

MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
EXECUTIVE COMMITTEE

October 11, 2006
2:00 PM

ROOM 324A, RUG ROOM
MARIN COUNTY CIVIC CENTER
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CALIFORNIA

MEETING MINUTES

Members Present: Peter Breen, Town of San Anselmo
Alice Fredericks, Town of Tiburon
Steve Kinsey, Chair, Transportation Authority of Marin
Cynthia Murray, Marin County Board of Supervisors
Joan Lundstrom, City of Larkspur

Commissioner Members Absent: Al Boro, City of San Rafael
Lew Tremaine, Town of Fairfax

Staff Members Present: David Chan, Programming Manager
Li Zhang, Manager of Finance and Administration
Denise Merleno, Recording Secretary

Staff Members Absent: Dianne Steinhauser, Executive Director

Chair Steve Kinsey called the meeting to order at 2:05 p.m.

1. Chair's Report

Chair Kinsey reported that Dianne Steinhauser is absent since she is attending a CTC meeting. Yesterday at the meeting of the Marin County Board of Supervisors (BOS), a report was presented on the non-motorized program. The county's Department of Public Works (DPW) has selected an advisory committee that will be managed by and report to DPW and any recommendations that arise from this advisory committee will be presented to the BOS by DPW staff. They are reaching out to all cities and towns to encourage them to look at the types of issues that could be consistent with the criteria and goals of the program. A team of consultants led by Alta Design has been selected and the first phase of the contract has been approved. Since this program is being funded by federal dollars, it will take a bit of time to get everything approved. The goal is to get enough money for the planning phase which should extend through March 2007. The goal would be sometime next spring to bring forward a list of projects with a 2008/2009 construction goal. Commissioner Breen asked how cities will receive the information. Chair Kinsey replied that it is channeling down through the DPW directors, currently, but he is open to a discussion to determine if city managers need to be placed in this chain.

Commissioner Lundstrom stated that when this group discussed this issue at a previous meeting, Chair Kinsey asked for a subcommittee and Commissioners Lundstrom, Fredericks, and Dillon-Knutson volunteered. Chair Kinsey said that he needs to discuss with Dianne the timing of the first meeting of the subcommittee which will involve bringing in Dan Dawson and possibly Craig Tackabery.

Commissioner Lundstrom suggested that city managers be provided with copies of whatever is presented to the DPW directors. Commissioner Murray suggested a presentation to the City Managers might be in order. Chair Kinsey said that he will make sure that city managers receive this information.

2. Commissioner Comments

None.

3. Executive Director's Report

None.

4. Approval of Minutes from June 14, 2006 Meeting

The minutes from September 13, 2006 were approved without revision.

5. FY 2005/06 Financial Report (Discussion)

Li Zhang reported that this is an informational item. As part of the 2005/06 audit process, staff prepared an analyses comparing actual vs. budgeted revenues and expenditures for FY 2005-06. Ms. Zhang stated that staff met with the auditor this morning and it was confirmed that all data and documentation were in place for the process to be completed. It is estimated that a draft report will be ready in December 2006 for the review by the Citizens' Oversight Committee with the final report ready for their review in January 2007. Staff envisions bringing this report to the TAM Board for approval in January or by February 2007 at the latest.

Mary Klingensmith stated that most variances have been noted already in the staff report. The biggest change resulted with the absence of the need to go for outside financing for the Highway 101 Gap Closure project. There was \$5.5 million listed as a revenue and debt expense which resulted in a very large gap between budget and actuals. The other large item on the revenue side was that TAM did not include the BAAQMD management pass through funds in the budget when it was first adopted. Since then, it has been included. Also on the revenue side there are some negative variances for the STP/CMA planning funds and in the RM2 and the CBTP funds. This is just a reflection of processing the expenditures but not processing the reimbursements in time for those to be accrued into FY 2005/06.

She commented that on the revenue side, in terms of Measure A, the final number will be slightly less than the \$20 million shown in the attached. She agreed with Chair Kinsey's statement that staff is tracking very well with its projections.

In response to a question from Chair Kinsey as to whether the county's auditor/controller office imposes an administration charge for handling the cash, Ms. Klingensmith stated that they are not charging TAM primarily because the work is being done at the office of the Board of Equalization. (Note that the auditor/controller is under contract with TAM to manage TAM's accounts, billing, payments, etc.)

