

**SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS
BOARD WORKSHOP MEETING SUMMARY**

Wednesday, February 9, 2005

**Marriott Rancho Santa Barbara
Hollywood Park Conference Room
555 McMurray Road
Buellton, CA**

Board Members Present: Salud Carbajal, Supervisor, First District; Brian Baca, Councilmember, City of Solvang; Dick DeWees, Mayor, City of Lompoc; Jonny Wallis, Councilmember, City of Goleta; Donna Jordan, Councilmember, City of Carpinteria; Lupe Alvarez, Mayor, City of Guadalupe; Gregg Albright, Ex-Officio Member, Caltrans

Board Members Absent: Susan Rose, Supervisor, Second District; Brooks Firestone, Supervisor, Third District; Joni Gray, Supervisor, Fourth District; Joe Centeno, Supervisor, Fifth District; Russ Hicks, Mayor, City of Buellton; Dan Secord, Councilman, City of Santa Barbara; Marty Mariscal, Councilmember, City of Santa Maria

Staff Present: Jim Kemp, Executive Director; Michael Powers, Deputy Director of Planning; Stephen VanDenburgh, Deputy Director of Programming; Gregg Hart, Public Information/Government Affairs Coordinator; Cathy Muneio, Board Clerk; Shane Stark, County Counsel

1. CALL TO ORDER AND ROLL CALL

It was noted that a quorum of the board was not present at the meeting so no actions could be taken.

2. PUBLIC COMMENT

None.

3. SBCAG ROLES AND RESPONSIBILITIES

Jim Kemp presented this item.

Supervisor Carbajal asked how SBCAG was selected as the designated agency for all of the functions SBCAG performs. Supervisor Carbajal commented that Measure D passed because the South Coast voters supported it and that North County voters have generally been reluctant to support tax measures. He asked if it was legally possible to establish an assessment district in only part of the county in the event it was not possible to achieve a 2/3rds voter approval countywide.

Mr. Kemp explained how SBCAG became the designated agency for the LTA, ALUC, SAFE, Census, the Congestion Management Agency, and Traffic Solutions. He said the Overall Work Program identifies what SBCAG will be doing in the coming year and provides justification for grant funding from federal agencies.

Mr. Powers explained SBCAG's planning responsibilities.

Supervisor Carbajal asked why the Regional Housing Needs Assessment numbers were different from the number that SBCAG came up with in its growth forecast and why.

Mr. Powers noted there was a difference between the SBCAG Growth Forecast and the State Regional Housing Needs allocation. For example, the RHNA forecasts out 7 years and the Growth Forecast forecasts out to 2030. He said that there was considerable disagreement with the state because their allocation was considerably higher than the SBCAG forecast. He explained that though there was a disagreement, a final number was finally accepted by the SBCAG Board that was lower than the original state allocation but higher than the SBCAG forecast.

Supervisor Carbajal asked if the state is required to work with regional agencies to determine RHNA numbers.

Mr. Powers said that the state is obligated to work with SBCAG but that the state has the final word.

Supervisor Carbajal asked what the planning life was for the Regional Transportation Plan (RTP).

Mr. Powers responded that it forecasts out 25 years but is updated every three years. He said that in order for projects to proceed they need to be consistent with the RTP.

Mr. VanDenburgh talked about programming responsibilities.

Supervisor Carbajal asked if there was any formula on how funds are distributed.

Mr. VanDenburgh said that most of the funds are distributed based on population but there was no specific formula on how all funds are distributed.

Supervisor Carbajal said it would be constructive to show visually how funding for projects are distributed by jurisdiction.

Mr. Kemp said that there were ways to show where funds have been spent in the past and where they are located but that a lot of projects were regional in nature and could not be assigned to a specific city or the county.

Supervisor Carbajal said it would be good to go out to the public and explain why a certain project was selected.

Mr. Albright said that the flexibility SBCAG has is it is a self help county and he said the board agrees on what the priorities are and that the flexibility during the last several years during the state crisis has kept projects going.

Councilmember Baca asked if SBCAG presents a list of projects and then they are modified or ratified by the CTC.

Mr. VanDenburgh said there was some flexibility for the CTC to change priorities. He said that Caltrans controls 25% of those dollars and that most people don't realize how much regional agencies control STIP funding.

Mr. Albright said that the CTC has the checkbook for everyone.

Mr. VanDenburgh said people ask why Caltrans doesn't just do the project and they don't realize that Caltrans will need to partner with SBCAG, or SBCAG will have to do it themselves.

Gregg Albright said that SB45 took the STIP and shifted 75 percent of this funding to local agencies. He said when it comes to urbanized areas then the regional partner has the control.

