

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

**September 18, 2008**

## **MINUTES**

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY** held on Thursday, September 18, 2008, at the City of Los Banos, Council Chambers, 520 J Street, Los Banos, California, was called to order by Chair Oliveira at 3:01 P.M.

### **DIRECTORS PRESENT**

Joan Faul  
Tommy Jones  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Jerald O'Banion  
Joe Oliveira  
Bill Spriggs

### **MEMBERS ABSENT**

Kathleen Crookham  
John Pedrozo  
Gurpal Samra

### **OTHERS PRESENT**

Ken Baxter, Caltrans  
Jesse Brown, MCAG staff  
Joy Gort, MCAG staff  
Robert Haden, Legal Counsel  
Larnold Jones, Merced County Transit – “The Bus”  
Marjie Kirn, MCAG staff  
Marisa Ploog, Atwater Elementary School District  
Corey Pride, Los Banos Enterprise  
Larry Shankland, Merced County Transit – “The Bus”  
Candice Steelman, MCAG staff

#### **4. Minutes of the August 21, 2008 Transit Joint Powers Authority for Merced County meeting**

Director Nelson moved to approve the minutes of the August 21, 2008 Transit Joint Powers Authority for Merced County.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

**5. Consider Adopting Suspension of Service Policy for Disruptive and Violent Behavior and /or Illegal Activity on all busses of Merced County Transit**

Larry Shankland gave a review of the “Service Suspension for Violent and Disruptive Behavior and/or illegal Conduct on Merced County Transit Vehicles”.

Director Faul suggested that cameras be placed on all buses to aid in verification and to uphold disciplinary actions. Director Faul also inquired if law enforcement gets involved and are charges pressed.

Director Kelsey asked how the appeals process is handled with this program.

Director Faul moved to approve and adopt the “Service Suspension for Violent and Disruptive Behavior and /or illegal Conduct on Merced County Transit Vehicles”.

Seconded by Director Kelsey.

**MOTION CARRIED UNANIMOUSLY.**

**6. Transit System Budget Issue: 2008-2009 FY**

Larry Shankland gave a brief report and distributed a copy of “Summary of Bus Service Budget Issues FY 2008-2009”. Issues are being brought to your attention due to a 43% reduction of monies being distributed to our area. What the actual amount will be depends on the state budget.

**7. Authorize the development of the Annual Transit Service Plan, Annual Transit Budget and Quarterly Performance Review with the Transit Subcommittee of the TJPAMC**

Larry Shankland gave an overview of current issues and would like to ensure accountability by meeting quarterly with a performance review committee. The TJPAMC would act as the performance review committee.

Director O’Banion moved to authorize and direct transit staff to work with the Transit Subcommittee of the TJPAMC in developing the Annual Transit Service Plan and Bus System Budget.

Seconded by Director Jones.

**MOTION CARRIED UNANIMOUSLY.**

Director O’Banion moved to appoint Director Mays to the TJPAMC subcommittee.

Seconded by Director Kelsey.

**MOTION CARRIED UNANIMOUSLY.**

Director Kelsey moved to appoint the Transit Subcommittee of the TJPAMC as the Transit Performance Review Committee for “The Bus” – Merced County Transit for the purposes of TDA transit performance measure review and audit compliance.

Seconded by Director Jones.

**MOTION CARRIED UNANIMOUSLY.**

**THERE BEING NO FURTHER BUSINESS OF THE TRANSIT JOINT POWERS  
AUTHORITY FOR MERCED COUNTY, THAT PORTION OF THE MEETING WAS  
ADJOURNED AT 3:20 P.M.**

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Joy Gort  
Administrative Assistant I

## **MCAg GOVERNING BOARD**

**September 18, 2008**

### **MINUTES**

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS GOVERNING BOARD** held on Thursday, September 18, 2008, at the City of Los Banos, Council Chambers, 520 J Street, Los Banos, California, was called to order by Chair Oliveira at 3:20 P.M.

