



MENDOCINO COUNCIL OF GOVERNMENTS

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www.mendocinocog.org

NEPHELE BARRETT, EXECUTIVE DIRECTOR

Administration: Suite B
(707) 463-1859
Transportation Planning: Suite G
(707) 234-3434

AGENDA

Monday, October 4, 2021 at 1:30 p.m.

Teleconference

Zoom videoconference link provided to Council members and by request.

Please submit access request to

info@mendocinocog.org or call MCOG Administration at (707) 463-1859.

Audio Call-in Option: 1 (669) 900-6833 (in CA)

Meeting ID: 868 2264 7699 Passcode: 289789

Additional Media

For live streaming and later viewing:

<https://www.youtube.com/>, search for Mendocino County Video, or

YouTube link at <http://www.mendocinocog.org> under Meetings

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)

NOTICE: This meeting of the Mendocino Council of Governments will be conducted by teleconference (audio and video) and not available for in-person public participation, pursuant to the Assembly Bill 361, Brown Act: Remote Meetings During a State of Emergency. In order to minimize the risk of exposure to COVID-19, the public may participate in lieu of personal attendance in several ways. Since opportunities during the meeting are limited, we encourage submitting comments in advance.

- In advance of the meeting: comments may be sent by email to info@mendocinocog.org or by using the form at <https://www.mendocinocog.org/contact-us>, to be read aloud into the public record.
- During the meeting: email comments to info@mendocinocog.org or send comments using the form at <https://www.mendocinocog.org/contact-us>, to be made available as soon as possible to the Board of Directors, staff, and the general public as they are received and processed by staff.
- During the meeting: make oral comments on the conference call by phone or video when public comment is invited by the Chair.

Thanks to all for your interest and cooperation.

NOTE: All items are considered for action unless otherwise noted.

1. Call to Order and Roll Call
2. Adoption of Resolution No. M2021-12 Making Findings Pursuant to Assembly Bill 361 to Continue Remote Public Meetings for MCOG's Legislative and Advisory Bodies During the COVID-19 State of Emergency
3. Convene as RTPA
4. Recess as RTPA – Reconvene as Policy Advisory Committee

PUBLIC EXPRESSION – *Please refer to notice at top of this Agenda.*

5. Participation is welcome in Council meetings. Comments will be limited to three minutes per person and not more than ten minutes per subject, so that everyone can be heard. “Public Expression” time is limited to matters under the Council's jurisdiction that may not have been considered by the Council previously and are not on the agenda. No action will be taken. Members of the public may comment also during specific agenda items when recognized by the Chair.

REGULAR CALENDAR

Attachments posted at [Board of Directors - Mendocino Council of Governments \(mendocinocog.org\)](http://mendocinocog.org)

6. Adoption of Resolution No. M2021-___* Approving the FY 2021/22 Project List for the California State of Good Repair Program – *Mendocino Transit Authority – Purchase of Three Battery-Electric Busses with Associated Charging Infrastructure*
7. Authorization to Approve Setting Just Compensation and Commencement of First Written Offers and Negotiations for Covelo SR 162 Corridor Multi-Purpose Trail Project

CONSENT CALENDAR

The following items are considered for approval in accordance with Administrative Staff, Committee, and/or Directors' recommendations and will be enacted by a single motion. Items may be removed from the Consent Calendar for separate consideration, upon request by a Director or citizen.

8. Approval of August 16, 2021 Minutes

RATIFY ACTION

9. Recess as Policy Advisory Committee – Reconvene as RTPA – Ratify Action of Policy Advisory Committee

REPORTS

10. Reports – Information – *No Action*
 - a. Caltrans District 1 – Projects Update and Information
 - b. Mendocino Transit Authority
 - c. North Coast Railroad Authority
 - d. MCOG Staff - Summary of Meetings
 - e. MCOG Administration Staff
 - i. Financial Update – Transportation Development Act (TDA) Revenues for FY 2020/21
 - ii. Miscellaneous
 - iii. Next Meeting Date – Monday, November 1, 2021
 - f. MCOG Planning Staff
 - i. 2022 Regional Transportation Plan/Active Transportation Plan Update
 - ii. Local Road Safety Plans Update – *verbal report*
 - iii. Caltrans Transportation Planning Grants – Applications due Oct. 27, 2021 – *verbal report*
 - iv. 2022 Regional Transportation Improvement Program (RTIP) Project Submittals – *verbal report*
 - v. Miscellaneous
 - g. MCOG Directors
 - h. California Association of Councils of Governments (CALCOG) Delegates

ADJOURNMENT

11. Adjourn

AMERICANS WITH DISABILITIES ACT (ADA) and TRANSLATION REQUESTS

Persons who require special accommodations, accessible seating, or documentation in alternative formats under the Americans with Disabilities Act, or persons who require interpretation services (free of charge) are advised to contact the MCOG office at (707) 463-1859, **at least five days** before the meeting.

Las personas que requieren alojamiento especial de acuerdo con el Americans with Disabilities Act, o personas que requieren servicios de interpretación (libre de cargo) deben comunicarse con MCOG (707) 463-1859 al menos cinco días antes de la reunión.

ADDITIONS TO AGENDA

The Brown Act, Section 54954.2, states that the Board may take action on off-agenda items when:

- a) a majority vote determines that an “emergency situation” exists as defined in Section 54956.5, **or**
- b) a two-thirds vote of the body, or a unanimous vote of those present, determines that there is a need to take immediate action and the need for action arose after the agenda was legally posted, **or**
- c) the item was continued from a prior, legally posted meeting not more than five calendar days before this meeting.

