

FINAL MINUTES

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY
SERVICE AUTHORITY FOR FREEWAYS EMERGENCIES AND MONTEREY
COUNTY REGIONAL DEVELOPMENT IMPACT FEE
JOINT POWERS AGENCY**

EXECUTIVE COMMITTEE MEETING

*Members are: Jane Parker (Chair),
Kimbley Craig (1st Vice Chair), Fernando Armenta (2nd Vice Chair),
Jerry Edelen (Past Chair),
Dave Potter (County representative), Alejandro Chavez (City representative)*

Wednesday, October 1, 2014

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

Transportation Agency Conference Room
55-B Plaza Circle, Salinas

1. **CALL TO ORDER:** Chair Parker called the meeting to order at 9:00 a.m. Board members present: Chavez, Craig, Edelen, and Potter. Staff present: Goel, Hale, Leonard, Muck, Rodriguez, and Watson.
Others present: Agency Counsel Reimann and Sam Teel, MCHA. Committee member Armenta arrived after approval of the consent agenda.
 2. **PUBLIC COMMENTS:** None.
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3. **CONSENT AGENDA:**
On a motion by Board member Potter and seconded by Board member Craig, the committee voted 5 – 0, to approve the consent agenda.
 - 3.1 **APPROVED** minutes from the Executive Committee meeting of September 3, 2014.
 - 3.2 **RECEIVED** information on cap and trade funding program guideline comments.
 - 3.3 **RECEIVED** the call for nominations for the thirteenth 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. 2015 Legislative Program

The Committee reviewed and discussed the draft 2015 Legislative Program. On a motion by Committee Member Potter, seconded by Committee Member Chavez, the Committee voted 6 – 0 to approve the draft 2015 TAMC Legislative Program with modifications.

Christina Watson, Principal Transportation Planner, presented the draft 2015 Legislative Program, noting that the purpose of the legislative program is to set general principles to guide staff and Board responses to proposed legislative or budgetary issues. The program also notifies state representatives of the Transportation Agency's position on issues of key importance to the agency.

Committee Member Potter requested that an item be added to the draft program seeking funding for transit-oriented development projects. Chair Parker asked that it also include active transportation projects. Executive Director Hale noted that staff would also add an item seeking a waiver to the 2% state cap on local transportation sales taxes.

5. State Legislative Analyst/Advocate Contract

On a motion by Committee Member Armenta, seconded by Committee Member Potter, the Committee voted 4 – 2 to recommend that the Board:

1. Authorize the Executive Director to execute a contract with JEA & Associates, in an amount not to exceed \$30,000, to provide state legislative analyst/advocate services, for one year;
2. Approve the use of local funds budgeted to this purpose;
3. Authorize the Executive Director to make administrative changes to the contract if such changes do not increase the Agency's net cost, subject to approval by Agency counsel; and
4. Direct staff to develop a performance evaluation protocol for this contract and provide feedback to the Board in six months and one year.

Christina Watson, Principal Transportation Planner, reported that TAMC released a Request for Qualifications for state legislative analyst/advocate services in July 2014. Four statements of qualifications were submitted. Interviews were held with three firms on August 25, 2014. Staff recommended selection of Nossaman due to their impressive legislative expertise in transportation issues and their ability to do grant-writing for the Agency and provide limited federal support as well. The Agency budget set aside local funds in fiscal year 2014/15 totaling \$30,000 for state legislative assistance services and \$5,000 for federal legislative assistance services. Staff proposed setting up a contract with Nossaman for state and federal legislative assistance, for one year and the option for two one-year renewals, for a total cost of \$35,000 per year.

Committee Member Potter noted that the current state legislative consultant, JEA & Associates, has served the Agency well, and that the Agency should assess their work

prior to terminating their contract. He also noted that the County legislative platform includes TAMC priorities in order to assist the Agency with federal legislative efforts.

Mr. Armenta expressed his disagreement with the staff recommendation and the RFQ process. He requested that Board Members be involved in the process of reviewing submittals and interviews. He also requested a performance review of the contract and a full Board discussion on the evaluation process. He expressed his belief that an extension of the contract with JEA & Associates would be best for the Agency.

Counsel Reimann clarified that the current contract with JEA & Associates has expired and that it is a new contract that is under consideration, rather than a termination or an extension of an existing contract. Mr. Edelen said that an evaluation process assumes that the consultant is expected to retain the job, similar to an employee, rather than giving all consultants the chance to compete for the work. He noted that the staff recommendation of a one-year contract would allow the Agency to go back to JEA & Associates if Nossaman is not performing well.

Chair Parker stated her concerns related to not selecting the top-ranked firm. She also noted that the state is implementing new and complex funding programs for transportation and that Nossaman has more expertise in these programs and could help the Agency to understand these new programs and secure funding for Agency projects.

Mr. Armenta made a motion for a one-year contract with JEA & Associates with performance measures. Mr. Potter seconded the motion.

Ms. Craig requested that the motion be clarified. Mr. Potter modified the motion to include a six-month and one-year review of the contract, and an option to extend the contract with the approval of the Executive Committee. Chair Parker summarized the motion on the table:

- 1) New one-year contract with JEA & Associates;
- 2) New process of evaluation;
- 3) Six-month review; and
- 4) One-year review.

The vote was called, and Members Potter, Armenta, Craig and Chavez voted in favor. Chair Parker and Member Edelen dissented.

6. **RECEIVED** verbal update on the Caltrans audit.
Executive Director Hale reported that the Caltrans Audit focused the need to update or develop policies for request for qualifications, administering contracts, contract management, construction management, change order and financial and accounting policies. She noted that a key issue is how much money could be requested for repayment, noting the amount has not been finalized. Staff has disputed the rationale Caltrans used to determine the proposed payback amount, and is working with Caltrans to reduce the amount required to be paid back.
7. **RECEIVED** a report on the draft agenda for TAMC Board meeting of October 22, 2014.
Executive Director Hale highlighted the draft TAMC Board agenda for October 22, 2014. She reported that staff added to the TAMC agenda item 1.1, "Additions or Corrections to the agenda" per Board member request. She noted that at the request of the Executive Committee the State Legislative Analyst/Advocate Services would be moved to the regular agenda with the recommendation as modified.
8. **ADJOURNMENT**
Chair Parker adjourned the meeting at 10:40 a.m.


Elouise Rodriguez, Senior Administrative Assistant