

**HIGH DESERT CORRIDOR JOINT POWERS AUTHORITY
BOARD OF DIRECTORS MEETING**

Thursday, May 13, 2010
2:00 p.m.

**County Government Center
385 North Arrowhead Avenue
San Bernardino, CA 92415**

	Directors Present	Brad Mitzelfelt , Supervisor, San Bernardino County First District (Chairman); Michael Cano , Alternate to Vice Chair Michael Antonovich; Norman L. Hickling , Deputy to Supervisor Antonovich; Gene Piehe , City of Adelanto; Ryan McEachron , City of Victorville; Rick Roelle , Town of Apple Valley
	Directors Absent	Michael Antonovich , Supervisor, Los Angeles County Fifth District (Vice Chairman); Ronald Smith , City of Lancaster; James Ledford , City of Palmdale
	Alternates Present	None
1.	Call to Order	There being a quorum present, the High Desert Corridor (HDC) Joint Powers Authority (JPA) meeting was called to order by Chairman Mitzelfelt at 2:10 p.m. Self introductions were made. He states though they have not met as a Board since August 26 th , there has been significant activity. He says most of it has been organizing for the Los Angeles County ½ cent sales tax devoted to the EIR. He thanks Metro (Los Angeles County Metropolitan Transportation Authority) for the tremendous work they have done to work with members of the Board, CalTrans (California Department of Transportation) and SANBAG (San Bernardino Associated Governments) to bring many of the items being discussed on today's agenda.
2.	Approval of Minutes	Chairman Mitzelfelt states the August 26 th meeting minutes were sent to all Directors and he asks if there are any suggested corrections or revisions. On motion of Director Piehe, seconded by Director McEachron, the minutes of the August 26, 2009 Board meeting were approved unanimously as submitted. Supervisor Mitzelfelt notes that Director Hickling arrived at 2:11 p.m.
3.	Announcements	Chairman Mitzelfelt notes that Item #11 should be postponed today since Tom Skancke could not be present today and he notes the order of #7 and #8 will be switched today. Chairman Mitzelfelt asks if there are any reports or updates and there are none. Director Mitzelfelt introduces the new Clerk of the JPA, Laura

		<p>Welch, and thanks Laura and Donna Young for taking over this important role. He also introduces Gerry Newcombe, who has assumed the budget and administrative support along with Bea Valdez and thanks them for their work to oversee the JPA finances.</p>
4.	Legislative Report and Approval of Innovative Financing Testimony	<p>Alternate Director Cano states he and Vice Chair Antonovich have been to Washington, DC four times, most recently in March, to discuss the High Desert Corridor (HDC). What has come out of this in discussions with Senator Boxer's and Senator Feinstein's staff and other key players, the High Desert Corridor is emerging as a desirable regional project. The discussion about the HDC is a project that brings with it a potential revenue stream, and also addresses the critical goods movement link that is needed in the Southern California region which can provide and also spur jobs and economic productivity throughout the rest of the country. It is not just a localized benefit, but is capturing a lot of attention, to the point where they're trying to see if there is a way to put this in a higher level category when authorization comes around.</p> <p>He also states there is potentially a chance to do an authorization piece during a lame duck session, but that is not definite. The major hurdle that remains is the financing and there is no consensus yet as to how they would finance a new authorization. He says the potential for a lame duck session was brought up as a vehicle because of more immunity from political pressure after the mid-term elections and to take some measures that might be deemed controversial for different members of congress and the senate in their own races. He says if that were to move forward, it might not be able to fund everything, but the High Desert Corridor project may be able to leverage Federal Funds in a P3 arrangement.</p> <p>The efforts by Metro and moving forward with the P3 program has definitely helped as well as including advocacy programs for the counties. He says there is still a lot to do to make sure this project is well defined as they move forward. They go back to D.C. in July, and may be able to expand the trip to more HDC members, but the point would be to make sure they are on the doorstep, face-to-face with key players in congress so that when the time comes, they know the projects intimately in order to move forward.</p> <p>Laurie states she understands they will be basing the new reauthorization bill on a house version, the draft of which is already out. She states there is JPA testimony on innovative P3 financing that is included in the packets, which is an important part of reauthorization, since they are so short on traditional gas tax type of funding. She says our Nossaman advisors have put together some of the kinds of financing the JPA could use, other than the traditional sources, so as to take advantage of some of the long-term credit assistance programs like TIFIA, private activity bonds, Build America Bonds, and extending and improving and adding money into all those programs. She states local control is needed as much as possible to make some decisions in the State, not the federal level, for tolling and financing. She states most of the testimony is P3 oriented and approval is needed to send to the House Subcommittee on Highways and Transit.</p>

