

# MENDOCINO COUNCIL OF GOVERNMENTS

## Approved MINUTES

Monday, November 2, 2015

County Administration Center, Board of Supervisors 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 1:30 p.m. with Directors Doug Hammerstrom, Steve Scalmanini, Larry Stranske, Jim Koogle, Susan Ranochak, Tom Woodhouse, and Dan Gjerde present; Chair Gjerde presiding. Director Rex Jackman (Caltrans/PAC) joined by audioconference telephone.

Staff present: Phil Dow, Executive Director; Janet Orth, Deputy Director/CFO; Loretta Ellard, Deputy Planner; and Nephele Barrett, Program Manager.

**2. Convene as RTPA**

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

**Public Expression.** Tony Orth, Board Member, Brooktrails Township Community Services District, reported work on a ballot initiative with fire districts in Mendocino County concerning the distribution of existing Proposition 172 public safety funding. A solution would be to allocate Prop 172 funds to take care of fire as well as the law enforcement needs currently funded by the program. He proposed a companion measure for the 2016 ballot to raise a County general fund sales tax, requiring only a simple majority. It could be written in such a way that public input to budget decisions for the tax would be annual, in a transparent process. Transportation funding could be included in the allocation of such a sales tax. It could be more difficult to win voter approval of a special transportation sales tax increase, requiring a super-majority, with local concerns that the Brooktrails Second Access Road study was pulled from consideration for funding. Because of this issue, disgruntled voters such as emergency services providers would not likely pass a special tax. He made these suggestions for the benefit of the County unincorporated area.

Executive Director Dow pointed out that MCOG is only doing staff work for County of Mendocino's proposed transportation sales tax measure, and it is not MCOG's initiative. [Refer to Agenda Item #10e2]

**4 - 6. Regular Calendar.**

**4. Regional Transportation Improvement Program (RTIP).** Executive Director Dow introduced the item. The RTIP is programmed every even-numbered year and is due December 15. This year is somewhat different because of the economic situation, and is also the first time using a new format specified by the California Transportation Commission (CTC). Transportation revenues have been down for the past few years. The 2016 RTIP will be funded over the next five years, based on the CTC's Fund Estimate. Funding has not fully materialized for this cycle, so the schedule of existing programmed projects will be delayed.

- a. Discussion and Possible Action to Adopt Resolution Establishing Guidance for the Commitment of RTIP Shares for the 2016 State Transportation Improvement Program (STIP) and Future Funding Cycles. Mr. Dow described his proposed resolution and customary procedures. Past guidance for RTIP policy has listed a few major projects; now things are changing and it is important to look beyond the four years remaining in his contract, with a documented record of known needs and priorities. The project list was presented to the Executive Committee in early August for discussion and direction. A revised version was presented to the Technical Advisory Committee (TAC), which recommended adoption. Short, medium and long-range projects are included, some of which have not yet had much discussion by the Council. The guidance would not commit funds, which are programmed in RTIPs.

Board discussion included the following points (not necessarily in order).

- A useful document; has merit, shows scope of issues. (Gjerde, Woodhouse)
- A worthy discussion. (Woodhouse, Koogler)

US 101 Bypass of Willits project:

- Chair Gjerde distributed a marked-up excerpt of the draft resolution, striking out the bypass as a short-term priority and proposing that no additional funds would be provided in the short term.
- MCOG has no further funding obligation to it. Not willing to keep an open checkbook for the ongoing environmental mitigation portions of the project. (Gjerde, Woodhouse)
- Need time to review handout before comment. (Stranske, Ranochak)
- Regarding vehicle trips on US 101, as a shop owner on Main Street, sees heavy traffic coming from the north, as far away as Oregon. The mitigations are causing a heavy impact on the valley. Wants to see the project completed. (Stranske)
- What would Caltrans do if MCOG refused to contribute further funds? Unlikely they would walk away without completing the project. (Stranske, Gjerde, Scalmanini)
- Starting the bypass was a slippery slope, but understands why the whole countywide region has made a major commitment to it. (Koogler)
- What is the intent of identifying Phase 2 in this guidance? (Woodhouse) The environmental document identifies both phases. State population is growing and traffic will increase over time. While the Board of Supervisors effectively stopped the Brooktrails Second Access, data shows 7,000 to 10,000 trips per day on Sherwood Road, causing congestion in the area that will need to be addressed. Phase 2 work is not expected for another 15-20 years. (Dow)
- What is the contractual requirement for the Council's contribution? (Alt. Carter)

Street and Road Rehabilitation and Maintenance:

- Should sales tax increases be mentioned in this guidance document? (Woodhouse)  
Currently they are only for maintaining streets and roads to keep pavement condition from degrading further; has no knowledge of capital projects proposed for sales tax. (Dow)
- Concern that rehabilitation projects are not proposed for the RTIP. Hears from constituents about road condition, not much about new projects. (Scalmanini)
- Explanation of current policies for the RTIP and STIP that do not allow rehabilitation programming, since historically the STIP is a capital improvement program, separate from State Highway Operations & Prevention Program (SHOPP) and others. The CTC usually allows maintenance in the STIP for rural counties with no high-priority state highway projects. In future, this could be the case for Mendocino County. (Dow)
- Discussion of terms, definitions and differences between rehabilitation, maintenance, and capital projects, and what the State allows in the STIP or not. Can be confusing with terms used in different ways. No routine maintenance (patching, seals, potholes) are in STIP.

Rehabilitation extends pavement life ten years. Reconstruction is a capital improvement. (Hammerstrom, Dow, others)

Active Transportation Program (ATP):

- It will be more difficult in future to win grants for ATP projects, due to competition. Does not want to see these proposals segregated for consideration and rejection under ATP before eligibility for RTIP programming. (Hammerstrom)

Value and Purpose of the Guidance:

- Executive Committee did not make a specific recommendation. Premature to vote on it. Personally has reservations in general about adopting this. Questions whether Council should take any approach beyond short-term guidance, as many factors can change, such as revenue streams. Reluctant to tell future council members how they should make such decisions. Discussed role of the Vision Mendocino Blueprint plan versus annual priorities; sees more conflicts developing over time. (Hammerstrom)
- Executive Committee gave direction to change terms from “policy” to “guidance,” so there is no commitment. This is meant to be a living document, to be revisited regularly. The intent is to show staff’s perspective of 35 years, a record of issues including some rarely discussed that may arise, as a comprehensive list of needs when future funds become available. (Dow)
- Recently gave comments on the CTC’s draft 2015 Interregional Transportation Strategic Plan [refer to meeting Information packet], which proposes to drop two regionally important corridors. The plan should offer choices of priorities, so funding can be sought as available; same idea as for MCOG’s proposed guidance document. (Dow)
- Emphasized the value of revisiting priorities after the bypass. (Hammerstrom)

Funding Sources:

- Question re gasoline taxes. Highway Users Tax (HUTA) provides shares from gas tax to counties and cities, indirectly related to cost of fuels. (Scalmanini, Dow)
- Voters are generally annoyed, already paying various taxes. Credibility of those who deal with transportation is not going up. General vulnerability of the public to taxes. (Scalmanini)

Role of RTPA and History of STIP:

- MCOG’s role is to look at members’ concerns and the county as a whole. The STIP was set up pre-1981, with the bypass as second priority for the region. The first priority, a north Ukiah freeway extension through Redwood Valley, was funded. A state-regional partnership “contract” was established under SB 45 in 1998. The bill gave funding shares to regions for the first time. RTPAs put up their shares as best they can to program funds for regional priorities. Funds can be spent on non-Caltrans projects, as MCOG has done with 60 percent of all funds to date, funding local projects, subject to CTC policies. (Dow)

The Chair invited public comment. Howard Dashiell, Director, Mendocino County Department of Transportation noted the State Legislative Analyst’s report, “Overview of Proposals to Address Transportation Challenges” in the meeting’s Information packet. An analysis of funding needs, he considered it a very good report, recommended reading. The key is there is not enough money. He reported many “pothole calls” from the public and described the County’s challenges to meet routine maintenance needs. Funding comes from a variety of sources.

The draft resolution will be brought back for further consideration at the December meeting. No action was taken.

b. Discussion/Direction: Draft 2016 RTIP. Ms. Barrett reviewed customary procedure and timeline. The new format produced by the State is intended to provide more transparency and consistency among the regions. Mr. Dow noted cases that stimulated the change of RTIP format to address complaints. Ms. Barrett reviewed each section. The STIP is over-programmed in the early years, so the RTPA is encouraged to make schedule changes for any projects that can be delayed. She noted sections to be completed in the final version. The approved document will be submitted to the CTC by December 15 as required. She invited questions, as follows:

- Clarify schedule on Page 12 and how schedules are selected among projects. (Gjerde, Woodhouse) No new money, same amounts for projects; shown are staff's best estimates of funds needed in a given year. Explanation of how proposals were made and scheduled. (Barrett)
- Question regarding East Side Potter Valley Road ingress and egress. (Scalmanini) There is only one paved road in and out. Explanation of "on-system" route and how funded. Reference to communities not served by a state highway. (Dow, Dashiell)

Mr. Dow reported receipt of an email memorandum, handed out at start of the meeting, from Caltrans Project Manager Mauricio Serrano regarding the US 101 Bypass of Willits project. There have been cost increases for two "child projects," Ryan Creek Fish Passage Mitigation Project and Sherwood Road Geometric Upgrade Project. Caltrans requested the customary 15 percent contribution of MCOG, at \$306,000 and \$43,000 respectively, for a total of \$349,000. These contributions would need to be programmed in the 2016 RTIP, for action at the December meeting. The request arrived too late for the November agenda. Mr. Dow noted that on December 1, 2014, MCOG had committed an additional \$9.7 million of future funding shares. Subsequently the City of Fort Bragg gave up a project programmed at \$2,586,000 that defrays future shares. The net result is that \$7.1 million of future shares are effectively committed to the bypass project as a whole.

