

**NOTICE OF REGULAR MEETING  
OF THE  
MERCED COUNTY REGIONAL WASTE MANAGEMENT  
AUTHORITY BOARD/  
TRANSIT JOINT POWERS AUTHORITY FOR  
MERCED COUNTY/  
MCAG GOVERNING BOARD**

County of Merced  
Board of Supervisors Chambers  
2222 M Street  
Merced, CA  
(209) 723-3153

**THURSDAY, APRIL 16, 2009– 3:00 P.M.**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL

**MEMBERS OF THE PUBLIC MAY ADDRESS ANY ITEM ON THE AGENDA DURING CONSIDERATION OF THAT ITEM.**

3. ORAL COMMUNICATIONS

**PERSONS WISHING TO ADDRESS AGENDA ITEMS OR COMMENT ON ANY ITEM NOT ON THE AGENDA, MAY DO SO AT THIS TIME. COMMENTS ARE LIMITED TO THREE MINUTES PER PERSON. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.**

**FOR ITEMS NOT ON THE AGENDA, NO ACTION WILL BE TAKEN AT THIS TIME. IF IT REQUIRES ACTION, IT WILL BE REFERRED TO STAFF AND/OR PLACED ON THE NEXT AGENDA.**

**COPIES OF STAFF REPORTS OR OTHER WRITTEN DOCUMENTATION RELATING TO ITEMS OF BUSINESS REFERRED TO ON THE AGENDA ARE ON FILE IN THE OFFICE OF MERCED COUNTY ASSOCIATION OF GOVERNMENTS. PERSONS WITH QUESTIONS CONCERNING AGENDA ITEMS MAY CALL MCAG TO MAKE INQUIRY REGARDING THE NATURE OF THE ITEM DESCRIBED ON THE AGENDA.**

**ITEM**

**STAFF**

**MERCED COUNTY REGIONAL WASTE  
MANAGEMENT AUTHORITY BOARD**

- \* **4. Minutes of the February 19, 2009 Merced County Regional Waste Management Authority Board meeting**
  
- 5. Information/Discussion Only**
  - a. Minutes of the Integrated Waste Management Local Task Force meeting
  - # b. Agricultural Recycling Resource Directory

**TRANSIT JOINT POWERS AUTHORITY FOR  
MERCED COUNTY**

- \* **6. Consent Agenda**
  - a. Minutes of the March 19, 2009 Transit Joint Powers Authority for Merced County meeting
  - # b. Authorization of Federal Transit Administration Grant Application for Merced County Transit Rural Operating Expenses 2008/2009

- \* **7. Public Hearing – Authorize the Filing of Two Federal Transit Grant Applications for Stimulus Funding**

Larnold Jones

After a Public Hearing adopt:

- a. Resolution No. 2009/04-16-03; and
- b. Resolution No. 2009/04-16-04.

**MCAG GOVERNING BOARD**

- # **8. Oral Report – Citizens Advisory Committee**

Melissa Kelly-Ortega

*The Citizens Advisory Committee is part of the Merced County Association of Governments. Its mission is to be the eyes, ears and voice of the Citizens of Merced County and to make recommendations to the Governing Board concerning all areas of transportation.*

- \* **9. Consent Agenda**

- a. Minutes of the March 19, 2009 Governing Board meeting

- # b. Formal Amendment No. 8 to the 2009 Federal Transportation Improvement Program – Adding a Regional Lump Sum Listing of ARRA-RSTP, and ARRA- TE Projects
- + # c. MCAG FY 2007/2008 Financial Audit
- # d. Assembly Constitutional Amendment No. 15
- # e. SR 99/165 Project Study Report (PSR) Update
- # f. Draft FY 2009/2010 Local Transportation Fund Distribution
- # g. Revised 2008-09 State Transit Assistance (STA) Funds Apportionment Schedule
- # h. Certification Under Section 1511 of the American Recovery and Reinvestment Act (ARRA)
- # i. Campus Parkway Support Letter

**10. Information/Discussion Only**

- a. Letter from Dean Bubar, Assistant Superintendent, Administrative Services, Los Banos Unified School District
- b. Minutes of the April 8, 2009 Technical Review Board meeting

**11. Oral Report – San Joaquin Valley Air District** Jaime Holt

**12. Oral Report – San Joaquin Valley Housing Trust** Director Kelsey

**13. Oral Report – Caltrans** Ken Baxter

# **14. One Voice Washington D.C. Trip Report** Jesse Brown

For information only.

\* # **15. San Joaquin Valley Partnership – Funding Request** Jesse Brown

Direct staff to submit the Partnership request for funding support for FY 09-10 to member jurisdictions for consideration.

**MERCED DATA SPECIAL SERVICES**

\* + **16. MDSS FY 2007/2008 Financial Audit** Jesse Brown

Accept the FY 2007/2008 Draft Financial Audit.

**17. Executive Directors' Report**

**18. Oral Report - Jurisdictions**

*\* Action*

*# Attachment*

*+ Enclosure*

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*The next MCAG Governing Board meeting will be held on Thursday, May 21, 2009 at 3:00 p.m, City of  
Gustine, 682 3<sup>rd</sup> Avenue, Gustine, CA 95322*

# MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD

February 19, 2009

## MINUTES

The regular meeting of the **MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD** held on Thursday, February 19, 2009, at the County of Merced, Board of Supervisors Chambers, 2222 M Street, Merced, California, was called to order by Chair Oliveira at 3:02 P.M.

### **DIRECTORS PRESENT**

Joan Faul  
Tommy Jones  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Joe Oliveira  
John Pedrozo  
Bill Spriggs

### **DIRECTORS ABSENT**

Jerald O'Banion  
Daniel Varela  
Hub Walsh

### **OTHERS PRESENT**

Gary Bacom, Bacoms Used Cars  
Ken Baxter, Caltrans District 10  
Su Briggs, Merced Community Action Agency  
Jesse Brown, MCAG staff  
John Carlisle, City of Merced  
Joshua Channell, Circle Point  
Renee Davenport, Sierra Presbyterian Church  
Patti Dossetti, Citizen  
Robert Haden, Legal Counsel  
Brenda Callahan-Johnson, Community Action Agency  
Marjie Kim MCAG staff  
Robin Lamas, MCAG staff  
Jerry Lawrie, Merced County Solid Waste  
Dianne Obrey, Sierra Presbyterian Church  
Dennis Queen, Merced County Public Health  
Carole Roberds, Merced Community Action Agency  
Larry Shankland, Merced County Transit – "The Bus"  
Terry Smith Tatum, Continuum of Care  
Harry Strawbridge, Citizen  
Megan Wessel, Circle Point  
Dean Wilson, CAC Representative

**3. Oral Communications**

Renee Davenport stated that she was a part of a coalition from Sierra Presbyterian Church who felt a task force should be formed to address the homeless situation in Merced County and the need for a permanent solution.

Dianne Obrey stated she was a concerned citizen who was also a part of the coalition from Sierra Presbyterian Church and also concurred that a united task force could really make a difference for the homeless situation.

Scott Williamson stated he was a homeless individual and that the Sierra Presbyterian Church goes out of their way to take care of homeless individuals. There needs to be more help for homeless persons.

**4. Minutes of the January 15, 2009 Merced County Regional Waste Management Authority Board**

Director Faul moved to approve the minutes of the January 15, 2009 Merced County Regional Waste Management Authority Board.

Seconded by Director Jones.

**MOTION CARRIED UNANIMOUSLY.**

**5. San Joaquin Valley Air Pollution Control District Request to Contribute Funds to Conduct a Scientific Field Study to Quantify VOC Control Mitigation Measures that could be Employed at Greenwaste Composting Facilities**

Director Nelson moved to authorize the Chief Executive Officer of the Authority make a contribution of \$5,000 to the San Joaquin Valley Air Pollution Control District to fund emissions research at greenwaste composting facilities.

Seconded by Director Pedrozo.

**MOTION CARRIED UNANIMOUSLY.**

**6. Decrease in Commodity Prices for Recyclables will Increase the cost to Jurisdictions with Active Curbside Residential Collection Programs**

So noted.

**7. Capital Improvement Project to Construct Groundwater and Landfill Gas Monitoring Wells at the Highway 59 and Billy Wright Landfills**

Jerry Lawrie, Merced County Solid Waste, gave a review of the agenda item.

Director Kelsey moved to approve:

- a. The Capital Improvement Project to construct groundwater and landfill gas monitoring wells at the Highway 59 and Billy Wright Landfills; and
- b. Authorize the expenditure of \$500,000 for this Capital Project.

Seconded by Director Jones.

**MOTION CARRIED UNANIMOUSLY.**

**THERE BEING NO FURTHER BUSINESS OF THE MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD, THAT PORTION OF THE MEETING WAS ADJOURNED AT 3:13 P.M.**

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Robin Lamas

Administrative Assistant II

**INTEGRATED WASTE MANAGEMENT  
LOCAL TASK FORCE**

**March 24, 2009**

**MINUTES**

The regular meeting of the **INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE** held Tuesday, March 24, 2009 at the Merced County Association of Governments front conference room, 369 W. 18<sup>th</sup> Street, Merced, California, was called to order by Chair Tom Grave at 3:08 PM.

**MEMBERS PRESENT**

Dennis Shuler, Private Refuse Hauler, Gilton  
Stan Murdock, Public Refuse Hauler, City of Merced  
Tom Grave, Environmental Representative, Merced Alliance for Responsible Growth  
Paul Fillebrown, Merced County Director of Public Works  
Patti Dossetti, County Citizen-at-Large

**MEMBERS ABSENT**

Joe Sousa, City Citizen-at-Large, Los Banos  
Julie Hernandez, Private Refuse Hauler, Waste Management  
Keith Hester, Private Refuse Hauler, Allied Waste  
Lila McIver, City Citizen-at-Large, Merced

**OTHERS PRESENT**

Bob Gedert, California Product Stewardship Council  
Marjie Kirn, MCAG  
Jennifer Halpin, MCAG, IWMLTF Secretary

**3. Oral Communications**

None.

**4. Minutes of the August 26, 2008 IWMLTF meeting**

Stan Murdock was not mentioned as present nor absent for the last meeting. His name needs to be added to "Members Absent," along with Keith Hester and Joe Sousa.

Paul Fillebrown moved to accept the minutes of the December 2, 2008 IWMLTF meeting with the corrections noted.

Seconded by Patti Dossetti.

**MOTION CARRIED UNANIMOUSLY.**

**5. CFL Bulb and Electronic Recycling**

Jennifer Halpin presented the list of places that currently take back, at no charge, compact fluorescent light (CFL) bulbs and places that take back electronics.

**6. 2009 Community Clean-up Dates**

The 2009 Community Clean-up dates were listed for the six Cities and the County.

Stan Murdock stated that the City of Merced's cleanup events will be held at Merced High School, Golden Valley High School, Merced College, and the Merced County Fairgrounds.

**7. Residential Waste and Diversion Programs**

Jennifer Halpin gave an update on which residential waste and diversion programs jurisdictions currently have in place.

The City of Dos Palos will be implementing a curbside green waste program in April 2009.