#### **DIRECTORS PRESENT**

Joan Faul  
Tommy Jones (left at 3:53)  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Jerald O'Banion  
Joe Oliveira  
Bill Spriggs

#### **DIRECTORS ABSENT**

Gurpal Samra  
Kathleen Crookham  
John Pedrozo

#### **OTHERS PRESENT**

Ken Baxter, Caltrans  
Jesse Brown, MCAg staff  
Joy Gort, MCAg staff  
Robert Haden, Legal Counsel  
Larnold Jones, Merced County Transit – “The Bus”  
Marjie Kirn, MCAg staff  
Marisa Ploog, Atwater Elementary School District  
Corey Pride, Los Banos Enterprise  
Larry Shankland, Merced County Transit – “The Bus”  
Candice Steelman, MCAg staff

#### **8. Oral Report: Citizens Advisory Committee**

The CAC representative was not available to present the oral report for the CAC Advisory Committee.

**9. Consent Agenda**

- a. Minutes of the August 21, 2008 Governing Board meeting
- b. Corridor System Management Plan
- c. FY 2007/2008 Budget Revision – 6/30/2008

Director Nelson moved to approve the Consent Agenda.  
Seconded by Director Spriggs.

**MOTION CARRIED UNANIMOUSLY.**

**10. Information Only**

- a. Minutes of the September 10, 2008 Technical Review Board meeting
- b. Minutes of the August 26, 2008 IWMLTF meeting
- c. 2008 CRA Conference Overview
- d. San Joaquin Valley Regional Planning Agencies' Fall Policy Conference
- e. Disposal Ban – Home Generated “Sharps”
- f. Unmet Transit Needs Concept Report
- g. Draft Amendment No. 1 to the 2009 Interim Federal Transportation Improvement Program

Item 10g required a public hearing, which was not indicated on the agenda at time of circulation. A public notice had been circulated in the required format within the required time prior to the Governing Board meeting.

Director Jones moved to add the public hearing to item 10g on the agenda.  
Seconded by Director Mays.

**MOTION CARRIED UNANIMOUSLY.**

Public Hearing opened – 3:22 pm.

Public Hearing closed – 3:23 pm.

No comments were made.

**11. Oral Report - Caltrans**

Ken Baxter gave a brief report from Caltrans.

**12. SB 375 (Steinberg) – Transportation Planning: Travel Demand Models**

Candice Steelman gave a review of the SB 375 (Steinberg) – Transportation Planning: Travel Demand Models and provided a history and overview of SB 375. A letter of opposition was sent in February 2008, however, due to various amendments, staff had requested that the position be reviewed.

After discussion by the Governing Board, Director Mays moved to issue a letter stating a neutral position that includes a list of items that still remain an issue.

Seconded by Director O'Banion.

**MOTION CARRIED UNANIMOUSLY.**

**13. San Joaquin Valley COG Directors Policy Council – Valley Voice**

Candice Steelman explained that the San Joaquin Valley COGs Policy Council asked the Valley Legislative Affairs Committee to organize legislative visits to Sacramento and Washington, D.C. to discuss issues of Valley wide interest, including the trade corridors plan, Transportation Reauthorization bill, and establishing a special consideration area for the Valley. Each COG has been asked to send two elected officials and one staff member. MCAG is able to fund two Policy Council delegates and one staff member for hotel and meal expenses for a Sacramento legislative visit, however, there is no budget for a D.C Policy Council trip. Staff is asking that the Governing Board to choose a scenario from the following:

- A. The two representatives to the Policy Council, plus one staff person  
Cost: \$5,000
- B. One representative to the Policy Council, plus one staff  
Cost: \$3,400
- C. Two Policy Council representatives, no staff  
Cost: \$3,400
- D. One Policy Council representative, no staff  
Cost: \$1,700
- E. Send no one  
Cost: \$0

Director O'Banion moved to select option A and send two representatives to the Policy Council, plus one staff person to the San Joaquin Valley COG Directors Policy Council WDC trip.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

**14. Transportation Development Act – Fare Box Ratio Requirements**

Marjie Kirn reviewed the transit fare box requirements of the Transportation Development Act (TDA), including:

- 20% fare box ratio required for urban fixed route service;
- 10% fare box ratio required for rural service; and
- 10% fare box ratio required for dial-a-ride (DAR) service.