Ms. Klingensmith concluded that TAM spent less than what was forecasted for Strategies 3 and 4 and that this is the result of staff taking a conservative approach when establishing the budget. With regard

to the reserve amount, Nancy Whelan assumed a 10% reserve when compiling the budget. However, the Board adopted as part of the Strategic Plan a reserve of 5%.

In response to a question from Commissioner Murray about whether a rollover line item was included, to move unused funds to the next fiscal year, Ms. Klingensmith said that there will be such a line item in the future.

Chair Kinsey confirmed with Ms. Klingensmith that the \$3.6 million surplus is what the rollover number will be from FY2005/06 to FY2006/07. Ms. Klingensmith clarified that staff tracks Measure A revenue by percentages of the strategies and substrategies and how the carryover is applied to each.

Chair Kinsey asked how to handle the carryover coming off of financing and Ms. Klingensmith clarified that TAM has not reached the point where it's needed to finance. He asked Ms. Klingensmith to work with Ms. Steinhauser on this issue and report back to the group.

Commissioner Murray asked how TAM is maximizing the return on monies that are not being spent. Ms. Klingensmith responded that this money is sitting in the county pool.

Commissioner Lundstrom suggested that a list of the questions and answers that were discussed be written up as notes for the COC. Ms. Klingensmith said that she will do that.

A Member of the public asked if the Measure A revenue should be broken down in strategies to see what monies were available and Ms. Klingensmith said that this could be done on a separate spreadsheet.

Another member of the public stated that she reviewed the crossing guard program as part of the Safe Routes to School (SR2S) program and noted that there continue to be schools that could use guards but a cutoff was established because of what the revenue for this program was estimated at. She asked if the Technical Advisory Committee might be allowed to review and lower that criteria so that more schools would be eligible.

Hank Hauge, a consultant to TAM, said that it is possible but that working with TAM's funding advisor would be necessary. Ms. Klingensmith added that this budget was prepared with a conservative hand and, from a fiscal perspective, she suggests that no action be taken until next year when actual costs can be tallied.

Chair Kinsey thanked Ms. Zhang and Ms. Klingensmith for their report.

6. Transit Subsidy for Crossing Guards (Discussion)

Hank Hauge stated that this program is underway and that All Cities Management Services (ACMS) is providing a total of 42 guards, 34 now and 8 transitioned in over the next several months, in addition to the 12 guards in place under a funding agreement that TAM has with the Novato Unified School District. He added that several guards who are transit dependent have asked for a transit subsidy given that their positions require them to work a split shift resulting in four bus trips per day. This results in a \$40/week fare or the equivalent of one day's salary. ACMS approached TAM about subsidizing to help out the three / four employees that are transit dependent. Mr. Hauge went on to say that there is the potential that all the guards may request this subsidy if a policy is established.

After discussing this issue with Ms. Steinhauser, one alternative would be for the guards to buy a book of tickets which would give them a 10% discount thereby reducing costs. Another alternative is the half-fare the transit district charges to members of the public who are 65 years or older. Amy Van Doren, Transit Planning Manager for the county was contacted about the possibility of tapping into any additional programs of which there were none.

In response to a question from the Board members present regarding the status of the recruitment of crossing guards, Mr. Haugse reported that it has gone extremely well and does not foresee a shortage of potential staff to fill these positions.

Chair Kinsey explained that there is a pre-tax program that city and county employees who use public transit are eligible to participate in the "511.org" program.

Mr. Haugse offered some affordable solutions which included working with MCTD to develop a bus pass for exclusive use by the guards. Another possibility would be to implement a flexible spending account program where money is deducted on a pre-tax basis. However, this program typically carries with it a high administrative cost that ACMS may not be able to pursue given the small number of guards that may choose to participate. Another possibility is to further subsidize the transit ticket books. Currently, one can purchase a book for \$36.00 and receive \$40.00 worth of tickets. One option is for TAM to subsidize that by 50% and have ACMS distribute them as appropriate.

