

Yuma Metropolitan Planning Organization
“Local Governments and Citizens Working Together”

EXECUTIVE BOARD MEETING
MINUTES
August 19, 2010

MEMBERS

PRESENT:

Supervisor Casey Prochaska, Yuma County, Chair
Mayor Martin Porchas, City of Somerton
Cecilia McCollough for Mayor James Deermer, Town of Wellton
Supervisor Greg Ferguson, Yuma County
Council Member Cody Beeson, City of Yuma
Mayor Al Krieger, City of Yuma
Michael Jones, ADOT

MEMBERS

ABSENT:

Council Member Paul Johnson, City of Yuma
Africa Carrasco, City of San Luis
Tribal Council Member Paul Soto, Cocopah Indian Tribe

OTHERS

PRESENT:

Charlene FitzGerald, YMPO
Edd McDaniel, YMPO
Charles Gutierrez, YMPO
Shelly Kreger, YMPO
Alex Smith, FTA, via telephone
Paul Melcher, Yuma County
Chris Komo, Rep. Raul Grijalva’s office
Lucy Shipp, Concerned citizen
Jason Moyes, Yuma Irrigation District
Stephany Turner, GYEDC
Willie Gray, Yuma Transit LLC
Enrique Orozco, San Luis, R.R. Sonora
The Sun
Dunbar Norton, Norton Consulting
Paul Heebink, KECY-TV
Gary Brown, Concerned citizen
Terry Crabtree, Church of Christ
Jim Chessum, GYPA

Matt H., Concerned citizen
Molly Kelly, Aztec High School
Luis Martinez, Concerned citizen

I. CALL TO ORDER

Chair Casey Prochaska called the meeting to order at 1:30 pm, followed by the Pledge of Allegiance led by Cecilia McCollough.

II. CALL TO THE PUBLIC

Chair Casey Prochaska asked for a call to the public.

Paul Johnson commented on the following issue:

Last night at the Yuma City Council meeting there was an issue about funding of the YMPO. At the end of the meeting, there was a long speech by a city council member about an undercover investigation of YMPO and what he thought was wrong with YMPO. There was a big issue about not being an ample advertising on the side of the buses, not getting enough revenue from advertising, and taxi cabs picking up YCAT riders at bus stops. He also said that the Executive Director should be fired. Mr. Johnson asked if Federal Regulations prohibit from using fares as match money. Alex Smith confirmed this. Mr. Johnson asked if advertising has increased from \$50,000 to approximately \$300,000 and Ms. FitzGerald confirmed this. On behalf of himself and a few other City Council members, Mr. Johnson apologized for wrong information being presented as well as blaming her for things that have happened before she became the Executive Director.

Public Speakers:

Adam Thomas

Gary Wright

Greg Ferguson commented on Mr. Wright's speech. The audits were performed on YMPO, not transit. Ms. FitzGerald's job description does not include running a transit system. As far as a board to run the transit system, that's an RTA and that's what is trying to be achieved. Paul Johnson added that Ms. FitzGerald was only hired a year ago (last August). Only because she and her staff have been working diligently have they been able to find out the true financial situation. Cody Beeson added that the City Council does not feel that way about the Executive Director.

Willie Gray

Luis Martinez

Terry Crabtree

Diana Barbee

Greg Ferguson commented that this Board is the YMPO Board, which is transportation and transportation planning, and not a public transportation board. The ultimate goal is a Regional Transportation Authority that can run the public transportation.

Casey Prochaska introduced Kris Como from Raul Grijalva's office, and Alex Smith from the FTA, who is participating via telephone.

Joe Michado, a Foothills resident, asked to speak.

Cody Beeson commented on a previous speaker and added that it's about funding. The City of Yuma has the highest population in the county and they also fund the majority of the transportation system.

Al Krieger reported that information about YMPO is available online as all business is public record.

Call to the Public was closed.