		<p>Alternate Director Cano adds that the members have probably heard about the 30/10 initiative in Los Angeles County, which he says is a very innovative and aggressive way to leverage a ½ cent sales tax (imposed in 2008). He says the Metro (MTA) Board took a position at their last JPA meeting to make 30/10 more comprehensive in terms of how it deals with highway and transit projects in Los Angeles County. He says the P3 projects like theirs are the ones that probably have the best chance to move forward because they require less federal money. He states when Supervisor Antonovich returns to D.C. he would like to testify on behalf of accelerating the highway portion of Los Angeles County's project, which includes the HDC. He says Mayor Villaraigosa has also been very effective in advocating for Los Angeles County and they may be able to draft him in terms of easing some of the pressure to go back there and try to get their own projects through.</p> <p>On motion of Alternate Director Cano, seconded by Director Hickling, the JPA approves the Draft Innovative Financing Testimony.</p>
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5.	<p>Approval of Amendment to JPA Agreement to add LACMTA and SANBAG to Board of Directors</p>	<p>Chairman Mitzelfelt states this item will formalize an increasingly close working relationship to the two County Transportation Commissions in moving this project forward.</p> <p>Laurie Hunter states at the last meeting they discussed waiting until the California Transportation Commission (CTC) Guidelines were out which explained how Public-Private Partnership authorization was going to occur in the State of California. She states in reviewing their structure it made sense to add SANBAG and Metro to the JPA Board of Directors</p> <p>San Bernardino County Counsel, Michelle Blakemore, states the action today amends the JPA agreement which would also have to be approved by each County, SANBAG and Metro.</p> <p>On motion by Director McEachron, seconded by Director Roelle, the Board unanimously approves an amendment to the JPA Agreement to add LACMTA and SANBAG to the Board of Directors.</p>
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6.	<p><u>PTAC Report – Feasibility Study Status</u> Recommended Actions:</p> <ol style="list-style-type: none"> a. Receive Status report on board action of 4/1/09 directing the development and release of an RFP for project feasibility study b. Receive presentation from Mr. Doug Failing regarding LACMTA efforts in developing the feasibility study and EIR for the HDC c. Table the effort to advertise the feasibility study RFP and approve cooperating with LACMTA in their effort for being the coordinating agency for the 	<p>Chairman Mitzelfelt states almost a year ago the JPA authorized Mazin Kasey and Pat DeChellis to draft and issue a RFP for a Financial Feasibility Study which was to be used to determine the feasibility of the HDC as a P3 prior to beginning an EIR. He states twice they have put the issuance of an RFP on hold, to wait for the CTC to issue their P3 Authorization Guidelines. He states this item will be presented as follows: Mazin Kasey will present a status report; Doug Failing and Mr. Roger Moliere will provide a summary of Metro's activities paving the way for an EIR and Metro's P3 Program. Finally, he states the JPA will take action on the Feasibility Study and EIR approach spearheaded by Metro.</p> <p>Mazin Kasey, PTAC Chair, states that at the April 1st, 2009 JPA meeting, direction was made to he and Pat DeChellis to develop, and release a RFP for a project feasibility study and recommend a consultant to the JPA Board. The RFP document was developed within the time limit the JPA set for this activity. The JPA, in its meeting on August 26, 2009 received a status report regarding</p>
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	feasibility study	<p>postponing the advertisement of the RFP because of CTC possible changes to the P3 process.</p> <p>Since then, Mr. Kasey states they have been working with CalTrans to obtain authorization to use the \$800,000 demo funds allocated for the HDC. During this time, LACMTA was authorized to use Measure R and suggested utilizing their already qualified consultants to perform the feasibility study and EIR funded by Measure R and the \$800K earmark. Several meetings were held to coordinate this effort. He invites Mr. Failing to give a brief presentation regarding MTA's effort.</p> <p>Mr. Failing, states the HDC project has been one he has tracked for a number of years and believes there is no more important goods movement project in the region. Recognizing with passage of Measure R that they had a unique opportunity, and with his becoming employed by Metro 6 months ago, they began to move forward on how they could advance the environmental document for the entire HDC. At Metro, their board took initiative in April and gave them authority to do the technical environmental studies necessary to move forward. They had authorized CalTrans to begin working in advance on the spring surveys on April 1st. By doing this, he states they are actually able to save a whole year on the program as opposed to missing a key window of opportunity on moving this forward. He says they are putting an exciting team together and there has been much groundwork done. He believes they can do this project in about three years and have it cleared environmentally. More importantly, through the public-private partnership opportunities they are developing, they have a chance to actually get to build, which is very exciting. He states teamwork and partnership is very important and feels it will work very well and that they will have a great project to deliver. He acknowledges his staff, Renee Berlin, as well as the JPA staff, for their help in forming this very important coalition. He calls on Roger Moliere to make his presentation.</p> <p>Mr. Moliere, makes the presentation to the JPA, a copy which is on file with the Secretary of the JPA.</p> <p>Director Mitzelfelt states he believes they have a great opportunity here and recommends this change in course. He reiterates the policy direction and looks for a motion from the JPA to receive and table the JPA RFP initiated prior to Measure R, and perform the work through LACMTA.</p> <p>On motion by Director Cano, seconded by Director Piehe, the Board unanimously approved action to:</p> <ol style="list-style-type: none"> a. Receive Status report on board action of 4/1/09 directing the development and release of a RFP for project feasibility study b. Receive presentation from Mr. Doug Failing regarding LACMTA efforts in developing the feasibility study and EIR for the HDC c. Table the effort to advertise the feasibility study RFP and approve cooperating with LACMTA in their effort for being the coordinating agency for the feasibility study
7.	Approval of the HDC Scope of Work for submittal to LACMTA for inclusion in the Partnership Agreement Regarding the High	<p>Director Mitzelfelt states they will be hearing Item #8 prior to Item #7.</p> <p>Laurie states her thanks to Renee Berlin for starting to convene a team of experts from CalTrans from each of the commissions and cities involved in</p>

