

MADERA COUNTY TRANSPORTATION COMMISSION

EXECUTIVE MINUTES

Date: Wednesday, July 23, 2003

Time: 3:00 P.M.

Place: Madera County Government Center,
Board of Supervisor Chambers

Members Present: Vice-Chair Gordon Skeels, Councilman- City of Madera
Alfred Ginsburg, Councilman- City of Chowchilla
Gary Gilbert, Supervisor- Madera County
Ronn Dominici, Supervisor- Madera County
Alt. Gary Svanda, Councilman- City of Madera
Alt. John Silva, Supervisor- Madera County

Members Absent: Chairman Frank Bigelow, Supervisor- Madera County
M.J. Nabors, Councilwoman- City of Madera

Policy Advisory Committee: Above Members present and Caltrans Representatives:
Alan McCuen

MCTC Staff Present: Patricia S. Taylor-Maley, Executive Director
Derek Winning, Transportation Planner I
Rebecca Hackler-Arellano, Transportation Planner I
Tricia Stone, Receptionist

MCTC sitting as the Transportation Policy Committee.

I. PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT

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

There were no public comments.

III. TRANSPORTATION CONSENT ITEMS

A. *Caltrans State Highway Operation and Protection Program (SHOPP)*

Per MCTC's agreement with Caltrans, Caltrans on a quarterly basis submits to MCTC a status report on Caltrans' State Highway Operation and Protection Program. Included in the package was copy of July, 2003 status report.

Action: Information and Discussion Only.

B. *Memorandum of Agreement between Fresno COG, MCTC, City of Fresno, City of Clovis, City of Madera, County of Madera and County of Fresno to perform the Fresno-Madera Metropolitan Freeway/Interchange Deficiency Study*

Included in the package was a copy of the Memorandum of Agreement between Fresno COG, MCTC, City of Fresno, City of Clovis, City of Madera, County of Madera and County of Fresno to perform the Fresno-Madera Metropolitan Freeway/Interchange Deficiency Study. Fresno COG was awarded a Caltrans Partnership Planning grant to undertake a Freeway Interchange Deficiency Study. Originally, this study was to be undertaken in association with the cities of Fresno, Clovis, and Madera, as well as the Counties of Fresno and Madera. However, since the last update Fowler, Selma, Kingsburg and Chowchilla have been invited to participate in the planning study.

The primary purpose of the project is to study planned land uses and transportation projects and determine which

interchanges will be deficient by the planning horizon of 2025. A Request for Proposals (RFP) is being developed and a consultant will soon be hired to perform the analysis and identify recommended improvements as well as preliminary cost estimates.

Currently, the Project Development Team (PDT) is developing a Request for Proposal for the study, as well as finalizing the project parameters and scope of work. In particular, representatives from the involved agencies are currently working to identify exactly which interchanges are to be analyzed by the selected consultant. The RFP will likely be issued in August.

The Agreement outlines the funding responsibilities of the agencies involved. The project requires a 20% match. The total project is \$300,000 – required match is \$60,000. Caltrans has granted permission that the local match may be provided through “in-kind services”. The Agreement identified MCTC’s in-kind contribution at \$1,800. In-kind services are provided for this project in the MCTC’s 03-04 Overall Work Program – WE 120. The Commission will be required to amend the budget, at a later date, to include local funds as the in-kind match as opposed to the current programming federal funds.

Action: Authorize the Executive Director to sign the Memorandum of Agreement between Fresno COG, MCTC, City of Fresno, City of Clovis, City of Madera, County of Madera and County of Fresno to perform the Fresno-Madera Metropolitan Freeway/Interchange Deficiency Study.

C. *Disadvantaged Business Enterprise (DBE) Program for the Madera County Transportation Commission (MCTC)*

The MCTC is required to establish a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. MCTC will be eligible to receive federal financial assistance from the DOT and as a condition of receiving this assistance, **MCTC is required to sign an assurance that it will comply with 49 CFR Part 26.**

Disadvantaged Business Enterprise (DBE) – A for-profit “small business concern” that is at least 51 percent owned and controlled by one or more socially and economically disadvantaged individuals. The management and daily business operations must also be controlled by one or more such individuals. These individuals must be citizens of the United States and (1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case by case basis, or (2) who are either Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Subcontinent Asian Americans, women, or any other group found to be socially and economically disadvantaged by the Small Business Administration.

