

STAFF REPORT



MEETING DATE:	9/19/11
SUBJECT:	Possible Action Relating to RTPA Bylaws or Possible Amendment to the Bylaws to Clarify RTPA Board Authority over RTPA Staffing Levels, RTPA Budget and Appointment of Executive Director
AGENDA ITEM:	3
STAFF CONTACT:	Dan Little

SUMMARY AND DISCUSSION:

In April the RTPA board approved the RTPA budget and staffing levels as part of the Overall Work Program. In August, the Shasta County Board of Supervisors (County) took action resulting in RTPA staff and budget reductions which conflict with those set by the RTPA board. The reason for the County cutbacks is unclear and may have been inadvertent.

In a related matter, concerns have been raised about the RTPA board's roll in the recruitment and appointment of its executive director.

With several RTPA board members expressing concern over these issues, it has been requested that RTPA counsel examine the RTPA bylaws to clarify RTPA board authority over RTPA staffing levels, the RTPA budget and appointment of the executive director.

STAFF RECOMMENDATION:

Staff is not in a position to provide a recommendation and defers this matter to the RTPA board.

BACKGROUND:

In April, the RTPA board approved RTPA staffing and budget levels for FY 2011/12 pursuant to RTPA Bylaws.

In June, the RTPA board and stakeholder agencies examined whether there are conflicts inherent in the RTPA staffing arrangement with the Shasta County Department of Public Works.

In August, the County took action to reorganize RTPA staff. This action removed non-RTPA functions from the Shasta County Department of Public Works Plans and Programs Division citing, in part, concerns over conflicting staff roles as discussed at the June RTPA meeting. The County action resulted in RTPA staff and budget reductions. Unlike prior reorganizations affecting the RTPA, the County did not seek approval from the RTPA board, or input from RTPA staff and RTPA member agencies.

The County action reduced professional planning staff within the division from four to two. An assistant planner and a senior planner were moved to other divisions. A third senior planner position left vacant by a recent retirement will also remain unfilled.

The net effect to the RTPA is as follows:

FY 2011/12	RTPA Approved Budget	County Action	Reduction
RTPA Staffing Levels	4 Professional RTPA Planners (Plus Secretary, Accountant and Executive Director)	2 Professional RTPA Planners (Plus Secretary, Accountant and Executive Director)	2 Planners
RTPA Personnel Budget*	\$571,280	\$426,256	25%

* Actual RTPA personnel cost billed to carry out RTPA duties in prior FY 2010/11 was \$610,158

Article 9, Section 1 of the RTPA bylaws state:

“Sufficient funds shall be approved by the (RTPA) board for the executive director and staff to carry out the planning and administrative responsibilities of the RTPA.”

It is unlikely the RTPA can continue to fulfill both its core duties and grant obligations (attached) in light of these cutbacks. For example, one of the planners removed from the RTPA was recruited specifically to manage the RTPAs travel demand model and GIS development grants. This employee is no longer available to the RTPA. The RTPA board could contract for these services. This would come at a higher cost and be more inefficient.

Regarding appointment of the executive director, the same section of RTPA bylaws state:

“The director of public works of the County of Shasta, or a designee appointed by the Director and approved by the (RTPA) board, shall serve as the executive director of the RTPA.”

Due to the August County reorganization, the executive director is no longer required to perform non-RTPA functions. It has been suggested that the RTPA board have stronger appointing and oversight authority over its executive director.

In light of these recent events and issues raised by RTPA representatives, RTPA counsel has reviewed the RTPA bylaws and made recommendations to clarify the RTPA board’s authority over RTPA staffing levels, the RTPA budget and appointment of its executive director.

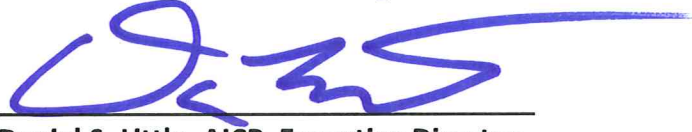
It would also be appropriate for the RTPA board to determine if the RTPA staff reductions made by the County were appropriate.

