

MADERA COUNTY TRANSPORTATION AUTHORITY

EXECUTIVE MINUTES

Date: Wednesday March 21, 2007
Time: 2:30 p.m.
Place: Madera City Hall – Council Chambers

Members Present:

Chairman Frank Bigelow - Supervisor, Madera County
Vice Chairman Robert Poythress – Councilman, City of Madera
Alfred Ginsburg - Councilman, City of Chowchilla
Darwin Shebelut - Incorporated Area
Max Rodriguez – Supervisor, Madera County
Alt. Ronn Dominici – Supervisor, Madera County

Members Absent:

Sam Armentrout - Councilman, City of Madera
Vern Moss – Supervisor, Madera County
Jon Norby - Eastern Madera County
Harlen Rippetoe – Unincorporated Valley

MCTA Staff:

Patricia S. Taylor, Executive Director
Derek Winning, Planner II
Troy McNeil, Planner I
Richard Poythress, Planner I

I. Pledge of Allegiance

II. 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.

III. Meeting Minutes of September 20, 2006

Upon motion by Director Poythress, seconded by Director Shebelut to approve the September 20, 2006 Executive Minutes. A vote was called and the motion carried. Director Dominici abstained.

IV. Administration

A. 2006-07 Annual Work Program – Amendment No. 2

The City of Chowchilla has requested to amend the FY 2006-07 AWP for the following projects:

1. CH-STR-01 – 3rd, 5th, 15th and Ventura: add \$540,000 to Construction for final payment to contractor. *Background:* The project was funded through bond financing of Measure “A” proceeds; and upon completion of the project in 1998, an annual allocation has been made for the debt service. At the construction of the project, both parties to the contract took legal action claiming damages arising out of the contract. Pending resolution, the city withheld the retention and final payment owed to the contract. The lawsuit was filed December 1998 and a final judgment was rendered in

July 2006. Based on information provided by the City Attorney's office, the total amount owed to the Contractor for final payment, retention, interest and damages would not exceed \$540,000. A check has recently been issued to the contractor in the amount of \$455,865.71. The remaining balance is subject to appeal. If the city is successful in the appeal, those funds would revert back to the unprogrammed balance for allocation to other projects.

2. CH-Ven-01 – add new project: Total Measure A” funds requested: \$100,000 (\$30,000 to Preliminary Engineering; \$25,000 to Construction Engineering; and \$45,000 to Construction. This project is programmed in the State Transportation Improvement Program in the amount of \$312,000 (\$26,000 Engineering and Environmental; and \$286,000 for Construction).

The City of Madera has requested to amend the FY 2006/07 AWP for the following project:

1. MA-EII-01 – delete \$950,000 from Right of Way and add \$950,000 to Construction.

The County of Madera has requested to amend the FY 2006-07 AWP for the following projects:

1. CO-R26-02/A17-01 – reduce Preliminary Engineering by \$10,000 to \$55,000; Add Right of Way in the amount of \$25,000; decrease Construction by \$300,000 to \$4,600,000.
CO-EII-01 – add \$3,200,000 in Right of Way, total Right of Way is \$3,200,000.

Action: Upon motion by Director Poythress, seconded by Director Shebelut to approve the 2006-07 Annual Work Program- Amendment No.2. A vote was called and the motion carried.

B. 2007-08 Annual Wor Program - DRAFT

The draft of the 2007-08 Annual Work Program was included in the Director's packet. Per Authority policy the AWP is prepared annually and serves as the funding authority for projects advanced by the agencies. The program recognizes funds available for projects to include carryover of prior year balances, surplus revenues and interest. It also provides a line item, not to exceed budget for each project being advanced by one of the agencies.

Action: Initiate review of the DRAFT 2007/08 Annual Work Program.

C. Termination of the Authority – Status Report

Background: At the MCTA October 12, 2005 meeting the Board of Director's directed staff to proceed with a program to terminate the Authority effective June 30, 2006. It has come to the attention of staff that the Authority shall remain in existence for two years after the date of sunset, per Resolution 90-4 which created the Madera County Transportation Authority. There is no language in the Resolution that suggests that the Authority Board of Directors can terminate at an earlier date. Instead the Ordinance imposing the Transaction and Use Tax – 90-01 states that Ordinance can be terminated at anytime. As a result, the Authority Board shall remain in existence until September 30, 2007. At that time the Authority Board will need to proceed with a program to terminate.

Staff is working with County Counsel to develop agreements between the Authority and the local agencies concerning the termination of the Authority effective September 30, 2007.

Action: Information and Discussion Only

V. Miscellaneous

A. Election of Officers

The floor opened for nomination for Chairman. Director Bigelow was nominated for Chairman. Seeing that there where no other nominations a motion was called by Director Poythress, seconded by Director Dominici to close the floor. A motion was called by Director Poythress, seconded by Director Dominici to elect Director Bigelow as Chairman. A vote was called and the motion carried.

Chairman Bigelow opened the floor for nomination for Vice Chairman. Director Poythress was nominated for Vice Chairman. Seeing that there where no other nominations, a motion was called by Director

Dominici, seconded by Director Rodriguez to close the floor. A motion was called by Director Dominici, seconded by Director Rodriguez to elect Director Poythress as Vice Chairman. A vote was called and the motion carried.

B. Items from Staff

No Items from Staff.

C. Directors Report

No Reports from Directors.

VI. Adjournment

There being no further business, the meeting was adjourned at 2:45 p.m. Next meeting is scheduled for May 23, 2007 at 2:30 p.m.

Respectfully Submitted,

Patricia S. Taylor, Executive Director
Madera County Transportation Authority