**8. Agricultural Recycling Resource Directory**

Jennifer Halpin presented the recently compiled Agricultural Recycling Resource Directory on how the agricultural community can properly dispose of such materials as drip tape/tube, PVC, tires, and other materials. Copies of the directory will be dispersed to Merced County Division of Environmental Health, Agricultural Commissioner's Office, Merced County Farm Bureau, Merced County UC Cooperative Extension, and the three local USDA offices; as well as to the city and county manager, and the MCAG Governing Board.

Positive feedback about the directory came from the Ag Commissioner's Office as well as the Merced County Young Farmers and Ranchers Committee.

Patti Dossetti suggested handing out the directory to high school FFA coaches and directors.

Dennis Shuler would like Gilton's facility address of 800 S. McClure Rd, Modesto, to be added next to their business address.

Other suggestions and additions to the directory will be accepted until close of business on Monday, April 6, 2009.

**9. Oral Report – California Product Stewardship Council (CPSC)**

Bob Gedert, CPSC Project Manager, presented a PowerPoint on the mission of the CPSC and what it means to have extended producer responsibility (EPR) in a community.

There was much discussion between Bob and IWMLTF members on whether adopting an EPR resolution would be beneficial or not to landfill operators and consumers.

**10. CPSC Extended Producer Responsibility (EPR)**

Present members would like to wait and hear from the other members before taking action. Dennis suggests following and reviewing the progress of AB 283. [Under AB 283, introduced by Assembly Member Wesley Chesbro, the California Integrated Waste Management Board would be obliged to establish product stewardship regulations by mid-2011 that would require producers of certain product to take back their products and submit binding targets for recycling and waste reduction. AB 283 is different than an EPR resolution, in that the EPR resolution can be more specific and doesn't have to have all the regulations that the bill would have.

Paul Fillebrown moved to have this agenda item carried over to the next meeting.  
Seconded by Stan Murdock.

**MOTION CARRIED UNANIMOUSLY.**

**11. Direction of the Integrated Waste Management Local Task Force**

Marjie Kirn presented the Purpose of the IWMLTF from the IWMLTF Bylaws, which listed the state-directed elements that the IWMLTF is supposed to develop and maintain.

Present members would like to wait until the next meeting to allow for discussion with the other IWMLTF members. Copies of these elements will be dispersed by Paul Fillebrown and will be presented in the next meeting's agenda.

The next IWMLTF meeting is scheduled for Tuesday, June 30, 2009.

**12. Adjournment**

**THERE BEING NO FURTHER BUSINESS, THE INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE WAS ADJOURNED AT 4:25 PM.**

**MEMORANDUM**

**DATE:** APRIL 9, 2009

**TO:** MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD

**FROM:** JENNIFER HALPIN, RECYCLING INFORMATION SPECIALIST

**SUBJECT:** AGRICULTURAL RECYCLING RESOURCE DIRECTORY

**BACKGROUND**

The agricultural community, which is a large part of Merced County, generates hard-to-dispose-of materials that differ from the general population. These materials can be costly to dispose of and some can pose a threat to the environment. After the ag-chem container cleanup program last year, staff received an idea from Sean Runyon of the Ag Commissioner's office about having a directory created for farmers and growers on where to take some of these materials for recycling and proper disposal; hence came the Agricultural Recycling Resource Directory.

The directory's categories include companies that take back: agricultural-chemical containers, ag plastics (drip tape, HDPE, PVC, silage covers, twine, etc.), car/truck/tractor batteries, electronics, hazardous waste, automotive and agricultural amounts of used motor oil, "Sharps" from dairies, tires and transmission fluid. The directory also lists general hauling companies that will haul the materials, useful phone numbers and websites, and special services available, such as the Ag Commissioner Rinse Certification, cost-share disposal programs, and farm/ranch cleanup grants.

Copies of the directory will be distributed to:  
County of Merced Division of Environmental Health  
Merced County Agricultural Commissioner's Office  
Merced County Farm Bureau  
Merced County UC Cooperative Extension  
USDA Farm Services Agency (FSA)  
USDA Natural Resources Conservation Service (NRCS)  
USDA Rural Development (RD)  
City and County managers

For more information, please contact MCAG Recycling Information Specialist, Jennifer Halpin at 209-723-3153 ext. 315 or [jennifer.halpin@mcagov.org](mailto:jennifer.halpin@mcagov.org).

**REQUESTED ACTION**

For information only.

Attachment: Agricultural Recycling Resource Directory

# **TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY**

**March 19, 2009**

## **MINUTES**

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY** held on Thursday, March 19, 2009, at the City of Atwater, Council Chambers, 750 Bellevue Road, Atwater, California, was called to order by Director Nelson at 3:10 P.M.

### **DIRECTORS PRESENT**

Joan Faul  
Tommy Jones  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Jerald O'Banion  
Bill Spriggs  
Daniel Varela  
Hub Walsh

### **MEMBERS ABSENT**

Joe Oliveira  
John Pedrozo

### **OTHERS PRESENT**

Jesse Brown, MCAG staff  
Joshua Channell, Circle Point  
Tom Dumas, Caltrans District 10  
Paul Fillebrown, County of Merced Public Works  
Rich Green, MCAG staff  
Robert Haden, Legal Counsel  
Richard Jantz, Citizens Advisory Committee  
Marjie Kirn, MCAG staff  
Robin Lamas, MCAG staff  
Jimmy Sims, Mark Thomas and Company  
Tom Terpstra, Attorney  
Megan Wessel, Circle Point

## **4. Consent Agenda**

- a. Minutes of the February 19, 2009 Transit Joint Powers Authority for Merced County meeting

- b. Consider Setting a Public Hearing for Thursday, April 16, 2009 regarding Authorizing the Filing of two Federal Transit Grant Applications for Stimulus Funding
- c. Title VI Program Update

Director O'Banion moved to approve the Consent Agenda.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

Director Nelson mentioned that on Friday, April 10, 2009 there would be a meeting of the Transit Subcommittee at 9:00 am at the MCAG offices. This meeting will cover continued discussion on taxicab Dial-a-Ride for the Atwater/Winton area, a possible proposal from Mercy Hospital to provide matching funds for a three year CMAQ demonstration project to extend bus routes 3, 4 and 12 to the new hospital on N. G street, and Consideration of institutional arrangements for "The Bus" management to include transition from Merced County Public Works to the Merced County Association of Governments.

**THERE BEING NO FURTHER BUSINESS OF THE TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY, THAT PORTION OF THE MEETING WAS ADJOURNED AT 3:13 P.M.**

/ s /

\_\_\_\_\_  
Robin Lamas

Administrative Assistant II

**MEMORANDUM**

**DATE: APRIL 8, 2009**

**TO: TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY**

**FROM: LORI FLANDERS, ASSISTANT PLANNER**

**RE: AUTHORIZATION OF FEDERAL TRANSIT ADMINISTRATION GRANT APPLICATION FOR MERCED COUNTY TRANSIT RURAL OPERATING EXPENSES 2008/2009**

Staff is preparing to file a grant application request to the Federal Transit Administration (FTA) for operating funds for “The Bus” – Merced County Transit for rural transit services, during the time period July 1, 2008 to June 30, 2009. Funds totaling \$414,912 are available from the Section 5311 program.

<b><u>Project Description</u></b>	<b><u>Local Match</u></b>	<b><u>Federal</u></b>	<b><u>Total</u></b>
<b>Section 5311</b>			
(Rural) Operating Assistance 7/08 – 6/09	<b><u>*\$ 2,154,843</u></b>	<b><u>\$ 414,912</u></b>	<b><u>\$ 2,569,755</u></b>
<b>Total</b>	<b><u>\$ 2,154,843</u></b>	<b><u>\$ 414,912</u></b>	<b><u>\$ 2,569,755</u></b>

\*Local match includes all transit-dedicated revenues, after the exclusion of farebox and other federal revenues, from the total project cost.

A resolution is required to authorize:

- The filing of the grant application; and
- The Executive Director to sign and execute documents related to the grant application and subsequent contract.

The Technical Review Board concurs with the requested action.

**REQUESTED ACTION**

Adopt Resolution 2009/04-16-02.

Attachment: Resolution 2009/04-16-02

**RESOLUTION NO. 2009/04-16-02**

**RESOLUTION OF THE  
TRANSIT JOINT POWERS AUTHORITY POLICY BOARD AUTHORIZING  
THE FILING OF AN APPLICATION  
WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FISCAL YEAR 2008-2009  
OPERATING ASSISTANCE ON BEHALF OF MERCED COUNTY TRANSIT – THE BUS,  
AUTHORIZED BY SECTION 5311 OF THE SAFETEA-LU REGIONAL APPORTIONMENTS**

**WHEREAS**, Merced County and the Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced have consolidated their transit services under one, Countywide public transit system called “The Bus” – Merced County Transit; and,

**WHEREAS**, the Transit Joint Powers Authority for Merced County (TJPA) staff has prepared an application under Section 5311 Federal Rural Transit Operating Assistance in the amount of \$414,912 Transit services in rural Merced County; and,

**WHEREAS**, the State Department of Transportation is designated as the reviewing agency by the Federal Transit Administration (FTA) for matters pertaining to this grant application; and,

**WHEREAS**, the grant for federal financial assistance will impose certain obligations upon the TJPAMC, and may require the TJPAMC to provide the local share of the project cost; and,

**WHEREAS**, the Executive Director is authorized to execute and file all certifications, assurances and other documents which the FTA requires before awarding a federal assistance grant.

**NOW, THEREFORE, BE IT RESOLVED** that the Transit Joint Powers Authority Policy Board authorizes the Transit Joint Powers Authorities’ Executive Director to execute and file an application on behalf of the Transit Joint Powers Authority for Merced County with the Federal Transit Administration for Section 5311 Federal Rural Transit Operating Assistance for rural Merced County for the period from July 1, 2008 through June 30, 2009.

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized to sign all documentation necessary to implement the Section 5311 grant.

The foregoing Resolution was introduced at the regular meeting of the Transit Joint Powers Authority Policy Board, held on April 16, 2009 by \_\_\_\_\_ who moved its adoption, which motion was duly seconded by \_\_\_\_\_ and which was adopted by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Jesse B. Brown, Executive Director  
Transit Joint Powers Authority Policy Board

\_\_\_\_\_  
Joe Oliveira, Chairperson  
Transit Joint Powers Authority Policy Board

**DATE: APRIL 8, 2009**

**TO: TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY**

**FROM: LARNOLD JONES, ACTING TRANSPORTATION MANAGER**

**SUBJECT: PUBLIC HEARING - AUTHORIZE THE FILING OF TWO  
FEDERAL TRANSIT GRANT APPLICATIONS FOR STIMULUS  
FUNDING**

**MEMORANDUM**

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**BACKGROUND**

The Federal American Recovery and Reinvestment Act of 2009 has appropriated \$3,107,982 in Federal Transit Stimulus Funds for the Merced urban and regional areas. The appropriations are:

Urban area: \$2,458,982  
Rural area: \$ 649,000

The funding is restricted to capital projects and cannot be spent for operations. The funding will be 100% of capital projects within the limits of the amount appropriated.

Discussion

During preparation for the stimulus bill, staff identified the following projects:

**Under the Federal Transit Administration (FTA) 5307 Small Urban Apportionments:**

1. The purchase of six (6) 29 ft. low floor, clean diesel transit buses: \$2,485,982  
Federal share @ 100%: \$2,485,982 - No local match requirement.