OTHER AGENCY INVOLVEMENT:

This report has been circulated to the Technical Advisory Committee. Comments were invited in writing or at the board meeting.

FINANCING:

The RTPA maintains sufficient funds to meet its legal and grant obligations based on the staffing levels approved by the RTPA board in April. The County action prohibits access to these staff. Prior to the County staff reductions, the RTPA was ably meeting its obligations with staff levels far below comparable sized agencies in California, as shown in the attachment.



Daniel S. Little, AICP, Executive Director

Attachments:

- Letter from RTPA Counsel dated September 15, 2011
- RTPA Active Planning Grants and Obligation
- RTPA Staffing for Comparable Agencies
- City of Redding Correspondence, September 15, 2011
- RABA Correspondence, September 15, 2011
- City of Anderson Correspondence, September 15, 2011
- Shasta County Board of Supervisors Report, August 16, 2011

KENNY, SNOWDEN & NORINE

A LAW CORPORATION

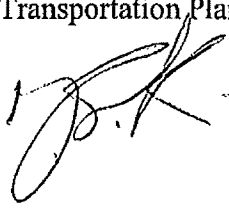
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MEMORANDUM

TO: Board of Directors
Shasta Community Regional Transportation Planning Agency

FROM: JOHN SULLIVAN KENNY 

DATE: September 15, 2011

RE: RTPA Staffing

A question has arisen concerning the relationship between RTPA and its staff. Staff is presently being provided by the County of Shasta. The RTPA budgets for staff and reimburses the County for time actually spent on RTPA projects. The Bylaws provide (Article 9 – Executive Director) that the RTPA Board will provide sufficient funds “for the Executive Director and staff to carry out the planning and administrative responsibilities of the RTPA.” The RTPA has approved a budget which provides for seven staff members which includes the Executive Director. The Director of Public Works for the County of Shasta or “a designee appointed by the Director and approved by the Board” serves as Executive Director for the RTPA. The County has reduced the budgeted RTPA staff from seven to five employees by eliminating two planners. The RTPA Board was not consulted on this staff reduction.

This prompts the question of who controls RTPA staff and staffing levels. The staff working on the RTPA projects are County employees. The Executive Director is a County employee. The Bylaws provide that there will be an annual evaluation by the RTPA Board of the Executive Director. (Article 9, Section 4.) The Bylaws also say that the RTPA Board shall “provide recommendations to the County on the Executive Director’s handling of personnel issues or other County of Shasta decisions affecting RTPA’s staff.” It is not clear how the evaluation by the RTPA Board affects the Executive Director’s status as an employee of Shasta County. If the Executive Director was a designee of the Shasta County Director of Public Works and the RTPA Board was dissatisfied with the Executive Director’s performance, presumably the RTPA Board could withdraw its approval of the appointment of the designee. If the Executive Director were the Shasta County Director of Public Works, an unsatisfactory evaluation would have no effect on job retention.

The Bylaws provide little control by RTPA over its Executive Director and employees. There is no written agreement between RTPA and the County establishing any parameters for control of staff and staffing levels. A contract between the County (or whatever agency may provide staff) delineating the terms and conditions relating to provision of staff could prevent the reoccurrence of confusion regarding staff matters.

If the RTPA Board wished to exercise control over the appointment of the Executive Director, a change in the Bylaws would be necessary. This could be accomplished by amending Article 9, Section 1 of the Bylaws to read:

Section 1 – The Board shall appoint an Executive Director. The Board shall approve sufficient funds for the Executive Director and staff to carry out the planning and administrative responsibilities of the RTPA.

Section 4 would also have to be amended to delete the provision for referring the Executive Director's evaluation to the County. These changes would not preclude the RTPA Board from appointing the Shasta County Director of Public Works as Executive Director.

