

**MINUTES OF A REGULAR MEETING OF THE CALAVERAS COUNCIL OF GOVERNMENTS
COUNTY OF CALAVERAS, STATE OF CALIFORNIA
November 2, 2011**

Council Members Present: Gary Tofanelli, Tom Tryon, Elaine Morris, Paul Stein, Diane Gray
Scott Behiel

Council Members Absent: None

Alternates Present: Carol Ann McDaniel

Staff Present:

Melissa Eads – Executive Director
Melissa Raggio – Sr. Administrative Analyst
Elle Runyan – Clerical Assistant

REGULAR MEETING WAS CALLED TO ORDER AT 6:30 P.M. BY CHAIR MORRIS

Copies of handouts and meeting videos are available at the CCOG office.

CORRECTIONS AND CLARIFICATIONS TO THE AGENDA:

Items pulled for discussion:

Consent Agenda Item 4a. by Carol Ann McDaniel

Consent Agenda Item 4c. by Jamie Azarvand

CONSENT AGENDA

1. Minutes of October 5, 2011 Regular Meeting - **ACTION**
2. FY 2011/12 Quarterly Overall Work Program (OWP) Report - **ACTION**
3. Calaveras Council of Governments 2012 Meeting Schedule - **ACTION**
4. Correspondence
 - a. Public Member Recruitment Notice
 - b. Transportation Planner Recruitment
 - c. Press Release: Stuff the Bus Food Drive

Approval of the Consent Agenda Without Item Nos. 4a. & 4c.:

Moved: Tryon

Second: Tofanelli

Abstain: Behiel

Approved: 6-0-1-0

CONSENT AGENDA ITEM NO. 4a. DISCUSSION:

- Carol Ann McDaniel, CCOG Alternate Public Member, commented that she thought the JPA reduction of term to two years for public members was a mistake, since it is such a large learning curve for this Council. A three year period was a more sensible term.

Approval of Consent Agenda Item No. 4a.:

Moved: McDaniel

Second: Tofanelli

Approved: 7-0-0-0

CONSENT AGENDA ITEM NO. 4c. DISCUSSION:

- Jamie Azarvand, Transit Manager, reported that Calaveras Transit is partnering with the Resource Connection Food Bank for a “Stuff the Bus” campaign. A bus parked in front of 8 different local grocery stores will be hopefully filled by shoppers during three weekends. Approximately 3,000 lbs were collected in the first weekend of the Stuff the Bus Food Drive at Murphys, Arnold and San Andreas - plus \$900 in donations! Volunteers are appreciated for the next two events.

Approval of Consent Agenda Item No. 4c.:

Moved: Gray

Second: McDaniel

Approved: 7-0-0-0

REGULAR AGENDA

5. PUBLIC COMMENTS

- Terry Weatherby, Engineer with the Mokelumne Hill Town Hall project, stated the project is 90% complete. Would like assistance from the CCOG to move the process along. Director Garcia responded that the Carlton Contract would be brought to the Board of Supervisors at their next meeting. Mr. Weatherby stated he would be in contact with them after contract is approved.

6. CALTRANS REPORT

- John Gedney, Caltrans District 10, gave the following updates:
 - Poole Station Intersection project: Will remove trees in the next few weeks, installing a right-of-way fence; getting ready for winter suspension.
 - 12/26 Intersection project: To clarify a question on costs: [Section was undecipherable.]
 - Local Assistance Contact, Jasmine Noriega has transferred to another division and our new representative is Benjamin Tam.
- Council Member Tofanelli thanked whoever had the foresight at Caltrans for creating the bypass around construction on Highway 26 near Ospital Road so traffic could flow smoothly without stopping.

7. CITY REPORT

- None given.

8. COUNTY REPORT

- Tom Garcia, Director of Public Works, gave the following updates:
 - Bridge Scour projects - 3 more bridges may be approved by Caltrans - total of 19 for over \$100 million. 100% funded - No local match needed for these funds.
 - Selecting consultants (23 respondents) for the bridge projects - bridges will be grouped to more easily manage the work. Director Garcia will provide a list of bridges.
- Marti Crane, member of the public, asked what the timeframe was for the completion of the bridge on Milton Road leading to Highway 4 from Valley Springs. Council Member Tofanelli said it is scheduled to be completed this month.