CLOSED SESSION

If agendized, MCOG may adjourn to a closed session to consider litigation or personnel matters (i.e. contractor agreements). Discussion of litigation or pending litigation may be held in closed session by authority of Govt. Code Section 54956.9; discussion of personnel matters by authority of Govt. Code Section 54957.

POSTED 9/29/2021

*** Next Resolution Number: M2021-13**



MENDOCINO COUNCIL OF GOVERNMENTS STAFF REPORT

TITLE: AB 361 Findings to Allow Remote Meetings for MCOG's
Legislative and Advisory Bodies

DATE PREPARED: 09/27/21
MEETING DATE: 10/04/21

SUBMITTED BY: Nephele Barrett, Executive Director

BACKGROUND: Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, Governor Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders (N-25-20, N-29-20, N-35-20) collectively modified certain requirements created by the Ralph M. Brown Act (Brown Act), the state's local agency public meetings law.

The orders waived several requirements, including requirements in the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting. Furthermore, the orders:

- waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting,
- waived the requirement that each teleconference location be accessible to the public,
- waived the requirement that members of the public be able to address the legislative body at each teleconference conference location,
- waived the requirement that local agencies post agendas at all teleconference locations, and,
- waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Under the orders, local agencies were still required to provide advance notice of each public meeting according to the timeframe otherwise prescribed by the Brown Act, and using the means otherwise prescribed by the Brown Act, as well as notice of the manner in which members of the public could participate. These provisions are set to expire September 30.

In anticipation of the expiration of these special provisions, the legislature passed AB 361, which provides local agencies with Brown Act flexibility until 2024. The modifications to the Brown Act provided by AB 361 are very similar to those that were made temporarily by the previous Executive Orders, with an added requirement to allow real-time public comment.

The modified procedures of AB 361 may be used by a local agency in any of the following circumstances:

- (A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- (B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- (C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

For a number of reasons, staff believes that it is still prudent to continue with remote meetings at this time. According to regular reports by the County Public Health Officer, Mendocino County is still experiencing

high case rates. As a regional agency, in-person meetings would mean additional potential exposures for staff, Board members and members of the public. In addition, the intent of the Brown Act and provisions of AB 361 is to ensure public access to meetings. During the pandemic, MCOG has exceeded the requirements of the Executive Orders and has actually experienced *increased* public participation in meetings.

Staff has determined that the October 4 MCOG Board meeting can be held via teleconference based on provision A listed above. Although at the time of this report, local guidance has not been developed specific to AB 361, there are existing recommendations in place from both the Centers for Disease Control that recommend social distancing and the California Division of Occupational Safety and Health (Cal/OSHA) defining close contacts. Because this item will be the first thing considered at this meeting, the meeting could also be held remotely pursuant to circumstance B. This is consistent with guidance provided by California Special Districts Association and at a special Rural Counties Task Force meeting.

Pursuant to AB 361, if a state of emergency remains active or recommendations remain in place to promote social distancing, a legislative body may continue teleconference meetings using modified procedures if it makes the following findings by majority vote:

- (A) The legislative body has reconsidered the circumstances of the state of emergency.
- (B) Any of the following circumstances exist:
 - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

Based on this, staff has prepared a draft resolution (attached) finding that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees. Pursuant to the requirements of the legislation, a similar resolution will be placed first on each subsequent agenda until such time that it is prudent to return to in-person meetings. This approach has been determined to be compliant with the intent of the legislation and is also consistent with the guidance provided by California Special Districts Association and at a special Rural Counties Task Force meeting.

This finding would be applied to MCOG's legislative bodies, including Regional Transportation Planning Agency (RTPA), Policy Advisory Committee (PAC), Service Authority for Freeway Emergencies (SAFE), and advisory standing committees including Executive Committee, Technical Advisory Committee (TAC), Transit Productivity Committee (TPC), and Social Services Transportation Advisory Council (SSTAC).

ACTION REQUIRED: Adopt the proposed resolution finding that, as a result of the COVID-19 emergency, meeting in person presents imminent risks to the health or safety of attendees.

ALTERNATIVES: Do not adopt the proposed resolution (not recommended).

RECOMMENDATION: Adopt Resolution #M2021-12 allowing MCOG's legislative bodies and advisory committees to continue remote meetings and finding that, as a result of the COVID-19 emergency, meeting in person presents imminent risks to the health or safety of attendees.

MENDOCINO COUNCIL OF GOVERNMENTS

BOARD of DIRECTORS

RESOLUTION No. M2021-12

MAKING FINDINGS PURSUANT TO ASSEMBLY BILL 361 TO CONTINUE REMOTE PUBLIC MEETINGS FOR MCOG'S LEGISLATIVE AND ADVISORY BODIES DURING THE COVID-19 STATE OF EMERGENCY

WHEREAS,

1. The Mendocino Council of Governments (MCOG) is committed to preserving and fostering public access and participation in its meetings, as required by the Ralph M. Brown Act (Cal. Government Code 54950 – 54963), which makes provisions for remote teleconferencing participation in meetings by members of a legislative body, subject to the existence of certain conditions;
2. A state of emergency was proclaimed by Governor's Executive Order N-33-20 on March 4, 2020, addressing the threat of the COVID-19 pandemic, and remains in effect;
3. Beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting;
4. The County of Mendocino declared a local health emergency on March 4, 2020, ratified on March 10, 2020 and renewed periodically;
5. MCOG's Board of Directors, advisory and standing committees have conducted their meetings remotely by virtual means, as authorized by the Executive Order, since April 2020;
6. Executive Order N-08-21 extended the previous order until September 30, 2021;
7. On September 16, 2021, the Governor signed into law AB 361, an urgency measure, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules during a declared state of emergency if:
(a) State or local officials have imposed or recommended measures to promote social distancing, (b) the legislative body is meeting to determine whether, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees, or (c) the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees;
8. Although applicable social distancing requirements are currently no longer in effect, the Centers for Disease Control & Prevention and Mendocino County Public Health Department continues to recommend measures to promote social or physical distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission;