The proposed policy of MCTC to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts is as follows:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

DBE Liaison Officer is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by MCTC in its financial assistance agreements with the California Department of Transportation (Caltrans).

MCTC staff has disseminated this policy statement to all the components of our organization. Staff will distribute this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by publishing this statement in general circulation, minority-focused and trade association publications.

MCTC is required to adopt an annual overall goal for DBE participation in DOT-assisted contracts. Staff proposes an annual overall DBE goal of 4.49% for the Federal Fiscal Year 2003-04, beginning on October 1, 2003 and ending September 30, 2004.

Methodology

To establish MCTC's Base Figure of the relative availability of DBE firms in relation to all comparable firms available for the MCTC FFY 2003-04 U.S. DOT funded programs, MCTC has elected to use the Caltrans DBE Directory of certified firms for calculating the numerator and the Census Bureau's Business Pattern Database within these same counties to calculate the denominator.

To arrive at the relative availability of DBEs, the number of DBEs available in Caltrans' DBE Directory was divided by the number of all comparable Census Bureau Patter (CBP) firms available for the same work elements. That figure was then multiplied by its corresponding percent of the anticipated work share of the overall annual program.

The Base Figure is then evaluated and adjusted to determine the current capacity of DBE's to perform the work. To do this MCTC will maintain a bidders list to determine the number of DBE's as a percentage that have bid or quoted on U.S. DOT funded programs. The evaluation of the base figure may take into consideration, including but not limited to, the volume of work DBE's have performed in recent years. The adjusted figure becomes to overall goal.

The MCTC Overall Goal Methodology is attached as Appendix B of the Disadvantaged Business Enterprise (DBE) Program for the Madera County Transportation Commission.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

MCTC anticipates that the overall goal will be met using race-neutral measures exclusively. Race-neutral measures include:

- Awarding a contract to a prime DBE contractor;
- Awarding a contract that has no DBE goal to a contractor with DBE subcontractors;
- Arranging solicitations and firm selection in ways that facilitate DBE participation;
- Negotiating bonding and insurance requirements in ways that facilitate DBE participation;
- Disseminating the DBE directory to prime bidders upon request.

Although MCTC has a history of awarding contracts to prime DBE bidders, general interest in MCTC contracts is somewhat limited by the disparity of economic resources available to Madera County. Race-conscious measures in the form of contract goals will be used to meet the overall goal if MCTC determines it is unlikely to achieve its overall goal.

Action: Approve the MCTC Disadvantaged Business Enterprise Program. Approve the FY2003-04 MCTC Overall Goal by Resolution 03-10.

Transportation Consent Calendar Action: Upon motion by Commissioner Dominici, seconded by Commissioner Gilbert to approve the Transportation Consent Calendar (Items IV A-C). A vote was called and the motion carried.

IV. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Public Hearing: Amendments to the 2002 Federal Transportation Improvement Program. Resolution 02-06, Amendment No. 10

The City of Madera is requesting to amend the 2002 FTIP to program Section 5307 funds. This amendment creates five new FTIP projects programming a total of \$1,091,960 as follows:

1. Madera Area Express – Op Assist: Sec 5307=\$142,828; match=\$289,577; total=\$432,405
2. Madera Area Express – Cap Assist: Sec 5307=\$ 65,000; match=\$ 13,000; total=\$ 65,000
3. Madera Area Express – Cap Assist: Sec 5307=\$ 64,000; match=\$ 16,000; total=\$ 80,000
4. Madera Dial-a-Ride – Op Assist: Sec 5307=\$183,778; match=\$265,777; total=\$449,555
5. Madera Dial-a-Ride – Cap Assist: Sec 5307=\$ 52,000; match=\$ 13,000; total=\$ 65,000

The projects as proposed satisfy applicable requirements for matching federal funds and do not affect the current air

quality conformity finding on the 2002 FTIP.

Action: Upon motion by Commissioner Gilbert, seconded by Commissioner Svanda to approve the amendment to the 2002 Federal Transportation Improvement Program. Resolution 02-06, Amendment No. 10. A vote was called and the motion carried.

B. State Highway Account – diminished cash balance

Caltrans wrote a letter to its partners notifying them of the States diminished cash balance in the State Highway Account (SHA). The letters have been written to: Associated General Contractors; Engineering & Utility Contractors Association; Caltrans Small business Council Members; and Southern California Contractors Association.