9. FY 2011/12 Quarterly Financial Reports - ACTION

- Melissa Raggio does not have all reports from the City at this time. She will bring back this reconciled information in December.

ACTION: Mr. Caldwell questioned the (RSTP) Bender Rosenthal invoices. Raggio will research that information.

Accept FY 2011/12 Quarterly Financial Reports as Submitted:

Moved: Tryon

Second: Stein

Approved: 7-0-0-0

10. MINUTE ORDER AUTHORIZING HEALTH, DENTAL & VISION BENEFITS FOR 2012 - ACTION

ACTION: Council Member Behiel asked if the Health Benefits are "grandfathered". Concern with ObamaCare.

Approval of Resolution No. FY 12-13:

Moved: Behiel

Second: Tryon

Abstain: Tofanelli

Approved: 6-0-1-0

Minute Order Authorizing Cash in Lieu Benefit Increase:

Moved: Tryon

Second: McDaniel

Abstain: Tofanelli

Approved: 6-0-1-0

11. LEGAL CONTRACT UPDATE, DIRECTION TO IMPLEMENT THE EXECUTIVE COMMITTEE RECOMMENDATIONS - DISCUSSION

- After discussion on creating an Extra Hire Legal Counsel Position for the CCOG, Council members were polled and all were in agreement.

12. REGIONAL TRANSPORTATION PLAN UPDATE & COMMUNITY OUTREACH STRATEGY

- The first Community Outreach meeting will be held on November 17, 2011 at the Calaveras Senior Center.

13. UPDATE ON THE TRI-COUNTY AGREEMENT MOU II AND THE 2012 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM - DISCUSSION

- Director Eads stated that the Calaveras COG strongly supports the MOU II and we are willing to move forward with that agreement.
 - A draft Tri-County RTIP was submitted to the Council. Alpine agreed to this document in concept. It was submitted by Tri-County staff to the CTC staff on October 21, 2011 for consideration. A final RTIP will be brought to the Council before the December 15 deadline, for consideration and approval.
- Council Member Tofanelli applauded Director Eads' efforts on behalf of the CCOG.
- Mr. Caldwell expressed his concern that we keep the MOU together. This Tri-County collaboration has been held up as an example for years.
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14. STAFF REPORTS

- Eads:
 - No further information given.
- Raggio:
 - Annual Audit Update - Waiting for documentation from City to submit to auditor. Then the draft annual audit will be submitted to the Council.

15. COUNCIL REPORT

- None given.

16. CLOSED SESSION: Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (One potential case)

17. REGULAR MEETING ADJOURNED AT 7:50 PM.

Elaine Morris, Chair

ATTEST: _____
Elle Runyan, Recording Secretary

**MINUTES OF A SPECIAL MEETING OF THE CALAVERAS COUNCIL OF GOVERNMENTS
COUNTY OF CALAVERAS, STATE OF CALIFORNIA
November 18, 2011**

Council Members Present: Tom Tryon, Gary Tofanelli, Elaine Morris, Paul Stein, Scott Behiel

Council Members Absent: Diane Gray

Alternates Present: Carol Ann McDaniel

Staff Present: Melissa Eads – Executive Director
Melissa Raggio – Sr. Administrative Analyst

SPECIAL MEETING WAS CALLED TO ORDER AT 3:02 P.M. BY CHAIR MORRIS

REGULAR AGENDA

1. PUBLIC COMMENTS

- Bill Spence, member of the public, asked if the conference call this morning affected the Wagon Trail property owners.
 - Director Eads answered that the conference call was a Project Development Team meeting between Caltrans staff, CCOG staff and County staff. There is a Property Owner’s meeting tentatively scheduled for December 15, 2011. The meeting will be orchestrated by the County Public Works Department as they are the project manager.
 - Mr. Spence asked if the property owners who did not grant access for the preliminary studies would be taken to court. Director Eads stated the Project Development Team had not made any decisions as to that fact.
 - Mr. Spence is concerned about land being purchased for a project that might not be ready for 30 years.
 - Mr. Spence believes that by working with the property owners, this invites discussion. In support of RBF Consulting he stated that RBF made the effort to walk the land with him and he feels this is the proper way to proceed, as Caltrans has done in the past.