If you have any questions, please advise.

JSK:jll/7004
136788

Shasta County Regional Transportation Planning Grants
 Active Planning Grants
 FY 2011/12

Grant	Grant Type	Project Description	Grant Award	Exp.Date	Committed (Under Contract)	Expended (Staff)	Remaining Grant Commitment
Prop 84							
701.06/701.16	Modeling Improvement Plans	Travel Model Update	\$ 400,000.00	02/29/2012	\$ 189,920.00	\$ 4,280.60	
		Develop GIS Parcel/Centerline			\$ 177,490.00	\$ -	\$ 28,309.40
Prop 84							
701.05/701.15	Sustainable Communities	Develop Beta-SCS and Regional GIS Platform	\$ 300,000.00	06/30/2014	\$ 215,000.00	\$ 80,000.00	\$ 5,000.00
State Planning & Research							
701.09/701.19	Caltrans Planning	North State Transportation for Economic Dev. Study	\$ 225,000.00	06/30/2014	\$ -	\$ 4,624.98	\$ 220,375.02
FTA 5304, PTA and FTA 5311 Admin.							
	Google Transit	Software support fees for Google Transit and implementation of 211 Shasta	\$ 39,891.00	12/31/2013	\$ 36,883.21	\$ 3,007.79	
CalFire							
	Urban Forestry	Urban forest tree planting (pass-thru)	\$ 30,000.00	03/30/2013	\$ 30,000.00	\$ -	\$ -
Prop 84							
705.xx/705.xx	ITS Study	Develop real-time traffic data collection	\$ 35,000.00	n/a	\$ -		\$ 35,000.00
State Planning & Research							
705.xx/705.xx	ITS Study	Develop real-time traffic data collection	\$ 60,000.00	n/a	\$ -		\$ 60,000.00
PPM Funds	CTC - Project Development	Develop RTPA Capital Projects for STIP	\$ 365,000.00	06/30/2012	\$ 32,500.00	\$ 139,194.95	\$ 193,305.05
PPM Funds	CTC - Project Development	Develop RTPA Capital Projects for STIP	\$ 365,000.00	06/30/2013			\$ 365,000.00
PPM Funds	CTC - Project Development	Develop RTPA Capital Projects for STIP	\$ 365,000.00	06/30/2014			\$ 365,000.00
Total			\$ 2,184,891.00		\$ 681,793.21	\$ 231,108.32	\$ 1,271,989.47

Shasta County RTPA

Staff Levels in Comparable Agencies

	Population	Function		Full Time Staff
		RTPA	MPO	
Santa Barbara County Association of Governments	423,895	X	X	20
Transportation Agency for Monterey County	415,057	X		14
Placer County Transportation Planning Agency	348,432	X		7
San Luis Obispo Council of Governments	269,637	X	X	18
Santa Cruz County Regional Transportation Commission	262,382	X		13
Butte County Association of Governments	220,000	X	X	11
Shasta County RTPA	177,223	X	X	5*
Kings County Association of Governments	152,982	X	X	6
Tuolumne County Transportation Council	55,365	X		6
San Benito County Council of Governments	55,269	X		8

*Reduced from 7 to 5 per County Board of Supervisors Action

Source: California Association of Councils of Government, 2010



CITY OF REDDING

OFFICE OF THE CITY COUNCIL

777 Cypress Avenue, Redding, CA 96001

P.O. Box 496071, Redding, CA 96049-6071

530.225.4447 FAX 530.225.4463

Missy McArthur, Mayor

Dick Dickerson, Vice Mayor

Rick Bosetti, Council Member

Patrick Jones, Council Member

Francie Sullivan, Council Member

September 15, 2011

R-010

Leonard Moty, Chair
Shasta County
Regional Transportation Planning Agency
1855 Placer Street
Redding, CA 96001

Dear Supervisor Moty:

As the City of Redding's representative on the Shasta County Regional Transportation Planning Agency (RTPA), I respectfully request that you call a special meeting of the Board at the earliest possible date.

