

**SPECIAL MEETING OF THE LASSEN COUNTY TRANSPORTATION
COMMISSION**

March 14, 2017

(1) CONVENE:

LCTC's Special Meeting convened at 4:03 PM by Chairman Garnier, in the Lassen County Board of Supervisors Chambers at 707 Nevada Street, Susanville, CA.

Commissioners Present: Albaugh, Garnier, Wilson, Hemphill, Teeter, and Franco (alternate).

Commissioners Absent: DeBoer.

Others Present: Kelly Zolotoff, Tamara Rich, Ian Howatt, Caltrans; Dan Newton, Jared Hancock, City of Susanville; Ron Leal, Paratransit; Tony Shaw, Larry Millar, David Knaut, Bob Burns, Lassen County; Richard Egan and Cheryl Strange LCTC Staff.

1.1 Convene: 4:03 p.m.

(2) CORRESPONDENCE / PUBLIC COMMENT

2.1 Correspondence: None.

2.2 Public Comment: None.

(3) REPORTS

3.1 Reports by Caltrans, CHP, City of Susanville, Executive Secretary, and LCTC Staff: None.

(4) NEW BUSINESS

4.1 State Transportation Improvement Program (STIP) Amendment: Mr. Egan reviewed information as provided in packets and offered some background facts and statistics regarding City and County projects and division of funds allocation.

Mr. Egan referenced a meeting between Mr. Millar, Mr. Shaw, Mr. Hancock and Mr. Newton discussing City and County issues and project priorities.

Ms. Garnier reviewed the list of options.

Mr. Albaugh asked if Caltrans could offer comment and suggestions.

Ms. Zolotoff commented on the current state of the STIP and stated that she is not aware that any extensions beyond twenty years and that funds may need to be repaid if not completed. She said that CTC looks unfavorably on unfinished projects and could affect future funding.

Mr. Albaugh asked how much money may need to be returned and the division between City and County. Mr. Egan referenced information in packets. Ms. Zolotoff commented that any return in funds would be negotiated between FHWA and the County, as funding is set up through the County. She further commented that a project going over the twenty year completion mark is unprecedented, so there is no way of knowing how those negotiations would go, but that they have asked for funds back on other uncompleted projects. She said returned funds could not come from project funds.

Mr. Franco asked when ground needs to be broke to avoid missing the deadline. Ms. Zolotoff said all allocation request paperwork would need to go to CTC in August 2018, and contract award would be 6 months after allocation.

Discussion was held regarding timelines and duties left to be completed by County and Caltrans who both said that they would have everything ready to proceed within the timelines.

Mr. Wilson asked for clarity regarding the resolution. Mr. Egan said that CTC has advised City and County staff to perform contradictory to CTC guidelines, but are unwilling to put it in writing. Mr. Wilson asked if the CTC staff was aware of the twenty year mark. Mr. Newton confirmed that Mitch Weiss with CTC was aware of the timeframe, supportive of pushing the projects back one year, and would provide a staff report with his recommendation. He stated that based on his experience, once CTC staff support is achieved, that it will pass through.

Discussion was held regarding CTC protocol and future funding options.

Mr. Shaw commented that CTC guidelines should be followed in case of CTC staffing changes. Mr. Egan recommended sending a memo to Mr. Weiss confirming his recommendations.

Mr. Egan suggested considering keeping RSTP funds in reserve for the Skyline project. Mr. Newton said that the City has relied on those funds for over twenty years and asked that if the Commission decides to do that, to let him know as soon as possible.

Discussion was held regarding City projects included in the STIP and that the postponed projects have the potential for future funding.

Mr. Hemphill moved, and seconded by Mr. Franco to sign Resolution 17-07 as presented.

Discussion was held regarding where money will come if timelines cannot be met and it is asked to be returned. Further discussion was held confirming that by signing the resolution the commission is accepting the risk.

Ms. Zolotoff said that a time extension is an option, but that it would be difficult.

Mr. Hemphill withdraws his motion.

Mr. Hancock commented that even though it goes against guidelines, Mr. Weiss recommended approving the resolution as written, to allow additional time for all parties.

Mr. Howatt said that if a choice is made to stop a project, not due to significant reason, FHWA will seek fund repayment from the State; then it is up to the State to recoup funds from the Agency. He said that FHWA will not look favorably upon this unprecedented event and that a Corrective Action Plan would have to be determined between headquarters and the District. He said he doesn't know how FHWA will look at this situation for future funding.