III. MINUTES OF THE JULY 29, 2010 MEETING

Greg Ferguson had the following correction:

Page 8, states "the vote was 7 ayes and 2 nays" and it should state "7 ayes and 4 nays".

Paul Johnson stated that several members had corrections and was under the understanding that the adjusted minutes were to be distributed to everyone. Ms. FitzGerald replied that Norma had made the adjustments; however, they must be approved prior. Casey Prochaska suggested that the minutes be moved to the next meeting so that the corrected minutes can be presented and approved.

IV. FTA PENALTIES AND FEES FOR OPTIONS 1 AND 2

Alex Smith commented that with terminating the service, it creates a lot of problems for FTA. FTA prefers to do a service cut-back commensurate with the funding cut-backs. If services are cut, everything will be taken back that has been given, e.g., funding, vehicles, etc. He suggests cutting back to a low level of service until funding can return to once again extend the service.

Paul Johnson asked if the 50/50 match applies to only capital or the operating budget and Mr. Smith replied that the operating is a 50/50 match.

Al Krieger stated that the reduction in funding that passed through the City of Yuma was done by the state. Mr. Smith asked the percentage. The City is still budgeting money for the YMPO, but the cut in funding was done by the state. Greg Ferguson commented that there are three

separate funds: LTAF II, YMPO, and YCAT. The LTAF II money was lost, but the \$151,000 came out of the City's budget and now it's down to \$0.

Cody Beeson asked Mr. Smith if the \$151,000 HURF funds can be used for transit as the funds were budgeted in HURF and not the general funds. Mr. Ferguson added that it was Arizona State Law and not Federal Law.

Martin Porchas asked if that the services were discontinued what was lost. Mr. Smith replied that 50% operating monies would be lost, capital monies of approximately \$2 million would be lost.

Greg Ferguson stated that the concern is that if other entities put up certain matches, the federal dollars matched are based on that. Mr. Smith replied that the amount appropriated is based on population and YMPO will not be able to apply for certain dollars if the local share is not available. Mr. Smith recommended keeping the transit system as this option would be the least expensive option. Casey Prochaska asked that if the Dial-A-Ride is kept, can it be determined where to keep the operations. For example, if the City is not going to fund DAR, can the operations not be within the City of Yuma. Alex Smith replied that this can be done.

Charlene FitzGerald then made a presentation on the FTA penalties and fees for options 1 and 2. She also presented the options that were presented to the Board at previous meetings, along with a brief explanation of each option.

- Option 1. Terminate YCAT/DAR**
- Option 2. Continue with DAR only**
- Option 3. Reduce YCAT/DAR services**

Alex Smith commented that this began as a pilot program, but has turned into a highly successful transit system. If the system is shut down, the buses would most likely be moved elsewhere. All assets would be lost and it would be very hard to get them back.

Greg Ferguson would like the Board to set up a subcommittee for YCAT/DAR until an RTA has been established. Would this subcommittee be able to apply for the grants in order to take it off YMPO's hands? Mr. Smith replied that this could be done.

V. SUSPENSION /CONTINUATION OF YCAT/DAR

Al Krieger commented on Mr. Ferguson's response to the public – the Director's job is to run YMPO and not transit and this board is not a public transportation board. Mr. Krieger added that he doesn't understand how to continue YCAT without a board or director.

In regards to the money paid back to the County, Mr. Krieger asked who authorized YMPO to borrow money. Is there a document that shows that the Director of YMPO is authorized to borrow monies? Greg Ferguson and Casey Prochaska both replied that no money was borrowed, that there are warrants through the County. Ms. FitzGerald explained the warrant process. Mr. Ferguson added that there's a state statute that requires the County and all clients to collect tax

monies by the County Treasurer, which is put into a pool. When checks are written with money they don't have, a warrant is issued and required to be paid back with interest. A warrant report can be requested at the County Treasurer's office.