Desert Corridor from the SR-14 to the I-15 and potentially SR-18

this effort. She states they are putting a partnership agreement together for everyone that will be involved with the EIR project and their recommendation is for the scope of work to be recommended to Metro for this agreement. She says it will put the JPA Board in the "policy and where interjurisdictional policy direction can be discussed and adopted. She notes CalTrans will be on the advisory level at this time. She says Chairman Mitzelfelt and Vice Chair Antonovich would retain the primary spokesman role for the project along with the Metro experts that are on their team. She states they will provide the staff support and service for many of the functions that the public-private partnership team are going to be performing, such as the tolling and financial feasibility study, and also be involved as we go to the CTC to get P3 authority, and to Congress to seek funding and P3 innovative financing legislation. She states they are looking forward to Mr. Failing taking over and moving the project forward.

Laurie recommends an amendment to add another bullet point for "Outreach" in the Scope of the Project. She says this will be an important function for all to reach out to the business and residential communities.

Chairman Mitzelfelt states each entity that is a member of the JPA or has a representative on the Board, will have a Scope of Work for their separate agency as well and one for the JPA that will be adopted today. He notes today's action is a conceptual approval, which will include the addition of "Outreach".

On motion by Director Cano, seconded by Director McEachron, the Board unanimously approved the HDC Scope of Work for submittal to LACMTA for inclusion in the Partnership Agreement Regarding the High Desert Corridor from the SR-14 to the I-15 and potentially SR-18; to include the addition of a bullet point entitled, "Outreach", in the Scope of Work.

Alternate Director Cano states this is very important for the face of this project to not just be an agency but to be the people who represent the jurisdictions, and for the continuity of that role in D.C.

Mr. Moore, Los Angeles County Counsel, asks if DesertXpress is going to be a part of the description of the project for CEQA (California Environmental Quality Act) and NEPA (National Environmental Policy Act) purposes.

Mr. Failing states the CEQA/NEPA process will require they acknowledge the discussion they have been having with DesertXpress about their desire to move in an east/west direction from the proposed station in the Victorville area and ultimately ending up in Palmdale. He says they are having conversations with the DesertXpress about coming up with some financial resources, becoming a full partner in the project and possibly even planning their entire corridor. He says they may be able to take it up to a higher level as they work with them and can bring some additional financial resources into play.

