STAFF REPORT

Shasta County Regional Transportation Planning Agency

MEETING DATE:	**10/25/11**
SUBJECT:	**Minutes of the June 28, 2011, RTPA Meeting**
AGENDA ITEM:	**4-1**
STAFF CONTACT:	**Janie Coffman**

STAFF RECOMMENDATION:

It is recommended that the board approve the minutes of the June 28, 2011, RTPA meeting.

Daniel S. Little, AICP, Executive Director

Attachment: Minutes of the June 28, 2011, RTPA Meeting

UNAPPROVED MINUTES

SHASTA COUNTY REGIONAL TRANSPORTATION PLANNING AGENCY
Tuesday, June 28, 2011, 4:00 p.m.
Shasta County Board of Supervisors Chambers,
1450 Court Street, Suite 263, Redding, California

(Note: These minutes are not intended to serve as a transcript or verbatim record of the proceedings of the Shasta County Regional Transportation Planning Agency, but rather as a record of the meeting time, place and attendance; the order and general nature of discussion; board deliberations; and actions taken, if any.)

Board members Dickerson, Jones, Moty, Baugh, Hawes, Watkins and Comnick, were present.

1. **Call to Order**
   Chair Moty called the meeting to order at 4:04 p.m.

2. **Staff Introductions**

3. **Public Comment Period**
   There was no one who wished to speak during the public comment period.

Consent Calendar

4-1 **Minutes of April 26, 2011, RTPA Meeting**

4-2 **Future RTPA Meeting Schedule Through June 2012 - Information Only**

4-3 **Approve 2009/10 Revised (True-Up) Transportation Development Act (TDA) Allocations and Claims**

4-4 **Approve 2011/12 Unmet Transit Needs Findings and TDA Budget**

4-5 **Master Services Agreement (MSA) with VESTRA Resources for Technical Geographic Information Services (GIS) Related to Sustainable Communities Strategy (SCS) Development**

4-6 **Adopt Policy for Consultation with Native American Tribal Governments**

4-7 **Authorize Executive Director to Execute a Personal Services Agreement with DKS Associates to Update the Shasta County Travel Demand Model**

4-8 **Correspondence**

Board member Watkins abstained from item 4-1.

Chair Moty pulled item 4-4 from the consent calendar at the request of board member Baugh.

By motion made, seconded and unanimously carried (Hawes/Comnick), the consent calendar was approved.

4-4 **Approve 2011/12 Unmet Transit Needs Findings and TDA Budget**

Executive director Little explained that item 4-4 is the approval of the annual budget for next years Transportation Development Act funds. The budget sets funding levels based on estimated cost for Redding Area Bus Authority (RABA) services and other transit services. It also sets each jurisdiction's share of the total funds needed to provide that service. Any funding left over can be used for additional local transit services and/or streets and roads.

Discussion:

Board member Baugh: Questioned the Social Services Technical Advisory Council's (SSTAC) first and second recommendations (a cost-analysis for increased frequency of service on major routes and a feasibility study for express or pilot service between Anderson and Cottonwood) when we can't afford current services. The SSTAC recommendation states that new or expanded services should not be considered until RABA can sustain the 19% farebox ratio requirement, and then states that the board should consider permanently reducing the farebox ratio to 15%. A tremendous amount of money is being spent, and this recommendation is asking the board to approve spending more.

Executive director Little: The recommendation is to accept the SSTAC recommendation. It didn't carry over into the staff recommendation. The board is not being asked to endorse everything in the SSTAC recommendation, only what was found in the claims themselves, which is to maintain the current level of service.

Board member Baugh: What does the route sponsorship on the Airport Road corridor mean?

Board member Comnick: IASCO flight training contacted RABA and offered to pay full price for a route to the airport. This route could run to the airport and veterans home as well.

A motion was made and seconded (Dickerson/Baugh) to accept staff recommendation #1 which concerns the SSTAC recommendation. The motion failed 2 to 5.

A motion was made and seconded (Dickerson/Comnick) to accept staff recommendation #2 and #3 concerning resolution 11-10 and the TDA budget. The motion passed unanimously.

Regular Calendar

5. **Executive Director's Report**

Executive director Little noted that the recent California Transportation Commission (CTC) town hall meeting in Redding was a good opportunity for CTC commissioners to get exposure to local jurisdictions and their needs, including the Anderson Deschutes Road project. A pitch was made to the CTC last week to include this project in the current round of CMIA funding. Although not successful in this round, the CTC has agreed to continue working with us should there be any additional CMIA funds left over as a result of cost savings.