9. On June 17, 2021, Executive Order N-09-21 was signed by the Governor, approving the COVID-19 Prevention Emergency Temporary Standards for workplaces as amended by the Occupational Safety and Health Standards Board, such that employers may continue to implement additional physical distancing than are required, and employers are under an ongoing requirement to assess workplace hazards and implement controls to prevent transmission of disease;
10. In recent months, the Delta variant has surged in the United States and become the predominant COVID-19 variant, accounting for the majority of infections and hospitalizations, believed by medical experts to be twice as contagious as previous variants, and data has shown the variant has increased transmissibility even among some vaccinated people;
11. Due to the uncertainty and concerns about these current conditions, the Mendocino County Supervisors continue to meet remotely and not in their regular board chambers where MCOG typically has convened its meetings, and numerous state and local agencies including Caltrans continue to require their workforce to work from separate remote locations;
12. Given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees;
13. These virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities, and MCOG continues to provide for public access to its remote meetings; therefore, be it

RESOLVED, THAT:

- The Mendocino Council of Governments adopts the recitals set forth above as findings of fact.
- MCOG hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.
- In accordance with AB 361, based on the findings and determinations herein, meetings of MCOG's legislative and advisory bodies will be held remotely by virtual means, suspending Brown Act teleconferencing rules while providing for all feasible means of public participation.
- This resolution shall be effective upon adoption and remain in effect until MCOG's next regular board meeting on November 1, 2021, when MCOG shall consider renewing its findings by subsequent resolution, in accordance with AB 361.

ADOPTION OF THIS RESOLUTION was moved by Director _____, seconded by Director _____, and approved on this 4th day of October, 2021, by the following roll call vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

WHEREUPON, the Chairman declared the resolution adopted, AND SO ORDERED.

ATTEST: Nephele Barrett, Executive Director

Dan Gjerde, Chair



MENDOCINO COUNCIL OF GOVERNMENTS

Agenda # 6
Regular Calendar
MCOG Meeting
10/4/2021

STAFF REPORT

TITLE: Resolution Approving State of Good Repair Project List for FY 2021/22

SUBMITTED BY: Janet Orth, Deputy Director / CFO

DATE: 9.24.2021

BACKGROUND:

The State of Good Repair (SGR) program is a transit capital funding program created by the Road Repair and Accountability Act of 2017, also known as Senate Bill 1 (SB 1). This funding source is derived from a fee on vehicle registrations. SGR is a capital program, and cannot be used for operations or project development as a stand-alone project. Eligible uses of SGR funds include:

- Transit capital projects to maintain, repair or modernize a transit operator's existing transit fleet or facilities,
- Design, acquisition, and construction of new vehicles or facilities that improve existing transit services, and
- Services that complement local efforts for repair and improvement of local transportation infrastructure.

Revised SGR Guidelines were released in July 2021, posted at [State of Good Repair | Caltrans](#) along with related program information. Transit operators submit project lists directly to Caltrans in the CALSMART online reporting tool. Projects must be approved by Regional Transportation Planning Agencies. Mendocino Transit Authority (MTA) submitted its 2021/22 SGR Project List by September 1 as required.

The State Controller distributes the funds by the same formula as for State Transit Assistance. Allocated revenues have been received by MCOG at approximately \$129,000 to \$135,000 per year. The SGR revenues are received quarterly in MCOG's fund account. Up to four years of funding can be accrued for a project. Once the project is started, four years are allowed for expenditure, allowing up to a total of eight years from the allocation year to expend the funds.

MCOG has allocated SGR funds for Fiscal Years 2017/18, 2018/19, 2019/20 and 2020/21. On August 19, 2019, MCOG approved by resolution MTA's Ukiah Transit Center project, detailed in the FY 2019/20 SGR Project List covering the first three three years of funds. On October 5, 2020, MCOG approved MTA's list including 2020/21 funds for the Ukiah Transit Center project, while revising the list to reprogram their FY 2017/18 allocation to fund immediate needs for rehabilitation and facility upgrades in Ukiah and Fort Bragg. The two new projects were completed in 2021. MTA now proposes to again revise its project list to apply all of the SGR funds to the purchase of three battery-electric busses to be deployed in Willits and Fort Bragg. Because of the limited timeline for expenditure of SGR funds, MTA is choosing to drop the Ukiah Transit Center from the SGR project list and to pursue other ways of developing a transit hub.

MCOG had an audited SGR fund balance of \$389,460 at June 30, 2020. Actual revenues were added in 2020/21 of \$135,671. MTA has claimed \$119,396 to date. The new 2021/22 revenue estimate is \$138,879, bringing available SGR funds to \$544,614. MTA's proposal comes to \$537,203 of SGR funds, matched with \$344,475 from three other sources, for total project costs of \$881,678.

ACTION REQUIRED:

By resolution, approve MTA's State of Good Repair Project List for FY 2021/22.

ALTERNATIVES:

The Council could reject the proposed project list or request revisions. – *not recommended*

RECOMMENDATION:

Adopt the attached resolution with exhibit approving the FY 2021/22 State of Good Repair Project List.

