

**REGIONAL TRANSPORTATION COMMISSION
WASHOE COUNTY, NEVADA**

FRIDAY

9:06 A.M.

December 16, 2011

PRESENT:

**Ron Smith, Sparks City Councilman, Chair
Bob Larkin, Washoe County Commissioner, Vice Chair
Dan Gustin, Reno City Councilman
Lee G. Gibson, Executive Director
John Fowler, Legal Counsel
Susan Martinovich, Director of NDOT**

NOT PRESENT:

**David Humke, Washoe County Commissioner
David Aiazzi, Reno City Councilman**

** Items followed by an asterisk were carried over from the November 2011 RTC Board meeting which was cancelled due to the Caughlin fire.*

The regular monthly meeting, held in the Board Room of the Jerry L. Hall Regional Transportation Center, 2050 Villanova Drive, Reno, Nevada, was called to order by Chairman Smith. Following the Pledge of Allegiance to the Flag of our country, the Board conducted the following business:

Item 1 APPROVAL OF AGENDA

Chairman Smith requested that Items 8.2, 8.1, and 8.3 in advance of Consent and in that specific order, Item 4.8 be pulled out of Consent for discussion and Item 5.6 was pulled from the agenda for continuation.

On motion of Vice Chair Larkin, seconded by Commissioner Gustin, which motion unanimously carried, Chairman Smith ordered that the agenda for this meeting be approved with the aforementioned changes.

Item 2 DIRECTOR'S REPORT

Lee Gibson, Executive Director, updated the Board on internal RTC issues as set forth in the staff report for this agenda item.

In addition to the staff report, Mr. Gibson acknowledged the efforts of the RTC, First Transit, and M/V employees who assisted ADA customers during the Caughlin Fire emergency situation.

Item 3.1 PUBLIC COMMENT

Chairman Smith opened the meeting to public input and called on anyone wishing to speak on topics relevant to the Regional Transportation Commission (RTC) that are not included in the current agenda.

Mr. Leo Horishny, local resident, spoke about his concerns regarding the Sun Valley area and the access points to and from that area. Mr. Horishny stated that the drawings for the future "395 Connector" from the Pyramid Highway do not show any changes to the accessibility of the area.

Susan Martinovich, Director of NDOT, said that it's her understanding is that there is an overlay project moving forward that includes discussions of narrowing the lanes in the area Mr. Horishny mentions and restriping to provide additional shoulder width. Ms. Martinovich added that she will be sure that the staff on this project is in touch with the residents of that area to get their input.

Mr. Gibson also recommended that Mr. Horishny contact Amy Cummings, RTC Planning Director, and Marchon Miller, RTC Traffic Engineer.

Mr. Kevin Dick, Division Director of the Washoe County Health District Air Quality Management Division, submitted a written document for the record and read the item which included his support for the Short Range Transit Program only if the long range planning policy 2A-4 is removed.

There being no one else wishing to speak, the Chairman closed public input.

Item 8.1 thru 8.3 GENERAL ADMINISTRATION – (taken out of order)

Item 8.2 LEGAL ISSUES -

a. APPROVE A SETTLEMENT FOR THE MCELHANNON V RTC PERSONAL INJURY LAWSUIT*

Rebecca Bruch, RTC Legal Counsel, brought forth a recommendation to approve a settlement amount of \$65,000 pertaining to a personal injury case that had been previously mediated.

On motion of Vice Chair Larkin, seconded by Commissioner Gustin, which motion carried unanimously, Chairman Smith ordered that the settlement amount of \$65,000 be approved.

Item 8.1 ACKNOWLEDGE RECEIPT OF THE FY 2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE REGIONAL TRANSPORTATION COMMISSION (RTC); AUTHORIZE STAFF TO SUBMIT THE DOCUMENT TO THE NEVADA DEPARTMENT OF TAXATION

Tom Taelour, RTC CFO, addressed the Board to introduce Ms. Felicia O'Carroll, Partner with Kafoury, Armstrong & Co. in charge of the RTC Audit. Ms. O'Carroll stated that the RTC received an unqualified opinion which is the highest level of assurance that the accounting profession offers and sets forth the responsibilities of the RTC and the auditors.

Ms. O'Carroll provided additional financial detail, explaining an accumulation of "major and non-major" funds. The "major" funds for the RTC are the General Fund, the RRIF Fund, the Paratransit Services Fund, the Debt Service Fund, and Public Transit Fund. Each major fund is audited separately and a separate opinion is presented on each of them.