The six buses will replace six older worn out transit buses that have exceeded their useful life cycles.

**Total FTA 5307 ARRA Projects: \$2,485,982**

**Under the Federal Transit Administration 5311 Rural Apportionments:**

1. Automated Bus Washer Rehabilitation: \$249,000  
Federal share @ 100%: \$249,000 - No local match requirement.

The rehabilitation will improve the water-recycling component of the automated bus washer with newer technology and upgrade several other minor components in the system.

2. Fixed Route NextBus AVL Bus Stop Notification System \$400,000  
Federal share @ 100%: \$400,000 - No local match requirement.

The NextBus system will place digital notification monitors at all of the systems major bus stops that show passengers in real time when to expect the next bus arrival at the stops.

**Total FTA 5311 ARRA Projects: \$649,000**

In order to complete the grant applications a Public Hearing is required.

The purpose of the Public Hearing is to allow interested persons or parties to submit comments verbally or in writing to the Transit Joint Powers Authority for Merced County (TJPAMC) regarding the proposed transit projects; and to allow the TJPAMC to consider such comments in their deliberations on the authorization of the grant applications. After the close of the hearing the TJPAMC may approve, modify or reject the proposed projects.

**REQUESTED ACTION**

After a Public Hearing, adopt:  
Resolution No. 2009/04-16-03; and  
Resolution No. 2009/04-16-04.

Attachments: Resolution No. 2009/04-16-03  
Resolution No. 2009/04-16-04

**RESOLUTION NO. 2009/04-16-03**  
**RESOLUTION OF THE**  
**TRANSI JOINT POWERS AUTHORITY POLICY BOARD AUTHORIZING**  
**THE FILING OF AN APPLICATION**  
**WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FISCAL YEAR 2008-2009**  
**CAPITAL ASSISTANCE ON BEHALF OF MERCED COUNTY TRANSIT – THE BUS,**  
**AUTHORIZED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT UNDER SECTION 5311**

**WHEREAS**, Merced County and the Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced have consolidated their transit services under one, Countywide public transit system called “The Bus” – Merced County Transit; and,

**WHEREAS**, the Transit Joint Powers Authority for Merced County (TJPA) staff has prepared an application under the American Recovery and Reinvestment Act (ARRA) Section 5311 Federal Transit Capital Assistance in the amount of \$649,000; and,

**WHEREAS**, the State Department of Transportation is designated as the reviewing agency by the Federal Transit Administration (FTA) for matters pertaining to this grant application; and,

**WHEREAS**, the TJPA agrees to the provisions and obligations that apply to ARRA funding pursuant to Title XII, section 1201 of the ARRA (Pub. L. 111-5 (Feb. 17, 2009)); and,

**WHEREAS**, the Executive Director is authorized to execute and file all certifications, assurances and other documents which the FTA requires before awarding a federal assistance grant.

**NOW, THEREFORE, BE IT RESOLVED** that the Transit joint Powers Authority Policy Board authorizes the Transit Joint Powers Authorities’ Executive Director to execute and file an application on behalf of the Transit Joint Powers Authority for Merced County with the Federal Transit Administration for ARRA Section 5311 Federal Transit Capital Assistance for rural Merced County for the period from April 16, 2009 through June 30, 2012.

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized to sign all documentation necessary to implement the ARRA Section 5311 grant.

The foregoing Resolution was introduced at the regular meeting of the Transit Joint Powers Authority Policy Board, held on April 16, 2009 by \_\_\_\_\_ who moved its adoption, which motion was duly seconded by \_\_\_\_\_ and which was adopted by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Jesse B. Brown, Executive Director  
Transit Joint Powers Authority Policy Board

\_\_\_\_\_  
Joe Oliveira, Chairperson  
Transit Joint Powers Authority Policy Board

**RESOLUTION NO. 2009/04-16-04**  
**RESOLUTION OF THE**  
**TRANSIT JOINT POWERS AUTHORITY POLICY BOARD AUTHORIZING**  
**THE FILING OF AN APPLICATION**  
**WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FISCAL YEAR 2008-2009**  
**CAPITAL ASSISTANCE ON BEHALF OF MERCED COUNTY TRANSIT – THE BUS,**  
**AUTHORIZED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT UNDER SECTION 5307**

**WHEREAS**, Merced County and the Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced have consolidated their transit services under one, Countywide public transit system called “The Bus” – Merced County Transit; and,

**WHEREAS**, the Transit Joint Powers Authority for Merced County (TJPA) staff has prepared an application under the American Recovery and Reinvestment Act (ARRA) Section 5307 Federal Transit Capital Assistance in the amount of \$2,485,982; and,

**WHEREAS**, the State Department of Transportation is designated as the reviewing agency by the Federal Transit Administration (FTA) for matters pertaining to this grant application; and,

**WHEREAS**, the TJPAMC agrees to the provisions and obligations that apply to ARRA funding pursuant to Title XII, section 1201 of the ARRA (Pub. L. 111-5 (Feb. 17, 2009)); and,

**WHEREAS**, the Executive Director is authorized to execute and file all certifications, assurances and other documents which the FTA requires before awarding a federal assistance grant.

**NOW, THEREFORE, BE IT RESOLVED** that the Transit Joint Powers Authority Policy Board authorizes the Transit Joint Powers Authorities’ Executive Director to execute and file an application on behalf of the Transit Joint Powers Authority for Merced County with the Federal Transit Administration for ARRA Section 5307 Federal Transit Capital Assistance for rural Merced County for the period from April 16, 2009 through June 30, 2012.

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized to sign all documentation necessary to implement the ARRA Section 5307 grant.

The foregoing Resolution was introduced at the regular meeting of the Transit Joint Powers Authority Policy Board, held on April 16, 2009 by \_\_\_\_\_ who moved its adoption, which motion was duly seconded by \_\_\_\_\_ and which was adopted by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Jesse B. Brown, Executive Director  
Transit Joint Powers Authority Policy Board

\_\_\_\_\_  
Joe Oliveira, Chairperson  
Transit Joint Powers Authority Policy Board

**CITIZENS ADVISORY COMMITTEE**  
**Meeting Highlights**  
**April 3, 2009**

**CAC representative to Governing Board items:**

**4. Formal Amendment No. 8 to the 2009 Federal Transportation Improvement Program – Adding a Regional Listing of Local ARRA-STIP (RIP), and ARRA-STIP (TE) Projects**

Marjie commented that the stimulus program requirements are changing daily and staff is doing their best to keep the committee up-to-date. She provided the committee a revised handout of the “ARRA – Local Air Quality Exempt Projects – RSTP/TE” document that was included in their agenda packets. Marjie explained that Merced County’s allocation has been decreased by \$2 million due to a law passed on March 30, 2009 that altered the formula for allocation. She further explained that the state and five larger jurisdictions received an increase in funding based on the revised formula.

Diana Westmoreland Pedrozo inquired to why Martin Luther King Jr. (MLK) and Highway 59 were not included to receive ARRA funding. Melissa Kelly-Ortega commented that the City of Merced has plans to apply for grants to improve the area of MLK and Highway 59. Marjie commented that Highway 59 is the responsibility of the state.

John Price commented that there is also a demand for improvements at 16<sup>th</sup> Street and Highway 59.

Marjie explained that jurisdictions were required to submit projects that were “shovel ready”. She further explained that the state could have used SHOPP funds for Highway 59, but they chose not to.

Tom Crawley asked whom the CAC could contact regarding the state not using funding for Highway 59. Marjie offered to send the proper contact to the CAC via email.

Chair Wilson asked whom the CAC could contact regarding the sudden change in formula that resulted in a loss for Merced County. Marjie explained that Assembly Member Galgiani would be a sufficient contact.

Diana Westmoreland Pedrozo made a motion to recommend the MCAG Governing Board approve Formal Amendment No. 8 to the 2009 Federal Transportation Improvement Program that adds a listing of local projects, funded by the following ARRA funding sources:

ARRA-RSTP \$4,837,754.00; and  
ARRA-TE \$299,495.

Seconded by Adam Cox.

**MOTION CARRIED UNANIMOUSLY.**

**5. Draft FY 2009/2010 Local Transportation Fund (LTF) Distribution**

Marjie provided a brief overview of LTF funding. She explained that staff normally divides the transit costs to each jurisdiction by service hours for the rural areas and by population/service

hours for the urbanized areas. Using this formula for Fiscal Year 2009/10 apportionment resulted in one jurisdiction not having enough LTF to cover the cost of providing transit service. Marjie further explained that the Transportation Development Act (TDA) states that transit needs must be met prior to distributing the LTF funds to streets and roads. Staff proposes taking all the transit costs off the top and giving each jurisdiction a base amount of \$10,000 and dividing the remaining balance on population.

Mary Ford asked if she could receive ridership statistics for Gustine from staff. Lori will send Mary the information via email.

Dennis Coté commented that he has concerns with the existing transit services when observing each route by persons per load. He would like to see pavement preservation as a top priority.

John Price made a motion to recommend the MCAG Governing Board:

- a. Approve the Draft Local Transportation Fund Apportionment Schedule; and
- b. Authorize staff to forward claim forms to the local jurisdictions.

Seconded by Diana Westmoreland Pedrozo.

Noes: Dennis Coté.

**MOTION CARRIED.**

**6. Revised 2008-2009 State Transit Assistance (STA) Funds Apportionment Schedule**

Lori explained that the Governor revised the state budget in February, which has resulted in a loss of \$2,049,506 for transit in STA funding.

The committee discussed the need for more attention for the Central Valley from state/federal government. Chair Wilson asked that the discussion be tabled until Item 11 – CAC Goals.

Dennis Coté made a motion to recommend that the MCAG Governing Board:

Approve the revised State Transit Assistance schedule for Fiscal Year 2008/09; and

Adopt Resolution 2009/04-16-01 approving the revised STA claim from Merced County.

Seconded by John Price.

**MOTION CARRIED UNANIMOUSLY.**

<b>MCAG staff / CAC follow-up items</b>	<b><u>Action</u></b>	<b><u>Date</u></b>
Abandoned Tires Program	Agenda	
Report of Proposition 42 Funding (history)	Agenda	
Bicycle Grants history w/CMAQ projects	Agenda	May
Water Issues – Presentation from Westside	Agenda	May
Future CAC Goal Discussion Topics		
Dennis Cote – Tighter bonding for development	Agenda	May?
Dean Wilson – Self Help County	Agenda	June?
Diana Westmoreland-Pedrozo – Preserve Ag Economy	Agenda	July

## **MCAG GOVERNING BOARD**

**March 19, 2009**

### **MINUTES**

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS GOVERNING BOARD** held on Thursday, March 19, 2009, at the City of Atwater, Council Chambers, 750 Bellevue Road, Atwater, California, was called to order by Director Nelson at 3:13 P.M.

