

**MADERA COUNTY TRANSPORTATION COMMISSION**

**EXECUTIVE MINUTES**

**Date:** January 22, 2020

**Time:** 3:00 pm

**Place:** MCTC Conference Room

**Members Present:** Chairman, Andrew Medellin, Mayor, City of Madera  
Tom Wheeler, Supervisor, Madera County  
Alt. Robert Poythress, Supervisor, Madera County  
Alt. Donald Holley, Councilmember, City of Madera  
Alt. David Roger, Councilmember, City of Chowchilla

**Members Absent:** Vice Chairman, Max Rodriguez, Supervisor, Madera County  
Brett Frazier, Supervisor, Madera County  
Waseem Ahmed, Councilmember, City of Chowchilla  
Jose Rodriguez, Councilmember, City of Madera

**Policy Advisory Committee:** Above Members, Laura Gordon, Caltrans District 06, Office Chief

**MCTC Staff:** Patricia Taylor, Executive Director  
Troy McNeil, Deputy Director/Fiscal Supervisor  
Dylan Stone, Principal Regional Planner - Absent  
Jeff Findley, Principal Regional Planner  
Amelia Davies, Associate Regional Planner  
Evelyn Espinosa, Associate Regional Planner - Absent  
Sandy Ebersole, Administrative Analyst  
Sheila Kingsley, Office Assistant

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MCTC sitting as the Transportation Policy Committee

**1. Call to Order**

**2. Pledge of Allegiance**

**3. Public Comment**

None

**4. Transportation Consent Items**

**A. California Transportation Commission (CTC) 2019 Annual Report to the California Legislature**

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.

**Action:** Information and Discussion.

**B. Valley Voice Trip – March 11, 2020**

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

**Action:** Information and Discussion.

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

The Governor has released his Proposed State Budget for FY 2020-1. 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 the Board packet was a summary outlining the Governor's Proposed Transportation Budget.

**Action:** Information and Discussion.

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

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 INFRA program is expected to award \$906 million to significant projects that support 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 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 deterioration 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.

**Action:** Information and Discussion.

**Transportation Consent Calendar Action:** Upon motion by Commissioner Wheeler, seconded by Commissioner Poythress to approve the Transportation Consent Calendar items (A - D). A vote was called, and the motion carried.

## 5. TRANSPORTATION ACTION/DISCUSSION ITEM

### A. 2020 Public Participation Plan

The Madera County Transportation Commission (MCTC) is committed to involving the public in transportation planning activities. MCTC encourages the public's input in 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.

**Action:** Upon motion by Commissioner Wheeler, seconded by Commissioner Poythress to approve the 2020 Public Participation Plan. A vote was called, and the motion carried.

### B. Transportation Funding Programs Update

MCTC Staff provided a verbal presentation that included an update of the transportation funding programs available to local agencies.

**Action:** Information and Discussion.

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

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

## 7. ADMINISTRATIVE CONSENT ITEMS

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

Included in the Commissioner's packet was copy of the November 20, 2019 Executive Minutes of the Policy Board.

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

**Administrative Consent Calendar Action:** Upon motion by Commissioner Wheeler, seconded by Commissioner Poythress to approve the Administrative Consent Calendar (Item A). A vote was called and the motion carried.

## 8. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

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

Included in the Board packet was a copy of 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.

**Action:** Upon motion by Commissioner Poythress, seconded by Commissioner Wheeler, to accept MCTC Financial and Transportation Development Act Fund Audit for Fiscal Year ended June 30, 2019. A vote was called, and the motion carried.

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

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 SSA 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 political subdivision thereof are considered employees. (26 U.S.C. § 340(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 public retirement system.*

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

Staff recommended that stipends be processed through its payroll process and issue W-2s for year-end tax reporting. Staff will also work with SSA to resolve any prior withholding requirements.

**Action:** Policy Board agreed with staff recommendation to withhold Medicare and Social Security payments, and replace the 1099 with a W2 at the end of the year.

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

### **9. AUTHORITY – CONSENT ITEMS**

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

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

**Action:** Information and Discussion.

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

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 make up of the Technical Advisory Committee, and two grammatical corrections. No comments were received on the amendment. Staff recommended to approve Amendment No. 1 to the Authority Administrative Code.

**Authority Consent Calendar Action:** Upon motion by Commissioner Wheeler, seconded by Commissioner Poythress, to approve the Authority Consent Calendar (Items A and B). A vote was called, and the motion carried.

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

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

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 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 fund. Staff reviewed the request and recommend approval to the AWP.

**Action:** Upon motion by Commissioner Wheeler, seconded by Commissioner Poythress to approve FY 19-20 Annual Work Program Amendment No. 1. A vote was called, and the motion carried.

## **11. Miscellaneous**

### **A. *Election of Officers***

Chairman Medellin opened the floor for nominations.

Upon motion by Commissioner Wheeler, seconded by Commissioner Rogers to nominate Commissioner Max Rodriguez as Chairman. A vote was called, and the motion carried.

Upon motion by Commissioner Wheeler, seconded by Commissioner Rogers to nominate Commissioner Jose Rodriguez as Vice Chairman. A vote was called, and the motion carried.

Upon motion by Commissioner Poythress, seconded by Commissioner Holley to close the floor for nominations. A vote was called, and the motion carried.

### **B. *Items from Caltrans***

Introduction of Laura Gordon was made by Chairman Medellin. Laura Gordon, Caltrans District 06, Office Chief will be Acting Planning Director until a permanent person is hired for this position.

Laura Gordon, Caltrans District 06 Office Chief, provided a brief update on the local projects in Madera County.

### **C. *Items from Staff***

Patricia Taylor, MCTC Executive Director presented a letter before the Board to discuss and sign on behalf of Paul J. Van Konynenburg supporting his reappointment to the California Transportation Commission.

### **D. *Items from Commissioners***

This time was reserved for Commissioner's to inquire about specific projects.

Commissioner Poythress requested for staff to send a letter of support recommending Michael Navarro for Caltrans, District 6, Deputy District 6 Director.

**12. Adjournment**

Meeting adjourned at 4:10 pm

Next meeting scheduled for Wednesday February 19, 2020.

Respectfully Submitted,



Patricia S. Taylor  
Executive Director  
Madera County Transportation Commission