Ms. O'Carroll then discussed the Net Asset Report for the RTC as shown on June 30, 2011. The Net Asset total for the RTC on that date was approximately \$24 million, made up of total assets of \$315 million and liabilities of \$290 million.

The total assets are broken into three categories: Invested in Capital Assets, Net of Debt - \$85 million; Restricted (mainly road capacity improvement) - \$157 million and \$1.4 million for grants and studies; Debt Service - \$28 million. The unrestricted net assets are negative \$247 million. This is because the roads that are serviced are not owned by the RTC and the vast majority of the incoming revenue is restricted.

The statement of activities explains shows how the RTC resulted in this year's ending balance as compared to last year's ending balance. It displays how many of our functions are self-supporting and the RTC has none. This makes sense because the RTC's primary revenue sources are from motor vehicle fuel tax and public transportation (sales) tax. Governmental fund net assets decreased by \$54 million but business activities net assets increased by \$17 million, which constitutes a total decrease of \$37 million decrease in net assets.

For full disclosure, the notes to the financial statements include detailed information regarding cash, capital assets, retirement plans, and debt.

In FY 2011, the RTC expended \$31 million in federal money which comes with strings attached. Those federal grant funds are audited separately.

There was one issue found with regard to the RTC's financial reporting of federal funds (finding 11-1) pertaining to monies received by the date of June 30 or within 60 days of year end. There were receivables recorded that fell outside of the 60 day window so adjustments were required.

Additionally, there were four findings related to one of the federal grants received. The Stimulus funded Energy Efficiency and Construction block grant of \$1 million. Ms. O'Carroll added that this was the first time the RTC has received this grant, it was a pass-through from the State of Nevada, and it was the first time the State of Nevada has received this particular grant.

Finding 11-2 showed that the RTC had excess federal funds on hand. Federal funds are to be drawn only for immediate cash needs. The State of Nevada instead gave the RTC a check for the full amount even though the project was not ready to begin. There was \$134,000 remaining on-hand June 30th.

Finding 11-3 pertains to the requirement of written progress reports on a monthly basis. There were none written during the last six months of the year. The project manager felt that verbal communications were sufficient but that was not the case.

Finding 11-4 pertains to the requirement of monthly financial status reports. The RTC did file the reports but also included funds from another energy grant which should not have been included.

Finding 11-5 also pertains to the monthly financial status reports and that communications between the engineering and finance departments was not sufficient to provide adequate information. This is a common finding.

Ms. O'Carroll closed with compliments to the RTC, stating that out of the many governmental financial statements audited by Kafoury, Armstrong, this is the only government where when they walk in to start the audit there is that complete CAFT waiting for them; it includes MVNA, statistical information and everything else that's needed. This means that the RTC has a much more effective and efficient audit which saves on the costs because the audit takes much less time to complete.

Ms. Stephanie Haddock, RTC Financial Administrator, also thanked the auditors and the finance staff.

Mr. Taelour also thanked the auditors, all finance staff and all contributing departments for their efforts.

On motion of Commissioner Gustin, seconded by Vice Chair Larkin, which motion carried unanimously, Chairman Smith ordered that receipt of the FY 2011 Comprehensive Annual Financial Report (CAFR) for the RTC be acknowledged.

Item 8.3 APPROVE RECOMMENDED INVESTMENT SECTORS AND AMOUNTS FOR THE STREET AND HIGHWAY BOND RESERVE FUNDS OR OTHER ALTERNATIVE AS DETERMINED BY THE BOARD

Mr. Taelour addressed the Board and reminded the Commissioners that they had previously approved a Finance Committee, which included Chairman Smith, to review potential investment possibilities for the RTC. The Committee reviewed several options and ultimately concluded that the RTC should remain conservative, recommending the 98% federal-2% corporate with a range going up to 92% federal and 8% corporate.

On motion of Commissioner Gustin, seconded by Vice Chair Larkin, which motion carried unanimously, Chairman Smith ordered that recommended investment of 98/2 with the optional range of up to 92/8 be approved.

Item 3.2 ADVISORY COMMITTEES SUMMARY REPORT

On motion of Vice Chair Larkin, seconded by Commissioner Gustin, which motion unanimously carried, Chairman Smith ordered that receipt of the monthly Summary Report for the Technical, Citizens, and Bicycle/Pedestrian Advisory Committees be acknowledged.

