

REGIONAL TRANSPORTATION COMMISSION

Transportation Policy Workshop

MINUTES

Thursday, June 17, 2004
9:00 am
SCCRTC Conference Room
Santa Cruz, CA 95060

Members Present: Jan Beautz Ellen Pirie
 Scott Kennedy Randy Johnson
 Michelle Hinkle (Alt) Dennis Norton
 Emily Reilly Tony Campos
 Pat Spence Mark Stone
 Mardi Wormhoudt Rich Krumholz (ex-officio) (Alt.)

Staff Present: Pat Dellin Tegan Speiser
 Karena Pushnik Kim Shultz
 Luis Mendez Gini Pineda
 Rachel Moriconi

1. Introductions

Introductions were made.

2. Oral Communications

3. Additions/Deletions to the Agenda

Commissioner Beautz asked to pull Item 6. Chair Johnson designated it as Item 13.1 on the Regular Agenda.

CONSENT AGENDA – (Reilly/Kennedy)

4. Accepted Minutes of the May 20, 2004 TPW Meeting

5. Accepted Legislative Status Report

6. Accept Information on Funding Transfers for the Highway 1/HOV Project Approval/Environmental Document (PA/ED) and Local Projects – Moved to Regular Agenda as Item 13.1

7. Accepted Information on Notice of Preparation and Scoping Meeting for the Environmental Impact Report on the Regional Transportation Plan
8. Approved Amendment to the FY03-04 SCCRTC Budget and Amendments to Contracts with the Highway 1 and Expenditure Plan on-Call Consultants to Extend the Terms and Increase the Expenditure Limits (Resolutions 45-04 and 46-04)
9. Approved Amendment to the FY03-04 SCCRTC Budget for Transportation Congestion Relief Act Exchange Funds to the City of Watsonville's Transit Center Daycare Facility (Resolution 47-04)
10. Accepted Miscellaneous Public Comments

REGULAR AGENDA

11. Update on the 2004 State Transportation Improvement Program (STIP)

Deputy Director Pat Dellin gave an oral report stating that Senior Planner Rachel Moriconi was working with the California Transportation Commission (CTC), the Commission's legislative assistants, SCMTD and the SCMTD's legislative assistants to support including the MetroBase and Highway 17 projects in the 2004 State Transportation Improvement Program (STIP). She said that a letter writing and phone campaign to contact CTC representatives was underway.

12. Approve Staff Recommendations Regarding Expenditure Plan and Ordinance for Local Transportation Sales Tax Measure

Deputy Director Pat Dellin said that there were several specific issues to discuss in the Expenditure Plan and Ordinance and suggested that following discussion of those issues, Commissioners go through the ordinance page by page with comments and questions. The issues to be discussed were identified as: the amendment process, the Independent Audit Committee, administrative roles and environmental review.

County Counsel Rahn Garcia addressed the amendment process and the two alternative language proposals, but said he had concluded that any amendment to the Expenditure Plan needed to be approved by a 2/3rd vote of the people. Mr. Garcia said that, typically, self-help funding counties have relied upon a general initiative law to place a sales tax measure on the ballot. He said under a general initiative law an amendment provision could be incorporated into the ordinance, but that the County of Santa Cruz is using a revenue and taxation statute that does not include provisions for amendments and requires that voters approve both the tax and the ordinance by a 2/3rd majority vote.

Deputy Director Dellin reported that the Expenditure Plan Subcommittee discussed the composition of the Independent Audit Committee, how members would be selected, what groups should nominate members and what professional expertise should be required. A revised proposal regarding an Independent Audit Committee was presented to

Commissioners in the replacement pages for the Proposed Final Expenditure Plan and Ordinance, revised June 16, 2004.

Commissioners agreed that no elected officials should be on the auditing committee. Commissioners discussed staffing the committee and the length of time a member could serve on the committee. Commissioner Wormhoudt noted that nominating groups needed to be asked if they were interested in participating. Commissioner Beautz said she wanted something in writing to indicate a group's interest in participating. Commissioners emphasized that the actual audits would be done by auditors and that the purpose of the Committee was to oversee annual financial audits, allocations and expenditures of revenues.

Eileen Goodwin, Apex Strategies, presented a summary on how some other communities formed their citizen oversight committee.

Auditor-Controller Gary Knutson pointed out that some of the nominating groups named may not be in their present form 30 years from now and that it might be a good idea to add language that successor organizations or other organizations as approved by the HCA are allowed to follow the original groups and provide members to the committee.