The South Redding Six Lane Project on I-5 is under construction. The RTPA is also working with Caltrans on value analysis and phasing, and trying to secure the NEPA funding to do the environmental review for the Gap Project (I-5 between Cottonwood Hills Truck Climbing Lanes and South Redding Six). Grant funding has been received to study the design of real time traffic sensors on I-5. This study will help compete for grant funds and to guide investments as funding becomes available. Better continuous data would be obtained from such a program, including detailed truck and interchange information needed for interchange and mainline planning.

6. **Independent RTPA**

Executive director Little provided a background of the RTPA: The RTPA is a legally separate agency under state and federal law. The RTPA staff is staffed by the Shasta County Department of Public Works; paychecks come from Shasta County. Under the RTPAs bylaws, the RTPA board does not choose its executive director; that choice is made by the public works director, who can appoint himself or a designee. The RTPA distributes about $12 million in funds annually. These funds are not distributed by set formulas; the RTPA board has discretion over nearly 100% of how funds are distributed to the cities and the county.

The issue of an independent RTPA keeps coming up. More specifically, under the current staffing arrangement, can the RTPA objectively and evenhandedly serve the cities when RTPA staff is employed by the County of Shasta? The Technical Advisory Committee (TAC) agreed that there is a perception and a potential for conflict – if not now, then at some point in the future. The best time to address this conflict is now while relations are good.

Following board direction from the April meeting for this agenda item, Mr. Little provided two options: One is a separation of the RTPA from the department of public works; the other is a complete separation of the RTPA from the county. RTPA legal counsel provided a letter stating that the current staffing arrangement is awkward and recommends that the RTPA address the issue before problems arise, legal or otherwise. When looking at the other 17 Metropolitan Planning Organizations (MPO) in the state, Shasta is the only one that is not independent.

The cost of an independent RTPA would be higher; a difference of about 1% of all RTPA funds and about 7% of the administrative budget for RTPA. These estimates are based on current staff time and comparisons to other similar sized agencies. There are currently eight employees in the plans and programs division of public works. Fewer than five full-time equivalent positions are dedicated to RTPA issues. Three full-time equivalent positions are dedicated to non-RTPA issues within the division.

The question is not about individuals, it's about structure. Is the current setup a good structure for the board to be operating under? An analogy of the current setup is that of a high stakes poker game. The cities and the county are at the table with $12 million in the pot every year. The county provides the room, the dealer and the pit boss. The county also has a seat at the table. Under this scenario it could be asked if the county has a home field advantage. Most would agree that it does. Another question is; does the county stack the deck to cheat the cities? The answer is no, but the county could stack the deck if they were so inclined.

The question today is a simple one. Does the board want the dealer, in this figurative poker game, beholden to everyone at the table or to the county? And is that a problem?

<u>Discussion:</u>
Board member Hawes: I don't feel any conflict coming from Mr. Little. I think the setup works well, with prior directors as well. The cities on the board have the majority vote, so I can't see where more money needs to be spent to change things. It has worked very well and will continue to work very well.

Board member Baugh: It's understandable that Mr. Little was conflicted in writing the report. RTPA legal counsel John Kenny infers that there are possible conflicts with the executive director. I take exception to that, as I think Mr. Little does a great job in balancing and running this organization. It should be noted that I am this agency's biggest critic and I am a county appointment. In the staff report summary it says "and has raised concerns over impartiality when allocating funds and setting policy in the region." I have not heard that in the four or five years I've been serving on this board. Could you be specific?

Executive director Little: For example, how RABA is funded and if the county is paying its fair share has been at issue. The RTPA board makes that decision based on information that staff provides.

Board member Baugh: In the five years I've been on the board that's never come before the board as an agendized item. It brings to mind the thought that I hear Mr. Lees (County Administrative Officer) saying in county government, "what's broken?" I'm not sure why we would go down this path. Mr. Kenny (RTPA legal counsel) notes "concerns have been expressed about the ability of the executive director to render impartial judgment when the executive director is actually an employee of one of the member entities." The bigger picture here is that we are in an economic climate that says we need to watch every dollar and every penny. If there was some justification, which I don't see, for a move today in this direction I would also have to balance it with the economics of it. I'm not willing to spend more money simply to satisfy murmuring and thoughts that go on in back rooms of offices. If ever there is an impropriety in a relationship between the county, this board is big enough to receive that input from Mr. Little and judge fairly. We are an independent board with decision making authority, and anything short of being responsible for the decisions we make is unacceptable. I think we are doing very well.