Item 4.1 thru 4.18 CONSENT ITEMS

Minutes

- 4.1 **APPROVE THE MINUTES OF THE OCTOBER 21, 2011, MEETING ***
- 4.2 **APPROVE THE MINUTES OF THE OCTOBER 30, 2011, SPECIAL MEETING***

Engineering

- 4.3 **ACKNOWLEDGE RECEIPT OF THE MONTHLY ENGINEERING ACTIVITY REPORT**

Public Transportation/Operations

- 4.4 **ACKNOWLEDGE RECEIPT OF THE MONTHLY PUBLIC TRANS/OPS REPORT**
- 4.5 **ACKNOWLEDGE RECEIPT OF THE RTC RAPID YEAR 2 STATIONS PROJECT UPDATE**

Administration

- 4.6 **APPROVE DELETING/RESCINDING RTC HUMAN RESOURCE MANAGEMENT POLICY (P-1) AND RTC EMPLOYEE PERFORMANCE POLICY (P-7)**
- 4.7 **APPROVE THE REQUEST FOR PROPOSAL (RFP) FOR THE CERTIFIED AUDIT SERVICES***
- 4.8 **This item was pulled for discussion.**

Procurement and Contracts

- 4.9 **APPROVE THE ANNUAL MAINTENANCE AND SUPPORT AGREEMENT WITH DELTEK, INC. IN THE AMOUNT OF \$91,160 FOR CONTINUED SUPPORT OF THE COSTPOINT FINANCIAL SOFTWARE SYSTEM; AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT***
- 4.10 **APPROVE THE PROFESSIONAL SERVICES AGREEMENT (PSA) WITH AMEC ENVIRONMENT AND INFRASTRUCTURE IN AN AMOUNT NOT TO EXCEED \$290,166 FOR THE BRIDGE STREET AND CAUGHLIN PARKWAY PAVEMENT PRESERVATION PROJECT; AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT***
- 4.11 **APPROVE THE COOPERATIVE AGREEMENTS BETWEEN THE NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) AND THE RTC FOR THE UNIFIED PLANNING WORK PROGRAM FUNDING; AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENTS**
- 4.12 **APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH LUMOS CONSULTING ENGINEERS FOR DESIGN AND ENGINEERING DURING CONSTRUCTION SERVICES FOR THE CORRECTIVE MAINTENANCE PROGRAM IN AN AMOUNT NOT TO EXCEED \$300,800; AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT**
- 4.13 **APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH SUMMIT ENGINEERING FOR DESIGN AND ENGINEERING DURING CONSTRUCTION SERVICES FOR THE MAYBERRY DRIVE PAVEMENT PRESERVATION PROJECT IN AN AMOUNT NOT TO EXCEED \$369,775; AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT**

- 4.14 **AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE NV ENERGY REIMBURSEMENT AGREEMENT FOR UTILITY RELOCATION COSTS ASSOCIATED WITH THE MOANA LANE WIDENING PROJECT**
- 4.15 **APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES FOR DESIGN AND ENGINEERING DURING CONSTRUCTION SERVICES FOR THE PLUMB LANE/TERMINAL WAY INTELLIGENT TRANSPORTATION SYSTEMS PROJECT IN AN AMOUNT NOT TO EXCEED \$179,226; AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT**
- 4.16 **APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH AMEC CONSULTING ENGINEERS FOR ENGINEERING DURING CONSTRUCTION SERVICES FOR THE WEST PRATER WAY IMPROVEMENT PROJECT, PHASE 3, IN AN AMOUNT NOT TO EXCEED \$75,669; AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT**
- 4.17 **APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH NICHOLS CONSULTING ENGINEERS FOR DESIGN AND ENGINEERING DURING CONSTRUCTION SERVICES FOR THE WEST HUFFAKER LANE PROJECT IN AN AMOUNT NOT TO EXCEED \$198,236; AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT**
- 4.18 **APPROVE THE COOPERATIVE AGREEMENT BETWEEN THE NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) AND THE RTC FOR PROPERTY ACQUISITION ADJACENT TO THE CONTROL OF ACCESS AT I-580 (US 395) AND MOANA LANE FOR THE MOANA LANE WIDENING PROJECT; AUTHORIZE THE RTC EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT**

On motion of Commissioner Gustin, seconded by Vice Chair Larkin, which motion carried unanimously, Chairman Smith ordered that Consent Item 4.1 through 4.7 and 4.9 through 4.18, be approved.

