

MADERA COUNTY TRANSPORTATION AUTHORITY

EXECUTIVE MINUTES

Date: Wednesday, April 17, 2002
Time: 2:40 p.m.
Place: Madera County Government Center,
Board of Supervisor Chambers

Members Present: Vice Chairman Frank Bigelow, Supervisor - Madera County
Al Ginsburg, Councilman - City of Chowchilla
Gordon E. Skeels, Councilman - City of Madera
Darwin Shebelut, Incorporated Area
Jon Norby, Eastern Madera County
Alt. Jon Silva- Supervisor- Madera County

Members Absent: Gary Gilbert, Supervisor – Madera County
M.J. Nabors, Councilman - City of Madera
Chairman Vern D. Moss, Supervisor - Madera County

MCTA Staff: Elizabeth Levine, Project Coordinator
Sheila Kingsley, Administrative Assistant
Derek Winning, Planner I
Tricia Stone, Receptionist

I. Public Comment

This portion of the meeting is reserved for person(s) wishing to address the MCTA on items within the jurisdiction but not on this agenda.

There was no Public Comment.

II. Meeting Minutes of March 20, 2002

Upon motion by Director Silva, and seconded by Director Ginsburg, to approve the March 20, 2002 Executive Minutes as written. A vote was called and the motion carried.

III. Administration

A. Director Appointment Process for General Public Member

At last months meeting there was discussion concerning the Director appointment process for the General Public representation. Currently, the MCTA has one position vacant. That position is as follows:

1. Director (Member of the General Public): Must reside in the unincorporated area of the County lying westerly of the Madera canal.

Director Dale Evans previously held the position. Director Evans contacted staff to inform the Board that he will be resigning due to his business obligations and workload. The Madera County Transportation Authority makes these appointments. The vacancy has been advertised in the Madera Tribune. The ad requested that a letter of intent be received by January 16, 2002 to the office of the Authority located at 1816 Howard Road, Suite 8 – Madera, California 93637.

Background:

According to Resolution 90-04 (creating the Authority, providing for appointment of its Directors and specifying its powers and duties), Section 2 (c) on page 2 states:

Section 2 (c) – Member of the General Public

“Three members of the general public, one of whom shall be a resident ofThese three members initially shall be selected by the Madera County Board of Supervisors and thereafter shall be selected by the remaining members of the Board of Directors of the Authority.”

The discussion at the Authority’s March 20, 2002 meeting requested staff to prepare a process for filling the position of General Public Director when a vacancy occurs.

Recommendation:

Staff recommends the following process to fill the position of Director representing the general public when a vacancy occurs:

- Staff notify the MCTA Board of Director’s prior to the vacancy;
- Advertise vacancy in the Madera area newspapers;
- Request a letter of intent;
- Staff compiles the letters and notifies the Director’s of letters received;
- Director’s representing the jurisdiction of vacancy shall interview the top three candidates and recommend an appointment to the MCTA Board of Directors; and
- MCTA Board of Directors will vote to appoint the Director at its regularly scheduled meeting.

Action: The Board directed staff to follow the recommended procedure; this includes the present vacancy.

B. FY 2002/03 MCTA Annual Work Program

The 2002/03 Annual Work Program has been prepared pursuant to adopted Authority procedures and the draft document was circulated to members in January 2002. The document before the Authority for consideration was updated to reflect several minor project adjustments as requested by member agencies. This document is adopted in April in order that the agencies may proceed on projects beginning July 1. The AWP is scheduled for amendment at the first Authority meeting after July 1 in order to accurately reflect carryover balances for each agency and the Department of Finance population estimates for May 1, 2002.

Action: Upon motion by Director Silva, seconded by Director Skeels to approve 2002/03 Annual Work Program. A vote was called and the motion passed.

C. FY 2002/03 MCTA Operations Budget

The 2002/03 Operations Budget provides for staff services, office facilities, memberships, and travel required in the conduct of the Authority's business. Annual revenues are fixed at 2% of annual proceeds. Unexpended budget reverts to the unallocated balance and is available for allocation to the agencies in the succeeding program year.

Action: Upon motion by Director Norby, seconded by Director Shebelut to approve 2002/03 MCTA Operations Budget. A vote was called and the motion passed.

D. Measure “A” Extension – Enabling Legislation

Staff, with assistance from County Counsel, is currently reviewing the statutory requirements for reauthorization of Measure “A”. There are two Codes which could apply in reauthorization: Revenue and Taxation Code or Public Utilities Code 180000 et.seq. Currently Measure “A” is authorized by the Revenue and Taxation Code. Included in the package was a side-by-side comparison of the two statutory schemes. The following highlights the advantages and disadvantages of three important issues:

1. Creation of Authority. Prior Revenue and Tax Code required the Board of Supervisors establish an authority to administer the sales tax. Current Revenue and Tax Code does not require an authority be established (it appears that the BOS resolution 90-04 creating the Authority could be amended to extend the existence of the Authority so as to administer an extended Measure "A").