MENDOCINO COUNCIL OF GOVERNMENTS

BOARD of DIRECTORS

RESOLUTION No. M2021-___

APPROVING THE FY 2021/22 PROJECT LIST FOR THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM

WHEREAS,

- The Mendocino Council of Governments (MCOG) is the designated Regional Transportation Planning Agency for Mendocino County;
- Senate Bill 1 (SB 1), the Road Repair & Accountability Act of 2017, established the State of Good Repair (SGR) program to fund eligible transit maintenance, rehabilitation and capital project activities that maintain the public transit system in a state of good repair;
- MCOG is an eligible project sponsor that receives and distributes State Transit Assistance and State of Good Repair funds to eligible project sponsors (local agencies) for eligible transit capital projects; and
- Mendocino Transit Authority, as an eligible sub-recipient, has proposed a Fiscal Year 2021/22 Project List for State of Good Repair Program funds, attached as **Exhibit A** and summarized as follows;

Project	FY 2021/22 SGR	2018/19–2020/21 SGR	Total SGR	Other Sources	Total Project Cost
3 battery-electric busses with associated charging infrastructure	\$ 138,879	\$ 398,324	\$ 537,203	344,475	881,678

- This FY 2021/22 Project List supersedes previous years' lists, as the FY 2017/18 project has been completed and the Ukiah Transit Center project is deprogrammed and no longer requested to be funded by the State of Good Repair program; and
- MCOG concurs with the proposed list of eligible projects to be funded with available SGR as listed above and other sources available to MTA; therefore, be it

RESOLVED, THAT:

The Mendocino Council of Governments approves the Fiscal Year 2021/22 Project List and finds that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all State of Good Repair funded transit capital projects.

ADOPTION OF THIS RESOLUTION was moved by Director _____, seconded by Director _____, and approved on this 1st day of October, 2021, by the following roll call vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

WHEREUPON, the Chairman declared the resolution adopted, AND SO ORDERED.

ATTEST: Nephele Barrett, Executive Director

Dan Gjerde, Chair

FY 2021-22 State of Good Repair Project Information

#	Recipient/Region <i>Auto-Populated</i>	Sub-Recipient/Operator <i>Dropdown Selection</i>	Project Title <i>Project Titles must match if appearing on a previous list. Max 75 Characters</i>	Project Description <i>Max 300 Characters</i> <i>If you need more space place additional information in Notes</i>	Asset Type <i>Dropdown Selection</i>	Project Category <i>Dropdown Selection</i>
	<i>Auto-Populated from Regional Entity Info Tab</i>					
1	Mendocino Council of Governments	Mendocino Transit Authority	Purchase of Electric Buses with accompanying infrastructure	MTA is seeking funding for purchase of three battery electric buses to replace two 2011 model year and one 2010 model year 30' gasoline buses from service. MTA will also need accompanying infrastructure to support the charging of the vehicles.	Rolling Stock/Fleet	Replacement

#	Current Condition of Asset <i>Dropdown Selection</i>	Useful Life If applicable <i>In Years</i>	Project Dates		Project Location City	Project Location County	Existing State of Good Repair Project	SGR Costs			
			Project Start Date <i>MM/DD/YYYY</i>	Project Completion Date <i>MM/DD/YYYY</i>				<u>2021-22</u> SGR Costs 99313	<u>2021-22</u> SGR Costs 99314	<u>Total</u> SGR Costs 99313	<u>Total</u> SGR Costs 99314
1		7	09/01/2021	12/31/2023	Fort Bragg	Mendocino	No	\$129,003	\$9,876	\$367,798	\$30,526

#	Non-SGR Costs			Total	Legislative Districts			Notes, Comments, Additional Information
	Total Other SB1 Costs <i>Please Identify Program in Notes</i>	Total STA Costs - <i>Not Including SGR</i>	Total All Other Funds		Congressional	Senate	Assembly	
1			\$ 344,475	\$ 881,678	2	2	2	Includes SGR funds from FYs 18/19, 19/20, & 20/21 and Total other funds are a combo of LCTOP, HVIP and Local Capital.



MENDOCINO COUNCIL OF GOVERNMENTS

Agenda # 7
Regular Calendar
MCOG Meeting
10/4/2021

STAFF REPORT

TITLE: Authorize the Executive Director to Set Just Compensation for Right of Way Acquisitions for the Covelo SR 162 Corridor Multi-Purpose Trail Project

DATE PREPARED: 9/27/21
MEETING DATE: 10/4/21

SUBMITTED BY: Nephele Barrett, Executive Director

BACKGROUND:

The Mendocino Council of Governments in cooperation with Caltrans is working to advance the Covelo SR 162 Corridor Multi-Purpose Trail Project. The project will construct a Class I multi-purpose trail parallel to State Highway 162 a distance of approximately 1.5 miles, plus an east-west portion of the trail approximately 0.5 mile in length. MCOG has contracted with the firm of Bender Rosenthal, Inc. (BRI) to prepare certified appraisals for each affected subject property, and to acquire the necessary land rights on behalf of Caltrans, to construct the project.

There are eleven (11) subject parcels where permanent land rights will need to be acquired (Highway Easement Deed or Fee), and two (2) parcels where only temporary construction easements (TCE) are needed, as shown below.

Phase 1:

- 1) APN 033-230-09 (Rountree) TCE only
- 2) APN 033-230-22 (Kruger) HED/TCE
- 3) APN 033-230-23 (Garcia) HED/TCE
- 4) APN 033-013-12 (Round Valley Indian Tribe) HED/TCE
- 5) APN 033-013-02 (Bureau of Indian Affairs) HED/TCE
- 6) APN 032-480-15 (White/Dewey-White) Fee/no TCE
- 7) APN 032-480-51 (Brown) HED/TCE

Phase 2:

- 1) 032-470-10 (Concow Cemetery/BIA) HED/TCE
- 2) 032-470-20 (Borden) HED/TCE
- 3) 032-470-35 (Bureau of Indian Affairs) HED/TCE
- 4) 032-470-36 (Bureau of Indian Affairs) HED/TCE
- 5) 032-470-07 (United Methodist Church) HED/TCE
- 6) 032-390-36 (BIA Trust for RVII) TCE only

Currently, the certified appraisals are being reviewed and finalized by BRI. Once the final Fair Market Value (FMV) is established by completion of the appraisals, the next step in the right of way acquisition process is for the FMV amounts to be established as Just Compensation, which is the amount made to the subject property owner as part of the First Written Offer (FWO).