- 4.8 **AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSALS (RFP) TO OUTSOURCE PUBLIC INFORMATION OFFICER (PIO) DUTIES AND ASSOCIATED TASKS**

Steve Burlie, RTC Administrative Services Director, addressed the Board and answered questions regarding the recommendation authorizing staff to issue a RFP to outsource PIO duties and associated tasks, as set forth in the briefing materials for this agenda item.

Chairman Smith stated that he pulled the item because the staff report is not clear as to whether the RTC *will* benefit from this action or *should* benefit from this action.

Mr. Burlie explained that when he began managing the PIO position he started time management logs for the work involved in this position. The result of those time logs was that there seemed to be a maximum of 400 hours in annual labor related to that position. Additionally, Mr. Burlie conferred with other PIOs in the area who agreed the ratio of staff to PIO at the RTC did not require a full time position for PIO.

Mr. Burlie is recommending that the RTC outsource for extensive media training for the RTC subject matter experts. The local media has also stated that they prefer to speak directly to the subject matter experts.

The estimated training time is 300-400 hours per year, saving the RTC approximately \$30,000 - \$60,000 per year.

Chairman Smith asked for the cost of a part-time employee in this position at 20 hours per week.

Mr. Burlie replied that it would be about \$40,000 and with the benefit burden rate it would cost the RTC approximately \$60,000 annually.

Chairman Smith agrees that there needs to be more exposure for the RTC but his preference is to hire a part-time employee for the position.

Vice Chair Larkin agrees that there are definite benefits to using a consulting service but there needs to be a "voice of the RTC." He does not believe that this is being handled sufficiently at this time so there needs to be a go-to person who knows the business of the RTC and is proficient with the media industry and has existing relationships and contacts in that industry. Vice Chair Larkin added that subject matter experts should not be addressing the media, as it is not in their skill-set. He recommends hiring a PIO/Chief Information Officer; however, he agrees that an outside consultant could also be beneficial.

Mr. Burlie offered to bring forth options for a more strategic public information role, separating the strategy of public information from the direct access to subject matter experts when appropriate.

The Vice Chair stated again that an outside PIO consultant may still be beneficial for training purposes in this position.

Commissioner Gustin agreed with the Vice Chair and believes there must be a "face of the RTC."

Given the Board direction, E.D. Gibson said that a PIO position description will be brought back in January along with a scope of work for a consultant RFP.

Item 5.1 thru 5.6 OPERATIONS

5.1 REAFFIRM SUPPORT FOR THE FIXED-ROUTE TRANSIT PASSENGER & VISITOR STANDARD OF CONDUCT POLICY (P-31) PROHIBITING FIREARMS, OTHER THAN THOSE LEGALLY CARRIED BY PERMIT, ON RTC RIDE BUSES*

John Fowler, RTC Lead Counsel, explained that this topic was brought up under public comment at the RTC Board Retreat on September 30, 2011. Per Board direction, staff researched Nevada law to ensure that the RTC is in good legal standing with regard to the prohibition of firearms on RTC/RIDE buses, other than those legally carried by permit. Mr. Fowler explained that this has been a long-standing policy with the RTC and that in 1988, the legislature passed three statutes: one

prohibiting cities, one prohibiting counties and one prohibiting towns from passing gun regulation statutes. The RTC is none of those three entities and therefore, is allowed to make policy with regard to firearms and weapons.

Vice Chair Larkin requested clarification from Mr. Fowler that the RTC is a “creature” of the state even though the three local jurisdictions have entered into an Interlocal Cooperative Agreement for performance of RTC duties. The RTC is still considered a creature of the state and is not subject to the NRS statutes pertaining to this topic.

Mr. Fowler confirmed.

Vice Chair Larkin then said that this could be confusing to many citizens because there are many other boards and commissions in the area that are not creatures of the state and are, in fact, ruled by the cities or county. Nevada has an open carry law, but that law is restricted the moment that someone steps on an RTC bus.

Chairman Smith asked if drivers are put into harms’ way if they are asked to enforce this policy.

Roger Garza, General Manager with MV Transportation, approached the dais and said that the coach operators are not to challenge anyone carrying a firearm. They are to contact a supervisor who will then contact the authorities.