The letter states that without a budget Caltrans projects that there may not be sufficient cash in the SHA to cover costs incurred after July 20th. As a result Caltrans will curtail, at least temporarily, construction and maintenance work throughout the State. Close to 200,000 private-sector jobs supported by Caltrans' program would be at risk.

Caltrans attributes the short of cash balance to record levels of delivery, reductions of truck weight fees, previous budget actions, and lower gas tax receipts. Further, this year's federal reimbursement capacity is exhausted, and gas tax receipts cannot be transferred without a budget. The Department of Finance (DOF) is unable to authorize a General Fund loan to the SHA to meet SHA cash flow needs at this time given the lack of available General Fund resources and an enacted budget for the 2003-04 fiscal year. Once a budget is enacted, DOF will be able to reconsider a loan request if a loan is still required to meet SHA short-term cash needs.

Action: Information and Discussion Only.

C. Highway 41 Safety Concerns

At the request of Commissioner Gilbert the discussion of safety improvements and traveling of Highway 41 has been placed on the agenda. The Chukchansi Gold Resort opened for operation on June 25, 2003. There has been questions and concerns regarding the safety of traveling Highway 41. Alan McCuen, Caltrans provided information related to Caltrans' policies, procedures and process concerning safety improvements on a State Highway along with relevant traffic count data. Included in the package was an email and several letters and correspondences from individuals who have expressed their concerns about traveling the Highway 41 corridor.

Action: Information and Discussion Only. Policy Board directed staff to write a letter for Chairs signature requesting Caltrans to conduct two feasibility studies at (1) Highway 41 and Road 200 and (2) Highway 41 and Yosemite Springs Parkway.

D. Demonstration: MCTC Web site – www.maderactc.com

MCTC staff will demonstrate MCTC's new Web site.

Action: Information and Discussion Only.

E. 2003 Fall Policy Conference at Bass Lake – October 2-3, 2003

For the second year in a row, the MCTC will be hosting the San Joaquin Valley Transportation Planning Agencies Director's Association Fall Policy Conference. The conference will be held at Bass Lake on Thursday afternoon, October 2, 2003 through Friday afternoon, October 3, 2003.

The Director's Association includes the eight valley transportation planning agencies from San Joaquin County to Kern County. The primary issue that binds the group is air quality and transportation conformity. Topics for this year's conference may include: reauthorization of the federal transportation bill; air quality; regional transportation financing efforts; goods movement; collaborative regional planning and a legislation update.

Action: Information and Discussion Only.

V. REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE

Action: Upon motion by Commissioner Silva, seconded by Commissioner Dominici to reaffirm all actions taken while sitting as the Transportation Policy Committee. A vote was called and the motion carried.

VI. ADMINISTRATIVE CONSENT ITEMS

A. Executive Minutes of May 21, 2003

B. FY 2002/03 Regional Surface Transportation Program Funds

Included in the package was a copy of Caltrans' apportionments of the Regional Surface Transportation Program (RSTP) funds for Federal Fiscal Year 2002-03. These apportionments are made in accordance with Sections 182.6(b) and 182.7(b) of the California Streets and Highways Code. The FFY 02-03 apportionment for Madera County is \$1,092,313 (an increase of \$80,369 from FFY 01/02)

Also attached was a letter to Caltrans to notify them of the Commissions intent to exchange the RSTP apportionments for state funds. The letter recognizes the following:

- The "RTPA Optional Exchange Amount" of \$1,086,018 (later increased to \$1,092,313);
- The "Base County Operational Exchange Amount" of \$363,374 is exchanged directly by Madera County; and
- The remaining balance of the "RTPA Optional Exchange Amount", \$722,624 (later increased to \$728,939), will be exchanged by MCTC.

The FY 2002/03 RSTP allocation for each agency is as follows:

- City of Chowchilla - \$62,195
- City of Madera - \$314,969
- County of Madera - \$351,775

The Executive Director entered into an agreement and submitted an invoice with Caltrans regarding the exchange of Regional Surface Transportation Program funds.

Action: Information and Discussion Only

C. FY 2002/03 Congestion Mitigation and Air Quality apportionment

Included in the package was a copy of a spreadsheet recognizing the FY 2002/03 CMAQ apportionment for each agency. The FY 02/03 CMAQ apportionment for Madera County is \$1,269,277. The apportionment to each agency is as follows:

- County of Madera - \$780,098
- City of Madera - \$437,438
- City of Chowchilla - \$81,741

The MCTC staff has requested and encouraged each agency to program the remaining years of its CMAQ allocation. The CMAQ funds are subject to "timely use of funds" provisions of AB 1012. The legislation states that regional agency CMAQ funds that are not obligated within the first three years of federal eligibility are subject to reprogramming by the California Transportation Commission in the fourth year (the time period for calculating the three-year apportionment period begins with the start of the federal fiscal year in which the apportionment occurred).

