

Agenda Item: 3.1

FINAL MINUTES

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY
EXECUTIVE COMMITTEE MEETING**

*Members are: Frank Sollecito. (Chair),
Lou Calcagno (1st Vice Chair), Steve Villegas (2nd Vice Chair),
Dave Potter (Past Chair), Simón Salinas (County representative),
Sue Kleber (City representative)*

Wednesday, October 7, 2009

*****9:00 a.m.*****

Transportation Agency Conference Room
55-B Plaza Circle, Salinas

1. **CALL TO ORDER:** Chair Sollecito called the meeting to order at 9:00 a.m. Board members present: Calcagno, Kleber, Potter, Salinas, Sollecito and Villegas. Staff present: Bachman, Cook, Goel, Hale, Rodriguez, Watson and Agency Counsel Blankenship. Others present: Yaz Emrani, Monterey County Public Works Director; John Arriaga, JEA & Associates; and Paul Schlesinger, Alcalde and Fay, via telephone.
2. **PUBLIC COMMENTS:** None.
3. **CONSENT AGENDA**

On a motion by Board member Salinas and second by Board member Potter the committee voted 6 – 0 to approve the consent items as follows:

- 3.1 Approved enclosed minutes from the Executive Committee meeting of September 2, 2009. – Rodriguez
- 3.2 Received the call for nominations for the eighth annual Transportation Agency Excellence awards to honor individuals, businesses, groups or projects for their efforts to improve the transportation system in Monterey County.

END OF CONSENT

4. **RECEIVED** report on 2009 federal legislative activities, and **DISCUSSED** issues for the draft 2010 Legislative Program.

Federal legislative analyst Paul Schlesinger attended the meeting via teleconference. He discussed the achievements in 2009 federal transportation legislation. He noted that the fiscal year ended on September 30 with no federal transportation authorization bill. The existing act is likely to be extended by 3 to 18 months. In the meantime, everyone is operating under a continuing resolution, which keeps funding levels at those set in the prior authorization bill. He also noted that the transportation appropriations bill is still being negotiated. The House version contains one earmark from Congressman Farr, \$800,000 for the Monterey Bay Sanctuary Scenic Trail. Mr. Schlesinger highlighted the following 2010 issues: seek earmarks for priority projects, raise or index the gas tax to keep up with inflation, maximize transit funding from the climate change legislation, and identify additional funding sources above and beyond the gas tax for maintenance and operations on the existing transportation network.

Debbie Hale, Executive Director, noted that in the climate change bill, the Agency would like to see no new planning requirements above what is required by California law, and increased funding for alternative transportation modes.

5. **RECEIVED** report on 2009 state legislative activities and discussed issues for the draft 2010 Legislative Program.

John Arriaga, JEA & Associates, gave an update on 2009 state legislative activities. He reported that the state has held five special sessions so far and that the Governor has threatened to veto all bills on his desk if there is no resolution to his main issues of energy, prisons and water. The Governor has a deadline of October 11 to sign or veto the bills.

Mr. Arriaga highlighted the following 2010 issues: the ongoing state budget shortfall and the need to protect transportation funds; possible consolidation of the High Speed Rail Commission with the Caltrans Division of Rail; sponsorship of a bill that would allow the funds from the sale of excess right-of-way from the former Prunedale Bypass project to be spent on the US 101 - San Juan Road project.

6. **RECOMMENDED** that the Transportation Agency for Monterey County **APPOINT** Fernando Armenta and Karen Sharp as the Nominating Committee to meet and return to Board of Directors on December 1, 2009 with recommendations for Board Chair, 1st Vice Chair, 2nd Vice Chair, and Executive Committee to serve one-year terms beginning upon their election through the next election of officers at the close of the December 1, 2010 Board meeting.

Rita Goel, Director of Finance & Administration, reported that Agency Bylaws require the election of officers at the close of December meeting. The Executive Committee includes the Chair, 1st Vice Chair, 2nd Vice Chair, the immediate past Chair, a City and a County voting Board member.

7. **CLOSED SESSION:** Pursuant to Government Code section §54956.9(b), the Executive Committee will confer with legal counsel regarding one item of significant exposure to litigation.

Agency Counsel Blankenship reported that a closed session was not necessary.

8. Regarding Legal Review of Local Transportation Fund Apportionments:

RECEIVED report on independent counsel legal opinion on the Agency's apportionment of Local Transportation Funds to the County of Monterey, and **PROVIDED** direction to staff on Local Transportation Fund allocations based on the legal opinion.

Andy Cook, Associate Transportation Planner, reported that at the Board's request, the Agency secured the legal services of Berliner-Cohen to prepare an outside legal opinion on the Agency's apportionment of the Local Transportation Funds to the County of Monterey as relates to how to count the population of the Salinas Valley State Prison and Gabilan Camp in the City of Soledad. Staff has received that opinion, which states that TAMC is properly including those populations in the County's unincorporated population for the purpose of local transportation fund apportionment. The definition of area in that subsection as "the area including" CTF refers to the entire parcel of land annexed by the City pursuant to that statute and LAFCO approval. The annexation was not of a prison but of that land upon which that prison, as a whole, is situated.

Executive Director Hale noted that the City of Soledad received a copy of the opinion, but has not yet responded. She also discussed the opinion with TAMC Board Alternate Gary Gerbrandt.

Board member Calcagno noted that this matter was handled fairly and professionally. Board member Potter noted that this independent opinion was consistent with the TAMC Counsel's previous opinion.

9. **RECEIVED** report on draft agenda for TAMC Board meeting of October 28, 2009.

Executive Director Hale reviewed the draft agenda. She reported that staff would be asking the Board to adopt light rail as the locally preferred alternative for the Monterey Branch Line transit corridor. Staff will also be asking the Board to amend resolutions 2009-10 and 2009-11 to allocating Local Transportation Funds to South Monterey County jurisdictions for public transit, streets and roads projects and other eligible purposes, consistent with the independent legal opinion confirming the agency's prior apportionment of funds.

10. **ADJOURNMENT:**

Chair Sollecito reminded the Board members to submit their Executive Director and Counsel evaluation forms to him and adjourned the meeting at 10:00 a.m.

Respectfully Submitted,

Elouise Rodriguez, Senior Administrative Assistant