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## **MEETING NOTICE**

### Madera County Transportation Commission Policy Board Meeting

#### **LOCATION**

Madera County Transportation Commission  
Board Room  
2001 Howard Road, Suite 201  
Madera, California 93637

#### **DATE**

January 22, 2020

#### **TIME**

3:00 pm

#### **Policy Board Members**

Commissioner Andrew Medellin, Chair	Mayor, City of Madera
Commissioner Max Rodriguez, Vice Chair	Madera County Supervisor
Commissioner Waseem Ahmed	Council Member, City of Chowchilla
Commissioner Brett Frazier	Chair, Madera County Supervisor
Commissioner Jose Rodriguez	Council Member, City of Madera
Commissioner Tom Wheeler	Madera County Supervisor

*Representatives or individuals with disabilities should contact MCTC at (559) 675-0721 at least three (3) business days in advance of the meeting to request auxiliary aids or other accommodations necessary to participate in the public meeting.*



In compliance with Government Code §54952.3, compensation for legislative body members attending the following simultaneous meeting is \$100. Compensation rate is set pursuant to the rules of the Madera County Transportation Commission.

### **AGENDA**

At least 72 hours prior to each regular MCTC Board meeting, a complete agenda packet is available for review on the [MCTC website](#) or at the MCTC office, 2001 Howard Road, Suite 201, Madera, California 93637. All public records relating to an open session item and copies of staff reports or other written documentation relating to items of business referred to on the agenda are on file at MCTC. Persons with questions concerning agenda items may call MCTC at (559) 675-0721 to make an inquiry regarding the nature of items described in the agenda.

### **INTERPRETING SERVICES**

Interpreting services are not provided at MCTC's public meeting unless requested at least three (3) business days in advance. Please contact MCTC at (559) 675-0721 during regular business hours to request interpreting services.

Servicios de interprete no son ofrecidos en las juntas públicas de MCTC al menos de que se soliciten con tres (3) días de anticipación. Para solicitar estos servicios por favor contacte a Evelyn Espinosa at (559) 675-0721 x 15 durante horas de oficina.

### **MEETING CONDUCT**

If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Board may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

### **RECORD OF THE MEETING**

Board meetings are recorded. Copies of recordings are available upon request, or recordings may be listened to at the MCTC offices by appointment.

## Agenda

Item	Description	Enclosure	Action
1.	<b>CALL TO ORDER</b>		
2.	<b>PLEDGE OF ALLEGIANCE</b>		
3.	<b>PUBLIC COMMENT</b>		
	<p>This time is made available for comments from the public on matters within the Board’s jurisdiction that are not on the agenda. Each speaker will be limited to three (3) minutes. Attention is called to the fact that the Board is prohibited by law from taking any substantive action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Board does not respond to the public comment at this time. It is requested that no comments be made during this period on items that are on today’s agenda. Members of the public may comment on any item that is on today’s agenda when the item is called and should notify the Chairman of their desire to address the Board when that agenda item is called.</p>		
<b>MCTC sitting as the Transportation Policy Committee</b>			
4.	<b>TRANSPORTATION CONSENT ITEMS</b>		
	<p>All items on the consent agenda are considered routine and non-controversial by MCTC staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.</p>		
A.	California Transportation Commission (CTC) 2019 Annual Report to the California Legislature	<a href="#">Website</a>	Info/Disc
B.	Valley Voice Trip – March 11, 2020	No	Info/Disc
C.	Governor’s Proposed FY 2020-21 Transportation Budget	<a href="#">Website</a>	Info/Disc
D.	Infrastructure for Rebuilding America (INFRA) Grant Opportunity	No	Info/Disc
5.	<b>TRANSPORTATION ACTION/DISCUSSION ITEMS</b>		
A.	2020 Public Participation Plan	<a href="#">Website</a>	Approve
B.	Transportation Funding Programs Update	No	Info/Disc

**MCTC Sitting as the Madera County Transportation Commission**

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|-----------|--|----|----------|
| <b>6.</b> | <b>REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE</b> | No | Reaffirm |
|-----------|--|----|----------|