#### **DIRECTORS PRESENT**

Joan Faul  
Tommy Jones  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Jerald O'Banion  
Bill Spriggs  
Daniel Varela  
Hub Walsh

#### **MEMBERS ABSENT**

Joe Oliveira  
John Pedrozo

#### **OTHERS PRESENT**

Jesse Brown, MCAG staff  
Joshua Channell, Circle Point  
Tom Dumas, Caltrans District 10  
Paul Fillebrown, County of Merced Public Works  
Rich Green, MCAG staff  
Robert Haden, Legal Counsel  
Richard Jantz, Citizens Advisory Committee  
Marjie Kim, MCAG staff  
Robin Lamas, MCAG staff  
Jimmy Sims, Mark Thomas and Company  
Tom Terpstra, Attorney  
Megan Wessel, Circle Point

#### **5. Oral Report – Citizens Advisory Committee**

Richard Jantz gave the report from the Citizens Advisory Committee.

**6. Consent Agenda**

The Consent Agenda was acted upon with two actions, one for 6a and 6b and the second for 6c.

- a. Minutes of the February 19, 2009 Governing Board meeting
- b. Draft Ramp Metering and High Occupancy Vehicle Lane Study

Director Spriggs moved to approve Consent Agenda items 6a and 6b.  
Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

- c. Aerial Photography

Director Jones requested clarification on item 6c. Rich Green stated that this item was to approve submitting the 2009-10 Partnership Planning Grant application. If the grant is approved, then the item will be returned to the Governing Board for options on how to provide the local matching funds that would be needed.

Director Walsh moved to approve Consent Agenda item 6c.  
Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

**7. Information/Discussion Only**

- a. Status of Regional Road Projects for Merced County
- b. One Voice Sacramento Trip Report
- c. San Joaquin Valleywide Air Pollution Study Agency
- d. Save the Date – CALCOG’s 16<sup>th</sup> Annual Regional Issues Forum
- e. Minutes of the March 11, 2009 Technical Review Board meeting.

So noted.

**8. Oral Report – San Joaquin Valley Housing Trust**

Director Kelsey gave the San Joaquin Valley Housing Trust report.

**9. Oral Report - Caltrans**

Tom Dumas gave a report from Caltrans.

**10. Continuum of Care – 10-Year Plan**

Director Kelsey moved to direct staff to:

- a. Release a RFP to prepare a 10-Year Plan to End Chronic Homelessness combined with coordination of the Continuum of Care Process which is consistent with Federal Continuum of Care Guidelines; and

b. Solicit plan funding from member agencies and community based organizations.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

**11. Atwater-Merced Expressway Approval**

Director Nelson stated that this item would be taken one recommendation at a time.

Recommendation 11b.

Director Spriggs moved to approve the CEQA Findings and Statement of Overriding Considerations for the Atwater-Merced Expressway Project.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

Recommendation 11a.

Director Faul moved to select Modified Alternative 1B as the preferred alignment for the Atwater-Merced Expressway Project.

Seconded by Director Mays.

**MOTION CARRIED UNANIMOUSLY.**

Recommendation 11c.

Director O'Banion moved to transmit a request to the City of Atwater, City of Merced, and County of Merced to incorporate the preferred alternative alignment into their respective General Plans.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

Recommendation 11d.

Director Faul moved to adopt Resolution 2009/03-19-02.

Seconded by Director O'Banion.

**MOTION CARRIED UNANIMOUSLY.**

Legal Counsel Robert Haden wanted the record to show that no one came into the Council Chambers to make any comments on any of these individual motions.

**12. Economic Stimulus State Distribution Proposal**

Marjie Kirn passed out a revised staff report. Marjie discussed the need for an Administrative Amendment No. 7 to the 2009 Federal Transportation Improvement Program to identify the increased funding in the existing ARRA/RSTP lump sum line item.

Director O'Banion moved to:

- a. Approve the FTIP Administrative Amendment No. 7 to the Federal Transportation Improvement Program increasing the lump sum line item of ARRA/RSTP projects in Merced County to \$5,054,316 (additional \$293,502);
- b. Nominate the TE and RIP list of projects to the California Transportation Commission;

- c. Direct staff to process a formal amendment to the FTIP to add these projects either as a lump sum or as individual projects for action at the April Governing Board meeting; and
- d. Direct staff to work with project sponsors to allocate and obligate the funding to the projects as quickly as possible.

As presented in the March 17, 2009 staff report.

Seconded by Director Kelsey.

**MOTION CARRIED UNANIMOUSLY.**

**13. Expedited Project Selection Procedures (EPSP) for the Federal Transportation Improvement Program (FTIP)**

Director Faul moved to approve the 2009 Expedited Project Selection Procedures (EPSP) clarifying the inclusion of the Federal Transit Administration (FTA) Programs, the Federal Lands Highway Program (FLH)), the Interstate Maintenance (IM) Program, and moving projects within the first four-year period of the FTIP subject to the conditions of the EPSP with Executive Director approval.

Seconded by Director Jones.

**MOTION CARRIED UNANIMOUSLY.**

**14. Executive Directors' Evaluation**

Director Nelson stated that on March 10, 2009 the Executive Committee, made up of Chair Oliveira, Vice Chair Pedrozo and Past Chair Nelson met with the Executive Director for the purpose of his annual evaluation.

The Executive Committee recommends that Mr. Browns' employment agreement with MCAG be extended for the next year with no change in compensation or other conditions. Mr. Brown concurs with this recommendation.

Director Kelsey moved to approve extending the Executive Directors' employment agreement with MCAG through February 2010 with its current compensation and conditions.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

**15. Executive Directors Report**

So noted.

**16. Directors Report**

So noted.

**THERE BEING NO FURTHER BUSINESS OF THE MCAG GOVERNING BOARD THE MEETING WAS ADJOURNED AT 4:10 P.M.**

\_\_\_\_\_  
/ s /

Robin Lamas

Administrative Assistant II

**MEMORANDUM**

**DATE: APRIL 8, 2009**

**TO: MCAG GOVERNING BOARD**

**FROM: MARJIE KIRN, DEPUTY EXECUTIVE DIRECTOR**

**RE: FORMAL AMENDMENT NO. 8 TO THE 2009 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM – ADDING A REGIONAL LUMP SUM LISTING OF ARRA-RSTP, AND ARRA-TE PROJECTS**

**DISCUSSION**

On February 17, 2009, H.R.1, The American Reinvestment and Recovery Act (ARRA) was signed into law.

Under H.R.1, California must sub-allocate 30% (\$771M) of the ARRA fund total (\$2.57B) to the regions for programming. Caltrans used the existing Regional Surface Transportation Program (RSTP) formula to distribute ARRA-RSTP funds to the regions. MCAG's regional portion of the State RSTP amount was estimated at \$4.7M. On February 19, 2009, the MCAG Governing Board programmed Merced County's share of \$4,791,906 of ARRA-RSTP into the FTIP as a revenue source and a lump sum line item for local projects. On March 11, 2009, Caltrans subsequently released a higher ARRA-RSTP regional estimate for MCAG of \$5,054,316. This funding is not subject to the timely use of funds deadline to obligate 50% of the funding in 120 days. These funds must be obligated within one year from apportionment. On March 19, 2009, the MCAG Governing Board approved Administrative Amendment #7 to increase the funding amount of the lump sum line item to \$5,054,316.

Because of the timely use of funds deadlines the State proposed to modify existing state law to bypass the State Transportation Improvement Programming process (STIP) and allow projects to be programmed using the Federal Transportation Improvement Program (FTIP) only. This legislation – Assembly Bill X3 20 (ABX3 20) – was passed March 27, 2009 and has been signed by the governor. Attached is a letter, which includes the regional targets for MCAG:

Balance of ARRA-RSTP = \$4,837,754

ARRA Regional Transportation Enhancement (TE) = \$299,495

In order to use these additional ARRA-RSTP and ARRA-Regional (TE) funds, the MCAG Governing Board must amend the FTIP to add the new ARRA to the lump sum line item. Attached is a project table identifying the projects that have been identified by each local agency.

This list includes all the original ARRA-RSTP projects (\$5,054,316) and the new ARRA projects because several jurisdictions are using both types of funding on the same project. Both Dos Palos and Gustine have elected to program TE type projects (instead of Federal RSTP) because TE funding can be used on sidewalks anywhere in their cities whereas the ARRA-RSTP funding can only be used on a road that is identified in the Federal Aid Roadway System and is classified as a major collector or higher.

MCAG has received Federal Transit Administration (FTA) program - ARRA Fund Estimates to be programmed with local projects: FTA-5307 (\$2,485,982) Merced County Transit; FTA-5311 (\$649,374) Merced County Transit; and FTA-5311(f) (\$1,302,421) YARTS. These projects were included in the FTIP Amendment #5 approved by the MCAG Governing Board at their February 19, 2009 board meeting.

Attached is a table of all of the projects being programmed with ARRA funding. The RIP/TE funding columns and new projects highlighted in yellow are included in this Formal Amendment No. 8.

The Technical Review Board concurs with the requested action.

### **REQUESTED ACTION**

Approve Formal Amendment No. 8 to the Federal Transportation Improvement Program (FTIP) that adds a listing of local projects, funded by the following ARRA funding sources:

1. ARRA-RSTP (\$4,837,754); and
2. ARRA-TE (\$299,495)

Attachments: Table of Projects

March 30, 2009 letter from Rachel Falsetti, California Department of Transportation

**ARRA - Local Air Quality Exempt Projects-RSTP/TE**

					Regional Share of RSTP	Regional Share of Additional RSTP under new State law	Regional Share of TE Funding under new law	Total RSTP and STIP/RIP
					\$ 5,054,316.00	\$ 4,837,754.00	\$ 299,495.00	\$ 10,191,565.00
Obligation Goal	Agency	Project Description	Project Mode	Type of Project	Project Cost	Project Cost	Project Cost	Total by Jurisdiction
<b>Federal Highway Administration - FHWA</b>								
120 days	City of Atwater	Shaffer Rd. Juniper, Winton Way- Overlay and Partial Reconstruction	Local Streets and Roads	Rehabilitation	\$ 568,723.23			
120 days		Juniper Ave. - Shaffer to Bridgwater - Overlay and Partial Reconstruction				\$ 532,125.50		
				Total	\$ 568,723.23	\$ 532,125.50	\$ -	\$ 1,100,848.73
	City of Dos Palos	Construction and reconstruction of sidewalks in Dos Palos	Local Streets and Roads	Trans Enhancement		\$ 53,413.07	\$ 147,184.08	
				Total	\$ -	\$ 53,413.07	\$ 147,184.08	\$ 200,597.15
120 days	City of Gustine	Construction and reconstruction of Sidewalks and constuction of new Curb Cut Ramps in the Downtown Area	Local Streets and Roads	Trans Enhancement		\$ 55,273.59	\$ 152,310.92	
				Total	\$ -	\$ 55,273.59	\$ 152,310.92	\$ 207,584.51
120 days	City of Livingston	Rehabilitation (Peach Ave - 7th St to Dwight Ave; 7th St- Peach Ave to Park Ave; Walnut Ave- Almond Glen Ave to East City Limit	Local Streets and Roads	Rehabilitation	\$ 284,557.58			
120 days	City of Livingston	Rehabilitation (1 St- Peach Ave to J St.; 1 St- F St to B St; Seventh St. F St to C St; C St- Main St to 7th St.)	Local Streets and Roads	Rehabilitation		\$ 266,246.10		
				Total	\$ 284,557.58	\$ 266,246.10	\$ -	\$ 550,803.68