Regarding administrative roles, Deputy Director Dellin said that the Expenditure Plan Subcommittee had discussed some changes which had been incorporated in the final draft ordinance and Expenditure Plan. With these changes, the Auditor-Controller would collect and distribute all sales and use tax measure funds and establish a new fund in the County Treasury specifically for the "Measure X Regional Transportation Fund". Ms. Dellin said that the Commission would continue to allocate any Measure "X" funds not directly allocated to the Highway Authority or to local jurisdictions.

Ms. Dellin said that the Auditor-Controller would be authorized to distribute up to 1% of the annual net amount of revenue raised by the tax measure for administrative expenses, audits and other implementation and oversight responsibilities.

Regarding environmental review, Ms. Dellin said that since all the projects included in the Expenditure Plan were examined in the Environmental Impact Report for the 2001 Regional Transportation Plan (RTP), an addendum to the RTP has been prepared to address the California Environmental Quality Act (CEQA) requirements.

County Counsel Rahn Garcia said that the addendum has to be certified before the Board of Supervisors can place the Expenditure Plan on the ballot.

Commissioners discussed options for meeting times to consider the addendum along with the final Expenditure Plan and Ordinance language. A special meeting of the Commission on July 27, 2004 at 9:00 am at the Board of Supervisors Chambers was agreed upon by consensus.

Returning to the subject of the amendment procedure, Commissioner Wormhoudt noted that there were two references to amendments being made by a vote of the people in the ordinance.

Commissioner Beautz moved to approve the amendment process as indicated in the ordinance. Commissioner Pirie seconded and the motion passed unanimously.

Commissioners began an in-depth discussion about the Independent Audit Committee. Commissioner Wormhoudt agreed with the categories of representation as stated in the ordinance but objected to limiting participation to specific organizations. She said the committee members should be appointed by the Commission.

Commissioners clarified that the audit committee would not be making decisions about the Expenditure Plan or the distribution of money.

Commissioner Johnson asked Auditor-Controller Gary Knutson to further explain his suggestion about determining successor organizations.

Mr. Knutson said that most audit committees are about governance and that most ordinances include categories for the committee which consists of about 5 members. He said that language could be added to the ordinance saying that members could be appointed as follows with their concurrence or successor organizations as approved.

Commissioners discussed how many people need to be on the committee, what areas of expertise should be represented, who decides the composition of the committee, whether the Commission should or should not appoint the membership and if the concurrence of the cities should be required.

Commissioner Pirie made a motion to accept the composition and structure of the Independent Audit Committee as written in the revised ordinance with language that says the committee shall consist of members appointed by the named entity, the successor entity or if it ceases to exist, an alternative entity appointed by the Commission. Commissioner Beautz seconded with the addition that written acceptance from the participating nominating groups be obtained.

The motion passed with Commissioners Kennedy, Wormhoudt and Reilly voting "no".

Deputy Director Dellin asked Commissioners to consider the division of administrative roles. Commissioner Kennedy moved to accept the Expenditure Plan Subcommittee and staff recommendations as reflected in the revised ordinance regarding the sharing of roles and division of responsibilities between the Auditor-Controller and the SCCRTC. Commissioner Wormhoudt seconded and the motion passed unanimously.

Commissioner Wormhoudt moved to approve the Maintenance of Effort provision as described in the revised ordinance which states that each local jurisdiction will maintain their existing commitment of local funds for street, highway and public transit purposes and that sales tax revenues will be used to supplement existing local revenues.

Commissioner Kennedy pointed out that in the short term the City of Santa Cruz cannot maintain its efforts and that this clause does not address this or similar situations.

Assistant CAO Pat Busch agreed that the phraseology may be inappropriate for the economic times.

Commissioner Wormhoudt withdrew the motion.

Eileen Goodwin, Apex Strategies, commented that typically in good times this would be a big issue and very important so as to prevent a bait and switch scenario, but in these harder economic times it might be more appropriate to make the gist of the provision be that the sales tax revenue is to augment money a city would use for transportation projects and to concentrate on the intent of the provision.

Commissioner Pirie made a motion to revise provisions under maintenance of effort to require all agencies to continue their statutory commitments, with final language to be determined by County Counsel. Commissioner Kennedy seconded and the motion passed unanimously.

Commissioner Kennedy moved to schedule a public meeting to approve the environmental review of the Expenditure Plan as part of the July 27th Regional Transportation Commission meeting. Commissioner Beautz seconded and the motion passed unanimously.

Commissioners began to discuss the ordinance page by page.

After discussion about changes to the preamble proposed by Commission Alternate Quintanilla, Commissioner Pirie moved to strike the preamble.

After further discussion about whether the preamble was necessary, if it would be read by voters and if the summary and purpose statements in the ordinance itself were sufficient to explain the ordinance, Commissioner Reilly seconded the motion. The motion passed unanimously.

