

MENDOCINO COUNCIL OF GOVERNMENTS

Approved MINUTES

Monday, November 3, 2014

County Administration Center, Board of Supervisors Chambers

ADDITIONAL AUDIOCONFERENCE LOCATION:

Caltrans District 1, 2430 6th 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 1:30 p.m. with Directors Jackman (Caltrans/PAC), Benj Thomas, Larry Stranske, Trevor Sanders, John Pinches, Michael Carter (Alt.), and Dan Gjerde present; Chair Gjerde presiding. Doug Hammerstrom was excused (out of country).

Staff present: Phil Dow, Executive Director; Janet Orth, Deputy Director/CFO; Loretta Ellard, Deputy Planner; Nephele Barrett, Program Manager; and Leila Doyle, Administrative Assistant. Mr. Dow introduced Ms. Doyle as the most recent addition to his staff, filling a vacancy as a result of the MCOG staffing reorganization.

Ms. Orth thanked the board members for their vote of confidence in Dow & Associates when they unanimously awarded the Administrative & Fiscal Services contract at the last meeting.

2. Convene as RTPA

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

Public Expression. None.

4 - 7. Regular Calendar.

4. Discussion Regarding Election to Prepare Regional Transportation Plan on a Four-Year Cycle and its Effect on Housing Element Preparation Schedules by Member Agencies. Ms. Barrett explained the opportunity offered by the State of choosing to align the Regional Transportation Plan (RTP) with the Regional Housing Needs Assessment (RHNA) on four- and eight-year cycles respectively, as allowed by Senate Bill 375. She described the process that would be required to make the change and the revised schedule that would be followed. The next RTP would be due in December 2017, and she recommended adopting it by October 1, 2017 to precede the Regional Transportation Improvement Program (RTIP) that also will need to be adopted in December 2017. While the RTP would need to be produced more frequently, every four years rather than five, the housing plan would be required less often, only every eight years rather than five. Staff believes the benefit to local agencies outweighs the burden of more RTP work, especially given the opportunity to better coordinate transportation and land use planning. Ms. Barrett reported that all local agency planners who responded to her inquiry were in favor of the proposal. She could not see any disadvantages to the local agencies under this new option. She then invited questions.

- The number of housing units required was reduced significantly in the most recent RHNA; how will this affect the time available for local agencies to fulfill the need? (Pinches) Based on their analysis, State Housing & Community Development Agency (HCD), as the responsible agency, assigns an overall number of units for the countywide region, and

MCOG is then responsible for adopting a methodology and distribution of housing units for each local jurisdiction. The projections were much higher in the previous RHNA, however population did not rise as anticipated, so the figures were reduced. Staff hopes that with a longer timeline, artificial projections could be better avoided. (Barrett)

- Comments on transportation dollars being used for other purposes. (Pinches) This is one of the rare times MCOG gets involved in land use planning, since it has the appropriate regional composition of members. (Barrett)
- How are the housing unit expectations itemized by income level? (Thomas) Typically the RHNA plans for higher density, more affordable housing for lower-income categories, and similar strategies. State HCD issues a specific number for each income category. (Barrett)
- How is it verified that local jurisdictions have complied? (Thomas) It is likely that legal remedies would be applied. It is not MCOG's duty to enforce the housing elements; however, those out of compliance would present a problem to be addressed in the next RHNA. (Barrett)
- Comments about Brooktrails Township parcels and other unincorporated areas with available water and sewer counting toward the County's share of housing units. (Pinches)
- The function of the local agencies is to accommodate the housing, not to provide it. (Barrett)

No action was taken. The item will appear on the December agenda for action.

5. Discussion of Mendocino County Coordinated Public Transit-Human Services Transportation

Plan. Ms. Barrett explained that the requirement for this plan originated with SAFETEA-LU and was continued under MAP-21 federal legislation. The purpose is to coordinate public transit services and healthcare and social services providers with needs of disadvantaged populations. Caltrans has provided a consultant, University of the Pacific, to prepare the plans for rural areas of the state. Ms. Barrett described the workshops held last month to collect input. The senior center representatives were the most responsive. She described a sampling of the specific needs and concerns brought forward (a summary was provided in the Council's meeting materials). This item is on the agenda as an opportunity for further comments. Comments will be forwarded to the consultant. A draft plan is anticipated from the consultant in December. Discussion included the following:

- This issue was brought up in a recent candidates' forum. What is the number of riders to make a transit service feasible? (Stranske) Some of the grant funding programs have specific requirements. It is difficult to meet some of these in rural areas with long distances. (Barrett)
- Timing of transit routes presents a problem for some older people traveling longer distances, for example to medical appointments in Ukiah or Santa Rosa, with wait times involved to make transfers along the way. (Stranske) Ms. Barrett related an example of the Willits multimodal transit hub site at the railroad depot that never quite materialized as such.
- MTA General Manager Dan Baxter provided more details. The Willits site is a good place to park and ride. MTA would prefer to promote it after the expanded Route 65 services have started.
- City of Willits would be able to help promote when the time is right. (Stranske)
- The e-Ride volunteer drive program is a good strategy. It has not been very successful yet, but perhaps MTA could continue to publicize; disappointed in MTA's promotion of the service. This could go a long way toward meeting unmet transit needs in our rural area. (Pinches)
- When are survey comments due? (Gjerde) Since the draft plan is expected in early December, November 12 is a reasonable target. (Barrett)

Staff made note of comments. No action was taken.

6. Consideration of MCOG Insurance Needs. Mr. Dow referred to his written staff report. This issue was brought up by County Counsel Douglas Losak, during the contracting process for administrative and planning services. MCOG has not carried its own insurance for board members in recent memory, and the staffing contractors' insurance does not cover them. It would be appropriate now to consider whether some kind of coverage would be advisable for board members. At least one position on the board is not covered by local member agency, that of the alternate Public Appointee (Alt. Director Carter). Mr. Dow suggested several options for consideration, such as referring this matter to the Executive Committee for further investigation, or consulting with the risk managers of each member jurisdiction. Mr. Losak was present and available for comment. Questions and discussion included:

- Are the County supervisors covered for liabilities while serving on MCOG? (Pinches)
Yes, the County representatives are covered generally, although there may be exceptions, depending on the circumstances. MCOG board members might need some coverage; it is advisable to seek some cost quotes and plans. (Losak)
- Suggestion to combine efforts of local agency risk managers to inform MCOG's Executive Committee for consideration and recommendation to the Board. (Gjerde)
- The County is self-insured. Counsel will consult with CSAC. (Losak)

A brief discussion ensued. Chair Gjerde directed County Counsel to initiate research by contacting the County's risk manager, then to coordinate with Executive Director Dow. He directed Mr. Dow to follow Mr. Losak's actions by contacting the Cities and reporting to the Executive Committee for its next meeting.

7. Adoption of Revised Resolution #M2014-05R Amending Fiscal Year 2014/15 Budget: Allocating Fiscal Year 2014/15 Funds and 2013/14 Carryover Funds for Administration, Bicycle & Pedestrian Facilities, and Planning.

- a. Administration Budget Amendment Consistent with Administrative & Fiscal Services Contract.
Ms. Orth described the amendments required to add the two staffing services contracts to the budget and other minor updates. She had prepared the amendment in the form of a revised resolution with two revised exhibits, and two new exhibits added. She noted the need for an audit trail that reflects the contract amounts approved on September 29 for the budget, while much of the amounts claimed by the contractors will be based on actual hours. The new exhibits show how the contractors would invoice for approved funding. She and Mr. Dow acknowledged that the existing format, which had been in use for many years (predating their administration) did not lend itself well to a budget that reflects the reorganized contract funding.

Staff answered questions and it became clear that the board members were having difficulty following the complicated changes inserted into the existing budget format. Some of the revised figures reflected the Planning program amendment of last August; funding carried over from the previous year accounted for a total budget increase. Ms. Orth appreciated the members' feedback and agreed to return next meeting with clarifying revisions.

No action was taken; this item was continued to the December meeting.

- b. Second Amendment to Fiscal Year 2014/15 Transportation Planning Overall Work Program.
Ms. Ellard reported the purpose of this amendment, which was to move remaining Regional Surface Transportation Program (RSTP) funding for the Regional Project Manager position out of the Planning program. Under the new staffing contracts effective October 1, this position is to be funded by RSTP under the Administrative Services contract. She recommended

approving this amendment today, which would simplify the continued budget amendment next month.

Upon motion by Carter, second by Pinches, and carried unanimously on roll call vote (7 Ayes – Jackman/PAC, Thomas, Stranske, Sanders, Pinches, Carter/Alt., and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Hammerstrom): IT IS ORDERED that the Second Amendment to Fiscal Year 2014/15 Transportation Planning Overall Work Program is approved.