Board member Comnick: I've been on the RTPA board the longest and this is the third time this item has been brought before the board. Both previous times it has been voted down. I agree with Mr. Baugh that one of the reasons is money. If we're going to spend more money for the RTPA; that means less money for each one of the entities that is part of the RTPA. It doesn't make sense with the economy like it is to spend more money. I agree with Mr. Lees; if it ain't broke, don't fix it.

Board member Dickerson: The big picture is that the RTPA is made up of five local government entities. Each of those entities has a vested interest in how this organization handles its duties; which is in essence the passing through of federal and state transportation dollars, and transportation planning within the region. The potential for a conflict of interest exists when one of those member agencies has the ability to influence, in their favor, decisions that are made by the executive director. For example, the executive director may attempt and has attempted to provide information to the public in environmental impact reports on county projects, and I know he has been told to soften those reports. Mr. Little is not willing to tell you this because he is conflicted; because he's trying to serve two bosses.

Up to this point, it has not been serious or critical. But the potential is out there for that to happen and it could have a significant impact on transportation planning. Down the road in a few years it could have significant impact on how funds are distributed. The 17 other MPOs in the state have found it better to eliminate this conflict of interest. I believe it's such an important topic that it perhaps should not be decided by this board. My suggestion is that this board asks each of the member agencies – the three cities, the county and the RABA board – to examine the issue as an entire city council, as an entire board of supervisors and as an entire board of directors for RABA. Get input from everyone who is potentially affected.

It's not potential conflict, it is a conflict. It's just whether or not something raises its head to cause a serious problem in the future that can be avoided. To the best of my knowledge the member agencies collectively have not entered into a discussion on this issue and I strongly believe that they should.

Board member Hawes: The RABA board with a $4 million budget wouldn't have a conflict with this issue? I think they would have a big conflict because I think they are worried about their existence in this economy.

Mary Machado, executive director of Shasta Voices: It is unfair of the board to have their executive director, Mr. Little, be the person having to prepare all of this information on their behalf. It puts him in a very awkward position at best. He has done a marvelous job of trying to do a fair reporting of what it is the board asked for. It was unfair to put him in that position. It is also unfair for this board to make this decision. I think a disinterested third party ought to be contracted if the board is serious about doing anything differently than they are today. I don't think you can get a less than conflicted viewpoint no matter what you do today. I think it would not be a good idea for the board to take any action on this.

Board member Jones: There is some value with the RTPA standing alone when talking about regional planning. All the RTPA board members wear a number of different hats on the various boards that they serve on. I don't know how you really separate yourself from the areas we get elected from; we're always going to have preference on that. This is an opportunity to separate this particular agency and I see that as a positive. I doubt the county would give up their advantage easily, but I would certainly be willing to explore the possibility of an independent RTPA further.

Board member Watkins: At first it made sense that the county public works director would list two or three names and then the RTPA board would select the executive director from that list. But as I started to read the report it appears that if we pick an independent RTPA it's going to cost an additional $127,000 a year. Five years from now that probably wouldn't be half the cost of really having a separate RTPA. Where do the funds come from? As Mr. Little pointed out there are sufficient funds in the RTPA to come up with the overhead costs of separating. But where are those funds really going to come from? I look at three areas that the City of Shasta Lake receives funds; streets and roads, transit, and planning and administration. They're probably not going to cut RABA, so the only place it's going to be cut is our streets and roads, which there isn't enough to do what needs to be done to start with. I'm opposed to using any additional money. These are tough economic times and sharing employees and office space with the county and RTPA makes economic sense at this time. Perhaps some of those other MPOs that are doing it differently should take a look at Shasta County and go back to sharing some responsibilities.

Board member Baugh: Board member Dickerson placed the issue of the RTPA going independent on the agenda; it was not placed with an endorsement or direction by the board as a whole. If it were five years down the road and finances weren't as they are, this would sound more feasible as there are some merits to the thought. Today we are watching every dollar and I don't want to redirect dollars from the expenses out on the ground to pay for additional overhead. The cities and the county could look at the RTPA going independent and give an advisory position to the RTPA board. The RTPA board doesn't have to direct them to do so. However, this board should not contract out its responsibilities. We are here and responsible for this board. This board is responsible for making decisions that are RTPA related.

Board member Dickerson: I hate to see this discussion get hung up on finances. There are no certain figures; we don't really know what it would cost. I believe this could be done without fiscal impact to local agencies. The important question is not how it would be financed; it's whether or not we want to take a serious look at the conflict of interest. I agree we should not go out and hire someone to resolve this problem for us. We all should be able to do that as this body, or as the member agency bodies. We owe it to the member agencies to give them the ability to weigh in on this issue. I am going to motion that this board asks each member agency to hold a session relative to the independent status of the RTPA and study the issue. *{Motion noted at end of agenda item}*

Board member Comnick: I have never seen, in my opinion or in the City of Anderson's opinion, where Mr. Little was not fair. He's done a good job and has helped us with everything that we've asked him to help – I've seen no conflict.