PUC 180050 allows the BOS to create an authority, or designate an existing transportation planning agency (Gov. Code 29535) to serve as the authority. The BOS could designate the present MCTC to function also as the county's authority.

2. Board Composition. Under the Revenue and Taxation Code the Authority Board may continue to include three public members.

An Authority designated or created pursuant to PUC 180051 would have six members, none of whom would be public members.

3. Expenditure Plan. The Revenue and Taxation Code (7285.5) requires an expenditure plan designating specific projects for which tax revenues must be expended.

PUC 180206 requires that a county transportation expenditure plan be adopted prior to the election for a sales tax ordinance. A county transportation expenditure plan must be approved by a majority of the BOS and by a majority of the city councils representing the majority of incorporated cities and a majority of the incorporated population. There are no requirements regarding the substance of the Plan.

The Board requested that legal counsel respond to the following questions:

1. When a sales tax has been imposed pursuant to Revenue and Taxation Code(R&TC) Section 7285.5, is there a requirement that an "authority" be established/exist to administer the tax?
2. When an Authority exists pursuant to Public Utilities Code (PUC) Section 180000, et. seq., may members of the public serve as members of the Authority?

Action: No action taken at this time. Board requested that staff return on May 22, 2002 with more information.

E. FY 2001-02 AWP Amendment No. 7

The City of Madera is requesting the following cost adjustments to the FY 2001/02 AWP:

- MA-CLE-05 – increase ROW from \$40,00 to \$140,000 and decrease Construction by \$100,000
- MA-ALM-02 – increase Preliminary Engineering from \$15,000 to \$20,000 and decrease Construction Engineering by \$5,000
- MA-CLE-07 – increase Construction from \$430,000 to \$450,000
- MA-LAK-02 – decrease Construction from \$260,000 to \$240,000
- MA-MGA-01 – increase Preliminary Engineering from \$550,000 to \$650,000
- MA-ALM-01 – decrease Construction from \$385,000 to \$285,000
- MA-SUS-01 – increase ROW from \$240,000 to \$280,000
- MA-Oli-01 – decrease ROW from \$350,000 to \$310,000

Action: Upon motion by Director Ginsburg, seconded by Director Silva to approve FY 2001/02 AWP Amendment No. 7. A vote was called and the motion passed.

F. Measure "A" Extension Expenditure Plan

Included in the package was a copy of the Measure "A" Extension Expenditure Plan for acceptance. The Draft Plan was circulated for review and comment in March. Staff received comments and the comments have been

incorporated in the Final Draft Plan. Staff recommends that the Authority request the local agencies staffs to present the plan to their respective councils/boards through their public meeting process for adoption in May/June. The MCTA will adopt the final in July 2002.

Process for Measure "A" Extension is as follows:

1. Determine the enabling legislation and proceed with the necessary requirements
2. City of Madera, City of Chowchilla and the County of Madera need to adopt the Measure "A" Expenditure Plan through their public meeting process.
3. An Ordinance will need to be developed by County Counsel for the Authority Board approval for the July 2002 meeting. The Authority Board at its July meeting will adopt the Ordinance and recommend the Board of Supervisors place the Ordinance extending Measure "A" on the November 2002 ballot.
4. The Board of Supervisors will need to request the Elections Department place the Ordinance on the November 2002 ballot.

Action: Upon motion by Director Norby, seconded by Director Skeels to accept the final Measure "A" Extension Expenditure Plan with final adoption in July 2002 and request local agencies staffs to present the plan to their respective councils/boards through their public meeting process for adoption in May/June 2002. A vote was called and the motion passed.

G. Self-Help Counties – "Focus on the Future 2002" Conference

The Self-Help Counties – "Focus on the Future 2002" Conference will be held this year in Santa Barbara at the Fess Parker's Doubletree Resort from November 17, 2002 (evening) through the afternoon of November 19, 2002. There will be a reception on Sunday, November 17, 2002 to kick-off the conference. Additional information will be provided as it becomes available.

Action: Information and Discussion Only.

IV. Miscellaneous

A. Items from Staff

Staff reported that Patricia Taylor-Maley, MCTC Executive Director, had a baby boy on April 17, 2002. She should return to work in June, 2002.

B. Directors Reports

No reports from Directors.

V. Adjournment

There being no further business, the meeting was adjourned at 3:50 p.m.

Next meeting set for May 22, 2002
Respectfully Submitted,

Patricia S. Taylor-Maley, Executive Director
Madera County Transportation Authority