Mr. Demery asked how much the State Board of Equalization took off the top to collect Measure D sales tax funds.

Mr. Kemp replied 1 1/2 percent.

Supervisor Carbajal asked if the RTIP and FTIP overlapped.

Mr. VanDenburgh said the RTIP was a subset of the FTIP.

Kent Epperson explained the role and history of Traffic Solutions.

Supervisor Carbajal asked if there was a reason why Guadalupe or Carpinteria didn't have commuter service.

Mr. Epperson said Guadalupe does have transit service to Santa Maria, but not directly to Santa Barbara. Carpinteria also has commuter bus service served by the VISTA Coastal Express and MTD. He said that the Coastal Express was very successful with a 43% fare box ratio. He also mentioned that on March 1, 2005 MTD would be implementing a new Santa Ynez Valley service to Santa Barbara and that SMAT would be implementing a new commuter bus service between Lompoc and Santa Maria this summer.

4. MEASURE D

Mr. Kemp introduced this item.

Supervisor Carbajal asked how many years the new Measure D could be authorized for.

Mr. Kemp said it could be implemented permanently but that most counties choose a term of no more than 40 years.

Chair DeWees said the current Measure D was approved by a simple majority, but the renewal measure would need 2/3 of the votes to pass.

Mr. Kemp said that the current Measure D would sunset in 2010.

Mr. Kemp explained the history of the 101 widening project. He said that a project to widen 101 was included in the expenditure plan back in 1989 and the ballot argument referenced the widening of 101. He said that its northern boundary was identified at San Ysidro because Milpas to San Ysidro had already been funded using STIP dollars. \$15 million dollars was allocated which at that time represented less than 10% of the total cost of the widening project. He explained that the thinking was to leverage state dollars to help complete the project. Mr. Kemp said Measure D was never intended to fully fund the project. Less than 5% of all Measure D revenues were allocated for the 101 project in the original plan.

Phil Demery said in 1989 the county and local cities desperately needed new revenue to fund road maintenance. There were a lot of concerns about including Highway 101 widening in Measure D because it was so controversial, and there was genuine concern that Measure D would get defeated because of the widening proposal.

Councilmember Jordan asked if anyone had reviewed the previous ballot argument and looked into what the media was saying at that time about Measure D.

Phil Demery said there wasn't much discussion during the Measure D election about a widening project and it wasn't until 1993 after Caltrans had completed an EIR that people saw what was involved with the widening project.

Supervisor Carbajal said the way Caltrans presented the project in 1993 was very poor and the visual simulations of the design were so shocking to the majority of the community they did not want to proceed with anything.

Councilmember Baca remembered the public's main concern back in the late 1980's was to get rid of the lights on the freeway in downtown Santa Barbara not about widening the freeway to Ventura.

Supervisor Carbajal asked if state money was available at that time to complete the widening project.

Mr. Kemp said that state funds had been programmed from Milpas Street to San Ysidro and it was expected that over time a series of segment widening projects would keep moving south as state funds became available. He said there was \$70 million in terms of a STIP commitment at that time.

Supervisor Carbajal said funds were put towards the operational improvements and asked if STIP funds went into those projects.

Mr. Kemp said a portion of the Measure D monies originally allocated for 101 widening were distributed back to the local jurisdictions for road maintenance and rehab. The STIP funds that had been programmed for widening are now being used for the operational improvements which include adding lanes to 101 in some sections. The board has recently approved allocation of Measure D 101 funds to help pay for the Milpas to Hot Springs and Ortega Hill operational improvements as well as for the Coastal Express.

Mayor DeWees said that things are discussed on a regional basis and getting people in the North County to know this should be a priority. He asked Caltrans if they have a program that says Hwy 101 in Santa Barbara should be on its list and more funding should be channeled towards that project.

Mr. VanDenburgh said that the project is compared with other needs around the state.

Supervisor Carbajal asked what the methodology was that the state uses for distributing Caltrans share of STIP funds.

Ms. Mickelson responded that Caltrans looks at goods movement as a high priority.

Mr. Demery said there was no reason why we couldn't get a line item on a federal transportation bill.

Councilmember Baca asked how much was needed for the Highway 101 widening.

Mr. Powers responded \$250 to \$300 million but that it depends on the limits of the widening and its design.

Phil Demery said that the traditional source of road maintenance has always come from the gas taxes but there is a need for a greater diversity in revenue programs.

Mayor DeWees asked for a breakdown on the gas tax.

Paul Karp said that in the old days property taxes would be set to balance revenues.

