1:36 p.m. with Directors Brad Mettam (Caltrans/PAC), Benj Thomas, Doug Hammerstrom, Larry Stranske, John Pinches, Susan Ranochak, and Dan Gjerde present; Chair Gjerde presiding. Director Trevor Sanders was excused.

Staff present: Phil Dow, Executive Director; Janet Orth, Deputy Director for Administration; Loretta Ellard, Assistant Executive Director; and Nephele Barrett, Senior Planner.

Executive Director Dow introduced Mr. Michael Carter, who was recently appointed by the Board of Supervisors to serve as Alternate to Director Ranochak, the Public Appointee member of the Council.

**2. Convene as RTPA**

**3. Recess as RTPA - Reconvene as Policy Advisory Committee.**

**Public Expression.** None.

**4 - 7. Regular Calendar.**

**4. Fiscal Year 2014/15 RTPA Budget Presentation & Workshop.** Mr. Dow reviewed the purpose of this workshop and advised adoption of the budget in June as usual. Ms. Orth made a slide presentation that covered her written staff report, including the following recommendations, and an overview of context and trends affecting the proposed budget. Questions and discussion by councilmembers and staff were encouraged throughout the presentation. No action was taken.

- a. Report of Revenues Fiscal Year to Date 2013/14. Local Transportation Fund (LTF) revenues from quarter-cent sales tax July-April are in excess of the budget estimate by \$156,582 (6.1%).
- b. Executive Committee Recommendations of February 28, 2014. The first draft budget prepared by staff was recommended for approval, with one revision to establish the LTF Reserve fund balance at \$97,000 (3% of the County Auditor-Controller's LTF estimate), releasing for allocation \$144,505 of the FY 2012/13 unrestricted balance of excess revenue. Total estimated revenues are \$5,475,506 and total proposed allocations are \$5,222,604.
- c. Technical Advisory Committee Recommendation of February 19, 2014 – Draft Planning Overall Work Program. Ms. Ellard reported funding allocations from various sources for the Draft Transportation Planning Overall Work Program (OWP) that the TAC unanimously recommended for approval. She noted that requests for planning projects exceeded the funds available. The total draft program totals \$598,870 of new funds. Her written staff report summarized each proposed work element. She noted that the program will increase significantly with the addition of new grants and carried over projects when the Final OWP is completed.

- d. Transit Productivity Committee Recommendations of April 14, 2014 - Mendocino Transit Authority's Annual Transit Claim and Unmet Transit Needs. Allocations to fund Mendocino Transit Authority's Annual Transit Claim were recommended for approval, for a total of \$3,607,834. The TPC recommended a finding that *"1) There are no unmet transit needs that are reasonable to meet for FY 2014/15; and 2) MCOG encourages MTA to pursue grant funding of #M4, Additional/later trips on Route 65 (CC Rider) to/from Santa Rosa."*

Discussion included:

- Can budget line items and/or funding sources be changed after professional services contractors are selected? (Hammerstrom) Discussion of budget areas tied to revenue sources, e.g. divisions between administration and planning programs; how major budget sections are segregated, with ability to amend within those; timeline for current staffing contract expiration and new contract awards.
- Does budget need to be adopted in June, or wait until unknowns revealed? (Pinches) Discussion of options for amendment and ongoing needs for allocations starting July 1.
- LTF Reserve Policy – suggestion to set a goal to increase balance incrementally each year (Hammerstrom); suggestion to restore reserve all at once, depending on revenues (Dow); suggestion to make a commitment to re-establish fund balance within four years (Gjerde); disagreement with use of reserve to fund ongoing transit operations costs such as the recent unionized workforce pay raises (Pinches); reserve to be a topic for next year's deliberations.

**5. Consideration of Applicant Status and/or Support for Active Transportation Program (ATP) Grant Proposals from Mendocino County.** Staff handed out informational materials relative to proposed projects in Covelo/Round Valley and Westport. Executive Director Dow described this new program and eligible activities. He noted that Caltrans is not an eligible applicant for state-only funds under the program, and that most projects will require some federal funds. Applications are due May 21.

He reviewed the Covelo project proposal he was working on as a result of MCOG's recently completed feasibility studies there, and reiterated the need for access and safety improvements for non-motorized transportation modes. Council approval is requested to apply for grant funds on behalf of the community.