**ARRA - Local Air Quality Exempt Projects-RSTP/TE**

Obligation Goal	Agency	Project Description	Project Mode	Type of Project	Project Cost	Project Cost	Project Cost	Total by Jurisdiction
120 days	City of Los Banos	Improve Street Corners to ADA Standards	Local Streets and Roads	Rehabilitation	\$ 300,000.00			
120 days	City of Los Banos	Downtown Improvements & Infrastructure	Local Streets and Roads	Rehabilitation	\$ 443,665.80			
	City of Los Banos	Asphalt Overlay (J St, I St, 7th St, Pioneer, Downtown Streets)	Local Streets and Roads	Asphalt Overlay		\$ 695,810.41		
				Total	\$ 743,665.80	\$ 695,810.41		\$ 1,439,476.21
120 days	City of Merced	Central Merced Street Reconstruction and Repaving (various streets:G, M, 18th, 16th)	Local Streets and Roads	Rehabilitation	\$ 1,662,748.61	\$ 1,555,749.61		
				Total	\$ 1,662,748.61	\$ 1,555,749.61		\$ 3,218,498.22
	Merced County	Ave 2 Bridge over Canal Creek	Local Streets/Roads/Bridge	Rehabilitation	\$ 1,794,620.78	\$ 185,568.54		
120 days	Merced County	County Scrub Seals	Local Streets and Roads	Rehabilitation		\$ 1,493,567.18		
				Total	\$ 1,794,620.78	\$ 1,679,135.72		\$ 3,473,756.50
				<b>ARRA Total</b>	<b>\$ 5,054,316.00</b>	<b>\$ 4,837,754.00</b>	<b>299,495.00</b>	<b>\$ 10,191,565.00</b>

**ITEM 9c**

**MEMORANDUM**

**DATE: APRIL 8, 2009**  
**TO: MCAG GOVERNING BOARD**  
**FROM: JESSE B. BROWN, EXECUTIVE DIRECTOR**  
**RE: MCAG FY 2007/2008 FINANCIAL AUDIT**

Enclosed for your review is the Fiscal Year 2007/2008 Financial Audit.

The Technical Review Board concurs with the requested action.

**REQUESTED ACTION**

Accept the FY 2007/2008 Financial Audit.

Enclosure: Fiscal Year 2007/2008 Financial Audit

**Assembly Constitutional Amendment**

**No. 15**

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**Introduced by Assembly Member Arambula**

March 10, 2009

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Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, and by amending Section 2 of Article XIII C thereof, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

ACA 15, as introduced, Arambula. Local government transportation projects: special taxes: voter approval.

The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of  $\frac{2}{3}$  of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities.

This measure would alternatively condition the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects upon the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2009–10 Regular

1 Session commencing on the first day of December 2008, two-thirds  
2 of the membership of each house concurring, hereby proposes to  
3 the people of the State of California that the Constitution of the  
4 State be amended as follows:

5 First—That Section 4 of Article XIII A thereof is amended to  
6 read:

7 Section 4. ~~Cities, Counties and special districts, Except as~~  
8 ~~otherwise provided by Section 2 of Article XIII C, a city, county,~~  
9 ~~or special district, by a two-thirds vote of the qualified electors of~~  
10 ~~such district its voters voting on the proposition, may impose~~  
11 ~~special taxes on such district a special tax within that city, county,~~  
12 ~~or special district, except an ad valorem taxes tax on real property~~  
13 ~~or a transaction transactions tax or sales tax on the sale of real~~  
14 ~~property within such City, County that city, county, or special~~  
15 ~~district.~~

16 Second—That Section 2 of Article XIII C thereof is amended  
17 to read:

18 SEC. 2. ~~Local Government Tax Limitation.~~ Notwithstanding  
19 any other provision of this Constitution:

20 (a) ~~All taxes-A tax~~ imposed by any local government ~~shall be~~  
21 ~~deemed to be is~~ either a general taxes tax or a special taxes. Special  
22 ~~purpose districts tax. A special district or agencies agency,~~  
23 ~~including a school districts, shall have district, has no power~~  
24 ~~authority to levy a general taxes tax.~~

25 (b) ~~No-A~~ local government ~~may shall not~~ impose, extend, or  
26 increase any general tax unless and until that tax is submitted to  
27 the electorate and approved by a majority vote. A general tax ~~shall~~  
28 ~~is not be~~ deemed to have been increased if it is imposed at a rate  
29 not higher than the maximum rate so approved. The election  
30 required by this subdivision shall be consolidated with a regularly  
31 scheduled general election for members of the governing body of  
32 the local government, except in cases of emergency declared by  
33 a unanimous vote of the governing body.

34 (c) Any general tax imposed, extended, or increased, without  
35 voter approval, by any local government on or after January 1,  
36 1995, and prior to the effective date of this article, ~~shall may~~  
37 continue to be imposed only if ~~that general tax is~~ approved by a  
38 majority vote of the voters voting in an election on the issue of the  
39 imposition, which election ~~shall be is~~ held within two years of the

1 ~~effective date of this article no later than November 6, 1998, and~~  
2 in compliance with subdivision (b).

3 (d) ~~No~~ (1) *Except as otherwise provided in paragraph (2), a*  
4 *local government may shall not impose, extend, or increase any*  
5 *special tax unless and until that tax is submitted to the electorate*  
6 *and approved by a two-thirds vote of the voters voting on the*  
7 *proposition. A special tax shall is not be deemed to have been*  
8 *increased if it is imposed at a rate not higher than the maximum*  
9 *rate so approved.*

10 (2) *A local government may impose, extend, or increase any*  
11 *special tax for the purpose of providing funding for local*  
12 *transportation projects under its jurisdiction, if that tax is submitted*  
13 *to the electorate and approved by 55 percent of the voters voting*  
14 *on the proposition. A special tax for the purpose of providing*  
15 *funding for local transportation projects is not deemed to have*  
16 *been increased if it is imposed at a rate not higher than the*  
17 *maximum rate approved in the manner as required by law.*

**MEMORANDUM**

**DATE: APRIL 8, 2009**

**TO: MCAG GOVERNING BOARD**

**FROM: JESSE B. BROWN, EXECUTIVE DIRECTOR**

**RE: SR 99/165 PROJECT STUDY REPORT (PSR) UPDATE**

**SCOPE**

The SR 99/165 Project Study Report (PSR) will identify alternative improvements to, and/or bypass of, SR 165 around the community of Hilmar from River Road to SR 99 with a new crossing over Merced River and a new interchange at SR 99. The PSR is being jointly developed with the City of Turlock, Stanislaus County, Stanislaus Council of Governments, Merced County, and MCAG through a memorandum of understanding (MOU) that has been approved by each of the participating agencies. The engineering consulting firm, Omni-Means, was selected to prepare the studies and documentation. The study is being funded through a Federal Highway Administration grant, private donation, and the participating public agencies.

**PROJECT MANAGEMENT**

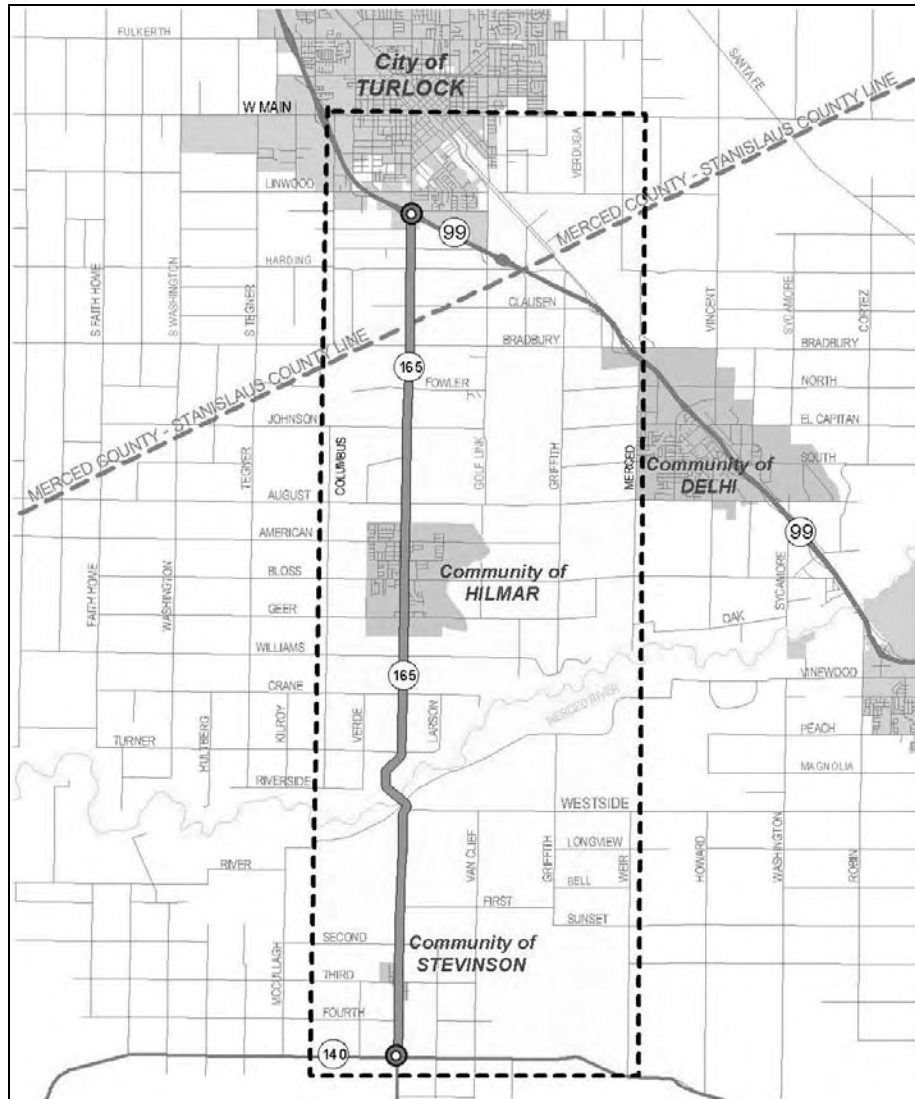
The Memorandum of Understanding among the five cooperating agencies assigns project administration to the Merced County Association of Governments.

Following the Governing Board's approval at the May 2008 meeting, under a task order in MCAG's project management contract, Bender-Rosenthal Inc. has assumed contract management and study committee support for this PSR.

Since that time, Bender-Rosenthal has guided the PSR past the major hurdle of the first project milestone, which was determining current deficiencies and traffic modeling forecasts. Working with the other partner agencies, completion of the next milestone, the Purpose and Need Statement, is nearly on-hand. Unfortunately, due to the extra time needed to complete the first milestone and to facilitate between all five-partner agencies (and Caltrans), Bender-Rosenthal is running out of time in their contract.

**PSR PUBLIC OUTREACH**

The PSR includes initial efforts to involve the public and stakeholders in the process. The first of three open house public meetings will provide a general overview of the project and the opportunity for attendees to feed comments, opinions and additional information into the early stages of the process. Since the project study area is very extensive (as shown in the following figure), the project consultant will maximize available resources to initialize the outreach effort. Consultant staff will gather emails to make future noticing more economical. More extensive public outreach will be explored for the next Project Approval and Environmental Document (PA&ED) phase.