Mayor Krieger asked about the HURF monies that was used for transit (which should not have been used) and whether or not YMPO was going to pay the City back. Charlene FitzGerald replied that the Executive Board approves the UPWP/B. Mr. Krieger asked if the Board has the authority to issue a warrant and Ms. Prochaska replied that they do not. Mr. Ferguson added that if YMPO spends money that is not available, it is required by law to issue a warrant. Mayor Krieger asked that this information be confirmed and relayed back to him as soon as possible.

Mr. Krieger also asked the expected grant award amount for 2011 for transit. Ms. FitzGerald replied that for 2011 it should be a little more than the \$1.6 million it normally gets. Mr. Krieger asked how much money was left from the 2010 grant amount and Alex Smith replied that the 2010 grant has not yet been awarded. The 2010 grant is pending; however according to the Federal Register the amount available is \$1.4 million. For the 2011 year, there is approximately \$1.5 million available. Mr. Krieger asked how long this money will fund the YCAT/DAR and how much of the in-kind match monies have been used. Charlene FitzGerald stated that there is no in-kind match left from 2010 and that we have not earned the revenue of in-kind for 2011.

Mr. Krieger asked if transit has ever been audited and Ms. FitzGerald replied that FTA performs a triennial review every three years.

Mr. Krieger asked Ms. FitzGerald to gather copies of all agreements with the City or County and YMPO in regards to YCAT and DAR for buses, and copies of current RFP's and contracts for YCAT and DAR.

Paul Johnson asked who authorizes YCAT and YMPO to borrow money from the County. Greg Ferguson restated that no one borrows money – it is all done through warrants and the County Treasurer's pool. Mr. Johnson asked what procedure exists for the YMPO Board to approve these warrants/loans, and who authorizes getting the money from the County? Mr. Ferguson replied that state statute authorizes the County Treasurer to issue a warrant. Alex Smith added that if the grants had been applied for in the past, this would not be an issue.

Paul Johnson called for the point of order regarding the YMPO Board having no control over running deficits and getting money from the County. Alex Smith added that if warrant against warrant is balanced, there is no deficit.

Al Krieger stated that there will be a challenge making a decision on this item as the entities do not have information on their contractual obligations. After a short discussion on contractual obligations and commitments regarding YCAT and DAR, the following motion was made:

MOTION: Paul Johnson moved to select option #3 – to continue YCAT and DAR at reduced services.

SECOND: Cody Beeson.

ABSTAIN: Michael Jones.

ACTION: Motion carried.

VI. TRANSIT STUDY – NEEDS ASSESSMENT

Greg Ferguson recommended that Item VII be addressed prior to Item VI.

VII. ESTABLISHMENT OF YCAT/DIAL-A-RIDE SUBCOMMITTEE

Greg Ferguson suggested that a subcommittee be set up and be made up of one person from each entity, a representative from AWC and/or NAU, possible one bus driver/operator, etc. Al Krieger objected to have a bus driver on the subcommittee as he/she may be biased, but should be made up of members in the community with expertise. This subcommittee would separate YCAT and DAR from everything else and make decisions in regards to YCAT and DAR. Al Krieger suggested there be 15 members on the committee. Paul Johnson suggested that the decisions made by this subcommittee be ran through the TAC first, and then brought to the Executive Board.

MOTION: Greg Ferguson moved to establish a Transit Subcommittee at the YMPO, and this committee be established with one member from each entity that financially contributes to the transit system, with one vote, and work from there.

SECOND: Cody Beeson.

ACTION: Motion carried.

Alex Smith reported that YMPO will not be completely out of the transit business because they do transit planning, which includes transit. He added that anyone can call him with any questions.

VI. TRANSIT STUDY – NEEDS ASSESSMENT

The RFP went to the TAC and reported that there would be a reduced scope of work. However, ADOT wants YMPO to do a complete plan. Casey Prochaska asked for a cost and Ms. FitzGerald replied that it would cost approximately \$150,000 and ADOT is contributing 80 %.