As the certified appraisals are finalized, it is the policy of BRI to have the governing agency complete a form titled Approval to Set Just Compensation, and Commence With First Written Offer & Negotiations (copy of form attached). The identifying information is entered into the form for each subject property, the form is signed by the person authorized to do so, and the First Written Offers are made.

At this time, we request that the MCOG Board delegate authority to the Executive Director to execute the forms that Set Just Compensation for each subject property owner, based on the final certified appraisal amount of the FMV, as prepared by BRI.

ACTION REQUIRED: Authorize the Executive Director to execute the form titled Approval to Set Just Compensation, based on the final Fair Market Value shown in the certified appraisals for each affected subject parcel, for the Covelo SR 162 Corridor Multi-Purpose Trail Project.

ALTERNATIVES:

Do not delegate the authority to the Executive Director to execute the Just Compensation forms. This is not recommended due to time constraints with funding obligations; there is a need to advance the approval process.

RECOMMENDATION: Staff recommends that the MCOG Board delegate the authority to Set Just Compensation to acquire the necessary land rights for the Covelo SR 162 Corridor Multi-Purpose Trail Project based upon the Fair Market Value established by the certified appraisals for each subject parcel identified herein, and authorize the Executive Director to execute the Approval to Set Just Compensation forms as required.

DATE: XXXXXXXX XX, 2021

TO: Pete Feild, Project Manager & Senior Acquisition Agent
Rebekah Green, BRI Project Coordinator

FROM: Mendocino Council of Governments
Nephele Barrett, Executive Director

RE: **APPROVAL TO SET JUST COMPENSATION, and COMMENCE
WITH FIRST WRITTEN OFFERS & NEGOTIATIONS
SR 162 – COVELO TRAIL PROJECT, 01-0F970 & 01-0F980**

The Appraisal for the subject property has been completed, reviewed and approved. You are hereby authorized to proceed with offers of just compensation for the real property interests in the amounts presented below:

APN	Site Address	Owner Name	Fair Market Value	Just Compensation
			\$	\$

APPROVED BY:

NAME	TITLE	REQUIRED SIGNATURE	SIGNATURE	DATE
Nephele Barrett	Executive Director			

MENDOCINO COUNCIL OF GOVERNMENTS

Agenda # 8
Consent Calendar
MCOG Meeting
10/04/2021

MINUTES

Monday, August 16, 2021

Teleconference Only

In compliance with Governor's Executive Order N-29-20

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 1:31 p.m. with Directors Jim Brown, Greta Kanne, Tess Albin-Smith, John Haschak, Tatiana Ahlstrand (Caltrans/PAC), and Dan Gjerde present by Zoom teleconference; Chair Gjerde presiding, Scott Ignacio absent. [Clerk's note: the Public Appointee seat was vacant.]

Staff present on the call: Nephele Barrett, Executive Director; Janet Orth, Deputy Director / CFO; Loretta Ellard, Deputy Planner; Alexis Pedrotti, Project Manager; James Sookne, Program Manager; Danielle Casey, Program Coordinator; and Monica Galliani, Administrative Assistant.

Note: Public comment was invited via 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. Public Expression. Tom Murphy of the Gualala Municipal Advisory Council (GMAC) expressed concern over the extensions of due dates for the Gualala Downtown Streetscape project and asked the board to urge Caltrans not to delay any longer in adopting the basic concept, citing community input. He also listed safety concerns over the current state of Highway 1 passing through Gualala.

5. Presentation: California Active Transportation (CAT) Plan. Alexis Kelso of Caltrans District 1 presented the California Active Transportation (CAT) plan, which identifies challenges to people's ability to walk, bicycle, and reach transit on the state highway system in northern California. She shared information on different aspects of the plan such as data-driven needs analysis, public engagement efforts, and online map tools to review the draft plan and summary report.

In Board questions and discussion, Alexis stated that this is the first year that Caltrans has conducted this survey. Ms. Barrett reminded that comments for the survey are due September 3. Staff will review and comment on the draft plan. The final plan is expected to be released in October.

6. Technical Advisory Committee (TAC) Recommendations of April 26, 2021 and July 21, 2021

- a. Actions to Develop Solutions for Identified Unmet Transit Needs. Ms. Orth referred to her staff report and reported the Technical Advisory Committee's recommendations:
 - The MCOG Board of Directors support further study through Caltrans planning grant proposals submitted in the current cycle by MCOG and MTA staffs, to be better positioned to meet several of the listed needs, such as #S-9 "*Mobility solutions for remote communities*" and related service to Brooktrails, Potter Valley, Covelo, and Laytonville
 - MTA staff research opportunities with outside partners such as Adventist Health to meet #S-1 "*Non-emergency medical transportation for patients discharged from hospitals during transit service off-hours.*"

- MCOG staff work with Walk & Bike Mendocino meet #M-3 “*Research on clean mobility grants for bikes and scooters.*”

She reported progress already underway, with the grant award received for MCOG’s “Feasibility Study – Mobility Solutions for Rural Communities of Inland Mendocino County” and MTA discussions with Adventist Health. Planning staff can work on the third recommendation under the multimodal work element. Directors Gjerde and Albin-Smith voiced their support of the recommendations.