Mr. Egan asked if repayment is requested, would negotiations be separate for City and County. Mr. Howatt said that it is one project number and one negotiation with the County.

Discussion was held confirming that the project has switched between City and County, but has retained the same FHWA project number.

Mr. Wilson asked if signing the resolution would be looked at as positive or negative action. Mr. Howatt stated that from his perspective, it would be positive.

Mr. Hancock stated that TCR reports are lower than when the Skyline East project started alleviating the immediate need there once was. He suggested that the project be re-scoped into phases. He also mentioned that the Skyline South project time clock has not started and is in no danger at this time.

Mr. Millar said that he looked into cutting the project into two phases and that was not possible due to the scope of work. He said he was able to cut \$200,000.00 in construction costs.

On a first by Mr. Teeter, second by Mr. Franco, it was passed to adopt Resolution 17-01, amending the STIP and authorizing the Executive Secretary to execute and submit all documents necessary to amend the STIP on behalf of the Lassen County Transportation Commission (LCTC).

By roll call, Commissioners Wilson, Hemphill, Garnier, Teeter, and Franco voted "Aye", Albaugh voted "No"

4.2 Contract for Services between Lassen County and the Lassen County Transportation Commission: Mr. Egan reviewed information as provided in packets and asked for questions.

Mr. Wilson suggested a 90 day termination date. Mr. Albaugh mentioned the time needed to recruit a consultant.

Mr. Wilson suggested a sub-committee consisting of outside independent counsel, County and City staff, and City and County Commission representation to help draft an RFP.

Mr. Franco asked who would normally handle the recruitment. Mr. Wilson replied that the County is currently in that position.

Mr. Egan reminded the Commission that the contract can be terminated by either party with 90 day notice, and that the County is bound to provide services during those 90 days.

Mr. Wilson confirmed that the County staff can assist with getting the RFP circulated, but that the Commission should have its own representation at that point.

Mr. Albaugh commented that this will take a lot of money and potentially from the constituents in the form of road funds, but at the same time it is apparent to him the divisiveness that is felt between the two entities. He hopes this is a move forward and best for all parties involved.

Mr. Teeter commented that he heard this body has always been a problem in the way it is fashioned and constituted, but he doesn't like the idea of reaching outside of the region. He said from his experience, that they don't always recognize the actual reality on the ground. He further commented that he would defer to those on the board if they feel that the separation is necessary.

Mr. Franco recalled similar rivalries between City and County when serving on the Air Pollution Board and that changes made there were positive. He reminded the Commission that they are separate from City and County and that the time has come to split and recognize itself as an independent Commission.

Ms. Garnier said she didn't realize that there was a faction between City and County, but that there was just difficulty in trying to communicate the wants and needs of the Commission. She wants to see some expertise in some areas and thinks this is a good decision to move forward for the time being.

On a first by Mr. Albaugh, second by Mr. Hemphill, it was unanimously passed to notify Lassen County of Termination of the Agreement between Lassen County and the Lassen County Transportation Commission effective June 30, 2017.

Commissioners Wilson, Hemphill, Garnier, Albaugh, Franco (alternate), and Teeter all voted "Aye".

Mr. Egan clarified the termination date of June 30, 2017. Mr. Albaugh suggested the option of an extension until recruitment is found if needed. Mr. Egan said that the extension was not unilateral and that his recommendation to the Board of Supervisors will be to make a clean break at the end of the fiscal year.

Discussion was held regarding the timely nature of the contract term and how representation will be formed for the Ad Hoc Committee. Mr. Hemphill and Mr. Wilson volunteered to act on behalf of City and County. Mr. Wilson suggested leaving the Committee to appoint independent legal counsel and the need to authorize funds. Mr. Egan reminded the Commission that they are still under contract until the end of the fiscal year, and that they already have counsel and independent counsel.

Mr. Burns reminded the panel about the Brown Act. Mr. Egan elaborated that this item is for the contract, and that any other discussion needs to be on a future agenda.

Mr. Hemphill asked if they can set up the committee and meet with counsel to write up the RFP. Mr. Burns replied that they could.

Ms. Garnier confirmed that the Ad Hoc Committee consists of Mr. Hemphill and Mr. Wilson. Mr. Wilson said that when the Committee decides to meet that they will notify her.

(5) OTHER BUSINESS

5.1 Matters brought forth by the Commission: None.

5.2 Set date for the next Regular Commission Meeting for April 10, 2017

5.3 Adjournment: 5:35 p.m.