

MADERA COUNTY TRANSPORTATION AUTHORITY

EXECUTIVE MINUTES

Date: Wednesday, May 22, 2002
Time: 2:30 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
M.J. Nabors, Councilman - City of Madera
Jon Norby, Eastern Madera County
Alt. Jon Silva, Supervisor- Madera County

Members Absent: Vern D. Moss, Supervisor - Madera County
Darwin Shebelut, Incorporated Area
Gary Gilbert, Supervisor – Madera County

MCTA Staff: Elizabeth Levine, Project Coordinator
Derek Winning, Planner I
Sheila Kingsley, Administrative Assistant
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 21, 2001

Upon motion by Director Ginsburg, and seconded by Director Norby, to approve the March 21, 2001 Executive Minutes as written. A vote was called and the motion carried.

III. Administration

A. Appoint Director

This item was continued to May, 2002 to provide additional time to receive applications. As directed by the Authority, a news release was published in Madera area newspapers. The Madera Tribune printed the piece on May 2, 2002. Requests for publication were also sent to the Chowchilla News, Sierra Star, and the Ranchos Independent. A copy of the news release is enclosed in your package.

The vacant MCTA 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.

Three applications have been received expressing interest in the vacant MCTA position. **The letters of interest and attachments from Mr. Stephen Rico, Mr. Harlen A. Rippetoe, and Mr. Robert Hallett are enclosed in your package.**

The process for filling the position of Director representing the general public, as approved by the Board on April 17, 2002 is as follows:

- Staff notifies the MCTA Board of Directors prior to the vacancy;
- Staff advertises vacancy in the Madera area newspapers;
- Letters of intent are requested;
- Staff compiles the letters and notifies the Directors of letters received;
- Directors 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: There was no appointment made at this time. Staff was directed to schedule interviews with the three applicants.

B. Measure "A" – Enabling Legislation

This item was continued from the April 17, 2002 MCTA Board of Directors' meeting. The Board requested additional information from County Counsel prior to providing direction for the enabling legislation to be used for the Measure "A" extension.

The enclosed memorandum from County Counsel clarifies that (1) under Revenue and Taxation Code Section 7285.5, there is not a requirement that an "Authority" be established to administer the tax and (2) public members may not serve as members of the Authority under Public Utilities Code Section 180000.

Staff has reviewed 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 your package is a side-by-side comparison of the two statutory schemes. The following highlight the advantages and disadvantages of three important issues:

1. **Creation of Authority.** The prior Revenue and Tax Code required the Board of Supervisors to 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 remain with 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 majority of incorporated cities and a majority of incorporated population. No requirements regarding the substance of the Plan.

Action: Upon motion by Director Nabors, seconded by Director Norby to select an enabling legislation for the extension of Measure "A" (Revenue and Taxation Code or Public Utilities Code 180000 et seq.) to be submitted to the Madera County Board of Supervisors for approval. A vote was called and the motion passed.

IV. Miscellaneous

A. *Items from Staff*

No items from staff.

B. *Directors Reports*

No reports from Directors.

V. Adjournment

There being no further business, the meeting was adjourned at 2:50 p.m.

Next meeting set for June 19, 2002

Respectfully Submitted,

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