Phil Demery explained the necessity of an ongoing preventive road maintenance effort and said that since Measure D was only a ½ cent sales tax increase instead of a full cent, not all of the county roads are maintained on a preventative cycle.

Supervisor Carbajal said that with the county split issue the earliest date that Measure D could be placed on the ballot would be November 2006.

Mr. Kemp said the SBCAG Board Workshop on March 11th will bring individuals from other agencies to offer insights into the successes and failures of transportation sales tax measures efforts from around the state.

Paul Karp said that a lot of the jurisdictions also use TDA funds for road maintenance and those funds are becoming less available for roads.

Larry Bean said that use of those funds also involved maintaining sidewalks and landscaping.

Gregg Hart said that due to the lack of transportation sales tax revenue the Ventura County Board of Supervisors was forced to adopt an 87 year paving cycle for local roads.

Mr. Kemp said that SBCAG issued bonds to deliver programs early and took a very aggressive program management approach to regional transportation projects. He said that enabled SBCAG to leverage monies and bring in state and federal matching funds.

Supervisor Carbajal asked for a summary of projects and their costs.

Gregg Hart said that the accomplishments from the Measure D program are very impressive. He said there is a need to tell local residents the fact that local road maintenance efforts depend upon Measure D funds and that the Measure D funded regional highway improvements in both the North County and South Coast have significantly reduced traffic congestion and improved the quality of life in local communities. Mr. Hart explained the flexibility Measure D offers is important and that revenues grow over time with inflation unlike the gas tax. He explained that an important role for elected officials is to get the word out to the public about the importance and success of Measure D.

Mayor DeWees said that the Board would likely advocate an extension of the measure. He requested that SBCAG put together a 15 minute presentation that could be used by the individual jurisdictions to get the word out to various groups.

Gregg Hart said that the name "Measure D" has been reserved for the November 2006 election.

Mr. Hart said that the story needs to be told to the community because people are very confused about how roads are maintained. Many people believe Caltrans is entirely responsible for all improvements to state and regional highways and 60 percent of the public believe gas taxes fully fund all road maintenance. The public needs to know how critical Measure D funds have been to protecting local road quality and to many of the most important congestion relief improvements made to the highway system in the Santa Barbara County.

Mr. Kemp said that a legitimate function of government is to let people know how their tax dollars are spent and we need to begin now to get the message out regarding the success of Measure D.

Phil Demery suggested meeting with all of the city councils and going to the media to kick start this.

Mr. Kemp said that getting the word out needed to be a shared responsibility by the SBCAG board members and their colleagues on all the city councils.

Supervisor Carbajal suggested talking to folks that may not be in total favor of Measure D and explain the importance of it passing since the margin to pass or fail will rely on a handful of voters.

Mr. Kemp explained that the passing of any type of tax with a 2/3 vote is a large hurdle to get over. He said the experience statewide with transportation sales tax measures has been that organized opposition is very difficult to overcome. Even if one board member campaigns against a measure it could lose.

5. ELECTED OFFICIAL CONDUCT

Jim Kemp introduced Legal Counsel, Shane Stark to discuss the Brown Act, Conflict of Interest and public officials ethics.

Mayor DeWees said he needed to know how much SBCAG could advocate for the renewal of Measure D.

Mr. Stark said that it was important to make sure that presentations presented the measure fair and balanced and are not viewed as advocating for or against a ballot measure.

Mayor DeWees asked if as an elected official making a presentation to an organization could say that "I hope you vote for Measure D."

Mr. Stark said that he was an individual elected official and he had the right as an individual to say "Vote for Measure D." He said when public dollars are used to pay for promotional materials or staff members that you need to be careful that you adhere to the rules about educational material.

Mr. Kemp said that SBCAG could put out educational materials and public service ads as long as they are not connected with advocating for the ballot measure.

Mr. Stark said there were two avenues that could be taken. One would be to advocate openly in front of a noticed meeting and urge the public to do whatever you want, and second as individuals you have the right to go out into the community and spread the word.

Mr. Kemp asked if it was okay to spend dollars to develop an expenditure plan and to do polling on what kinds of projects to craft the measure.

Mr. Stark said this was permitted prior to the measure being placed on the ballot.

Mayor DeWees asked if Mr. Stark would like to discuss the Brown Act.

Mr. Stark said to be cognizant about Proposition 59.

Mayor Alvarez asked if e-mails were open to the public.

Mr. Stark said it was open if it was relative to government business.

Mayor DeWees asked if money was the trigger to possible conflict of interests.

Mr. Stark said it is always about the financial impact and said that each board member should be aware of whether they might have a conflict with what is being approved.

The meeting was adjourned at 12:03 p.m.