Discussion included:

- Identify where bypass child projects are shown in RTIP table, Page 12. (Gjerde, Barrett)
- Comments on the mitigation projects. Sherwood Road intersection improvement will be of great benefit. Concern is for when spending will end. Does not want to reward those contractors who may have underbid. Other related project costs could inflate further, particularly the ongoing mitigations. Not supportive of continual agreements to participate in cost increases. Supports establishing a "finish line" for MCOG. (Woodhouse)
- The Ryan Creek mitigation project involves state and federal agencies, with changing regulations, changing staff that reinterprets rules for this lengthy project, as well as downstream impacts to be addressed. The bypass cannot be opened until the mitigations are completed. (Dow)
- Proposal to direct staff to write a request to Humboldt County Association of Governments for a contribution to the Willits bypass cost overruns, since they will significantly benefit from the project. The Chair would sign such a letter. (Hammerstrom, Gjerde, Dow)
- Not the best approach, but willing to consider it. (Woodhouse)
- Question about how the contribution would be executed with the State. (Koogler)
- Cost increases are related to resource agencies. Caltrans, like MCOG, is frustrated with lack of resources. Not able to guarantee there will not be further cost increases. Can look into question of storm damage events in the mitigation area. (Jackman/PAC)

Chair called a recess at 3:26 p.m. and reconvened the meeting at 3:40 p.m.

Discussion continued:

- Question about Brown Act notice for the Caltrans request. (Hammerstrom) The request falls under the RTIP agenda item, as sufficiently related to the topic. (Staff)
- Concerning a letter to HCAOG, the Council might consider the precedent this could set, since Mendocino County has not contributed to other neighboring projects. (Barrett)
- Open a conversation, if not for this item, then for the future. Does not expect financial satisfaction from the letter. (Koogle)

The Chair directed staff to prepare options in the RTIP, with and without additional funds requested by Caltrans for the bypass child projects.

By consensus, staff was directed to prepare a letter to Humboldt County Association of Governments for the Chair’s signature, requesting they consider contributing funds to cover some of the cost overruns of the US 101 Bypass of Willits project.

**5. Executive Committee Recommendation of August 6, 2015: Review and Possible Action to Adopt Draft Procurement Policies and Procedures Manual.** Ms. Orth reviewed the origin and purpose of the proposed manual, and staff’s recommendations. Adoption of a Procurement Manual is the final task to complete the corrective actions required by the recent audit of MCOG by Caltrans Audits & Investigations. Staff’s proposed draft manual was based on a template developed by the California Rural Counties Task Force (RCTF), of which MCOG is a member, which met requirements for use of state and federal funds by RTPAs. Since their threshold to trigger a formal Request for Proposals (RFP) process was set at a low figure of \$5,000, the Executive Committee had agreed with staff’s analysis that more flexibility is needed while still maintaining compliance with state and federal laws. The committee had directed staff to research City of Fort Bragg’s recent ordinance amendments for comparison. Ms. Orth then consulted several sources for staff’s recommendations to the full Council. During discussion, Director Jackman (Caltrans) concurred that the proposed thresholds were consistent with standards.

**Upon motion** by Woodhouse, second by Ranochak, and carried unanimously on roll call vote (8 Ayes – Jackman/PAC, Hammerstrom, Scalmanini, Stranske, Koogle, Ranochak, Woodhouse, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent): **IT IS ORDERED** that staff’s Draft Procurement Policies and Procedures Manual is approved in concept with the following thresholds, subject to review by County Counsel and subsequent adoption of a resolution authorizing use of the procedures.

FUND SOURCE	PROFESSIONAL SERVICES OTHER THAN A&E*			EQUIPMENT & SUPPLIES		PUBLIC WORKS
	Administrative Decision (no formal process)	Small Purchase Procedure, i.e. Informal RFP	Competitive Procedure, i.e. Formal RFP	Purchase Order and/or Contract Negotiation	Sealed Bids, Formal Invitation for Bid (IFB)	Construction & Maintenance Project Procedures
State & Federal	Up to \$5,000	\$5,001 to \$100,000	Over \$100,000	Up to \$25,000	Over \$25,000	Caltrans Local Assistance Procedures Manual (LAPM) Chapter 10
Local	Up to \$25,000	\$25,001 to \$100,000	Over \$100,000	SAFE: Sole Source	SAFE: Sole Source	LAPM Chapter 10 procedures

\*Architectural and Engineering Services call for a Request for Qualifications, not based on price.

