APPROVED MINUTES

SHASTA COUNTY REGIONAL TRANSPORTATION PLANNING AGENCY
Tuesday, February 28, 2012, 2:30 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 Hunt were present. Board member Comnick was absent.

1. **Call to Order**
Chair Moty called the meeting to order at 2:34 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 December 19, 2011, RTPA Meeting**

4-2 **Minutes of January 24, 2012, Special RTPA Meeting**

4-3 **Future Meeting Schedule Through February 2013 - Information Only**

4-4 **Authorize Request for Proposal (RFP) for Audit Services**

4-5 **Redding Area Bus Authority (RABA) Transit System Safety Grant**

4-6 **Amend Agreement with John Kenny (Kenny, Snowden & Norine)**

4-7 **On-Call Services Contract with VESTRA Resources**

4-8 **2010 Federal Transportation Improvement Program (FTIP) Amendment #12**

Board member Hunt abstained from items 4-1 and 4-2. Board member Baugh abstained from item 4-2.

Chair Moty pulled item 4-6 from the consent calendar at the request of board member Baugh.

By motion made, seconded and unanimously carried (Baugh/Jones), the amended consent calendar was approved with board member Jones voting no on item 4-8.

4-6 Amend Agreement with John Kenny (Kenny, Snowden & Norine)

Discussion:
Board member Baugh: The board report reads: "The original Personal Services Agreement (PSA) was drafted by county counsel and allows the executive director to amend the PSA if the type of services or rates remain unchanged, or for unforeseen emergency legal services." I went back to that original board report of October 27, 2009, and that's not what it says. What it says is, "In unusual circumstances where a rapid legal response is needed which may exceed this cap, it is recommended that the board authorize the executive director to approve additional services provided funds are available."

I went to the county auditor's office and there is a bill pending, which is not included in our packets, for $1,665.81. The problem is that it was submitted, signed and initialled by both Dan Little and Sue Crowe in advance of this meeting and board approval. It was subsequently rejected because there was no authority for the payment. I'm told in following it through that there was actually another contract that we're not being made aware of that was signed prior to this vote, with Mr. Kenny and Dan Little. I don't see that in the board report either.

Executive director Little: The language authorizing the executive director to approve additional services is in the agreement language itself. The intent at the time was to allow the executive director to extend it. Once it was found that the agreement had expired, staff originally signed the amendment to extend it. It was determined that the extension wording was ambiguous despite our intent that the executive director can extend the agreement. It was best to take the agreement to the board. No illegal payment was made or contracts executed. The staff recommendation here fully resolves the issue.

By motion made and seconded (Baugh/Watkins), item 4-6 passed unanimously.

Regular Calendar

5. Executive Director's Report

Executive director Little noted that there has been continuing resolutions of the federal reauthorization. The latest expiration date is in March 2012. The catch with this reauthorization is that for the first time the Highway Trust Fund is in the red and to keep the same transportation funding levels federally, there needs to be new revenue or a cut in transportation. At this time it looks like there will be another continuing resolution – more than likely it'll go on until after the presidential election.

The Corridor Mobility Improvement Account (CMIA) program still has leftover funds through Proposition 1B. There is a deadline date of December to award contracts. Some projects that were previously awarded are not being delivered. They will be removed from the approval listing, freeing up some funds. There is no new call for projects; however, the RTPA has two projects submitted. One is the Deschutes Road Roundabout and one is a small segment of Interstate-5 – widening it to six lanes under the Smith Road overcrossing for about a half-mile.

6. Sustainable Communities Strategy (SCS) Planning Direction

Executive director Little: There's been talk about SCS and SB 375 at almost every RTPA meeting for around two years. I want to take a step back and focus on SB 375 and our philosophical approach to doing the SCS that must be part of our Regional Transportation Plan (RTP).

SB 375 isn't just about a plan to reduce greenhouse gas (GHG); it's about meeting the legal requirements to get transportation dollars. If we don't do this plan, we don't have a legally conforming RTP, which means we don't get funding for projects.

A common myth is that the region is not allowed to increase its GHG for vehicle emissions. We met with the California Air Resources Board (CARB) and got a zero target/zero increase in emissions. The key is the per capita increase: If we, as a region, grow by 25% our emissions can grow 25%. Another myth is that it will force all development into the cities. There is a misconception that the SCS will be like a zoning plan. It's not that at all; it identifies priority development areas – areas where things should be incentivized for development – it's up to the cities to do that by possibly relaxing zoning standards or relaxing development fees.