Chair Moty: I think it is partly about finances. Whether the amount is Mr. Little's number or Pat Minturn's number, it doesn't really matter; what matters is that it's going to cost more. I think there is very talented staff in the county and the cities that work on these projects and they are compensated when they do that. That money helps to offset the budgets of those agencies. That would go away and would be more of a drain and burden on them. If we're going to try and go separate we're talking about re-staffing a whole separate agency. I think in order to do that, to make it fiscally possible, we're going to change dramatically what we pay people and how we benefit them. I would be surprised if any of our current employees would accept those jobs. I agree with Mr. Watkins that we should be less, not more, government and we should be pooling our resources together to share resources and get the job done with less expense to the public and put more money into the streets where it belongs.

There was a question about Mr. Little being conflicted perhaps about how to write a letter with certain people telling him to tone it down. That's not Mr. Little's problem, that's the board's problem. Mr. Little should come to the board and advise them that different people are giving different directions on how to do this – you're the board and it's your responsibility to tell me what you want this letter to say.

Board members Dickerson and Jones made some good points. There are times when it could be perceived or maybe there is some slight advantage to the county, but I would expect if city staff thinks fairness is in question, then they should go to their representative, and that would in turn come to the RTPA board for them to say yes they agree, or no they don't agree.

Board member Watkins: I have no problem of getting an advisory vote from all the councils, however, as a representative I have talked to Shasta Lake city staff and some city board members and I'm here to represent them. I don't see what's to be gained by going back, but I'm not opposed to doing that.

Board member Dickerson: The problem is not with Mr. Little. Mr. Little is extremely fair. I don't want anyone to leave with the impression that I thought our executive director was being unfair to anybody. He's as fair as he's allowed to be.

By motion made and seconded (Dickerson/Jones), the recommendation that the matter be sent back to the individual agencies councils and boards to give advice to the RTPA board failed; with two in favor (Dickerson and Jones) and five opposed (Moty, Baugh, Hawes, Comnick and Watson).

By motion made and seconded (Hawes/Comnick), a recommendation that the RTPA continue to operate as it is currently passed; with six in favor (Moty, Baugh, Hawes, Comnick, Watson and Jones) and one opposed (Dickerson).

7. <u>Shasta County Metropolitan Improvement Program</u>

Executive director Mr. Little explained that whereas the Regional Transportation Plan (RTP) contains all of the region's projects, the Metropolitan Improvement Plan (MIP) is a subset of major capacity increasing projects located in the South-Central Urbanized Region (SCUR). The MIP identifies total project costs, known funding sources and the region's funding gap. Strategically, there is a better chance of obtaining funding if these projects are presented as a unified program. Earmarks may be becoming a thing of the past at the federal level, but funding towards a specific program of projects may not be considered an earmark. The MIP is a programming document not a policy document. The document will be updated as more accurate and detailed information becomes available.

<u>Discussion:</u>
Board member Jones: Will there ever be a time when these projects will be in a priority list? Or are they just put in as a whole?

Executive director Little: In the RTP they are prioritized; however, they are prioritized by jurisdiction. To take it beyond that level would be difficult and there would be little value in doing so. We have an unwritten agreement in the region that the RTPA, with state and federal funds, takes care of the mainline I-5 needs, local agencies take care of their jurisdictions, and the RTPA supports local agencies on interchanges. This program is a comprehensive package with a cooperative strategy, versus internal projects competing for funds.

By motion made and seconded (Hawes/Jones), the staff recommendation passed unanimously.

8. Amendment #1 to the Regional Transportation Improvement Program (RTIP)

Executive director Little explained that the RTPA would like to program $350,000 in Transportation Enhancement (TE) funds for the Benton Drive Bridge/Diestelhorst Bridge Restoration. TE funding for non-motorized projects is under-delivered statewide. The CTC has requested non-motorized projects be submitted so they can award these TE funds. The RTPA has a reserve of $267,000 from a time when funds were set aside for non-motorized projects. This money was designated for the Benton Drive Bridge Project. The RTPA would like to do a swap. The City of Redding would get $350,000 in TE funds if approved, and the RTPA would redirect the $267,000 for the I-5 Gap Project.

By motion made and seconded (Jones/Hawes) the staff recommendation passed unanimously.

There being no other business to discuss, Chair Moty adjourned the meeting at 5:10 p.m.

Respectfully submitted,

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Daniel S. Little, Executive Director

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