E.D. Gibson reiterated that the coach operators are expected to avoid confrontation, keep peace on the bus, and deliver service to the public.

Mr. Garza confirmed.

Chairman Smith asked if there will be any change made to the policy.

Mr. Fowler said that there was no legal finding dictating a need for change.

Commissioner Gustin agreed with the Chairman’s concerns.

Mr. Garza said that since his term with the RTC began there has not been a single incident pertaining to this issue. He believes the riding public has a good understanding of the current policy.

On motion of Vice Chair Larkin, seconded by Commissioner Gustin, which motion carried unanimously, Chairman Smith ordered that receipt of the report be acknowledged.

5.2 ADOPT THE FY 2012-2016 SHORT-RANGE TRANSPORTATION PROGRAM*

Roger Hanson, RTC Sr. Transit Planner, approached the Board and gave a presentation on the FY 2012-2016 Short-Range Transportation Program (SRTP). Mr. Hanson explained that the analysis was completed to look at a new business model for transit and the transit services themselves.

This document will be used as a guideline in the next five years for the operation of transit service and the funding of the service (capital or operating).

The SRTP was completed by Parsons Brinckerhoff who found that; overall, the RTC is doing very well in how many boardings there are per capita, how many passenger miles are traveled and the fare box ratio.

It was determined that the RTC could maintain the current levels of service for the next five years. It was also proposed that staff change the 80/20 ratio goal (80% productivity/20% coverage) to read productivity at a minimum of 80%.

The fare box recovery goal has been sitting at 35% for several years; the new goal is 80% of what the RTC's peers are doing.

The fare analysis showed that the RTC is consistent with its peer agencies in how the fare structure is and staff should continue to emphasize multi-ride passes as it saves on boarding time and money handling time. It was recommended that the older fare boxes should be updated.

The financial plan component of the analysis contains a minimal capital investment but no service reductions in the near term, and continued improvement of productivity.

Mr. Hanson continued by offering examples of future reductions and route combinations based on ridership.

Chairman Smith then asked if route 25 could be extended to pick up the kids from Reed High School.

Mr. Hanson said he would check into it for the Chairman.

Vice Chair Larkin asked Mr. Hanson to expound on the concerns over goal 2A-4 in the SRTP (The RTC shall prepare and adopt plans for long-range public transportation management and transit capital investment based on maximizing transit service productivity.).

Mr. Hanson responded that the concern of Mr. Dick from Air Quality is that some of the short range transit plan is dictating policy that should be done in the long range plan. That was not the intent of the goal. Mr. Hanson had no objection to removing this goal from the SRTP.

Commissioner Gustin then asked for clarification on several topics that Mr. Hanson discussed in his presentation. Mr. Hanson complied.

On motion of Vice Chair Larkin, seconded by Commissioner Gustin, which motion carried unanimously, Chairman Smith ordered that the FY 2012-2016 Short-Range Transportation Program be adopted with the removal of Goal 2A-4.

5.3 ACKNOWLEDGE RECEIPT OF THE UPDATE ON THE ADA PARATRANSIT ELIGIBILITY EVALUATION REQUEST FOR PROPOSALS; PROVIDE DIRECTIONS AS NEEDED

Ms. Tina Wu, RTC Sr. Transit Planner, approached the Board to give an update on the ADA paratransit eligibility evaluation request for proposals, as set forth in the briefing materials for this agenda item.

There were three proposals received and the evaluation team decided there were additional questions that they needed answers for and questions on cost. Therefore, the evaluation team would like to proceed with an interview process before bringing a recommendation back to the Board.

On motion of Commissioner Gustin, seconded by Vice Chair Larkin, which motion carried unanimously, Chairman Smith ordered that the report be acknowledged and staff is to continue looking for a solution to this problem; bring the proposal recommendation back in January 2012.

5.4 AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER AN AGREEMENT WITH CALIFORNIA ASSOCIATION FOR COORDINATED TRANSPORTATION (CALACT) FOR THE PURCHASE OF 15 REPLACEMENT VANS AND AN OPTION FOR 30 ADDITIONAL VANS*

Chairman Smith opened the meeting to public input and called on anyone wishing to speak on this topic.

E.D. Gibson first explained that 15 of the RTC ACCESS vans were due for replacement which is why staff is looking for authorization to proceed.