MOTION: Greg Ferguson moved to approve the transit study - needs assessment.

SECOND: Martin Porchas.

ACTION: Motion carried.

VIII. REQUEST FOR PROPOSALS – YMPO WEB SITE

Casey Prochaska reported that two (2) proposals were submitted. She asked if the Global Spex proposal included both English and Spanish web-sites and Charles Gutierrez replied that it is a possibility. After discussing this item, it was determined to re-issue the request for proposals to make sure that local businesses have the opportunity to submit a proposal. Mayor Krieger suggested that this item be continued at the next meeting so that more options may be presented to the Board.

IX. 2011 – 2016 TIP AMENDMENT APPROVAL

MOTION: Paul Johnson moved to approve the amendment to the 2011-2016 TIP to add Somerton Avenue, Fern to Jefferson for mill and overlay/construction in the amount of \$400,000 in STP funds in FY2011.

SECOND: Martin Porchas.

ACTION: Motion carried.

MOTION: Greg Ferguson moved to approve the Transit Table amendment to include the Transit Capital, Operating and Program Support budget for FY 2013-2014.

SECOND: Martin Porchas.

ACTION: Motion carried.

X. PORT OPENING – ELECTED OFFICIAL(S) ATTENDING

Jim Chessum reported on the plans of the port opening. The timeframe is currently the end of September, beginning of October and he will keep everyone posted.

XI. ANNOUNCEMENT – SENIOR PLANNER POSITION FILLED

Charlene FitzGerald announced that Paul Patane has been hired for the Senior Transportation Planner position and will be working part-time and starts on September 7. Michael Jones is currently representing ADOT on the Board.

XII. EXECUTIVE SESSION

None

XIII. RECONVENE TO PUBLIC MEETING (If required from executive session).

None.

XIV. NEW ITEMS OF BUSINESS FOR NEXT AGENDA

- A. FEMA.
- B. Overweight trucks.
- C. Audit 2009 – may not be ready by September meeting.
- D. Rail & Border issues.
- E. MPO 101

XV. EXECUTIVE DIRECTOR’S REPORT

- A. July Financial Report
- B. Staff Report
- C. ARRA I
- D. Audit Updates
- E. Conference Updates
- F. DHS/Emergency Plan/FEMA/911

- G. Air Quality Conformity
- H. Freight Plan Study
- I. U.P. Follow-up Meeting
- L. Overweight Truck Follow-up Meeting

XVI. PROGRESS REPORTS

- A. Rail and Border issues Meeting / Yuma.** July 30, 2010. Charlene FitzGerald, Norma Lekan and Charles Gutierrez attended.
- B. WMYA Policy Committee Meeting / Webinar.** August 3, 2010. Charlene FitzGerald participated.
- C. MPO/COG ADOT Coordination Meeting / Conference call.** August 3, 2010. Charlene FitzGerald participated.
- D. MAG-Training / Peoria.** August 5, 2010. Charles Gutierrez attended.
- E. CBI Meeting / Phoenix.** August 6, 2010. Charlene FitzGerald attended.
- F. LEPC Meeting / Yuma.** August 11, 2010. Shelly Kreger attended.
- G. MPO/COG Planners Mtg. / Phoenix.** August 13, 2010. Shelly Kreger attended.

XVII. ADJOURN

- MOTION:** Martin Porchas moved to adjourn the meeting.
- SECOND:** Cody Beeson.
- ACTION:** Motion carried.

Chair Casey Prochaska adjourned the meeting at 4:15 p.m.

Minutes prepared by:

Norma M. Lekan
Executive Assistant

Minutes reviewed to form by:

Charlene FitzGerald
Executive Director

Minutes adopted in regular session
on the 30th day of September, 2010.

Casey Prochaska, Chairman
YMPO Executive Board