The intended purpose of this special meeting would be to discuss staffing issues as they relate to the RTPA.

I thank you for considering this request. Please don't hesitate to contact me if I can provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Jones", is written over a large, stylized, light-colored mark that resembles a large "P" or a signature.

Patrick Jones
City Council Member

PI:GC:ls
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c: Kurt Starman, City Manager
Rick Duvernay, City Attorney
Pam Mize, City Clerk

RMB

September 15, 2011

R-010

Leonard Moty, Chair
Shasta County
Regional Transportation Planning Agency
1855 Placer Street
Redding, CA 96001

Dear Supervisor Moty:

As the Redding Area Bus Authority's representative on the Shasta County Regional Transportation Planning Agency (RTPA), please consider this a formal request to call a special meeting of the Board at the earliest possible date.

The intended purpose of this special meeting would be to discuss staffing issues as they relate to the RTPA.

I thank you for considering this request. Please don't hesitate to contact me if I can provide additional information.

Sincerely,



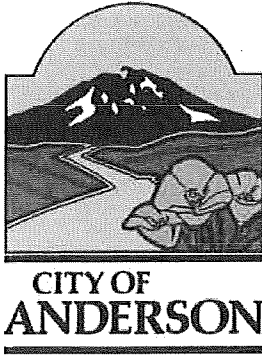
Dick Dickerson
Board Member

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c: Kurt Starman, City Manager
Rick Duvernay, City Attorney
Pam Mize, City Clerk

REDDING AREA BUS AUTHORITY

777 CYPRESS AVENUE, REDDING, CALIFORNIA 96001-3396 • (530) 225-4171 • FAX (530) 245-7024



September 15, 2011

Mr. Leonard Moty
Supervisor, District 2
Shasta County Board of Supervisors
1450 Court St., Ste. 308B
Redding, CA 96001-1680

Dear Mr. Moty:

On behalf of the City of Anderson, and as Anderson's RTPA Board Representative, I am concerned about an August Shasta County Board of Supervisors' action changing RTPA staff level allocations. The RTPA Board approves RTPA staffing levels as part of the Overall Work Program and consistent with the RTPA bylaws. We did so in April for the current fiscal year.

I believe the Department of Public Works should have consulted with the RTPA and its membership before taking action. At a minimum, a financial analysis of the Board of Supervisors' action, as it affects the RTPA, should have been provided in the Board of Supervisors' staff report.

I believe the responsibility for managing RTPA staffing should fall squarely under the authority of the RTPA board. This need is particularly urgent because of the possible resignation of the RTPA director. Without action by the RTPA board, we will not have final say in the selection of our new director.

We suggest that RTPA counsel examine the RTPA bylaws to address these concerns as part of a special meeting to be held as quickly as possible.

Sincerely,

A handwritten signature in cursive script, which appears to read "Norma Cornnick", is written over a horizontal line.

Norma Cornnick
Mayor

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

SUBJECT	BOARD MEETING DATE		AGENDA NUMBER
APPROVE PUBLIC WORKS DEPARTMENTAL REORGANIZATION	08/16/2011		
DEPARTMENT	PUBLIC WORKS	Supervisory District No.	All
DEPARTMENT CONTACT:	<u>Name</u> Pat Minturn	<u>Title</u> Public Works Director	<u>Phone Number</u> 225-5661
4/5 Vote Required? ☐ Yes ☒ No	General Fund Impact? ☒ No General Fund Impact with the Recommended Action ☐ No Additional General Fund Impact from the Recommended Action ☐ General Fund Impact from the Recommended Action		

RECOMMENDATION

It is recommended that the Board approve and authorize the Public Works Director to proceed with a realignment of tasks and staff within the Public Works Department (DPW).

SUMMARY

A realignment of DPW functions is proposed per the attached Organizational Chart.