Total Transportation Planning Overall Work Program (OWP) Funds		1,323,064
Regional Surface Transportation Program (RSTP) Funds for Work Element 24 – Regional Project Management	139,967	
RSTP Funds deleted from OWP and moved to Administration	-119,417	
RSTP Funds remaining in OWP (WE 24 claimed in 1 st fiscal quarter)	20,550	
Amended Total OWP Funds (decrease of \$119,417)		1,203,647

- c. Addition of California Energy Commission Grant Funds for Subcontract with Redwood Coast Energy Authority - “Northwest California Alternative Transportation Fuels Readiness Project” as Approved by MCOG Board of Directors on August 18, 2014. Staff proposes that this \$16,750 grant be included in the amended Administration budget. No action was taken; this item was continued to the December meeting.

8. Consent Calendar. Ms. Orth offered one amendment to the minutes, adding to Reports, #13e: “Chair Gjerde announced that he planned to attend the CALCOG Board retreat November 7-8 in San Jose.” **Upon motion** by Stranske, second by Carter, and carried unanimously on roll call vote (7 Ayes – Jackman/PAC, Thomas, Stranske, Sanders, Pinches, Carter/Alt., and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Hammerstrom): IT IS ORDERED that consent items are approved:

8. Approval of September 29, 2014 Minutes – as amended, adding to #13e - CALCOG report.

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

10. Reports - Information

- a. Mendocino Transit Authority. General Manager Dan Baxter reported status of the federal 5311f grant to expand Route 65 service to Santa Rosa. Service is anticipated to start around July 1 of next year. The route adds another round trip weekdays and Saturdays, starting from Willits with connecting Route 20. MTA is pleased to be able to reinstate Saturday service on that route, making round trips between Willits and Ukiah, which has not been seen for about ten years. He answered questions about the service. Also, MTA recently ordered new busses for Ukiah and Redwood Coast senior centers, from a federal 5310 grant.
- b. North Coast Railroad Authority. Ms. Ellard had not attended the September meeting in Eureka, but reported from NCRA’s minutes. Concerning the Willits cell tower lease, the board accepted a final offer from Parallel Infrastructure, including a one-time payment and a share of current and new revenue to NCRA. The action had passed 6-2, with the Mendocino County representative voting against the payment deal.

At the recent meeting in Healdsburg, policy was waived to approve a sole-source contract with Guillon, Inc. for construction project management at the Ukiah depot site. Ms. Ellard described NCRA's justification for the action, noting history of the project starting in 2010. She answered questions. Director Pinches questioned the no-bid use of public funds.

Also the NCRA approved a permanent pipeline easement on its property to Millview Water District to pump water from the Masonite site to Redwood Valley for emergencies.

Director Thomas left the meeting at appx. 3:20 p.m.

c. MCOG Administration Staff

1. *Summary of Meetings.* Mr. Dow referred to his written staff report, noting it included both Administration and Planning staffs over the past period. There were no questions.

2. *US 101 Bypass of Willits.* Mr. Dow referred to the status report provided by Caltrans Project Manager Mauricio Serrano. He noted a recent meeting with Mr. Serrano, who informed him that all contingency funds for the project have been expended. Delays on the northern interchange will cause a fifth year of construction.

Director Pinches commented on performance by the contractor, that fill material could have been moved within the construction season; Caltrans could have handled it differently and saved money. He expects increased costs will be requested of MCOG and the taxpayers. Mr. Dow agreed with that assumption, reporting that Caltrans will approach the California Transportation Commission for another allocation to cover cost overruns, and he had requested that Caltrans present MCOG with an itemization.

3. *Affordable Housing & Sustainable Communities Program (State Cap & Trade).* Mr. Dow described this program and his comments submitted to the Strategic Growth Council (SGC) that show how rural areas of the state will not be eligible for much if any funding, and suggested needed changes to the guidelines. He used the example of MCOG's Covelo project, which should qualify but would not be eligible under the proposed guidelines. The area is "disadvantaged" but does not have transit service available. The project is geared for other modes including bicycle and pedestrian non-motorized transportation. The SGC has chosen a particular model (Enviroscreen) that uses air quality as a factor to define disadvantaged communities. Bill Higgins of CALCOG reviewed the letter and agreed it was accurate. Mr. Dow answered questions. Chair Gjerde commented on possible ways to allocate a share based on other issues.

4. *Miscellaneous.*

d. MCOG Planning Staff. Ms. Lisa Davey-Bates of Davey-Bates Consulting (DBC) reported that the Planning Services contract is now official and ready for the Chair's signature, and she thanked the board members for its approval.

e. MCOG Directors. Chair Gjerde reported on a Project Study Report for improvements to SR-162, going out to bid next year, which would build paved turnouts on the way to and from Round Valley. He appreciated the work being done by Caltrans.

f. California Association of Councils of Governments (CALCOG) Delegates. Chair Gjerde will attend the meeting later this week.

11. Adjournment. The meeting was adjourned at 3:46 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director/CFO