Mr. Chris Ferrari, representing RO Bus, approached the Board and, in conjunction with Bobby Bracken, also representing RO Bus, gave an unsolicited sales presentation to show the benefits of the RTC purchasing steel caged RO Bus vans vs. moving forward with the planned "piggyback" with CalAct for the purchase of additional El Dorado vans which are made of a composite material.

Ms. Tina Wu, RTC Transit Planner, explained that the useful life of one of these vans is seven years or 200,000 miles. The 15 vans up for replacement represent approximately one third of the ACCESS fleet and are well past their useful life. The funding for these vans is in the current budget and is funded by FTA Section 5309 CMAQ and sales tax.

In an effort to expedite the process, staff determined it would be best to "piggyback" with CalAct for this purchase. The RTC has been "piggybacking" with CalAct since 1996. Ms. Wu continued to explain additional benefits of purchasing this brand of vehicle, such as continuity of the fleet and staff familiarity with this vehicle. Additionally, no additional staff training would be required.

E.D. Gibson added that there are new technologies out there so it could be a benefit to purchase the initial 15 vans with an option to buy 30 more at the same price in the future. There is no requirement to use this option should staff find a better solution at a later date. E.D. then introduced

Mark Schlador, Maintenance Manager with First Transit, who works with the current ACCESS vans.

Commissioner Gustin disclosed that he had a very brief telephone conversation with Mr. Ferrari the previous evening. He then asked Mr. Schlador about the safety factors of the vehicle.

Mr. Schlador stated that he has had no issues with the composite bodied vehicles and would have no problem putting his passengers into a composite bodied vehicle. He added that a steel cage body is also not a problem but it adds some weight to the vehicle.

Commissioner Gustin asked Mr. Bracken when RO Bus could have vans available and Mr. Bracken responded that they could be ready in the same timeframe as the El Dorado vans.

Commissioner Gustin then asked if there is any jeopardy if the CalAct purchase was postponed.

Elisa Rizzo, RTC Procurement Compliance Administrator, addressed the Board and stated that the deadline to “piggyback” with CalAct is January 15, 2012.

Chairman Smith asked what would happen if there was purchase of the 15 vans without including the option for 30 more.

Ms. Rizzo said that she had just found out that the option for an additional 30 vans was no longer valid so is not in question.

E.D. Gibson added that it was discovered that the arrangement that RO Bus has for their van supply is not eligible for federal assistance. Therefore, funding would be jeopardized if the RTC made the purchase from RO Bus. He then recommended that the RTC move forward with the “piggyback” purchase of the 15 vans in need of replacement and create a request for proposal (RFP) for the next 30 van purchase.

Chief Legal Counsel John Fowler concurred.

Chairman Smith asked Mr. Ferrari if they had previously sold vans to the RTC of Southern Nevada. Mr. Ferrari replied that the price being offered at this meeting is valid for one year which would give Mr. Fowler an opportunity to discuss with their legal counsel for other potential options.

On motion of Commissioner Gustin, seconded by Vice Chair Larkin, which motion carried unanimously, Chairman Smith ordered that staff move forward with the purchase of 15 vans via the CalAct “piggyback” and set up a series of events toward the creation of a RFP for the next 30 vans.

5.5 ACKNOWLEDGE RECEIPT OF THE MV TRANSPORTATION QUARTERLY REPORT AND PROVIDE DIRECTION AS APPROPRIATE*

David Jickling, RTC Operations Director, approached the Board and explained that Commissioner Gustin had previously requested some specific data since the implementation of MV Transportation

as the turnkey operator of the RIDE system. He then gave a statistical presentation addressing each of Commissioner Gustin's requests.

Commissioner Gustin thanked Mr. Jickling for addressing all of his concerns. He then thanked Roger Garza, RTC/RIDE General Manager with MV Transportation, for his written correspondence received in November and asked if there had been any updates since that time.

Mr. Garza approached the Board and said that one grievance had been written since that correspondence but that it had been withdrawn by the union within 24 hours and the issue was resolved. Mr. Garza added that since his transfer to RTC RIDE, he found basically a ready-made, well run system that needed few changes.

Commissioner Gustin asked if there had been any disciplinary actions taken as a result of the DriveCam reviews.

Mr. Garza said there had been and added that the drivers were all trained on the DriveCam system and were slowly exposed to it in order to get them used to it. There have been no grievances filed as a result of these disciplinary actions.

Mr. Garza next introduced the new MV Regional Vice President Derik Calhoun who replaced Dennis Jackson.

