

# MENDOCINO COUNCIL OF GOVERNMENTS

Approved MINUTES  
Monday, February 6, 2012  
Ukiah City Council Chambers

ADDITIONAL AUDIOCONFERENCE LOCATION:  
Caltrans District 1, 1656 Union St., Eureka

**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 1:33 p.m. with Directors Rex Jackman (Caltrans/PAC) on the audioconference telephone, Terry Hughey, Benj Thomas (Alternate), Holly Madrigal, John Pinches, Susan Ranochak, Carre Brown, and Dan Gjerde present. Chair Gjerde introduced and welcomed new Council members Madrigal and Brown.

Staff present: Phil Dow, Executive Director; Janet Orth, Deputy Director for Administration; Loretta Ellard, Assistant Executive Director; and James Sookne, Regional Project Manager.

**2. Election of Officers – Chair and Vice Chair.** Executive Director Dow introduced this item, procedure for the election was reviewed and agreed upon, then staff conducted the election. Ms. Orth opened the floor to nominations for the office of Chair. Director Brown nominated Director Gjerde. There were no further nominations for the office of Chair.

**Upon motion** by Director Brown, second by Director Ranochak, and carried unanimously on roll call vote<sup>i</sup> (7 Ayes – Hughey, Thomas/Alt., Madrigal, Gjerde, Pinches, Ranochak, Brown; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that nominations for the office of Chair are closed.

**Upon motion** by Director Brown, second by Director Ranochak, and carried unanimously on roll call vote (7 Ayes – Hughey, Thomas/Alt., Madrigal, Gjerde, Pinches, Ranochak, Brown; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that **Director Gjerde is re-elected Chair.**

Ms. Orth opened the floor to nominations for the office of Vice Chair. Director Brown nominated Director Pinches. With no further nominations for the office of Vice Chair, nominations were closed. **Upon motion** by Director Brown, second by Director Ranochak, and carried unanimously on roll call vote (7 Ayes – Hughey, Thomas/Alt., Madrigal, Gjerde, Pinches, Ranochak, Brown; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that **Director Pinches is re-elected Vice Chair.**

Chair Gjerde presided over the remainder of the meeting.

**3. Convene as RTPA**

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

**Public Expression.** None.

**5 - 8. Regular Calendar.**

**5. Consideration of North Coast Railroad Authority (NCRA) Request for Letter of Support – Proposed Annual Allocation to NCRA from State Public Transportation Account.** Mr. Dow noted a correction to his written staff report regarding the State's allocation formula for the funding

source under discussion, indicating a lesser potential impact than he had previously thought on availability of public transit funding to Mendocino County that could result from NCRA's proposal. He then summarized background of the matter. There is no dedicated source of funding for NCRA's mandate, so the organization continues to seek sources. He voiced concerns about the proposal, explaining reasons he was not ready to support the proposal. Issues he identified included:

- Reduced funding levels in the Public Transportation Account (PTA);
- Statutory purpose of the PTA as intended primarily for public transit, not freight rail;
- MTA vehicle replacement needs;
- Largest source of sales tax on diesel, the trucking industry, potential competitor to freight rail;
- Unknowns about impacts that could result on the local Mendocino County transit system.

Board questions and discussion included PTA funding, availability of and demand for PTA funds in the State Transportation Improvement Program (STIP), relationship of railroad operations to diesel fuel taxes, and Assemblymember Chesbro's intentions as to sponsorship of a legislative bill supporting NCRA's proposal.

Ruth Valenzuela, Senior Field Representative, Assemblymember Wesley Chesbro, was invited to the podium. She confirmed that Assemblymember Chesbro had chosen not to carry a bill as proposed by NCRA.

Mitch Stogner, Executive Director, NCRA, stated he would present different aspects of the proposal than those made by Mr. Dow, and thanked the Council for the opportunity to present NCRA's case. The sales tax on diesel fuel increased in July 2011 and deposits to the PTA come to \$642 million per year. He concurred with Mr. Dow's report of the PTA funding distribution formula under Public Utilities Code. However the STIP does not specifically identify transit purposes for this funding source and emphasized that NCRA expects to be last in line for PTA funding eligibility. He noted a fund balance of over \$270 million, notwithstanding a five-year STIP programming shortfall. NCRA must address its State-mandated responsibility to preserve and maintain public property in the railroad right-of-way. They hear reports from many public agencies of a variety of hazards on the rail line and have overcome numerous obstacles to date. They would like to continue to restore the rail north to Willits. Engineers are on call to respond to hazard reports, but State support is needed. In response to Director Pinches' question, the railroad operator believes the company does pay substantial sales taxes on diesel. Mr. Stogner asked MCOG to support NCRA's request for an allocation of State funds from the available PTA fund balance after all other eligible entities under the State's formula.

Vice Chair Pinches recounted some history of NCRA's finances, noting they have the option to ask another legislator for support. He was not in favor of continuing to discuss the matter.