Mr. Dow also introduced a proposal from Westport Municipal Advisory Council (WMAC), and identified background studies completed. Representatives of WMAC were present to request that MCOG apply, as the only eligible and qualified applicant in this case.

In both cases, designation of the implementing agency will need to be made; however the agenda did not make notice of that action item; it should be included on the next agenda. Discussion:

- Is there any downside to submitting both applications? No; numerous proposals from the Mendocino County region are expected to compete. (Pinches, Dow)
- Decision to approve as applicant may imply that applicant is also the implementing agency. Discuss in June or July under a properly agendized item. Applications should be submitted by the due date; MCOG can withdraw them if necessary. (Hammerstrom, Dow, Gjerde)
- Council can give direction to staff that any eligible entities in Mendocino County may receive support from MCOG, to compete on their proposals' merits. (Gjerde)

**A motion was made** by Director Pinches, seconded by Director Stranske, to approve staff's recommended motion "to authorize the Executive Director to prepare an ATP application for the priority project in Covelo with MCOG as the applicant agency and consider requests for MCOG to serve as applicant agency for other priority ATP projects."

**Discussion on the motion** included what could be discussed under today's agenda items. Director Hammerstrom questioned whether the Council had the resources to serve as implementing agency and the proper process to make that decision; throughout discussion, he raised objections to procedures and assuming risk of implementing proposed projects. The Chair invited public comment.

Thad Van Bueren, Chairman of Westport MAC, made remarks and a brief slide presentation on the proposed Westport Bike Lanes Project, citing support from Caltrans District 1, Westport Village Society, community members, Senator Noreen Evans and landowners along the highway willing to donate right of way for shoulder expansion. The proposal centers on connecting local destinations for improved safety of non-motorized travel.

The Chair called on the Caltrans representative (PAC). Mr. Mettam reported his discussion with the District Director. While they are interested in partnering with MCOG, they do not have the staff capacity to implement Covelo's project. They have not yet discussed the Westport project thoroughly. Caltrans supports both projects and has seen early drafts of the Covelo proposal, which prompted their discussion of the implementing role.

A protracted Council discussion ensued, including:

- Agenda topic clarity or lack thereof
- Discomfort with number of handouts for review
- Differences in meaning of support, applicant, and implementing agency roles
- MCOG's lack of in-house staff capacity; ability to fund grant administration and to contract with a project manager from grant funds if awarded
- Staff's time investment to date in the Covelo application
- Later cycles of ATP grant solicitations likely to offer reduced funding levels
- Caltrans' authorized roles and services for various project phases
- Grant project timeline of three years; limiting factor for construction; phasing of projects
- Merits of Covelo project, history of Westport planning studies, recent TAC reviews of these
- Other proposals in Mendocino County, next meeting too late for Council review.

The motion and its intent were clarified. Director Pinches agreed that his motion would authorize the Executive Director to consider other local ATP requests and to make decisions as to whether to apply on behalf of the originating agencies, including Westport.

**The motion carried** on roll call vote (*6 Ayes – Mettam/PAC, Thomas, Stranske, Pinches, Ranochak, and Gjerde; 1 No - Hammerstrom; 0 Abstaining; 1 Absent - Sanders*): IT IS ORDERED that the Executive Director is authorized to prepare an Active Transportation Program (ATP) application for the priority project in Covelo with MCOG as the applicant agency and consider requests for MCOG to serve as applicant agency for other priority ATP projects.

The Chair called a brief recess at 3:55 p.m. and reconvened the meeting at 4:00 p.m.

**6. Technical Advisory Committee Recommendation of April 16, 2014: Allocation of Regional Surface Transportation Program (RSTP) - Partnership Program Funds for Covelo/Round Valley Multi-Modal Trail Project - Active Transportation Program Proposal.** Mr. Dow introduced the request by staff and TAC's recommendation for approval to draw up to \$250,000 from MCOG's capital fund for Covelo project (ten percent or \$170,000 for preconstruction phases). There was no discussion.

**Upon motion** by Pinches, second by Ranochak, and carried unanimously on roll call vote (*7 Ayes – Mettam/PAC, Thomas, Hammerstrom, Stranske, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Sanders*): IT IS ORDERED that a commitment of up to \$250,000 of Partnership Funding Program resources is authorized for the proposed Covelo Active Transportation project.