Commissioner Gustin asked if MV had completed their collective bargaining agreement (CBA).

Mr. Garza said they had not and are currently working under a national interim agreement. This interim agreement could be in place indefinitely, but that is not their intention.

On motion of Commissioner Gustin, seconded by Vice Chair Larkin, which motion carried unanimously, Chairman Smith ordered that the receipt of the quarterly report be acknowledged.

5.6 *Item pulled from the agenda (see Item 1)*

Item 6.1 PLANNING

6.1 ACKNOWLEDGE RECEIPT OF THE 2035 REGIONAL TRANSPORTATION PLAN STATUS UPDATE AND PROVIDE DIRECTION AS APPROPRIATE*

Amy Cummings, RTC Director of Planning, approached the Board and gave a presentation on the current status of the 2035 Regional Transportation Plan as set forth in the briefing materials for this agenda item.

On motion of Commissioner Gustin, seconded by Vice Chair Larkin, which motion carried unanimously, Chairman Smith ordered that receipt of the update be acknowledged.

Item 7.1 thru 7.3 ENGINEERING

7.1 ACKNOWLEDGE RECEIPT OF THE SOUTHEAST CONNECTOR MONTHLY UPDATE

Garth Oksol, RTC Project Manager, approached the Board and gave an update on the current status of the SouthEast Connector (SEC) project as set forth in the briefing materials for this agenda item.

Mr. Oksol said that there is now an opening between the northbound and southbound lanes in the proposed “simple” bridges for the Truckee River portion of the project.

Mr. Oksol also addressed Vice Chair Larkin’s question on the wetlands bank asked at a previous meeting. He said there is a local developer that is currently going through the process with the Corp of Engineers to become a certified wetlands bank. Mr. Oksol added that were the RTC to move forward with the wetlands bank option, it would put the project back to square one requiring a new permit submission to the Corp of Engineers because there would no longer be wetlands mitigation involved. Additionally, there is no guarantee that the wetland banks will be approved.

There is also a concern by the Corp regarding the maintenance of the wetlands and who would be financially responsible.

Vice Chair Larkin asked for additional information on the mitigation plan vs. the wetland bank option and he would like more information on the flexibility of our options by the Corp due to the fact that there is an established ecosystem in place already. He added that representation of the Corp’s legal counsel at the next meeting would be nice.

On motion of Vice Chair Larkin, seconded by Commissioner Gustin, which motion carried unanimously, Chairman Smith ordered that receipt of the update be acknowledged.

7.2 APPROVE A “RESOLUTION OF CONDEMNATION” AUTHORIZING RTC LEGAL COUNSEL TO COMMENCE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY AND PROPERTY INTERESTS FROM KIETZKE PLAZA, LLC*

Jeff Hale, RTC Engineering Director, approached the Board and stated that negotiations are continuing with Kietzke Plaza, LLC and the hope is to come to an agreement. This condemnation request is an effort to avoid future delays in the process should there no agreement made.

On motion of Vice Chair Larkin, seconded by Commissioner Gustin, which motion carried unanimously, Chairman Smith ordered that the Resolution of Condemnation authorizing RTC legal counsel to commence condemnation proceedings to acquire property and property interests from Kietzke Plaza, LLC be approved.

7.3 APPROVE THE RECOMMENDED SHORT LIST OF CANDIDATES FOR THE REQUEST FOR PROPOSALS (RFP) FOR CONSTRUCTION MANAGER AT RISK (CMAR) PRE-CONSTRUCTION SERVICES FOR PHASE 1 OF THE SOUTHEAST CONNECTOR AND AUTHORIZE STAFF AND THE SELECTION TEAM TO INTERVIEW THE SHORT LIST AND DEVELOP A RECOMMENDED CONTRACTOR FOR POSSIBLE BOARD APPROVAL IN JANUARY 2012

Garth Oksol, RTC Project Manager, approached the Board and offered to answer any questions pertaining to the request for approval of the short list of candidates for the RFP as set forth in the briefing materials for this agenda item.

Vice Chair Larkin asked if the next step is to move into the interview process with the approved short list. Mr. Oksol confirmed.

On motion of Vice Chair Larkin, seconded by Commissioner Gustin, which motion carried unanimously, Chairman Smith ordered that the recommended short list of candidates for the request for proposals (RFP) for Construction Manager at Risk (CMAR) pre-construction services for phase 1 of the SouthEast Connector be approved.