Upon motion by Director Brown, second by Director Haschak, and carried unanimously on roll call vote (*6 Ayes – Brown, Kanne, Albin-Smith, Haschak, Ahlstrand/PAC, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent – Ignacio*): IT IS ORDERED that the board supports further study of remote mobility solutions by endorsing the Caltrans planning grant to begin in September 2021, and directs staff to work with Walk & Bike Mendocino on research into clean mobility grants for bikes and scooters.

- b. Approval of Resolution Adopting Revised Formula for Allocating Local Transportation Funds to Senior Centers’ Specialized Services. Ms. Barrett gave a background of the funding situation for the five senior centers under contracts with Mendocino Transit Authority, as allocated by MCOG for specialized services. The distribution formula has not been revised since inception decades ago, while the services have changed over time. Senior center representatives on the Transit Productivity Committee have submitted proposed formulas for consideration. MCOG staff also developed several potential formula variations. The TPC met in July and considered six scenario alternatives, ultimately recommending approval of the senior centers’ preferred scenario. This scenario would be based on 100% service data, distributing 40% of funding based on passengers, 30% on service hours, and 30% on service miles. The TPC specified that the new formula would start with the FY 2022/23 budget and be based initially on 2019 data to capture pre-pandemic conditions. The formula would then be updated every three years, using an average of the previous three years of service data.

In board discussion, Director Brown mentioned how well the Transit Productivity Committee worked together to come to a decision and complimented staff and senior center representatives for their work on this issue. Director Gjerde noted that with Local Transportation Fund revenues coming in high, the timing is good for revision, as the impact would be easier on those centers receiving a reduction in the funding formula.

Upon motion by Director Haschak, second by Director Albin-Smith, and carried unanimously on roll call vote (*6 Ayes – Brown, Kanne, Albin-Smith, Haschak, Ahlstrand/PAC, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent – Ignacio*): IT IS ORDERED that the following resolution is approved.

Resolution No. M2021-10

Adopting Revised Formula for Allocating
Local Transportation Funds to
Senior Centers’ Specialized Services

[Reso. #M2021-10 is incorporated herein by reference]

7. Approval of Resolution Adopting Second Amendment to 2020 Regional Transportation Improvement Program (RTIP). Mr. Sookne explained that, as requested by the City of Willits, the amendment aims to program the \$144,000 portion of federal Coronavirus Response & Relief Supplemental Appropriations Act (CRRSAA) funds that flow through the STIP in FY 2022/23 for the PS&E (Plans, Specifications & Estimates) phase of their Rail with Trail project, currently funded with an Active Transportation Program grant. In response to a question from Director Haschak, Director Kanne reported that the proposal had not yet come before the City, but she anticipated it would be met with approval.

Upon motion by Director Brown, second by Director Haschak, and carried unanimously on roll call vote (*6 Ayes – Brown, Kanne, Albin-Smith, Haschak, Jackman/PAC, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Ignacio*): IT IS ORDERED that the following resolution is approved.

Resolution No. M2020-11

Adopting the Second Amendment to the
2020 Regional Transportation Improvement Program (RTIP)
[Reso. #M2021-11 is incorporated herein by reference]

8. Discussion/Direction: 2022 State Transportation Improvement Program (STIP) Fund

Estimate. Mr. Sookne reported that a maximum funding amount is identified for the region of \$6,767,000. After deducting \$297,000 available for Planning, Programming & Monitoring (PPM), a target of \$4,593,000 is available for new programming on projects, with a maximum of \$6,470,000. MCOG staff, in conjunction with the Technical Advisory Committee (TAC), will be developing the RTIP. In the 2020 RTIP, future funding commitments, when capacity allows, were identified for the following projects:

- N. State Street Intersection/Interchange –CON \$1,602,000 (County of Mendocino)
- Gualala Downtown Streetscape – CON up to \$3,050,000 (Caltrans)

He then reviewed funding amounts required for each project and presented options. Staff is seeking direction before consulting with the TAC. Ms. Barrett added that staff anticipates receiving a request from Caltrans to add approximately \$200,000 to the Gualala Downtown Streetscape in order to complete the environmental document for the project. Staff will also be seeking funds through the Active Transportation Program. Director Gjerde asked whether any new federal funds would come available in the near term; Ms. Barrett replied that staff will also be seeking state funds from the Caltrans Complete Streets program, and noted the new federal Innovative Concepts program (refer to Agenda #13e). The Chair invited public comment on the item. Public comments included:

- Robert Juengling, GMAC – The community of Gualala highly anticipates the completion of the Gualala Downtown Streetscape and have voiced approval of planning Scenarios 4a and 4b as the final design concept.
- Tom Murphy, GMAC – Further prolonged debate over the Gualala project would result in negative impacts; further data is unnecessary, and remaining disputes could be settled quickly with Caltrans now they are more fully staffed.

Mr. Sookne recapped options available including existing projects and opening to new proposals. Board discussion included:

- Preference not to jeopardize Gualala’s project. (Kanne)
- Take care of projects already on the books. Are any new proposals known? (Haschak)
- More information and options are requested prior to further direction and action. (Consensus)

Staff was directed to solicit TAC input including new project ideas and to bring the item back to the November board meeting, for action at the December meeting. No formal action was taken.

9-11. Consent Calendar. Upon motion by Brown, second by Albin-Smith, and carried unanimously on roll call vote (*6 Ayes – Brown, Kanne, Albin-Smith, Haschak, Jackman/PAC, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent – Ignacio*): IT IS ORDERED that consent items are approved.