2. UPDATE ON TRI-COUNTY REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP) AND STATUS OF MOU II - DISCUSSION/ACTION

- Director Eads reported that with ACTC’s formal action to withdraw from MOU II on November 16, 2011, she still feels that a new partnership between Calaveras, Alpine and Amador may develop in the future.
- Vice-Chair Tofanelli stated that in two instances our negotiating team felt we were very close to a deal with Amador County on a November 2, 2011 conference call. Amador had two scenarios and the goal was to negotiate an equitable settlement for both sides.
 - Scenario One: Amador’s project would go first because it was downsized to \$20 million RTIP funds. Since Calaveras’ project was “estimated” at \$90 million they felt they should get another project, after our project, totaling from \$30-\$40 million.
 - Scenario Two: Calaveras would go first, Amador second and at the end of the 20/30 cycle they would receive an extra \$5 million RTIP if they helped us negotiate IIP funds to complete our project. We were very close to settling on this option. However, Amador returned after a caucus with “no deal” and stated their intent to pull out of the agreement. They would not elaborate or negotiate any further. They stated they would go to the ACTC and recommend the MOU be dissolved. We left the door open hoping to finalize the rest of the deal before the ACTC meeting. Vice-Chair Tofanelli spoke with Director Field after this call, but no agreement could be reached. Frustration was felt because we had previously been so close to an agreement.

- Council Member Stein, wondered if Caltrans staff or the CTC could help compel Amador County to reassess their position.
 - Council Member Stein is in agreement with Vice-Chair Tofanelli and added that it seemed like our team was negotiating in good faith with facts and figures as we knew them, but in caucusing, it seemed the Amador team was comparing some other project that we were not aware of. From an economic standpoint it became clear that they had another project in mind.
 - The Tri-County MOU II was very specific about the Pine Grove lane-expanding project on Highway 88. It seems that this project is not that well-received in the community. Council Member Stein thinks the board was trying to come up with a good rationale to get out of that commitment and one way is to walk away from MOU II.
 - Council Member Stein is amazed that we weren't able to reach an agreement. The projects of MOU I totaled almost \$100 million. This helped bring visibility to our tri-county partnership and it was held up as a model throughout the state. It was an implicit understanding in MOU I that Calaveras would go first and Council Member Stein even offered to give up that concession to make the negotiations work. It turned out that "going first" was not the only issue.
 - Council Member Stein stated that Director Eads and Director Garcia did an exceptional job of fact gathering and negotiating. It's unfortunate the Tri-County Partnership won't continue forward, but it was not through the fault of our leadership.
- Council Member Tryon explained that Calaveras signed MOU II in good faith. It seems Amador's project fell apart and in downsizing found they were able to complete the project without the pooling of STIP funds. Amador decided they didn't need the MOU and wanted to pull out of the agreement even though it would hurt Calaveras. Even after offering to let Amador go first and giving them an additional \$5 million in STIP funding, they still wouldn't agree.
 - Council Member Tryon didn't think there was an exit clause in MOU II. He was surprised that Amador, a County we had worked so cooperatively with in the past, had signed MOU II in bad faith.

3. PRESENTATION OF CALAVERAS COUNCIL OF GOVERNMENTS DRAFT REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP) AND DIRECTION TO OPEN A 10 DAY PUBLIC REVIEW PERIOD - DISCUSSION AND ACTION

- Director Eads presented a solo-county Draft RTIP to the Council. The final RTIP will be brought to the Council for adoption on December 7, and submitted to CTC on December 15, 2011.
- The Council was polled to Open a 10-Day Public Review Period for the RTIP to commence on Monday, November 21, 2011. All members present were in agreement.

4. MEETING ADJOURNED

- Chair Morris adjourned the meeting at 3:40 pm.

Elaine Morris, Chair

ATTEST: _____
 Elle Runyan, Recording Secretary