Mr. Stogner added that Assemblymember Chesbro had encouraged NCRA to pursue a solution by other methods than a separate legislative bill. NCRA has received no operating support from the State. He listed efforts by the organization to solve problems on its own, making some progress to date.

The Chair invited members of the public to speak.

John McCowen, NCRA Board Member, stated that, based on information available so far, the appropriate action would be to take no action. He was not sure about the particular funding source identified but focused instead on the larger context. He remarked that the rail line is illustrative of greater problems faced by many and is often "a perfect example of what life looks like," citing a great concept for public rail that lacked funds to sustain it. Previous operators of the

rail line did not invest in maintaining the infrastructure, so NCRA received it in a state of disrepair and escalating decline, followed by storm damage precluding operations and income, leaving NCRA in a compromised position. Ongoing issues of vandalism, toxic waste, illegal dumping, and other results of neglect, need a source of revenue if ever they are to be addressed. He hoped that the Council would help to address these problems associated with the rail line in Mendocino County. To deal with these negative impacts would be of benefit to everyone in our community.

**Upon motion** by Brown, second by Pinches, and carried unanimously on roll call vote (*8 Ayes –Jackman/PAC, Hughey, Thomas/Alt., Madrigal, Pinches, Brown, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent*): IT IS ORDERED that action on North Coast Railroad Authority's request for a letter of support for a proposed annual allocation to NCRA from the State Public Transportation Account is suspended.

**6. Orientation Opportunities for New Council Members.** Staff offered their time and orientation materials. Ms. Orth handed out MCOG's Board Orientation & Reference Manual to new members, offering an alternative electronic format if preferred, noting plans in progress to develop a web-based version. She will contact those members and alternates who expressed interest in meeting at MCOG's office later in the month, to establish a date and time for an orientation workshop. Chair Gjerde noted the value of learning the various program funding cycles. Director Brown thanked Chair Gjerde for contacting her before the meeting to provide information and help to get started.

**7. Appointments to Standing Committees.** Duties of each committee were reviewed.

- a. Executive Committee. According to MCOG's bylaws, the Chair and Vice Chair are members of this committee (formalized by following board action) with the addition of a third member. Director Madrigal volunteered to take the place of Director Stranske on the committee (as his previous Alternate), who had most recently served. Alternate Director Thomas reported his understanding that Director Rodin also would be willing to serve. A brief discussion followed.

Upon motion by Brown, second by Ranochak, and carried unanimously on roll call vote (*8 Ayes –Jackman/PAC, Hughey, Thomas/Alt., Madrigal, Pinches, Ranochak, Brown, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent*): IT IS ORDERED that the Council appoints **Chair Gjerde, Vice Chair Pinches, and Director Madrigal** to the Executive Committee.

- b. Transit Productivity Committee. Upon motion by Pinches, second by Madrigal, and carried unanimously on roll call vote (*8 Ayes –Jackman/PAC, Hughey, Thomas/Alt., Madrigal, Pinches, Ranochak, Brown, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent*): IT IS ORDERED that **Director Hughey** is appointed to the Transit Productivity.

**Chair Gjerde** re-appointed himself to the committee (as allowed by the Bylaws), with concurrence of the members.

- c. California Association of Councils of Governments (CALCOG). Upon motion by Gjerde, second by Ranochak, and carried unanimously on roll call vote (*8 Ayes –Jackman/PAC, Hughey, Thomas/Alt., Madrigal, Pinches, Ranochak, Brown, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent*): IT IS ORDERED that the Council appoints **Director Brown as the Delegate and Alternate Director Smith as the Alternate.**

- d. Optional Appointment to North State Super Region. Upon motion by Gjerde, second by Ranochak, and carried unanimously on roll call vote (8 Ayes –*Jackman/PAC, Hughey, Thomas/Alt., Madrigal, Pinches, Ranochak, Brown, and Gjerde*; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that the Council reappoints **Vice Chair Pinches as the Delegate**. (No Alternate Delegate was appointed.)

**8. Adoption of 2012 Board Calendar with Educational Options.** Ms. Orth reported revisions made to the draft calendar presented in December. Mr. Dow noted two field trips, in April and October. **Upon motion** by Ranochak, second by Hughey, and carried unanimously on roll call vote (8 Ayes –*Jackman/PAC, Hughey, Thomas/Alt., Madrigal, Pinches, Ranochak, Brown, and Gjerde*; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that the 2012 Board Calendar is adopted.