9. Approval of June 3, 2021 Minutes - as written

10. Approval of Transit Productivity Committee Minutes of July 21, 2021 – as written

11. Approval of First Amendment to Fiscal Year 2021/22 Transportation Planning Overall Work Program (OWP) – *to program new grant funding in Work Element 5 and to carry over funds unexpended in FY 2020/21. Total OWP funding increased from \$862,480 to \$1,265,561, an increase of \$403,081. The Executive Director or designee is authorized to sign certifications and OWP Agreement, and forward to Caltrans as required*

12. Recess as Policy Advisory Committee – Reconvene as RTPA – Ratify Action of Policy Advisory Committee. Upon motion by Albin-Smith, second by Brown, and carried unanimously on roll call vote (5 Ayes – Brown, Kanne, Albin-Smith, Haschak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Ignacio): IT IS ORDERED that the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

13. Reports - Information

- a. Caltrans District 1 – Projects Update and Information. Director Ahlstrand stated that Caltrans staff will be providing an updated project status list at the next MCOG meeting, consistent with quarterly management meetings with RTPAs in the District. Director Gjerde appreciated California’s highways after traveling in Oregon and Washington, noting more safety features.
- b. Mendocino Transit Authority. No report.
- c. North Coast Railroad Authority. Director Haschak reported that there hasn’t been a new meeting. He attended the Hopland Municipal Advisory Council, where they discussed the conversion of the railroad to the Great Redwood Trail, and meetings with landowners in the Eel River canyon Ms. Ellard is tracking Senate Bill 69; next hearing scheduled for August 19.
- d. MCOG Staff - Summary of Meetings. Ms. Barrett referred to her written staff report.

Director Albin-Smith was excused for another commitment at approximately 3:00 p.m.

- e. MCOG Administration Staff
 - i. *Innovative Concepts Proposals Submitted – Biden Administration’s American Jobs Plan.* Ms. Barrett explained that, in preparation for potential federal funding proposed for infrastructure, Caltrans put out a call for Innovative Concept proposals that aligned with statewide transportation priorities. MCOG staff submitted six concepts: Brooktrails Second Access, Mobility Solutions in Rural Communities, Noyo Harbor Multimodal Improvement Project, Orchard Avenue Extension Phases I & II, an extension of the Rail Trail to Mendocino College, and a new Mendocino Transit Authority transit center in Ukiah. Appreciation was expressed to staff for submitting the broad range of proposals.
 - ii. *Miscellaneous.* None.
 - iii. *Next Meeting Date.* Monday, October 4, 2021.
- f. MCOG Planning Staff
 - i. *2022 Regional Transportation Plan/Action Transportation Update.* Ms. Ellard reported that staff has made many public input outreach efforts and listed them. Staff anticipates having a draft for public comment in September or October, which they will present to the Board in November.
 - ii. *Local Road Safety Plans Update: Report Your Area of Concern at Mendocino Safe Roads [www.mendocinosaferoads.com].* Ms. Ellard reported that staff has been working with the consultant, TJKM, and have finished the first round of five stakeholder workshops. She referred to the budget included in her written staff report. The project is scheduled to end in spring.

iii. *Caltrans Sustainable Transportation Planning Grant Award.* Ms. Ellard gave an overview of the grant for MCOG's Feasibility Study – Mobility Solutions for Rural Communities of Inland Mendocino County. The total grant awarded is \$177,060, with a required local match of \$22,940, for a total project of \$200,000. Director Gjerde was interested in researching rural ride-hailing services that could feed into the fixed transit routes, as part of the project scope. Appreciation was expressed for pursuing this project to meet transportation needs.

iv. *Miscellaneous.* None.

g. MCOG Directors. No reports.

h. California Association of Councils of Governments (CALCOG) Delegates. There was no report.

14. Adjournment. The meeting was adjourned at 3:11 p.m.

Submitted: NEPHELE BARRETT, EXECUTIVE DIRECTOR

By Monica Galliani, Administrative Assistant



**MENDOCINO COUNCIL OF GOVERNMENTS
STAFF REPORT**

Agenda # 10d
Reports
MCOG Meeting
10/4/2021

TITLE: Summary of Meetings

DATE PREPARED: 9/23/2021

SUBMITTED BY: Monica Galliani, Administrative Assistant

BACKGROUND: Since our last regular MCOG meeting packet, MCOG Administration and Planning staff has attended (or will have attended) the following meetings on behalf of MCOG:

Date	Meeting/Event	Staff
8/17/2021	Caltrans District 1 and Regional Transportation Planning Agencies (RTPA) Directors Meeting	Barrett, Davey-Bates,
8/17/2021	Statewide RTPA Group Meeting	Barrett, Orth
8/17/2021	Covelo Trail Project Development Team (PDT) Meeting	Barrett & Sookne
8/18/2021 – 8/19/2021	California Transportation Commission (CTC) Meeting	Barrett & Davey-Bates
8/23/2021	Local Roads Safety Program (LRSP) Monthly Check-In	Barrett & Ellard
8/23/2021	North State ZEV Working Group	Orth & Sookne
8/23/2021	RTP Meeting with Caltrans	Barrett & Ellard
8/24/2021	Interregional Transportation Strategic Plan (ITSP) Draft Plan – Northern California Workshop	Barrett & Davey-Bates
8/25/2021	Clean California Meeting with Caltrans	Barrett
8/25/2021	Mendocino Transit Authority	Sookne
8/26/2021	Covelo Trail Meeting	Barrett & Sookne
8/31/2021	Covelo Trail Project Development Team (PDT) Meeting	Barrett & Sookne
9/1/2021	RTP Meeting with the Manchester Point Arena Tribe	Barrett & Ellard
9/1/2021	Clean California Grant Workshop	Barrett, Casey & Ellard
9/13/2021	North Coast Rail Authority	Ellard
9/13/2021	CTC ATP Webinar	Casey
9/14/2021	Comprehensive Economic Development Strategy Meeting	Barrett
9/14/2021	Covelo PDT Meeting	Barrett & Sookne
9/15/2021	MCOG Technical Advisory Committee (TAC) Meeting	Barrett, Ellard, Pedrotti, Sookne, Orth
9/16/2021	California Energy Commission (CEC) Clean Transportation Program Advisory Group – 2021-2022 Investment Plan Update	Orth
9/17/2021	Rural Counties Task Force (RCTF)	Barrett & Davey-Bates
9/17/2021	CALCOG Board Meeting	Orth
9/21/2021	Social Media Supervision for State and Local Governments Webinar	Orth & Galliani
9/21/2021	SB 1 Guidelines Workshop	Barrett
9/21/2021	Community Health Needs Assessment Steering Committee	Barrett
9/24/2021	RCTF Special Meeting Re: AB 361, Brown Act	Barrett, Ellard & Orth
9/27/2021	Local Roads Safety Program (LRSP) Monthly Check-In with TJKM	Barrett & Ellard
9/28/2021	Covelo Trail Project PDT Meeting	Barrett & Sookne
9/28/2021	SB 1 Guidelines Workshop	Sookne
9/29/2021	CDAC Meeting	Barrett
9/30/2021	North State ZEV Working Group	Orth & Sookne