**7. ADMINISTRATIVE CONSENT ITEMS**

All items on the consent agenda are considered routine and non-controversial by MCTC staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

- |           |                                      |     |         |
|-----------|--------------------------------------|-----|---------|
| <b>A.</b> | Executive Minutes –November 20, 2019 | Yes | Approve |
|-----------|--------------------------------------|-----|---------|

**8. ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

- |           |  |                         |           |
|-----------|--|-------------------------|-----------|
| <b>A.</b> | MCTC Financial and Transportation Development Act Fund Audit for Fiscal Year ended June 30, 2019 | <a href="#">Website</a> | Accept    |
| <b>B.</b> | Mandatory Social Security and Medicare – Board Member Stipends                                   | No                      | Info/Disc |

**MCTC Sitting as the Madera County 2006 Transportation Authority**

**9. AUTHORITY – ADMINISTRATIVE CONSENT ITEMS**

All items on the consent agenda are considered routine and non-controversial by MCTC staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

- |           |   |     |           |
|-----------|---|-----|-----------|
| <b>A.</b> | Measure T Citizens’ Oversight Committee Meeting | No  | Info/Disc |
| <b>B.</b> | Authority Administrative Code – Amendment No. 1 | Yes | Approve   |

**10. AUTHORITY – ACTION/DISCUSSION ITEMS**

- |           |  |     |         |
|-----------|--|-----|---------|
| <b>A.</b> | FY 19-20 Annual Work Program Amendment No. 1 | Yes | Approve |
|-----------|--|-----|---------|

**11. Miscellaneous**

- |                             |    |           |
|-----------------------------|----|-----------|
| A. Election of Officers     |    |           |
| B. Items from Caltrans      | No | Info/Disc |
| C. Items from Staff         | No | Info/Disc |
| D. Items from Commissioners | No | Info/Disc |

**12. Adjournment**

No

**\*Items listed above as information still leave the option for guidance/direction actions by the Board.**

Annotated Agenda

***Madera County Transportation Commission January 22, 2020 Meeting***

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1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PUBLIC COMMENT

**MCTC Sitting as the Transportation Policy Committee**

4. TRANSPORTATION CONSENT ITEMS
  - A. California Transportation Commission (CTC) 2019 Annual Report to the California Legislature

**Summary:** The California Transportation Commission has submitted their 2019 Annual Report to the California Legislature, prepared pursuant to Government Code Section 14535-14536. This report identifies and discusses key transportation issues for the coming year 2020 and reviews accomplishments during the year just ended. The full report can be found at: [CTC Annual Report Website](#) (Taylor)

**Action:** Information and Discussion

- B. Valley Voice Trip – March 11, 2020

**Summary:** The Regional Policy Council has scheduled a Sacramento Valley Voice trip for March 11, 2020. The areas that have been identified as priorities are:

- Good Movement
- Passenger Rail
- California Climate Goals
- Air Quality
- Housing Planning and Production
- Water Reliability, Quality and Supply

(Taylor)

**Action:** Information and Discussion

- C. Governor's Proposed FY 2020-21 Transportation Budget

**Summary:** The Governor has released his Proposed State Budget for FY 2020-21. The entire proposed State Budget documents may be found at: <http://www.ebudget.ca.gov/>.

The Governor included his Transportation Funding proposal in the proposed State Budget. Included in your package is a summary outlining the Governor's Proposed Transportation Budget. (*Taylor*)

**Action:** Information and Discussion Only

#### **D. Infrastructure for Rebuilding America (INFRA) Grant Opportunity**

**Summary:** U.S. Department of Transportation (USDOT) Secretary Elaine L. Chao announced the latest round of the Infrastructure for Rebuilding America (INFRA) discretionary grant program, which is making available more than \$900 million for American infrastructure investments. The USDOT's Notice of Funding Opportunity (NOFO) is available at this [link](#). The INFRA program is expected to award \$906 million to significant projects that support the Administration's focus on infrastructure improvements as outlined in the NOFO.