Items 8.4 thru 8.5 GENERAL ADMINISTRATION

8.4 ACKNOWLEDGE RECEIPT OF THE REPORT AND DIRECT STAFF ACCORDINGLY REGARDING LEE G. GIBSON'S ANNUAL PERFORMANCE EVALUATION*

E.D. Gibson stated that the RTC HR Administrator Angela Reich prepared a summary document which includes a range of accomplishments and goals and objectives from the previous year. It also includes some proposed goals and objectives for the coming year.

Ms. Reich approached the Board and explained her process for putting together the summary document provided. She also corroborated his accomplishments based on agenda items and actions by the Board.

E.D. Gibson then added that he would like to add public outreach as an additional goal to the existing list.

Vice Chair Larkin commented that he believes the public outreach in the North Valleys, specifically with regard to the proposed east/west connector, has been inadequate. He would like to see an improvement in that area and would like to know what the E.D.'s approach will be to accomplishing this goal.

On motion of Commissioner Gustin, seconded by Chairman Smith, which motion carried unanimously, Chairman Smith ordered that receipt of the report be acknowledged.

8.5 ACKNOWLEDGE RECEIPT OF AN UPDATE ON MANAGEMENT POLICY P-13 AND PROVIDE DIRECTION AS APPROPRIATE*

E.D. Gibson explained that there had been many updates and changes had been implemented in the policy the previous year in an attempt to increase transparency and bring the Board actions more into alignment with the policy. He then introduced Elisa Rizzo, RTC Procurement Compliance Administrator.

Ms. Rizzo approached the Board and provided the specifics of changes that had been implemented in the policy and the new processes that have been put into place for checks and balances. She added that E.D. Gibson signs all agreements not requiring Board approval and that no other staff member is authorized to sign an agreement.

Ms. Rizzo the added that it is planned to increase the number of external participants participating in the RTC's technical advisory panels. It is also planned to implement a systemization of the weightings on the criteria for technical qualifications and costs, proposals and interviews. Ms. Rizzo suggested that Board members could also participate in any component of the proposal or interview processes.

Ms. Rizzo continued her presentation of the many options that could be made available for Board review or approval, then offered to answer any questions.

Jeff Hale, RTC Engineering Director, addressed the Board to request a change to the process for right-of-way acquisitions. He suggested that the Board consider a 10% aggregate project limit over appraised values rather than having to reset the aggregate of \$200,000 every time the aggregate cap is met.

Alan Yoshida, RTC Property Agent, addressed the Board and explained that implementing a project limit could reduce delays and property acquisition issues.

Mr. Hale then added that the upcoming property acquisitions on the Pyramid/McCarran Intersection project could run in to many situations where the home being purchased is upside down in their mortgage which could use up the \$200,000 aggregate very quickly.

Chairman Smith asked if options could be processed under separate contract instead of including them in the project bids. Ms. Rizzo confirmed this could be done but either process presents differing challenges.

There was discussion amongst the Board of having members sit in on the selection process and determined that it could set up a condition of conflict of interest so it wouldn't be advisable.

E.D. Gibson suggested that this item be brought back in January along with all other actionable staff items that have been requested.

No action was taken on this item.

Item 9 MEMBER ITEMS

Commissioner Larkin submitted a letter from Mr. Warren Brighton, Chairman of the Sun Valley CAB, which includes several questions. Commissioner Larkin asked that E.D. Gibson address these questions with Mr. Brighton and bring back an agenda item on the public involvement in the Sun Valley area.

Chairman Smith asked that there be a permanent item added to the agenda for the NDOT Executive Director to address items. He would like this placed directly after the consent items.

Item 10 PUBLIC COMMENT

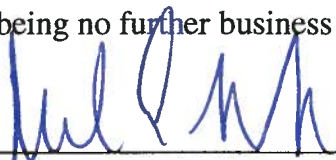
Chairman Smith opened the meeting to public input and called on anyone wishing to speak on topics relevant to the Regional Transportation Commission (RTC) that are not included in the current agenda.

There being no one wishing to speak, the Chairman closed public input.

Item 11 ADJOURNMENT

On motion of Vice Chair Larkin, seconded by Commissioner Gustin___, which motion carried unanimously, Chairman Smith ordered that the meeting be adjourned.

There being no further business to come before the Board, the meeting adjourned at 11:54 a.m.



RON SMITH, Chairman
Regional Transportation Commission