There is a Climate Action Plan (CAP) under development by the Air Quality Management District. Many people think the SCS and the CAP are one and the same. It's actually two different processes. The CAP is about all GHG. Transportation is about 30 to 40 percent of all GHG emissions. The CAP is a comprehensive view of all things GHG. The RTPA has no authority in the CAP process. The CAP doesn't affect what the RTPA has to do as part of the SCS.

It has been said that the SCS is an RTPA power grab over land use and land use jurisdiction. What the law says instead is that our SCS has to be consistent with local general plans. The RTPA can't recommend in the SCS any development densities higher than what is already set by local agencies. Whatever we approve should be agreeable to the cities and county, or there's no sense in doing it.

The last myth is that the SCS is a state power grab over land use. On that one there may be some truth. It's something we have to be vigilant about. The state definitely is frustrated because they don't have more say in land use decisions. They see growth and development occur and then there is pressure on the state to fund transportation projects as part of that. We knew under the GHG laws in AB 32 that we would have to deal with transportation emissions in some way; what the law says now is we get to deal with it as a region instead of the state. So it could be a power grab down the road, but it's not currently written that way. However, we need to monitor future state legislation and policy.

In terms of the philosophical approach for how to proceed with the SCS, that hasn't been started yet, so there are some different ways the RTPA could go about it.

One is to do nothing – we tell the state we aren't going to do this. The consequences of that are pretty dire. We make a statement, but we lose our transportation dollars.

Another alternative is an aggressive SCS that goes more heavily into land use, more than the jurisdictions might want. That's not practical because it won't gain the support needed and what's the sense in doing a plan if it has a zero chance of being implemented?

There are two other alternatives that are more practical. In one alternative the RTPA takes the lead, because under the law it's required to do that, and work with the cities and county to the extent they are willing to work with us. The SCS is not approved until each city and county has bought off on it in whatever form they choose. It could be at the staff level, or the city council and board of supervisor's level.

The other option is the cities and county could use their staffs to pick their own priority development areas within their jurisdictions. Four different processes would be done in the region. That information would be given to the RTPA and the RTPA would roll it into one comprehensive plan. There are some obvious drawbacks to this because you've got four separate processes going on, so there are some efficiency issues and some public issues about trying to track and participate in four public processes instead of one.

<u>Discussion:</u>
Chair Moty: You talked about all the things we are not and dispelling the myths, however, what is the SCS?

Executive director Little: What the SCS will be is a map of priority development areas. It might have recommendations for how jurisdictions want to incentivize growth in those areas. We send that to the cities and county and they ratify it. In terms of implementing any zoning changes to make those areas priority for infill development – that will be up to the cities.

Board member Baugh: SB 375 is all about the control; it has a tremendously big carrot. We have a Caltrans funded and directed project which then would direct land use planning in Shasta county, including its three cities. Saying that SB 375/SCS fits Shasta County, which is rural in nature, is not in the best interest of the residents of Shasta County. Shasta County should have been exempted from this. This is nothing short of the erosion of local building control. I believe that the standards for the cities belong with the cities and the standards for Shasta county belong with Shasta county. It is not for the state of California to mandate the money via the big carrot. What would happen if all of the local RTPAs or their equivalents decided to say no? I think the state might have to go back to the drawing board. It takes somebody brave enough to step forward and say no.

Board member Jones: What would it mean for the RTPA if it was in non-compliance?

Executive director Little: The SCS is a requirement of the Regional Transportation Plan (RTP). If the RTP doesn't fulfill all its requirements, then it's not in compliance. Non-compliant RTP projects are not eligible for funding. It's not just RTPA projects; it's also local assistance projects that would become ineligible, such as bridge replacements and safety projects.

Board member Jones: Do we know any other planning agencies that have chosen non-compliance in regard to this?

Executive director Little: No. The San Diego area was the first agency to do an SCS; they adopted theirs and then were sued over it. The Sacramento and Los Angeles areas have drafted theirs.

Board member Jones: Why would we be more apt to look at the middle alternative as opposed to the minimum requirements?

Executive director Little: If the cities want to prepare their own plans and we try to roll it into one, that's a very real alternative. Although there is concern that it would be subject to greater legal scrutiny.

Board member Dickerson: I would not want to be in a position, as a board member, to choose this minimum compliance if it means telling the three cities and the county that they have to take this project on. I think we make them aware of the process and if they want to take this project on they can come to the board and tell us they'd like to assume that responsibility. I think the proper way to go forward is with the middle ground. Protect ourselves, but let's not get in a position of having to reject much needed transportation dollars and put extra burdens on the cities and the county to do the work that we should be doing.