**7. Consideration of Positions in Support/Against Introduced State Legislative Bills.**

- a. Adoption of Resolution In Support of Assembly Bill 2119 – Local Sales Taxes: Authorizing Counties to Levy, Increase, or Extend and Define Area Subject to Voter Approval. Mr. Dow stated that this bill would go a long way toward assisting a sales tax measure for County of Mendocino. He and Director Pinches had given testimony in support at a recent committee hearing in Sacramento. AB 2119 would resolve issues raised at the March Council meeting. Chair Gjerde agreed; this is a unique opportunity for the County to place a measure on the ballot that would not increase the cities' sales tax rates. The Fort Bragg and Willits city representatives expressed their support. Mr. Dow reminded the Council that MCOG had initiated the effort that enacted special transportation sales taxes in several Mendocino County cities, that the County had not opted in at the time, and this would correct a flaw in the process. Mr. Mettam noted that he could not comment on any pending legislative bills.

**Upon motion** by Hammerstrom, second by Stranske, and carried on roll call vote (6 Ayes – Thomas, Hammerstrom, Stranske, Pinches, Ranochak, and Gjerde; 0 Noes; 1 Abstaining – Mettam/PAC; 1 Absent - Sanders): IT IS ORDERED that the following resolution is adopted.

**Resolution No. M2014-01**

In Support of Assembly Bill 2119,

An Act to Amend Sections of the Revenue and Taxation Code, That Would Authorize a County to Levy, Increase, or Extend a Transactions and Use Tax Throughout the Entire County or Within the Unincorporated Area of the County, Subject to Voter Approval

(Reso. #M2014-01 is incorporated herein by reference)

- b. Senate Bill 990 – Transportation Funds: Disadvantaged Small Communities. Mr. Dow reported that this bill would mandate a particular use of funds, overriding local control, and he recommended opposition. Discussion followed on how or why it might have originated. Chair Gjerde noted that MCOG is likely allocating at least five percent of its funds to disadvantaged communities now. Mr. Dow concurred that most of local transportation funds are allocated to public transit services in Mendocino County that serve disadvantaged people.

**Upon motion** by Hammerstrom, second by Thomas, and carried on roll call vote (6 Ayes – Thomas, Hammerstrom, Stranske, Pinches, Ranochak, and Gjerde; 0 Noes; 1 Abstaining – Mettam/PAC; 1 Absent - Sanders): IT IS ORDERED that the Executive Director is authorized to send a letter of opposition to the author of SB 990 and to others as needed.

**8 - 15. Consent Calendar.** Ms. Orth answered questions. Upon motion by Ranochak, second by Stranske, and carried unanimously on roll call vote (7 Ayes – Mettam/PAC, Thomas, Hammerstrom, Stranske, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Sanders): IT IS ORDERED that consent items are approved:

**8. Approval of March 3, 2014 Minutes – as written**

**9. Approval of February 28, 2014 Executive Committee Minutes – as written**

**10. Extension of Dow & Associates Contract for Staffing Services through September 30, 2014**

**11. Acceptance of 2012/13 MCOG Fiscal Audit as Recommended by Executive Committee February 28, 2014 – MCOG received a clean audit.**

**12. Acceptance of 2012/13 Fiscal Audit of Mendocino Transit Authority – MTA received a clean audit.**

**13. Adoption of Resolution Approving Mendocino Transit Authority's Grant Application for Federal Transit Administration (FTA) Section 5311 Non-Urbanized Program - Annual Regional Apportionment for Transit Operating Assistance**

**Resolution No. M2014-02**

Approving Mendocino Transit Authority's Grant Application for Federal Transit Administration (FTA) Section 5311 Non-Urbanized Program – Annual Regional Apportionment for Transit Operating Assistance  
(Reso. #M2014-02 is incorporated herein by reference)

**14. Adoption of Resolution Approving Mendocino Transit Authority's Grant Application for Federal Transit Administration (FTA) Section 5311(f) Intercity Bus Program Funds – “Expansion of Route 65 Service”**