In response to a question from Commissioner Murray as to whether guards are currently being paid for their time in transit mode, Mr. Haugse said that there is a small buffer in the budget to allow for transportation time but it is not the amount that is being used by them when they take transit.

To clarify a question from Chair Kinsey regarding if it would be ACMS or MCTD who would receive the accommodation if one was provided, Mr. Haugse explains that that the easiest and quickest implement would be to ask ACMS to provide the ticket books to their staff and then to bill TAM under the "other direct costs" portion of their contract. Mr. Haugse reiterated that this is a viable solution provided that a limited number of staff elect to participate in this program.

Mr. Haugse confirmed Commissioner Breen's concern that implementing a subsidy program would affect the budget and, ultimately, the number of crossing guards that could be placed in the field. A discussion ensued as to how to implement such a program, specifically, if everyone should be invited to participate or only the few who have raised concerns. There was consensus that, in order to be equitable, the program should be offered to everyone. A study could be done 6-12 months into the program to determine how much this program is costing. If TAM offered to provide transit books at a 50% discount, it would cost approximately \$27,000/year to operate this program if all 42 guards chose to participate. This dollar amount is the equivalent of three crossing guards. If TAM offered the books, at no charge, to all guards it would cost upwards of \$55,000.

Chair Kinsey asked Mr. Haugse to conduct additional research on this issue and report back to this Committee for further consideration prior to it being presented to the board. He concluded this item by suggesting that after additional information is provided at a future committee meeting, this idea could be turned into a pilot program for up to a full school year in order to determine if it is fiscally feasible.

7. Amendment to Strategic Plan for Major Road Project Allocations (Action)

Hank Haugse explained to the Committee that the TAC had been working with the cities to develop a priority list of major road projects but they hadn't been finalized by the time the Strategic Plan (SP) was finalized. Consequently, the revenue and expenditure portion of the SP did not program full funding but rather funding was dedicated in this Fiscal Year for the Ross Valley and West Marin projects. However, since that time, Novato, San Rafael, and Mill Valley have submitted projects that have been reviewed by the TAC and these cities are now ready to begin portions of their projects. The TAC reviewed the San Rafael and Novato projects a few months ago, and Segment 2 of the Novato project (the middle portion of Novato Blvd.) is ready to proceed and are requesting an allocation of \$72,000. San Rafael, however, has decided to refine their plans which will delay them moving forward at this point in time. Mill Valley submitted a project study report to the TAC for their project, Miller Avenue, and the TAC has recommended allocating \$250,000 to assist them in the environmental process for that project. In order to do that, funding needs to be moved forward to the FY 2006/07 which is what this board item is requesting. The Strategic Plan must be amended in order to achieve this. Staff is requesting that the board review this at their meeting in October followed by making the amendment available to the public for review and comment. The board would then be able to act on this at their meeting in November after which Novato and Mill Valley would be able to receive their funding allocation in order to move forward with their projects.

Responding to Commissioner Breen's question that this money is being moved forward on a temporary basis, Mr. Haugse said that the SP only shows planning, environmental and design money, so the Mill Valley money has been moved forward but the Novato Blvd. money is new money.

Commissioner Fredericks asked where the money comes from when it is moved forward from one fiscal year to another, and Mr. Haugse responded that cash has been accumulating in this program.

Chair Kinsey asked for a motion to move forward on this item. Commissioner Lundstrom moved and Commissioner seconded after which Chair Kinsey announced that this item will be presented to the board in October with a possible action following in November.

8. Administrative Code Update (Action)

David Chan stated that TAM's Administrative Code was adopted in 2005. It prescribes the powers and duties of the commissioners and management of TAM. From time to time, staff will request that the Board adopt an amendment to this code to reflect procedural and substantive changes, and this is what is being proposed this month.

The first change is in regard to AB1234 which states that commissioners must receive ethics training if they are eligible to receive reimbursement of funds from a public agency. As a result, staff is proposing adding Section 103.9 that will memorialize what is required. Mr. Chan added that AB1234 allows an advisory body to be subject to this policy but, currently, none of our advisory committees are designated in this Code.