INFRA advances a grant program established in the FAST Act of 2015 to help rebuild America's aging infrastructure. INFRA utilizes selection criteria that promote projects with national and regional economic vitality goals while leveraging non-federal funding to increase the total investment by state, local, and private partners. The program also incentivizes project sponsors to pursue innovative strategies, including public-private partnerships. INFRA promotes the incorporation of innovative technology, such as broadband deployment and intelligent transportation systems, that will improve our transportation system. INFRA will also hold recipients accountable for their performance in project delivery and operations.

The USDOT will make awards under the INFRA program to large and small projects. For a large project, the INFRA grant must be at least \$25 million. For a small project, the grant must be at least \$5 million. For each fiscal year of INFRA funds, 10 percent of available funds are reserved for small projects.

The USDOT will award at least 25 percent of INFRA grant funding to rural projects, which often play a vital role in supporting our national economic vitality. Addressing the deteriorating conditions and elevated fatality rates on our rural transportation infrastructure is a key objective of the USDOT. For rural communities in need of funding for highway and multimodal freight projects with national or regional economic significance, INFRA is an opportunity to apply directly for financial assistance from the federal government.

INFRA grants may be used to fund a variety of components of an infrastructure project, however, the USDOT is specifically focused on projects in which the local sponsor is significantly invested and is positioned to proceed rapidly to construction. Eligible INFRA

project costs may include: reconstruction, rehabilitation, acquisition of property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, equipment acquisition, and operational improvements directly related to system performance.

The NOFO application period will remain open through February 25, 2020. (*Ebersole*)

**Action:** Information and Discussion

## 5. TRANSPORTATION ACTION/DISCUSSION ITEMS

### A. 2020 Public Participation Plan

**Summary:** The Madera County Transportation Commission (MCTC) is committed to involving the public in transportation planning activities. MCTC encourages the public's input in the planning process to ensure the community's needs are met. Engaging the public early and often in the process of planning and decision making is critical to the success of any transportation plan or program.

The goal of MCTC's Public Participation Plan is to ensure continuous public notification and participation in major actions and decisions by the MCTC Policy Board. The plan will establish a baseline for the communication policies and procedures, ensuring that the public is well informed during the decision-making process. The Public Participation Plan will include goals, objectives, and the corresponding methods to successfully reach all communities, including those that are traditionally underserved within the county. The elements in this plan will be based on the premise that education and awareness are critical in the transportation planning process.

Updates to the document include added federal outreach requirements and reconfigured public commenting periods.

A 45-day public review period began Friday, November 22, 2019 and concluded Monday, January 6, 2020. No comments were received. Staff recommends approval of the 2020 Public Participation Plan. (*Ebersole*)

**Action:** Approve 2020 Public Participation Plan

### B. Transportation Funding Programs Update

**Summary:** MCTC Staff will provide a verbal presentation to include an update of the transportation funding programs available to local agencies. (*McNeil*)



**Action:** Information and Discussion

**MCTC sitting as the Madera County Transportation Commission**

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

**7. ADMINISTRATIVE CONSENT ITEMS**

**A. Executive Minutes – November 20, 2019**

**Summary:** Included in your packet is a copy of the November 20, 2019 Executive Minutes of the Policy Board.

**Action:** Approve Executive Minutes of November 20, 2019

**8. ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

**A. MCTC Financial and Transportation Development Act Fund Audit for Fiscal Year ended June 30, 2019**

**Summary:** Included is the [Audit of MCTC Administrative and Planning Grant Funds and TDA Funds for FY 2018-19](#) prepared by Price, Paige, & Company Accountancy Corporation. The independent auditor's report expressed an unmodified opinion on the financial statements of the Commission and an unmodified opinion on the independent auditor's report for compliance of major programs.