I will provide information to the Board regarding the outcome of any of these meetings as requested.

ACTION REQUIRED: None.

ALTERNATIVES: None identified.

RECOMMENDATION: None. This is for information only.



MENDOCINO COUNCIL OF GOVERNMENTS

STAFF REPORT

Agenda # 10e
Reports
MCOG Meeting
10/4/2021

TITLE: Financial Update – TDA Revenues for FY 2020/21

SUBMITTED BY: Janet Orth, Deputy Director / CFO

DATE: 9.28.2021

BACKGROUND:

I have reported throughout the year MCOG's revenues from the Transportation Development Act (TDA), which comprises the LTF and STA funds. Final accrual revenues for the fiscal year were distributed in August and September, so we now have a full 12 months in MCOG's cash accounts.

Local Transportation Fund (LTF). This fund receives the quarter-cent of sales taxes dedicated to transportation. Contrary to initial concerns of state and local officials when the virus pandemic and economic disruption began during budget development in the spring of 2020, these sales tax revenues continued to rise beyond all expectations.

Actual LTF revenues at fiscal year end total \$5,009,662, a full 20% higher than the County Auditor's budget estimate of \$4,174,378, for a surplus of \$835,284. By MCOG policy the funds are to be deposited to the LTF Reserve account for later allocation in the FY 2022/23 budget.

Comparing actuals to actuals, 2020/21 LTF came in 22% above 2019/20 sales tax revenues.

State Transit Assistance (STA). This fund is derived from statewide sales tax on diesel fuel. As driving and travel behavior changed with the pandemic, these revenues dropped. The State Controller's January 2020 preliminary estimate of \$834,637 fell to \$492,043 in the revised August 2020 estimate, a drop of 41%.

Actual STA revenues at fiscal year end total \$647,948, partway between the two estimates: 78% of the initial estimate and 132% of the revised estimate, as travel and commutes began to resume.

As I've reported periodically, there continue to be efforts to replace the gas-consumption revenue model with a system based on vehicle miles. During the 2016 California Road Charge Pilot project, established by Senate Bill 1077 (DeSaulnier), *"more than 5,000 vehicles from all over the state reported over 37 million miles driven, through six different reporting and recording methods ranging from manual methods to highly technical methods with optional location-based services."* (I had the pleasure of volunteering in that project.) Next, as part of a four-phase demonstration: *"California is testing how road charge can work with four technologies: usage-based insurance, ridesharing, electric vehicle charging stations/pay-at-the-pump systems, and autonomous vehicles. The Four Phase Demonstration was held January through June 2021. An evaluation of the demonstration and a final report are in development to summarize demonstration operations, findings, and next steps."* To learn more visit: <http://caroadcharge.com>.

I will be glad to answer any questions at our meeting October 4.

ACTION REQUIRED: None, this report is not agendized for action at this meeting.

ALTERNATIVES: Not applicable.

RECOMMENDATION: No action, this report is for information only.



MENDOCINO COUNCIL OF GOVERNMENTS

STAFF REPORT

Agenda # 10f
Reports
MCOG Meeting
10/4/2021

TITLE: Regional Transportation Plan/Active Transportation Plan 2022 Update **DATE PREPARED:** 09/27/21

SUBMITTED BY: Loretta Ellard, Deputy Planner

MEETING DATE: 10/04/21

BACKGROUND:

MCOG staff is continuing to work on the required update of the Regional Transportation Plan (which includes the Active Transportation Plan) – Work Element 9 in the current Overall Work Program. The 2022 RTP/ATP Update is due by February 5, 2022, in accordance with the four-year update cycle.

As previously reported, the initial needs assessment, public outreach, and information gathering phase has been completed, and we are currently working on incorporating public input as appropriate and completing the various draft plan components.

We plan to post the draft RTP/ATP to MCOG's website for board and public review by October 15, and will provide a presentation on the draft at the November 1 MCOG meeting. Availability of the draft will be advertised via our email contact lists, press releases, MCOG website, and through social media. MCOG board members will be notified once the draft has been posted for review.

Adoption of the Final RTP/ATP and environmental document is planned for the December 6 MCOG meeting; however, action could be delayed until the February meeting, if needed. *The 2017 RTP was adopted 2/5/18, so the next four-year due date would be 2/5/22. That date falls on a weekend, and the following Monday, 2/7/22 is the date of the February MCOG meeting.*

Please visit the project page at: <https://www.mendocinocog.org/regional-transportation-plan-rtp-active-transportation-plan-2022-update> for more information.

ACTION REQUIRED: Information only.

ALTERNATIVES: N/A.

RECOMMENDATION: Information only.

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