**Resolution No. M2014-03**

Approving Mendocino Transit Authority's Grant Application for Federal Transit Administration (FTA) Section 5311f Intercity Bus Program Funds – “Expansion of Route 65 Service”  
(Reso. #M2014-03 is incorporated herein by reference)

**15. Amendment to 2014 Board Calendar – Addition of June 30 and July 21 Special Meetings**

**16. Recess as Policy Advisory Committee - Reconvene as RTPA - Ratify Action of Policy Advisory Committee.** Upon motion by Thomas, second by Hammerstrom, and carried unanimously (6 Ayes – Thomas, Hammerstrom, Stranske, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Sanders): IT IS ORDERED that the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

**17. Reports - Information**

- a. Mendocino Transit Authority. Chair Gjerde reported that MTA, at its most recent board meeting, held a public hearing on fares, heard testimony, then appointed an ad hoc committee that considered comments received. The committee made some changes to the recommendation, which will be presented in another public hearing at the next meeting. The board will likely take action then to adopt new rates.
- b. North Coast Railroad Authority. Ms. Ellard had attended the April meeting and reported highlights. NCRA received a presentation by its SMART committee on construction of the passenger line; the first phase is a 43-mile extension from San Rafael to Santa Rosa with 10 stations, expected to open in 2016. NCRA approved an interim agreement with an agent to negotiate sale of portions of the 11-acre Ukiah depot property. The board also approved its staff to apply for two federal TIGER [Transportation Investment Generating Economic Recovery] planning grants, one for the Humboldt Bay rail-trail project and the other to consider extending the current line from Windsor to Ukiah.  
Ms. Ellard and Mr. Mettam answered questions and Director Pinches made comments. Mr. Dow reported a significant accomplishment at the March 12 meeting, which he had attended. NCRA heard a presentation by City of Ukiah’s consultant and agreed to permit a Rails-with-Trails facility in the Ukiah corridor as proposed. The City has state grant funding for it, design is nearly done, and the City will maintain that portion of the right of way. The City is preparing an application for Phase 2 under the ATP grant program.
- c. MCOG Administration & Planning Staff
  1. *Summary of Meetings*. Dow referred to his written staff report.

2. *Progress on Vision Mendocino 2030 - Phase 4.* Ms. Barrett reported that in December, the Council adopted the Vision Mendocino 2030 Blueprint Plan, after extensive public outreach, stakeholder engagement and interagency involvement. She is now working on the fourth and final Regional Blueprint grant, focusing on implementation strategies. The preferred growth scenario was a hybrid of in-fill and natural resources development. An issue that arose in terms of near-term feasibility was Food Systems Planning, supported by three of the identified principles in the plan. She has been working with various stakeholders, including local agencies' planning staff, County Public Health and Environmental Health representatives, EDFC and the Food Policy Council, to identify needs and priorities, such as the new Cottage Food Law regulations. MCOG has contracted with the nonprofit Food Policy Council, under NCO's fiscal sponsorship.

Chair Gjerde commented he has heard enthusiasm that this issue is finding its way into local city and county plans because of MCOG's actions. Ms. Barrett answered questions. The grant will expire June 30, with presentations to be made subsequently.

3. Mendocino County Zero Emission Vehicle (ZEV) Regional Readiness Plan – Phase 2. Ms. Orth reported that a funding opportunity arose from Rural Planning Assistance and staff agreed to apply for completion of some remaining tasks in the Readiness Plan. Her proposal was one of three statewide that received a grant, so \$25,000 will go into MCOG's FY 2014/15 planning program for community outreach and technical specifics on electric vehicle charging station locations. Chair Gjerde helped to clarify this effort in the context of a recent grant application by State Parks to install stations, supported by MCOG's plan, which includes several of the high priority locations in the countywide plan and is now a finalist for a possible California Energy Commission grant award. Ms. Orth noted this next phase will be another step toward full implementation. Director Hammerstrom made supportive remarks.
4. *Miscellaneous.* None.
- d. MCOG Directors. None.
- e. California Association of Councils of Governments (CALCOG) Delegates. Chair Gjerde briefly reported on the recent annual forum in Monterey, which he did not attend but had received an email report on the delegates' business meeting, available to share.

**18. Adjournment.** The meeting was adjourned at 4:42 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director for Administration