The auditor did not note any adverse findings. *(McNeil)*

**Action:** Accept MCTC Financial and Transportation Development Act Fund Audit for Fiscal Year ended June 30, 2019

**B. Mandatory Social Security and Medicare – Board Member Stipends**

**Summary:** MCTC staff received a letter from the State Social Security Administrator (SSSA) indicating a potential compliance issue with the rules of the Social Security and Medicare program. The issue is regarding the stipends paid to Board members. MCTC has classified Board members as independent contractors and has issued IRS form 1099 for year-end tax reporting. The SSSA has indicated that Board members should be classified as employees thus making mandatory the withholding of Social Security and Medicare from stipend payments. MCTC staff reached out to legal counsel and received the following response: "...the elected officials of the Madera County Transportation Commission are considered

*employees and not independent contractors of the Commission. Under the Internal Revenue Code, all elected officials of a state or a political subdivision thereof are considered employees. (26 U.S.C. § 3401(c); 42 U.S.C. § 418(b)(3).) According to the Internal Revenue Service and Social Security Act, holders of public office are generally considered employees rather than self-employed, since functions of a public office are not considered a trade or business. (26 C.F.R. § 1.1402(c)-2.) Examples listed in the IRS regulations include mayor, county commissioner, board members, etc.*

*Because the Internal Revenue Code and Social Security Act consider the elected officials of the Commission as employees rather independent contractors, the Commission is required to withhold Social Security and Medicare payments (FICA) from the remuneration (wages, stipends, etc.) it provides to those officials. The withholding is mandatory for all local government officials who are not members of a public retirement system and whose local government employer does not have a Section 218 Agreement that provides coverage for state and local government employees. (42 U.S.C. § 410(a)(7)(F).) It is our understanding that the Commission does not have a Section 218 Agreement or a public retirement system.*

*Going forward, the Commission should withhold FICA taxes from the elected officials' stipends and issue the stipends as part of payroll rather than 1099s. The Commission should also contact the SSSA to determine whether it needs to take any other actions with respect to any prior FICA withholding requirements."*

Staff is recommending that stipends be processed through its payroll process and issue W-2s for year-end tax reporting. Staff will also work with SSSA to resolve any prior withholding requirements. (McNeil)

**Action:** Information and Discussion. Direction may be provided.

## **MCTC Sitting as the Madera County 2006 Transportation Authority**

### **9. AUTHORITY– ADMINISTRATIVE CONSENT ITEMS**

#### **A. Measure T Citizens' Oversight Committee Meeting**

**Summary:** The next Measure T Citizens' Oversight Committee Meeting is scheduled for Wednesday, February 12, 2020, 5:00 pm in the MCTC Board Room. (Ebersole)

**Action:** Information and Discussion Only

**B. Authority Administrative Code – Amendment No. 1**

**Summary:** An amendment to the Authority Administrative Code was released in November 2019 for review and comment. The changes included an update to the office address, the makeup of the Technical Advisory Committee, and two grammatical corrections. No comments were received on the amended code. Staff is recommending approval to Amendment No. 1 to the Authority Administrative Code. *(Taylor/McNeil)*

**Action:** Approve Amendment No. 1 to the Authority Administrative Code

**10. AUTHORITY – ACTION/DISCUSSION ITEMS**

**A. FY 2019-20 Annual Work Program Amendment No. 1**

**Summary:** The Annual Work Program (AWP) is the annual funding document for the Measure T Program. The City of Chowchilla and the County of Madera have requested allocation changes to two regional projects that would require that the AWP be amended. The City of Chowchilla is requesting an additional \$100,000 for the Environmental Phase for the SR 233 Operational Improvement Project. This increase will be programmed with Flexible funds. The County of Madera is requesting an additional \$1,245,000 for the Oakhurst Midtown Connector Project: \$20,000 for the Environmental Phase, \$695,000 for the Planning & Engineering Phase, \$700,000 for the Construction Phase, and a decrease of \$170,000 for the Right of Way Phase. These changes will be programmed with \$365,000 of Regional funds and \$880,000 of Flexible funds. Staff has reviewed the requests and recommends approval to amend the AWP. *(McNeil)*

**Action:** Approve FY 19-20 Annual Work Program Amendment No. 1

**11. Miscellaneous**

- A. Election of Officers
- B. Items from Caltrans
- C. Items from Staff
- D. Items from Commissioners

**12. Adjournment**

\*Items listed above as information still leave the option for guidance/direction actions by the Board.