DISCUSSION

As per the Shasta County Personnel Rules, Policy Resolution # 2010-02 a reorganization is a significant reordering or restructuring of the functions and operations of a department or division of a department requiring a new or different reporting hierarchy, changes in job titles, changes in job descriptions, or a significant change in the mission of the organization. The DPW reorganization is requested for reporting hierarchy and division assignment changes. There is no classification or salary changes proposed.

A realignment of DPW functions is proposed per the attached Organizational Chart. The goals of this realignment are: 1) to promote the efficient operation of DPW functions; and 2) to minimize any concerns of potential or perceived conflicts with staff that perform Regional Transportation Planning Agency (RTPA) functions.

Road Departments used to be organized along functional lines (planning, surveying, right of way, design, traffic, inspection, testing, fiscal, maintenance, etc.). This organization structure grouped similar tasks together for enhanced consistency and expertise. However, this was a slow and cumbersome process. Many divisions had to work together to get a single project done.

Modern organizational theory favors a divisional structure. Each division is a multi-disciplinary team. They are responsible for delivering specific projects, start-to-finish. This approach is more direct. It promotes speed and accountability, more in keeping with current demands.

The Public Works Department has progressively migrated to a divisional structure. Divisions are responsible for specific deliverables. There are still a few vestiges of the old configuration. Division managers do not always control all of the necessary inputs to deliver their products. The proposed reorganization will move some stray functions to the appropriate divisions.

Public Works staff provides services to the RTPA. At the last RTPA meeting, concerns were raised about potential or perceived conflicts that staff performing duties for the RTPA may experience. The RTPA Board elected to continue to

have Public Works staff provide services to the RTPA. This is a compliment to County staff. Staff performing work for the RTPA will continue to provide high quality service. This realignment will attempt to further address these concerns. Tasks and staff are proposed to be realigned within the Public Works Department as follows:

The Plans & Programs Division will shed all non-RTPA tasks. Two Full Time Employees' (FTE's) of non-RTPA work and staff will move elsewhere. Tasks will be moved to the divisions to which they relate (see below). Five FTE's of RTPA work and staff will remain within the Plans & Programs Division.

The Traffic/Solid Waste Division will manage all solid waste activities. Franchise Agreements and Solid Waste Joint Powers Agency JPA Administration will be brought in from Plans & Programs Division.

The Special Projects Division will assume miscellaneous capital and planning projects from the Plans & Programs Division. These include Fall River Mills Airport, the Resource Advisory Committee and the Hazard Management Plan. One Planner will move with them.

The Project Development & Administration Division will manage Road & Bridge turnkey projects. They will take on environmental (CEQA/NEPA) review and compliance, permitting and programming duties from Plans & Programs Division. One Planner will move with them.

ALTERNATIVES

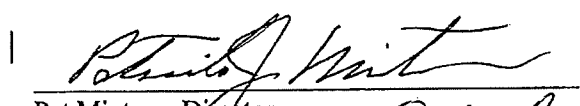
The Board may elect to modify the staff proposal, or decline to reorganize the department at this time. The existing organizational structure may remain in service. Potential time, cost, and accountability benefits may be foregone.

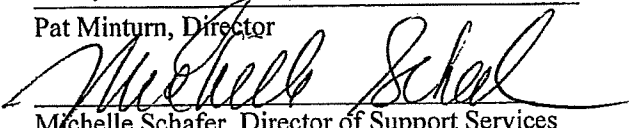
OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The CAO's Office and Support Services Department-Personnel have reviewed and concur with this recommendation.

FINANCING

Adequate funds to carry out Departmental activities are included in the appropriate budget units. There is no projected fiscal impact in the short-term. Streamlined operations will better serve customers. Cost savings are anticipated, but cannot be quantified at this time. There is no General Fund impact.


Pat Minturn, Director


Michelle Schafer, Director of Support Services

/mlc

Organizational Chart