Chair Moty: If we were to choose the middle ground to start and if for some reason some additional legislation comes along from the state that make the SB 375 process very onerous, do we have the opportunity to come back and revisit this?

Executive director Little: Yes. There was talk about doing an early draft which could be delayed. If we choose to make some kind of moral stand now and our plan isn't due until 2015, we could lose some funding in the meantime. If you want to make a moral stand, I suggest you do it in 2015.

Executive director Little: From a staff perspective we're looking to get some level of consensus so staff has clear direction to move forward.

Public comment opened by Chair Moty:

Rod Evans, citizen: There is an event coming up on April 11. Various businesses and organizations have asked a group to come in called Strongtowns. It's a curbside chat and will go from 6:00 to 8:00 p.m. They have some ideas; some are new and revolutionary/unique in how the area should grow.

Chair Moty read a letter from Ron Reece of Citizens for Smart Growth: We urge the RTPA board of directors to empower the Shasta county RTPA to continue adding the SCS, which would reduce GHG from automobiles and light trucks, to its RTP. We support the middle ground approach which allows the RTPA to maintain the lead role in facilitating the process with the local agencies having the final approval.

Public comment closed:

Board member Watkins: I don't think the City of Shasta Lake planning department needs to take on this planning. I would much rather have the RTPA do the planning with the jurisdictions concurring. We need to look carefully in 2015 and make sure we haven't produced anything in this plan that is going to come back and tie our hands.

Board member Hunt: Going against the law isn't the right thing to do. We need to always be in compliance with the law, especially when significant transportation dollars are at stake.

Chair Moty: Besides losing the funding, can they come after us legally and prosecute us or charge us for not following the law?

RTPA legal counsel Kenny: The only sanction now is non-funding. That could change, but there is nothing in the law that has any other sanction.

Executive director Little: Before we move too far down this path we need to decide 1) are we going to do it? and 2) what's the roles of the cities and the county in relation to the RTPA?

By motion made and seconded (Hawes/Dickerson), a recommendation that the RTPA move forward with the middle ground alternative passed with five in favor (Moty, Dickerson, Hawes, Hunt and Watson) and two opposed (Baugh and Jones).

7. <u>Application for Round 2 Proposition 84 Sustainable Communities Planning & Incentive Program</u>

Staff member Dan Wayne: Round 2 of Proposition 84 Sustainable Communities Planning & Incentive Program grant did not line up with the RTPA meeting schedule. A resolution was requested and granted from the board at the December meeting, giving staff authorization to prepare and submit a grant application before the proposal scope of work was prepared. The board at that time directed staff to bring the application to the next board meeting. The content of the grant application is consistent with the sustainable communities planning strategy, which includes helping local agencies take a more direct role in developing the assumptions and the inputs that are associated with the SCS within their jurisdiction. It is also desired to cultivate some public-private partnerships to help implement the good parts of the SCS. That might include revitalization efforts in downtown Redding. Lastly, work elements are included that will help the region account for progress towards the regions GHG target.

Staff member Dan Wayne gave a brief synopsis of the eight tasks the RTPA will be responsible for if the grant is received.

By motion made and seconded (Dickerson/Watkins), a recommendation that the RTPA accept the now completed application passed with five in favor (Moty, Dickerson, Hawes, Hunt and Watson) and two opposed (Baugh and Jones).

8. <u>Personal Services Agreement – North State Transportation for Economic Development Study</u>

Executive director Little: The board previously approved a request for proposal for this item. The proposals are in and we're looking to select a consultant to move forward on the study.

Staff member Dan Wayne: This effort was initiated in order to maximize the impact of transportation investments on economic development within Shasta County and the north state, as well as to help attract a larger share of discretionary funding. Through this project we can build a better business case and quantify state and federal funding partners' return on investment. This is a joint effort between Caltrans, who is our funding partner, the 16 county North State Super Region and corresponding economic development entities within those regions. Out of this project we will be able to improve the quality and competiveness of our grant applications and more specifically be able to demonstrate some broader regional support towards those projects.

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

9. <u>Approve Independent RTPA Transition Plan, Scope of Work and Schedule</u>

Chair Moty: In the board report it indicates that the sub-committee was divided two to one in recommending the status quo of RTPA employee's salary and benefits to the board. I want to make it clear, with me being the one who voted against it, that I never took a position on whether a status quo budget was appropriate or not for paying benefits. I felt that the sub-committee should not make any recommendation; that this item should come before the whole board without a recommendation because we are representatives of four different agencies and the different agencies have different perspectives on pay and benefits.