The second change is the budget amendment which allows the executive director to make certain budget changes after it has already been adopted. As a rule, if there is a change to the budget once it has been adopted, the executive director must return to the board seeking approval of this change. However, the proposed Section 106.3 would allow more latitude if the budget has not changed but, rather, changes (transfers) are being made within the various categories. Ms. Zhang added that, in

order to reduce the work load on staff and commissioners, this amendment, if approved, would delegate this authority to the executive director.

Commissioner Murray asked what the maximum dollar amount of the proposed 5% change would be and said that normally a flat dollar amount is indicated rather than a percentage. Ms. Zhang responded that, after a discussion Ms. Steinhauser had with some of the commissioners, it was suggested that a percentage be applied rather than a dollar amount. She referred the group to the budget that was included in the board packet for further clarification and said, if this amendment is approved, \$130,000 is the maximum amount that could be moved.

Chair Kinsey stated that he believes it is a reasonable consideration but wants the board to be apprised when any changes to the budget are made.

Commissioner Lundstrom asked for clarification to the phrase, "transfers among categories." Ms. Zhang explained that the four categories are administration, professional services, Measure A programs, and interagency agreements. The reason the categories were not specified in the Code is because the budget structure may change in the future.

Ms. Zhang added that there is no limit to the dollar amount that the executive director can move from one subcategory to another within a category. However, this request is to allow the executive director to move money from one category within the prescribed limit of 5%.

Chair Kinsey said that the flexibility is appropriate and the transparency requires that the board is notified on a quarterly or semi-annual basis. Ms. Zhang said that, currently, staff is planning on bringing a mid-year adjustment to the board.

Chair Kinsey asked for a motion to move this item forward to the board. Commissioner Murray moved and Commissioner Fredericks seconded.

9. Revision to Nolte Support Contract for Design Cost Increases – Soundwall and Multi-use Path (Action)

Chair Kinsey reported that this is a follow-up to the work that is being done on Segment 3 and 4 of the Gap Closure project bringing the soundwall and multi-use path into the project. As a result, staff is requesting approval for an amendment to the design contract TAM has with Nolte Associates to cover their additional design and construction documents. The total increase is approximately \$450,000. He stated that, in his view, the total cost of this design is approximately \$2.16 million, including this increase, on a project that is approximately \$18 million. He also stated that the Gap Closure Committee reviewed this and agrees that it is a reasonable request.

Chair Kinsey asked for a motion to move this forward to the board for approval. Commissioner Murray moved and Commissioner Breen seconded.

10. Highway 101 Update (Discussion)

Connie Preston, a consultant to TAM from Vali Cooper, reported that the project in Central San Rafael will be celebrating an internal milestone celebration for the completion of Francisco Blvd. West on October 27 at noon at RAB motors and she invited this committee to attend. She added that the work

is going well and traffic has been moved, already, over to the new alignment. The work will start impacting the highway some time next spring time depending on what the winter weather is like.

Commissioner Breen asked for clarification as to how it will impact traffic. Ms. Preston responded that the actual widening of the highway will cause minimal impact, at first, but will increase as the project moves along.

Ms. Preston also noted that attention is being directed to the movement between I-580 connector and Hwy. 101 northbound to see if a dual auxiliary lane may be a possibility. The traffic study is almost complete and a meeting with Caltrans would be the next step.

She finalized her report by stating that regarding the East Francisco Blvd., staff is working with San Rafael to provide a multi-use path which was a high priority for those associated with the Canal Based Transit Plan.

Don Wilhelm asked if these two changes will be incorporated into the current budget or done later. Ms. Preston replied that, at a minimum, the second connector lane would be part of this project but that it is not clear, at this time, if all the details can be worked out for the pathway to be included.

Karen Nygren said that it would benefit people, on a psychological level, if an end date to the project was clearly stated so that people would be able to feel better about that. Chair Kinsey thanked her for her comment and replied that the issue of public outreach was discussed at the last Gap Closure meeting and will continue to be discussed.

He finalized this issue by telling the group that he, Mayor Boro, and Ms. Steinhauser had a meeting with Caltrans management in Sacramento to make a request for a design exception for the eastern soundwall in San Rafael. Caltrans is revisiting this issue but a solution has yet to be determined.

11. Open Time for Public Expression

There was no further public comment.

Chair Kinsey adjourned the Executive TAM meeting at 3:10 p.m.