The Technical Review Board concurs with the requested action.

**REQUESTED ACTION**

Direct staff to extend the contract with Bender-Rosenthal for contract management and study committee support until the completion of the PSR in 2010 with the usage of \$36,620 in project funds.

**MEMORANDUM**

**DATE: APRIL 8, 2009**

**TO: MCAG GOVERNING BOARD**

**FROM: LORI FLANDERS, ASSISTANT PLANNER**

**RE: DRAFT FY 2009/2010 LOCAL TRANSPORTATION FUND DISTRIBUTION**

**BACKGROUND**

The amount of Local Transportation Fund (LTF) monies available to be claimed is contingent upon the unmet transit needs process. If unmet needs are identified and are reasonable to meet, these needs must be addressed before LTF funds are expended for non-transit uses such as streets and roads.

Unmet Transit Needs hearings were held during October 2008, with the MCAG Governing Board making a determination at its November 2008 meeting. The Merced County Association of Governments Governing Board adopted Resolution 2008/11-20-02 with a finding of fact for FY2008/09 that there are *no unmet transit needs that are reasonable to meet*.

**DISCUSSION**

Local Transportation Funds are derived from ¼ cent of the general sales tax collected statewide per Senate Bill 325. The State Board of Equalization, based on sales tax collected in each county, returns the general sales tax revenues to each county's LTF. These funds are sent directly to Merced County Auditor's office.

Each year MCAG receives a letter from the Auditor's office informing staff of the estimate of Local Transportation Funds available for distribution. This figure includes an estimate for fiscal year 2009/10 receipts and an estimate of the carryover of 2008/09 undistributed LTF funds. These numbers may fluctuate depending on the economy.

Unfortunately, the LTF estimate for this fiscal year is only \$5,510,000 and the transit needs is \$4,616,847 leaving a balance of \$387,343 for streets and roads.

Normally, staff divides the transit costs to each jurisdiction by service hours for the rural areas and by population/service hours for the urbanized area. This year the service hours/population formula resulted in one jurisdiction not having enough LTF to cover the cost of providing transit service. Since the Transportation Development Act states that transit needs must be met prior to distributing the LTF funds to streets and roads, staff proposes taking all the transit costs off the top and giving each jurisdiction a based amount of \$10,000 and dividing the remaining balance on population.

Attached is the **draft** Local Transportation Fund (LTF) distribution for FY 2009/10.

Upon approval of the LTF Apportionment Schedule by the Governing Board, the LTF claim forms will be sent to member jurisdictions; resolutions will be required with each claim.

The Technical Review Board concurs with the requested action.

### **REQUESTED ACTION**

Approve:

- a. The Draft Local Transportation Fund Apportionment Schedule; and
- b. Authorize staff to forward claim forms to the local jurisdictions.

Attachment: 2009/10 **Draft** Local Transportation Fund Apportionment Schedule  
Notification letter from Auditor-Controller's office  
Department of Finance, Population Figures Jan 2008

**Local Transportation Fund Apportionments Schedule**  
**Fiscal Year 2009 - 2010**  
**March 2009 estimate**

**Table 1: LTF Apportionment Less Expenditures**

<b>Total FY 09-10 LTF Apportionment</b>	<b>\$ 5,510,000</b>
County Auditor	\$ 2,850
MCAG Administration	\$ 62,100
MCAG Planning	\$ 133,360
Capital Transit Purchases	\$ 307,500
<b>Total Expenditures</b>	<b>\$ 505,810</b>
<b>Remainder</b>	<b>\$ 5,004,190</b>

**Table 2: LTF Shares by Jurisdiction prior to Transit**

Jurisdiction	Pop - Depart of Fin Jan 2008	% of Population
Atwater	27,571	10.80%
Dos Palos	5,024	1.97%
Gustine	5,199	2.04%
Livingston	13,795	5.40%
Los Banos	36,052	14.12%
Merced	80,608	31.58%
Unincorporated	87,001	34.08%
<b>TOTAL</b>	<b>255,250</b>	<b>100.00%</b>

<b>Remaining LTF before Transit</b>	<b>\$ 5,004,190</b>
<b>Total Needed for Transit Operations</b>	<b>\$ 4,616,847</b>
<b>Balance left for Streets and Roads</b>	<b>\$ 387,343</b>

**Table 3: LTF Transit Costs by Jurisdiction**

Jurisdiction	Streets & roads base amount	Remaining balance after base amount	Remaining Amount by population	Amount Available to Claim FY09-10
Atwater	\$ 10,000		\$34,278	\$ 44,278
Dos Palos	\$ 10,000		\$6,246	\$ 16,246
Gustine	\$ 10,000		\$6,464	\$ 16,464
Livingston	\$ 10,000		\$17,151	\$ 27,151
Los Banos	\$ 10,000		\$44,822	\$ 54,822
Merced	\$ 10,000		\$100,217	\$ 110,217
Unincorporated	\$ 10,000		\$108,165	\$ 118,165
<b>TOTAL</b>	<b>\$ 70,000</b>	<b>\$ 317,343</b>	<b>\$ 317,343</b>	<b>\$ 387,343</b>

**Table 4 Historic Use of LTF Funding**

	FY 06-07	FY 07-08	FY 08-09	FY 09-10
<b>Apportionment</b>	<b>\$ 7,775,000</b>	<b>\$ 7,300,000</b>	<b>\$ 5,800,000</b>	<b>\$ 5,510,000</b>
County Auditor	\$ 2,700	\$ 2,850	\$ 2,850	\$ 2,850
MCAG Administration	\$ 62,100	\$ 62,100	\$ 62,100	\$ 62,100
MCAG Planning	\$ 133,360	\$ 183,360	\$ 133,360	\$ 133,360
Capital Transit Purchases	\$ 381,861	\$ 689,196	\$ 553,104	\$ 307,500
Transit Budget Shortfall	\$ 384,490	\$ -	\$ 993,987.00	
<b>Balance</b>	<b>\$ 964,511</b>	<b>\$ 937,506</b>	<b>\$ 1,745,401</b>	<b>\$ 505,810</b>
LTF Needed for Rural Service	\$ 1,362,326	\$ 1,907,460	\$ 1,550,649	\$ 4,616,847
LTF Needed for Urban Service	\$ 1,413,850	\$ 2,269,796	\$ 1,900,799	
More STAF = Less LTF	\$ (1,371,467)	\$ (464,480)		
<b>Total Transit Service</b>	<b>\$ 1,404,709</b>	<b>\$ 4,177,256</b>	<b>\$ 4,445,435</b>	<b>\$ 4,616,847</b>
<b>Remaining for Streets</b>	<b>\$ 5,405,780</b>	<b>\$ 2,185,238</b>	<b>\$ 603,151</b>	<b>\$ 387,343</b>

**Table 5: Historic Apportionments for Streets and Roads**

Apportionment Claimed by Jurisdiction						
Jurisdiction	Original FY 2007-08	Aug Adjustment to Transit Budget	Additional STAF = More LTF	07-08 Final	08-09 Final	09-10 Draft
Atwater	\$ 198,131	\$ 233,160	\$ 54,672	\$ 287,832	\$ 72,164	\$ 44,278
Dos Palos	\$ 42,691	\$ 50,411	\$ 6,206	\$ 56,617	\$ 13,902	\$ 16,246
Gustine	\$ 50,581	\$ 52,909	\$ 6,639	\$ 59,548	\$ 15,842	\$ 16,464
Livingston	\$ 127,046	\$ 190,868	\$ 10,782	\$ 201,650	\$ 42,985	\$ 27,151
Los Banos	\$ 201,626	\$ 273,357	\$ 48,865	\$ 322,222	\$ 88,747	\$ 54,822
Merced	\$ 172,666	\$ 261,025	\$ 197,866	\$ 458,891	\$ 154,674	\$ 110,217
Unincorporated	\$ 609,101	\$ 659,028	\$ 139,451	\$ 798,479	\$ 214,838	\$ 118,165
<b>TOTAL</b>	<b>\$ 1,401,842</b>	<b>\$ 1,720,758</b>	<b>\$ 464,481</b>	<b>\$ 2,185,239</b>	<b>\$ 603,151</b>	<b>\$ 387,343</b>
		A	B	A+B		

**ITEM 9g**

**MEMORANDUM**

**DATE: APRIL 8, 2009**

**TO: MCAG GOVERNING BOARD**

**FROM: LORI FLANDERS, ASSISTANT PLANNER**

**RE: REVISED 2008-09 STATE TRANSIT ASSISTANCE (STA) FUNDS APPORTIONMENT SCHEDULE**

State Transit Assistance (STA) funds were created as a result of Assembly Bill 2251/Senate Bill 1335, and are designated for mass transportation purposes only. On March 10, 2009 staff received a letter from the California State Controller's Office regarding a revised estimate of STA funds approved by the Governor in the Revised State Budget for FY 2008-2009. The revised STA apportionment for FY 2008-2009 for Merced County is \$540,808. This is a decrease of \$2,049,506 over the original figure of \$2,590,314.

As the sole provider of transit services for Merced County, a STA claim form and letter indicating the decrease in funds available was sent to the County of Merced. Please find attached the 2008-09 State Transit Assistance Funds Apportionment Schedule and the State Controller's Office State Transit Assistance Fund Allocation for FY 2008-09.

The Technical Review Board concurs with the requested action.

**REQUESTED ACTION**

Approve:

- a. The revised State Transit Assistance schedule for Fiscal Year 2008/09; and
- b. Adopt Resolution 2009/04-16-01 approving the revised STA claim from Merced County.