**6. Discussion/Direction: Draft 2016 Board Calendar.** Ms. Orth reviewed the proposed calendar. The Council discussed the customary schedule, with options for field trips in spring and fall, and the summer meeting moved to August 15. The calendar will be on the December agenda for adoption.

No action was taken.

**7 - 8. Consent Calendar.** Upon motion by Woodhouse, second by Stranske, and carried on roll call vote (6 Ayes – Jackman/PAC, Hammerstrom, Stranske, Ranochak, Woodhouse, and Gjerde; 0 Noes; 2 Abstaining – Scalmanini and Koogle; 0 Absent): IT IS ORDERED that consent items are approved:

**7. Approval of October 5, 2015 Minutes** – *as written*

**8. Award of Triennial Performance Auditor Engagement for MCOG and Mendocino Transit Authority Audits, Fiscal Years 2012/13 through 2014/15** – *to Michael Baker International, not to exceed \$18,500*

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

**Advisory Committee.** Upon motion by Woodhouse, second by Ranochak, and carried unanimously (7 Ayes; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

## **10. Reports - Information**

- a. Mendocino Transit Authority. Chair Gjerde reported on a recent battery electric-powered bus demonstration at MTA. Mr. Dow noted prices are coming down for these vehicles.
- b. North Coast Railroad Authority. Ms. Ellard reported the SMART trains are on schedule to open for service in late 2016.
- c. MCOG Staff - Summary of Meetings. Mr. Dow referred to his written staff report.
- d. MCOG Administration Staff
  1. *2015 Active Transportation Program (ATP) Grant Awards by CA Transportation Commission.* Mr. Dow reported on the ATP maps indicating results of Cycle 2 with total applications by county, and by Statewide and Small Urban & Rural competition. Mendocino County was successful with three grants in the statewide program. The other three submittals were not successful in the rural program. He noted the award of state-only funds for all three awards, and explained the value of that.
  2. *Laytonville Community Meeting on Transportation Plans & Projects - October 28, 2015.* Mr. Dow reported on the meeting and reiterated the concept of revisiting communities where MCOG has done planning projects. This was the first such visit, where 8-9 people attended and made comments. Also on the agenda were the Regional Transportation Plan and a new Active Transportation Plan for the region. Ms. Barrett answered questions about the new plan and what might be included compared to the more limited Regional Bikeway Plan; she will be reaching out to local agencies for input. She and Mr. Dow had also attended the Laytonville Area Municipal Advisory Council meeting afterward, mentioning several local projects. Director Woodhouse thanked staff for this important work, noting he was not able to attend.
  3. *US-101 Bypass of Willits Update.* Dow referred to the Project Manager's monthly report.
  4. *Miscellaneous.* None.
- e. MCOG Planning Staff.
  1. *Local Transportation Fund (LTF) Two Percent Bicycle & Pedestrian Program.* Ms. Ellard reported that the application package was distributed to the Technical Advisory Committee (TAC) and board members, with approximately \$130,000 available. The TAC will review and recommend grant awards to the Council in December.

2. *Local Transportation Sales Tax Initiative.* Ms. Barrett reported status of this work element in the Transportation Planning Overall Work Program to conduct polling and educational support for potential sales tax measures for City of Ukiah and County of Mendocino. A request for proposals for a consultant was issued, proposals were received and ranked by a committee, and a contract is under negotiation.
  3. *Active Transportation Program (ATP) Safe Routes To School Non-Infrastructure Project.* Ms. Ellard reported that a request for proposals was widely advertised in a formal procurement process, with approximately \$520,000 available for a contractor.
  4. *Miscellaneous.* None.
- f. MCOG Directors. Director Scalmanini reported on a costly road reconstruction requirement to upgrade any ADA-compliant curb ramps in the process. The law requires upgrades, no new ramps, and he wondered how well this serves people in wheelchairs. Staff discussed the issues involved, such as funding, installation of ramps where missing in a project, and distinctions between maintenance, rehabilitation and reconstruction. Mr. Dashiell reported on current status of the Americans with Disabilities Act (ADA), how the system works at federal and state levels, and how to approach a change to standards through the Department of Justice Accessibility Board in Los Angeles.
- g. California Association of Councils of Governments (CALCOG) Delegates. No report.

**11. Adjournment.** The meeting was adjourned at 4:37 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director/CFO