Executive director Little: The core of this staff report is an attached schedule. A big part of this schedule is various requests for proposals (RFP) and requests for qualifications (RFQ) for different support services such as accounting, human resources and information technology. I hope to bring those agreements back to you at our March 15 special meeting with RABA. In the staff report I point out some key risk factors in meeting the July 1 transition date.

One is if we can retain our employees, and if not, to the extent we're able to recruit new employees during this transition or soon after.

There is a big question mark about unionization. Currently the employees are within a union. The status quo benefits were the working assumption going forward and are interrelated to these risk factors. Agency staffing depends on the pay and benefits and how we stack up against other regions and also within our own region when you compare it to the cities. The status quo benefits are one and the same as the county benefits. The employees get nervous concerning whether they're going to have a job when this transition happens and if their pay or compensation is going to be cut. To me, as the agency director, that causes concern as to whether I can retain those employees.

The main message in the staff report and in the schedule overarching all of this is that we need to come to that decision quickly, and I think the sub-committee agreed with that as well. A lot of the proposals that I want to bring to you on March 15, cannot come forward until we resolve this issue; we need to know the level of benefits provided in order to get quotes and set up programs.

Public comment opened by Chair Moty:

Gary Cadd, citizen: Maybe what we've moved into now is a divorce from the county to an independent RTPA. Divorces get messy and the people that are usually harmed the most are the children. In this case I respectfully talk about the children being the RTPA employees. Each one of you is from a different jurisdiction; have you made all the changes in your jurisdictions that need to be made? I think the most important thing is to move forward as expeditiously as we can and move the RTPA independently. Some other changes, if they're to be made, should be made down the road. Right now we have a looming date of June 30, 2012, and we have something to take care of.

Rod Evans, citizen: I whole-heartedly agree with Mr. Cadd and support an independent RTPA implementation and transition. It's absolutely essential for an independent RTPA to be structured and to provide complete fairness to all the municipalities that are involved.

Sally Riley, Shasta county resident: I'm a little concerned that the resolution deals so much with status quo of the employees. I just about heard every one of you board members at your council or board meetings say that we need to have some changes in benefits with public employees. I think that forming a new agency/a separate agency might be the time to do it. When you have an independent agency going from the county with their rate, to the independent agency, does that absolutely carry on without any discussion or negotiation? I would like to see the benefits and such be looked at a little closer.

Chair Moty read a letter from Ron Reece of Citizens for Smart Growth: We urge the board to support the independent RTPA transition plan with the same employees with no compensation changes. This will allow the RTPA employees to continue to fully engage the many tasks it needs to perform with well qualified employees.

Public comment closed:

Board member Dickerson: I disagree with Sally Riley that now is the time. We are in the middle of a significant change and direction for the RTPA and how to continue to do the important work that is done for the entire region. To add in to the mix labor negotiations will make that extremely difficult to do – particularly since there is a July 1 deadline. We've got to get the whole thing completed; find offices, get all the work done, etc. and we can do that. However, we can't do it if we have to go into labor negotiations. I realize, and I think everyone sitting up here realizes, that going forward, public service is going to have to have some changes made in retirement benefits. But now is not the time. I would not want to see the seven folks that are employed by the RTPA be the first public employees in Shasta county to have their benefits reduced merely because leadership decided to go independent. I think that the status quo with the employee benefits and the salaries is the expeditious way to do it. Going forward things can be reconsidered.

Board member Hunt: For RTPA going independent, this is the time to reassure your employees that they're going to be well taken care of during this transition and affirm that they've got their place, benefits, pay, same hours and everything that they need to do their job correctly. I don't think that this is the time to address any kind of benefits situation. You don't say we've decided you're going to go independent and we're going to take part of your benefits away.

Board member Watkins: I see that currently the RTPA employee is paying seven percent of their retirement. In Shasta Lake the average is two percent. When I look at the comparable RTPAs, those employees are paying zero/none. While I think it's prudent to look at these costs and see how they are in the future, I don't think that the current employees are out of line at all.

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

Closed Session

10. 1. Conference with Labor Negotiators (§54957.6):

- **A. Agency Designated Representative: Dan Little, Executive Director, Shasta County RTPA; and**
- **B. Unrepresented Employees: New or Transferred Employees of Future Independent RTPA**

Chair Moty recessed the board to a closed session to hold a conference with labor negotiators.

Open Session

Chair Moty noted that the RTPA will continue under a status quo for salary, pay and benefits for employees as it currently stands, and will also use the county personnel rules as a guide line and starting point for the new personnel rules.

There being no other business to discuss, chair Moty adjourned the meeting at 4:22 p.m.

Respectfully submitted,

Daniel S. Little, Executive Director

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