Attachments: Notification letter: State Controller's Office  
State Controller's Office State Transit Assistance Fund Allocation for FY 08-09  
Revised 2008-09 State Transit Assistance Funds Apportionment Schedule  
Resolution 2009/04-16-01

**STATE TRANSIT ASSISTANCE FUND  
 APPORTIONMENT SCHEDULE  
 REVISED OCTOBER 2008**

**FISCAL YEAR 2008/09**

<p><b>Claimant</b> – Merced County:            on behalf of the Transit            Joint Powers Authority            for Merced County</p>	<p><b>PUC 99313</b>            Apportionment                    \$ 513,424  <i>(calculated on            population)</i></p>
<p><b>Claimant</b> – Merced County:            on behalf of the Transit            Joint Powers Authority            for Merced County</p>	<p><b>PUC 99314</b>            Apportionment                    \$ 27,384  <i>(calculated on            revenue)</i></p>
<p><b>Total -</b></p>	<p><b>\$ 540,808</b></p>

**RESOLUTION NO. 2009/-04-16-01**

**RESOLUTION OF THE MERCED COUNTY ASSOCIATION OF GOVERNMENTS APPROVING  
REVISED CLAIM FOR STATE TRANSIT ASSISTANCE FUND MONIES FOR  
THE FISCAL YEAR 2008/09**

**WHEREAS**, the State Transit Assistance Fund program was created under Chapter 161 of the Statutes of 1979 (Senate Bill 620) and Chapters 321 and 322 of the Statutes of 1982 (Senate Bill 1335) and (Assembly Bill 2551); and

**WHEREAS**, said program, as a result of Assembly Bill 2551/Senate Bill 1335, allows for funds to be allocated from the State Transportation Planning and Development Account to Regional Transportation Planning Agencies (RTPA's) for transportation planning and mass transportation purposes, as specified by the Legislature; and

**WHEREAS**, the Merced County Association of Governments (MCAG) is the RTPA for Merced County; and

**WHEREAS**, based on the Secretary of Business and Transportation Agency's allocation to MCAG and any fund balance remaining in the State Transit Assistance Account, MCAG has apportioned Fiscal Year 2008/09 funds; and

**WHEREAS**, the State Transit Assistance Fund revised apportionments amount being claimed at this time by the County of Merced is for the consolidated transit system known as "The Bus" - Merced County Transit in the amount of \$540,808; and

**WHEREAS**, the County of Merced wishes to claim its Fiscal Year 2008/2009 apportionment pursuant to California Administrative Code, Title 21, Subchapter 2.5, Article 4, Section 6730(a) or 6731(b); now

**THEREFORE BE IT RESOLVED**, that the Merced County Association of Governments, after consideration of information including, but not limited to, that presented within said claims, adopts the following findings:

1. The proposed expenditure plan of "The Bus" - Merced County Transit is in conformity with the Regional Transportation Plan.
2. The level of passenger fares and charges is sufficient to enable each entity's transit system, funded with State Transit Assistance funds, to meet the fare revenue requirements of Public Utilities Code Division 10, Part 11, Chapter 4, Article 4, Section 99268.2, 99268.3, 99268.4, 99268.5 and 99268.9, as applicable to each entity.
3. "The Bus" - Merced County Transit funded with State Transit Assistance funds, is making full use of federal funds available under the Federal Transit Administration (formerly UTMA, 1964).
4. The sum of each entity's allocations from the State Transit Assistance fund and from the Local Transportation Fund does not exceed the amount eligible to be received during FY 2008/09.
5. The service provided by each entity's transit system funded with State Transit Assistance Funds, meets the high priority public transportation needs of the region.
6. Priority consideration has been given to claims to offset reductions in federal operating assistance and unanticipated increases in the cost of fuel, and to enhance existing public transportation services.

7. The Transit Joint Powers of Authority for Merced County will make a responsible effort to continue productivity improvements recommended pursuant to Public Utilities Code (PUC), Division 10, Part 11, Chapter 4, Article 3, Section 99244.
8. The Transit Powers Authority for Merced County (TJPAMC) as the provider of transit services for each jurisdiction is not precluded in any contract entered onto on or after June 28, 1979, from employing part-time drivers from contracting with common carriers of persons operating under a franchise or license.

**BASED UPON THESE FINDINGS BE IT FURTHER RESOLVED:** that the Merced County Association of Governments does hereby approve the revised claim of the County of Merced for State Transit Assistance Fund monies pursuant to the California Administrative Code, Title 21, Chapter 3, Subchapter 2.5, Article 4, Section 6730(a) or 6731(b) for the Fiscal Year 2008/09.

**BE IT THEREFORE FURTHER RESOLVED:** that the apportionments for the County of Merced shall be made in quarterly payments.

The above resolution was approved by the Merced County Association of Governments on April 16, 2009, by \_\_\_\_\_, who moved its adoption, which motion was duly seconded by \_\_\_\_\_ and, which was adopted by the following vote:

AYES:

NOES:

ATTEST:

APPROVED:

\_\_\_\_\_  
Jesse Brown, Executive Director  
Merced County Association of Governments

\_\_\_\_\_  
Joe Oliveira, Chair  
Merced County Association of Governments  
Governing Board

Date:

**MEMORANDUM**

**DATE: APRIL 8, 2009**

**TO: MCAG GOVERNING BOARD**

**FROM: MARJORIE KIRN, DEPUTY EXECUTIVE DIRECTOR**

**RE: CERTIFICATION UNDER SECTION 1511 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

Attached is a letter from Will Kempton, Caltrans Director, which outlines MCAG's responsibilities under the ARRA.

MCAG is required to certify that all investments funded by ARRA has received the full review and vetting required by law and that such investment is an appropriate use of taxpayers dollars.

This certification and project listing must be approved by the federal government and posted on [www.recovery.gov](http://www.recovery.gov) prior to any obligation of ARRA funding to projects.

**REQUESTED ACTION**

Delegate the certification responsibility under section 1511 of the American Recovery and Reinvestment Act to the MCAG Transit Joint Power Authority Executive Director.

Attachment: Letter of March 30, 2009 from Will Kempton, Caltrans Director

**MEMORANDUM**

**DATE:       APRIL 9, 2009**

**TO:         MCAG GOVERNING BOARD**

**FROM:       MARJORIE KIRN, DEPUTY EXECUTIVE DIRECTOR**

**RE:         CAMPUS PARKWAY SUPPORT LETTER**

Attached is a preliminary draft letter of support from MCAG to Congressman Cardoza for designating funds in the new federal transportation authorization legislation for Campus Parkway Phase 2.

The letter of support is required to contain certain language explicitly stating MCAG's support for the project as well as describing the other funding sources to be used for the project.

We need to gather these letters of support fairly rapidly and get them to Congressman Cardoza. Hearings before the subcommittee on this topic begin on April 27, 2009.

**REQUESTED ACTION**

Authorize the Executive Director to send the letter of support for the Campus Parkway project.

Attachment: Letter of support

April 9, 2009

The Honorable Dennis Cardoza  
1224 Longworth Building  
Washington, DC 20515

Subject: New Surface Transportation Authorization Legislation High Priority Project  
Request – Campus Parkway Phase 2 Letter of Support

Dear Congressman Cardoza,

The Merced County Association of Governments (MCAG) has been working closely with Merced County, the City of Merced and Caltrans to develop the Campus Parkway project. Campus Parkway will serve as a vital transportation corridor between UC Merced, the City of Merced, State Route 99 and State Route 140. **The Merced County Association of Governments supports the development of the Campus Parkway project.**

The Campus Parkway project is listed in the Merced County Association of Governments 2009 Federal Transportation Improvement Program (FTIP) and the 2007 Regional Transportation Plan for Merced County. In addition, the Regional Transportation Impact Fee program administered by MCAG collects fees enacted by the various jurisdictions in Merced County towards the Campus Parkway project.

Phase 2 is a very critical segment of Campus Parkway because it will create a new connection between State Route 99 and State Route 140. The estimated cost to construct Campus Parkway Phase 2 is \$43.1 million. **The Merced County Association of Governments requests your continued support of the Campus Parkway project through identification of a High Priority Project in the new federal surface transportation authorization legislation in the amount of \$25 million for the construction of Campus Parkway Phase 2. Although this request represents less than 80 percent of the total estimated cost of the construction of Campus Parkway Phase 2, other funding sources have been identified to complete the funding strategy. The following table summarizes the additional funds that have been secured or committed for the construction of Campus Parkway Phase 2.**

**Campus Parkway Phase 2 Committed Funding Sources**

<b>Funding Source</b>	<b>Type</b>	<b>Amount</b>
<b>City of Merced Development Fees</b>	<b>Local</b>	<b>\$6.2 million</b>
<b>Regional Transportation Impact Fees (RTIF)</b>	<b>Local</b>	<b>\$2.1 million</b>
<b>UC Merced Proportionate Share</b>	<b>State</b>	<b>\$4.3 million</b>
<b>Transportation Congestion Relief Program (TCRP)</b>	<b>State</b>	<b>\$5.5 million</b>
<b>TOTAL</b>		<b>\$18.1 million</b>

With the addition of the requested federal funds, the construction of Campus Parkway Phase 2 will become a reality.

If you have any questions or need any additional information, please call me or e-mail me at [jesse.brown@mcagov.org](mailto:jesse.brown@mcagov.org).

Sincerely,

Jesse Brown  
Executive Director

## TECHNICAL REVIEW BOARD MEETING

April 8, 2009

### MINUTES

The regular meeting of the Technical Review Board, held at the City of Dos Palos, 1546 Golden Gate Avenue, Dos Palos, California, was called to order at 12:25 P.M.

#### **MEMBERS PRESENT**

John Bramble, City of Merced  
Darrell Fonseca, City of Dos Palos  
Steve Rath, City of Los Banos  
Margaret Silveira, City of Gustine  
Dee Tatum, County of Merced  
Greg Wellman, City of Atwater

#### **MEMBERS ABSENT**

Richard Warne, City of Livingston

#### **OTHERS PRESENT**

Jesse Brown, MCAG staff  
Paul Fillebrown, Merced County Public Works  
John Gedney, Caltrans, District 10  
Joy Gort, MCAG staff  
Marjie Kirn, MCAG staff  
Stephen Qualls, California Cities  
Charlie Woods, City of Atwater  
Scott McBride, City of Atwater  
Mark Hendrickson, Commerce, Aviation and Economic Dev.  
Elaine Post, City of Los Banos  
Frank Quintero, City of Merced  
Sam Chandler, Merced County Solid Waste

#### **2. Oral Communication**

Darrell Fonseca welcomed Sam Chandler, Merced County Solid Waste, to the Technical Review Board.

#### **3. Stephen Qualls, League of California Cities, distributed handouts outlining current legislative updates along with questions submitted to a staff member from Sacramento.**

#### **4. Minutes of the March 11, 2009 Technical Review Board meeting**

John Bramble moved to approve the minutes of the February 11, 2009 Technical Review Board meeting.

Seconded by Dee Tatum.

**MOTION CARRIED UNANIMOUSLY.**

**MERCED COUNTY REGIONAL WASTE MANAGEMENT  
AUTHORITY BOARD**

*There were no Merced County Regional Waste Management Authority Board items this month.*

**TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY**

**5. Minutes of the March 19, 2009 Transit Joint Powers Authority for Merced County meeting**

So noted.

**6. Consent Agenda**

- a. Authorization of Federal Transit Administration Grant Application for Merced County Transit Rural Operating Expenses 2008/09
- b. Authorization of Federal Transit Administration Grant Application for Merced County Transit Capital Expenses 2008/09

John Bramble moved to approve the Consent Agenda.  
Seconded by Dee Tatum.

**MOTION CARRIED UNANIMOUSLY.**

**MCAG GOVERNING BOARD**

**7. Information Only**

- a. Minutes of the March 19, 2009 Governing Board meeting
- b. Letter from Dean Bubar, Assistant Superintendent, Administrative Services, Los Banos Unified School District

So noted.

**8. Oral Report – Enterprise Zone Working Committee**

Elaine Post, Redevelopment Manager, City of Los Banos, thanked everyone for the efforts put forth in the last 2 years while working on the Enterprise Zone.

Frank Quintero, Development Manager, City of Merced, gave an overview of the Enterprise Zone and it's current standing and is looking for support from all of the jurisdictions.

**9. Caltrans Report**

John Gedney gave a brief report from Caltrans.

**10. Consent Agenda**

- a. Formal Amendment No. 8 to the 2009 Federal Transportation Improvement Program – Adding a Regional Listing of Local ARRA-RSTP, and ARRA-TE Projects
- b. MCAG FY 2007/2008 Financial Audit
- c. Assembly Constitutional Amendment No. 15

John Bramble moved to approve the Consent Agenda.