Action: Information and Discussion Only.

D. FY 2002/03 Transportation Enhancement Activities (TEA) Program – Resolution 03-11

Included in the package was a copy of a spreadsheet projecting the Regional Share of the Transportation Enhancement Activities Program funds for the life of TEA-21 (FY 97/98 through FY03/04). The total TEA allocation for Madera County for the six-year period is \$1,104,775.

The TEA funds are federal dollars. The California Transportation Commission set policy providing that regions with a population under 200,000 may exchange all or part of the TEA funds for state transportation funds. The Madera County FY 02/03 apportionment is \$200,061 (increase of \$3,513 from FY 01/02). MCTC staff had requested each agency to deliver letters to MCTC regarding use of their share of the FY 02/03 TEA funds. MCTC has received a letter from each agency to request to exchange its TEA funds for state transportation funds:

City of Chowchilla	\$ 12,804
City of Madera	\$ 71,182
County of Madera	\$116.075

The MCTC understands that the opportunity to exchange these funds for regions with a population under 200,000 will occur on a yearly basis. MCTC is required to notify the California Transportation Commission as to how Madera chooses to use its FY 02/03 TEA funds: whether to program a TEA project(s) with the Regional Share or exchange the funds.

Upon approval of Resolution 03-11 by the Policy Board and receipt of an agreement from Caltrans, staff will forward claim forms to the jurisdictions.

Action: Approve Resolution 03-11 and authorize the Executive Director to enter into an agreement with Caltrans regarding the exchange of the TEA funds.

E. Master Fund Transfer Agreement – Resolution 03-12

MCTC as a newly designated Metropolitan Planning Organization (MPO), the Madera County Transportation Commission is eligible for Federal planning assistance funds to carry out the metropolitan transportation planning process required by 23 U.S.C. 134. The MCTC Policy Board on May 21, 2003 adopted Resolution No. 03-05 and approved the FY 2003-2004 Overall Work Program (OWP) for transportation planning. The OWP is funded in part with Federal planning assistance funds.

The recommendation was to authorize the Executive Director to sign the Master Fund Transfer Agreement for Federal planning assistance funds.

Action: Authorize the Executive Director to execute the Master Fund Transfer Agreement by approving Resolution 03-12.

Administrative Consent Calendar Items: Upon motion by Commissioner Gilbert, seconded by Commissioner Svanda to approve the Administrative Consent Calendar Items (Items VI A-E). A vote was called and the motion carried.

VII. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. Audit Recommendations

The MCTC received a letter, dated June 2, 2003, from the Commission's auditors, Quady, Brash & Leal, LLP (included in the package). The Commission retained Quady, Brash & Leal, LLP to audit the Commission's financial statements for last fiscal year. The letter is written to express observations from the recent audit experience and the possible financial implications for future audits for the Commission.

1. Due to new financial statement standards, per Government Accounting Standards Board (GASB) Statement

No. 34 (effective for MCTC beginning 2003-04) it will be required that the auditors revise our current financial statements and create a new financial statement and a management discussion and analysis report.

2. Local agencies audits: The auditor is recommending that the Commission establish some basic guidelines for claims submissions (Transportation Development Act claims). There is an irregularity of frequency of claims submission by the local agencies that has become an administrative and auditing burden. In addition, delays of claims submission for months after the close of the fiscal year under which claims are made is another administrative and auditing complication.

MCTC staff has met with Quady, Brash & Leal, LLP to discuss their observations and recommendations. MCTC staff is organizing a meeting to meet with local agencies staffs responsible for filing LTF and STA claims to discuss the auditor's recommendations.

Action: Information and Discussion Only.

VIII. Miscellaneous

A. Items from Caltrans

No items from Caltrans.

B. Items from Staff

Patricia Taylor-Maley, Executive Director, took this time to introduce MCTC's new staff member to the Board. Rebecca Hackler-Arellano, Transportation Planner I.

C. Items from Commissioners

No items from Commissioners.

IX. Adjournment

Meeting adjourned at 4:13 p.m.

Next meeting set for Wednesday, September 17, 2003.

Respectfully Submitted,

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