Marjie Kirn explained that a performance audit of The Bus reported that the system did not meet the required 10% fare box ratios for 2004/2005, 2005/2006, and 2006/2007 for the Dial-a-Ride service. She further explained that rider-ship is up 60%, and anticipates meeting the fare box requirements for 2007/2008.

Per TDA statues and regulations, there is a four-year cycle to implement penalties for not meeting the fare box ratio requirements, including:

- 1<sup>st</sup> year – is a one time grace year;
- 2<sup>nd</sup> year – is the non-compliance year;
- 3<sup>rd</sup> year – is the determination year; and
- 4<sup>th</sup> year – a penalty is implemented for the noncompliance year

If the MCAG Governing Board concurs with staff's recommendation regarding the 2004/05 fiscal year, the four-year cycle would begin in 2005/06 with the following calendar determination for the assessment of (if any) future penalties:

- 2005/06 – is the one time grace year;
- 2006/07 – is the non-compliance year;
- 2007/08 – is the determination year; and
- 2008/09 – a penalty is implemented for the noncompliance year.

The Dial-a-Ride transit services would need to meet a minimum of 14% fare box ratio in the current fiscal year.

An alternative option would be to combine all the non-urbanized service that is required to meet the 10% minimum fare box ratio. The non-urbanized service met the fare box ratio requirements for all of the years up until 2006/07 (fare box ratio – 8%). This would be considered the Grace Year and no penalties would be assessed.

Director Jones moved to combine all the non-urbanized/Dial-a-Ride service required to meet the 10% ratio and determine that the fare box ratio was not met for the 2006/2007 fiscal year which is considered the Grace Year under TDA.

Seconded by Director Kelsey.

**MOTION CARRIED UNANIMOUSLY.**

**15. Atwater-Merced Expressway CEQA Certification and Preferred Alternative Selection**

Jesse Brown stated that this item was continued from the agenda from last month to permit MCAG and Atwater Elementary School District in an attempt to resolve issues with their proposed school site. Based on staff work and cooperation with the school district we have resolved that particular issue. With the new alignment the school district can still move forward with the proposed school site. The DEIR will need to be re-circulated for a 45-day period.

Marisa Ploog from Atwater Elementary School District made a comment thanking the MCAG staff and the Governing Board for working closely with AESD and for finding a solution that would be supported by AESD.

Director Kelsey moved to continue this item to next months meeting.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

**16. Aerial Photography**

Rich Green gave an overview about aerial photography and how valuable a component it is to GIS. He asked if local jurisdictions would be interested in collaborating on updating aerial photos if this could be done at a reduced cost and data could be shared within each jurisdiction?

Director Faul moved to instruct staff to research options on obtaining aerial photographs that can be shared within each jurisdiction.

Seconded by Director Kelsey.

**MOTION CARRIED UNANIMOUSLY.**

**17. Applicants for the Integrated Waste Management Local Task Force**

Candice Steelman explained the function of the Integrated Waste Management Local Task Force and requested the Governing Board review the applications and if approved appoint the candidates to the LTF.

Director Kelsey moved to appoint Lila McIver as City Citizen-at-Large and Patti Dossetti as County Citizen-at-Large for the Integrated Waste Management Local Task Force.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

**18. Oral Report – Jurisdictions**

So noted.

**THERE BEING NO FURTHER BUSINESS OF THE MCAG GOVERNING BOARD  
THE MEETING WAS ADJOURNED AT 4:09 P.M.**

\_\_\_\_\_/s/  
Joy Gort  
Administrative Assistant I