Seconded by Dee Tatum.

**MOTION CARRIED UNANIMOUSLY.**

**11. SR 99/165 Project Study Report (PSR) Update**

Greg Wellman moved to recommend the MCAG Governing Board direct staff to extend the contract with Bender-Rosenthal for contract management and study committee support until the completion of the PSR in 2010 with the usage of \$36,620 in project funds.

Seconded by Dee Tatum.

**MOTION CARRIED UNANIMOUSLY.**

**12. Draft FY 2009/2010 Local Transportation Fund Distribution**

Dee Tatum moved to recommend the MCAG Governing Board:

- a. Approve the Draft Local Transportation Fund Apportionment Schedule; and
- b. Authorize staff to forward claim forms to the local jurisdictions.

Seconded by Steve Rath.

**MOTION CARRIED UNANIMOUSLY.**

**13. Revised 2008-09 State Transit Assistance (STA) Funds Apportionment Schedule**

Darrell Fonseca moved to recommend the MCAG Governing Board:

- a. Approve the Draft Local Transportation Fund Apportionment Schedule; and
- b. Authorize staff to forward claim forms to the local jurisdictions.

Seconded by John Bramble.

**MOTION CARRIED UNANIMOUSLY.**

**14. One Voice Washington D.C. Trip Report**

Candice Steelman, Public Information Officer, MCAG, gave a report of the Washington D.C. 2009 One Voice Trip and asked for direction from the Technical Review Board in creating a steering committee for the One Voice program. After a discussion, it was recommended that the Technical Review Board would become the steering committee for the One Voice program. Candice also invited the Technical Review Board to the One Voice Luncheon that will be held in Atwater on April 23, 2009 from 12:00 – 2:00 p.m. and will email everyone with a reminder.

**15. San Joaquin Valley Partnership – Funding Request**

Greg Wellman moved to recommend the MCAG Governing Board direct staff to submit the Partnership request for funding support for FY 09/10 to member jurisdictions for consideration.  
Seconded by Dee Tatum.

AYES: Greg Wellman, Dee Tatum, Margaret Silveira

NOES: Steve Rath, John Bramble, Darrell Fonseca

ABSENT: Richard Warne

**MOTION FAILED.**

**16. Agricultural Recycling Resource Directory**

So noted.

**17. MDSS FY 2007/2008 Financial Audit**

Dee Tatum moved to recommend the MCAG Governing Board accept the FY 2007/2008 Draft Financial Audit.

Seconded by John Bramble.

**MOTION CARRIED UNANIMOUSLY.**

**18. Oral Report - Jurisdictions**

After a discussion it was determined that the City representatives of the Technical Review Board would like to meet one hour earlier at future meetings to discuss City issues.

**THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 2:00 P.M.**

**DATE: APRIL 9, 2009**

**TO: MCAG GOVERNING BOARD**

**FROM: CANDICE STEELMAN, PUBLIC INFORMATION OFFICER**

**RE: ONE VOICE – WASHINGTON, D.C. TRIP REPORT**

**BACKGROUND**

The One Voice-Washington D.C. delegation consisted of 15 elected officials, staff of member jurisdictions, educators, and directors of nonprofit organizations, plus a staff member from Congressman Cardoza’s Merced County office and three MCAG staffers. The group had 22 meetings with legislators, key staff, and state agencies from March 23-25, 2009.

At meetings, the delegation presented the following priorities:

1. \$5 million to help construct Segment 1 of the Los Banos Bypass.
2. \$5 million to help construct Phases 2 and 3 of the Campus Parkway.
3. \$400,000 to plan and implement an Engineering Academy for high school students.
4. Healthcare: Support a Federal Medicaid Assistance Percentage (FMAP) carve-out for Merced County.
5. Water: Pass a comprehensive water plan for the San Joaquin Valley that addresses supply, quality, conveyance, and storage.

In addition, we took a slate of stimulus projects so that we could ask specific questions about grants in our meetings with the federal agencies. Those projects were:

Education ~ \$420,000 to expand a successful Environmental Science program to eight high schools  
~ \$29,000,000 in bridge funding to finish half-built Pacheco High, the victim of a state freeze on funds  
~ \$3.44 million to replace inefficient and obsolete HVAC systems  
~ \$22,000,000 in construction costs and \$3,000,000 in property acquisition costs for new elementary schools

Healthcare ~ \$750,000 to build a school-based community health center in Delhi  
~ \$250,000 to renovate and upgrade Bloss Hospital in Atwater  
~ \$79,000 to implement I2I and E-prescribe systems  
~ \$850,000 to replace paper files with Electronic Health Record (HER) and Practice Management System (PMS) at 3 facilities  
~ \$4.6 million to build a senior health and wellness center in South Merced  
~ \$1.7 million to provide a unified treatment plan for substance abusing pregnant or parenting women

- Housing ~ Request Merced County, CA be recognized as one of the top 5 foreclosure hot spots in the U.S. and receive a direct allocation from HUD's Neighborhood Stabilization Program; funding for homeless prevention
- Law Enforcement ~ Public safety personnel, equipment funding
- Water ~ \$100,000 reconnaissance funding and required Study Authorization for Corps of Engineers to complete study on low-cost alternative for Black Rascal Creek

## **DISCUSSION**

This was the fifth visit to Washington, D.C. for the One Voice group and it was the most unusual year. The message we heard last year was all gloom and doom. This year's message was a mixed bag of hope that the stimulus would get the economy moving again and predictions that the money was not enough and was not being applied in the manner intended.

Rules and guidelines were being written, changed, rewritten, and introduced as we were there. Some departments were so overwhelmed with the requirements for getting the money out the door and the number of meetings requested by jurisdictions that they simply refused to meet with any more cities and counties.

There was a clear and strong message in our meetings: be prepared for much more reporting, more detailed questions, and a higher standard of accountability concerning use of stimulus money. Reports from jurisdictions will be posted on the recovery.gov website for the entire world to see. Legislators are especially interested in how many new jobs stimulus dollars create. And this can get very subjective. The question was asked in one meeting, if, for example, Caltrans lays off 5,000 workers and rehires 3,000 two weeks later, is that going to be reported as 3,000 new jobs created? And the answer was, "Probably."

We heard much about climate change legislation. Leading the charge on this is Senator Barbara Boxer. There are so many large and important pieces of legislation before Congress, we were told that if the climate change legislation moves forward, it will push out many other bills, such as transportation reauthorization, to 2011 or even 2012.

In our meeting with Congressman Nunez of Fresno, he was actively engaged with making Highway 99 an interstate and wants all of the Councils of Government in the San Joaquin Valley to agree. MCAG asked Cardoza's staff lead on transportation, Matt Pennington, to help us find information to show that this move would actually result in more dollars.

In addition to transportation, one of the One Voice priorities was to ask for a comprehensive water plan for the Valley. Eric Swedlund of Governor Schwarzenegger's office told us that the President had announced a Drought Task Force and issued a press release, but nothing else has been done. There is no task force, not even a staff contact. Mr. Swedlund said that we need to ask where this is. We were also advised to work to change language in programs that determine how much land is affected by the drought or other outside forces. Currently, fallow land can't be counted because the reasoning is that farmers chose not to plant, even if the reality is that they couldn't plant due to lack of water. Senator

Feinstein stated that, “California is on its way to becoming a desert state” and said to call on the Governor to take the lead on water bonds and a conveyance system around the Delta.

### **NEXT STEPS**

For the next fiscal year program, One Voice will establish a steering committee to guide selection of projects, determine eligibility for participation, and encourage those who should participate to do so.

We will continue to work with the MCAG lobbyists, Van Scoyoc Associates, to follow up on a number of issues raised during meetings and/or requested by the One Voice delegation.

There are many grant applications that need to be written in a very short time. What role would the TRB like MCAG to play in this regard?

### **REQUESTED ACTION**

For information only.

Attachments: One Voice 2009 WDC delegates  
One Voice 2009 WDC agenda

**MEMORANDUM**

**DATE: APRIL 8, 2009**

**TO: MCAG GOVERNING BOARD**

**FROM: JESSE B. BROWN, EXECUTIVE DIRECTOR**

**RE: SAN JOAQUIN VALLEY PARTNERSHIP – FUNDING REQUEST**

**BACKGROUND**

The San Joaquin Valley Partnership was established by Governor Schwarzenegger under an Executive Order with the purpose of creating a strong advocacy for valley programs and projects. The Partnership is composed of public and private officials appointed by the Governor including State Department Secretaries, local elected officials from each of the eight valley COGS (Director Mike Nelson from MCAG), and private sector representation from each county as well. The Partnership is currently staffed by the Office of Community and Economic Development, CSU, Fresno with Mike Dozier serving as Director. (Mike recently left his position at the City of Clovis for this job and is a former redevelopment director for the City of Atwater.) A short memo entitled “Successes” is attached describing Partnership achievements over the past two years.

The Partnership staffing was initially funded through the State of California, but has not provided funding in the current year’s budget nor is proposed in the 09-10 budget. CSU Fresno is providing funding support for most of the staffing support, but there is a projected shortfall in 09-10 of \$167,001. The City of Fresno has included \$25,000 in their initial 09-10 budget reducing the shortfall to \$142,001. The Partnership is requesting through the eight COGs, fill this shortfall on a per capita basis. MCAG’s share of this cost is \$9,200. The Partnership’s request is for general administrative support. MCAG’s federal and state funds, by law, can only be used for transportation planning and project implementation activities and thus cannot be provided to the Partnership for the purposes they have identified. Should the Partnership’s request be honored, it would necessitate additional contributions from MCAG members. The table below lists the contributions by jurisdiction with per capita contributions. A memo entitled “Partnership Funding and Sustainability” is attached describing the Partnership’s current funding situation and proposed solution.

Atwater	10.80%	\$	994
Dos Palos	1.97%	\$	181
Gustine	2.04%	\$	188
Livingston	5.41%	\$	498
Los Banos	14.12%	\$	1,299
Merced	31.58%	\$	2,905
Merced Co	34.08%	\$	3,135
<b>Total</b>	<b>100.00%</b>	<b>\$</b>	<b>9,200.00</b>

Director Nelson supports the request from the Partnership for the funding.

The Technical Review Board had a split vote on the Partnership funding request. There were three yes votes – Greg Wellman, Dee Tatum, Margaret Silveira; and three no votes – Steve Rath, John Bramble, Darrell Fonseca. Richard Warne, City of Livingston, was absent.

**REQUESTED ACTION**

Direct staff to submit the Partnership request for funding support for FY 09-10 to member jurisdictions for consideration.

Attachments: Letter of April 3, 2009 from Mike Dozier, California Partnership for the San Joaquin Valley

**ITEM 16**

**MEMORANDUM**

**DATE: APRIL 8, 2009**

**TO: MCAG GOVERNING BOARD**

**FROM: JESSE B. BROWN, EXECUTIVE DIRECTOR**

**RE: MDSS FY 2007/2008 FINANCIAL AUDIT**

Enclosed for your review is the Fiscal Year 2007/2008 Financial Audit.

The Technical Review Board concurs with the requested action.

**REQUESTED ACTION**

Accept the FY 2007/2008 Financial Audit.

Enclosure: Fiscal Year 2007/2008 Financial Audit