Regarding the description of the Highway 1 project on page 12-21, Commissioner Kennedy moved to strike the words “during peak periods” and substitute “public transit” for “buses”.

Discussion ensued about what “peak periods” could mean. Commissioner Beautz noted that the revised language would not allow the lane to be used as a free flow lane. Commissioner Reilly said that not including the phrase could give the wrong impression. Commissioner Kennedy withdrew his motion.

Commissioner Pirie moved to strike the word “exclusive” describing the use of the lanes page 12-21.

Assistant County Counsel Rahn Garcia said that the concept is that use of a carpool lane may include carpools, public transit, and emergency vehicles.

Rich Krumholz, Caltrans District 5, said that Caltrans has HOV guidelines developed in consultation with the California Highway Patrol.

There was no second to the motion.

Commissioner Kennedy moved to bring back proper language to the July 27th meeting after consulting with Caltrans. The Commission agreed by consensus.

Commissioner Kennedy said that there was a major flaw on page 12-24 to suggest that there were funds available for acquisition of the rail line and were not limited to improvements for a bicycle / pedestrian trail.

Eileen Goodwin, Apex Strategies, noted that the termination date should be when money from the State Board of Equalization stops being collected, as it sometimes comes in late.

Commissioner Kennedy moved to make sure that the termination date ensures sufficient time for the distribution of funds. Commissioner Beautz seconded and the motion passed unanimously.

Staff indicated that the revised final ordinance and expenditure plan will be brought back to the Commission for its approval at the July 27th meeting.

13. Approve Staff and Consultant Recommendations Regarding a Public Education and Outreach Effort for the Local Transportation Sales Tax Measure Expenditure Plan

Deputy Director Pat Dellin gave the staff report saying that Commissioners have been provided with three scenarios outlining the scope and levels of various public education programs. Ms. Dellin said that feedback from Commissioners was important so that staff could return in August with a proposed plan for public information.

Eileen Goodwin talked about the three levels of public education effort that basically correlate to staff and Commission time and to budget constraints.

Commissioners discussed the memo from an attorney describing rules for public agency officials and employees in connection with ballot measure campaigns.

Commissioner Wormhoudt asked if public officials applied to Commissioners. County Counsel Rahn Garcia said he would have to research this further. He defined employees as staff during work hours.

Commissioner Wormhoudt noted that there is a fine line between informational and promotional material.

Senior Planner Tegan Speiser asked if there was a distinction between communicating information about the Expenditure Plan and the ballot measure itself. Mr. Garcia reiterated that the key is whether the information given is purely informational or if it crosses the line to advocacy.

Commissioner Spence suggested getting labor unions to get the information out.

Eileen Goodwin said that the focus for today is to understand what role the Commission sees for itself and for staff and how much staff support is necessary.

Commissioner Beautz said that if Commissioners speak it should be on their own time and that they should not use staff for their presentations. She said that staff should set up a speaker's bureau to arrange the appearances. Ms. Beautz recommended that Commissioners speak on their own without PowerPoint but that there should be written information and a list of frequently asked questions.

Commission Alternate Quintanilla asked that staff put together a PowerPoint presentation.

Commissioner Pirie recommended a mailing to all households but said there may not be the resources to do it.

Paul Elerick said he thought the public information forums should be sponsored by the Business Council.

Commissioner Johnson suggested emailing Deputy Director Dellin with ideas.

13.1 Accept Information on Funding Transfers for the Highway 1/HOV Project Approval/Environmental Document (PA/ED) and Local Projects – Formerly Item 6

Commissioner Beautz moved to approve the Item. Commissioner Campos seconded and the motion passed unanimously.

14. Next Meetings / Adjournment

A special meeting of the SCCRTC will be held Tuesday, July 27th at 9:00 am at the Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz, CA 95060.

The next regular Commission Meeting will be held Thursday, August 5, 2004 at 9:00 a.m. at the Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz, CA 95060.

The next Transportation Policy Workshop will be held Thursday, August 19, 2004 at 9:00 a.m. at the RTC Office, /1523 Pacific Avenue, Santa Cruz, CA.

Respectfully submitted,

Gini Pineda, Staff

ATTENDEES

Marcela Tavantzis	SCMTD
Bob Yount	MASTF/MAC
Pat Busch	CAO Office
Gary Knutson	Auditor-Controller
Maria Esther Rodriguez	City of Watsonville
Piet Canin	Bike to Work
Donna Ziel	Commission Alternate
Paul Elerick	CFST
Rahn Garcia	County Counsel
Eileen Goodwin	Apex Strategies
Edenilson Quintanilla	Commission Alternate