**9 - 12. Consent Calendar.** Upon motion by Pinches, second by Ranochak, and carried on roll call vote (8 Ayes – *Jackman/ PAC, Hughey, Madrigal, Thomas (Alt.), Pinches, Ranochak, Brown, and Gjerde*; 0 Noes; 3 Abstaining – *Thomas/Alt., Madrigal, and Brown on Agenda #9, minutes only*; 0 Absent): IT IS ORDERED that consent items are approved:

**9. Approval of December 5, 2011 Minutes – as written (3 members abstained from vote)**

**10. Acceptance of Social Services Transportation Advisory Council Minutes of November 18, 2011**

**11. Approval of Technical Advisory Committee Recommendations of January 18, 2012:**

**Third Amendment to Fiscal Year 2011/12 Planning Overall Work Program (OWP) -** *Revises funding distribution in Work Element 22, Round Valley Non-Motorized Needs Technical Study, a Caltrans Environmental Justice grant project, as requested by Caltrans, such that funding for its role is reprogrammed for consultant services. Total OWP funding remains unchanged at \$1,642,898.*

**12. 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. M2012-01**

Approving the Programming of FTA Section 5311  
Non-Urbanized Program Funds for  
Mendocino Transit Authority Operating Assistance  
(Reso. #M2012-01 is incorporated herein by reference)

**13. Recess as Policy Advisory Committee - Reconvene as RTPA - Ratify Action of Policy Advisory Committee.** Upon motion by Hughey, second by Madrigal, and carried unanimously on roll call vote (7 Ayes – *Hughey, Thomas/Alt., Madrigal, Pinches, Ranochak, Brown, 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.

**14. Reports - Information**

- a. Mendocino Transit Authority. With no one from MTA present, Mr. Dow reported recently attending a milestone event at the new maintenance facility, noting that construction is making good progress. He also reported word received today that \$2.46 million in Proposition 1B bond funds is being allocated directly to MTA to acquire four hybrid-drive busses.

- b. North Coast Railroad Authority. Ms. Ellard reported that she would attend NCRA's board meeting the following Wednesday as usual. There was no further report.
- c. MCOG Administration & Planning Staff
  1. *Summary of Meetings*. Mr. Dow briefly summarized his written staff report, highlighting the Hopland Community Group, with whom he met in January. He anticipates a possible request from the group for MCOG's support of a future planning grant application. Caltrans District 1 planner Jesse Robertson also has attended meetings of this group.  
Chair Gjerde elaborated with Mr. Dow on Caltrans' annual Community Based Transportation Planning Grant program.
  2. *U.S. 101 Bypass of Willits*. There was no decision yet by the U.S. Army Corps of Engineers on the required permit, currently under review. The Corps was to meet that day with the U.S. Environmental Protection Agency to review status of the project's identified Least Environmentally Damaging Practicable Alternative (LEDPA). There had not been any reports of issues with the mitigation plan, which is the main subject of this permit process. Mr. Dow reviewed the timeline for project delivery to the California Transportation Commission (CTC) and prospects for funding under reallocations of the Corridor Mobility Improvement Account (CMIA) program of voter-approved bond funds. He then answered questions.
  3. *Regional Project Manager*. James Sookne of Dow & Associates' staff was introduced as recently hired to fill MCOG's new position of Regional Project Manager, from among a field of qualified candidates. He will assist with projects that are local priorities of the member agencies. Mr. Sookne came to the job from Mendocino County Department of Transportation, where he served as an engineering technician. Mr. Dow described the new duties and priorities, and available project funding such as the State-Local Partnership Program, which rewards "self-help" counties and cities that have special voter-approved local transportation sales taxes. The program ends next year, so a priority is to take advantage of the incentives while still available. Mr. Sookne said a few words and was welcomed by the Council.
  4. *Quarterly Status of Projects*. This summary report was reviewed and several projects of particular interest were highlighted.
  5. *Regional Blueprint - Vision Mendocino 2030 Update*. Phase III is in progress, with preliminary results of scenario modeling imminent. Milestones are forthcoming this spring and summer, with public workshops presenting the growth scenarios planned for autumn 2012.
  6. *Miscellaneous*. Status of continued planning in Gualala was reported. Mr. Dow met with stakeholders, contracted with the consultant RRM Design Group, who had produced the Community Action Plan. He advised that funds budgeted for MCOG staff in the Overall Work Program amendment approved in December might need to be used instead for the consultant contract, which may be underfunded.  
Mr. Jackman reported work on the Greenwood Bridge in Elk, a Caltrans project on the Mendocino coast. Work is about to start and completion is expected in fall 2014.

Mr. Dow reported no progress had been made yet by staff on the issue of seeking candidates for a potential CTC rural commissioner appointment. He advised of the need to define qualifications for the position and determine methods of soliciting candidates.

Ms. Ellard reported that the administrative draft Rails With Trails Corridor Plan had been received from the consultant, and that the third and final public workshop has been scheduled for March 13, 5:30-7:30 p.m. at the Veterans Memorial Building in Ukiah. She also noted that project applications for MCOG's FY 2012/13 planning program exceed available funding.

- d. MCOG Directors. There were no reports.
- e. California Association of Councils of Governments (CALCOG) Delegates. Mr. Dow reported on major issues being addressed by the association. CALCOG is active in monitoring details of the two federal transportation bills introduced in Congress, MAP21 from the Senate and the House bill.

**15. Adjournment.** The meeting was adjourned at 3:20 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director for Administration

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<sup>i</sup> All votes are by roll call with audioconference, per the Brown Act.