Mr. Moore states his concern is that this may slow them down.

Mr. Failing says he does not believe this will slow them down.

		<p>Laurie states at their last meeting, Laurie Lile from the City of Palmdale, asked for an advisory committee from the JPA to make sure that didn't happen. They were talking about two collaborating EIRs so that one didn't slow the other down and information is shared so the costs do not have to be duplicated.</p>
<p>8.</p>	<p><u>Environmental Impact Report (EIR) for HDC</u> Recommended Actions:</p> <ul style="list-style-type: none"> a. Recognize LACMTA as the coordinating agency for preparation of the EIR, and direct staff to assist until adoption of the Partnership Agreement; and b. Authorize Chairman Mitzelfelt to execute an agreement transferring authorization for \$800,000 in federal demonstration funds to LACMTA for use in the feasibility study and EIR with CalTrans 	<p>Director Mitzelfelt states they will be hearing Item #8 prior to Item #7.</p> <p>Laurie says this item is related to the last item. She states this item is to endorse the work that Mr. Failing was talking about of Metro being the coordinating agency for the EIR and contracting with CalTrans in order to perform the EIR between SR-14 and I-15. She says it includes authorization to transfer \$800,000 in federal demonstration money that was transferred to the JPA by the City of Victorville. As such, she says they began working with CalTrans with their commissions and SCAG to ensure they were in RTIP (Regional Transportation Improvement Plan) and that this money was in there under the HDC and various agencies. Next, the JPA would be authorized to turn the money over to the project that Metro will be coordinating and have CalTrans accept the funds.</p> <p>On motion by Director Hickling, seconded by Director Roelle, the Board unanimously approves the following action:</p> <ul style="list-style-type: none"> a. Recognize LACMTA as the coordinating agency for preparation of the EIR, and direct staff to assist until adoption of the Partnership Agreement <p>On motion by Director McEachron, seconded by Director Piehe, the Board unanimously approves the following action:</p> <ul style="list-style-type: none"> b. Authorize Chairman Mitzelfelt to execute an agreement transferring authorization for \$800,000 in federal demonstration funds to LACMTA for use in the feasibility study and EIR with Caltrans
<p>9.</p>	<p>Approval of a Resolution in Support of DesertXpress for use in helping to seek funding and to build a coalition of support for collaboration with the High Desert Corridor EIR alignments</p>	<p>Laurie states Nossaman drafted a memorandum of understanding related to DesertXpress to make sure that collaborating with them on the EIR did not cost the JPA dollars, but working with them to get federal money for that effort. She notes it has not been executed yet. She indicates there is a grant proposal they had started to work on that is due in a few days, and she believes that deadline may pass. She says that brought up the need for stronger support from the JPA for the DesertXpress project, therefore, a resolution of support is before the JPA today for use when seeking federal or state grant funding for this project.</p> <p>On motion by Director McEachron, seconded by Director Roelle, the Board unanimously approves action to adopt a Resolution in Support of DesertXpress for use in helping to seek funding and to build a coalition of support for collaboration with the High Desert Corridor EIR alignments.</p>
<p>10.</p>	<p>Approval to authorize membership (at no cost to the JPA) the Western High Speed Rail Alliance, and support the Corridor Study projects</p>	<p>Alternate Director Cano states this item is time sensitive in that they have an opportunity to join the Western High Speed Rail Alliance through invitation from the director. He says there will be a grant proposal going forward on 5/19/10 as a request from that organization to have this Board be able to make an application for this group and support the corridor study projects at</p>

		<p>no cost to the JPA. This would allow them to look at other potential routes to other cities in the western United States in the future and notes this is attracting a lot of attention in terms of benefits. One of the things he echoes in the conversation they had back in D.C. with Senator Boxer and Senator Feinstein's offices is the concept of high speed rail transit connectivity and highway connectivity to provide them a greater profile in D. C.</p> <p>On motion by Director Mitzelfelt, seconded by Director Hickling, the Board unanimously approved action to:</p> <p>Authorize membership (at no cost to the JPA) to the Western High Speed Rail Alliance, and support the Corridor Study projects.</p>
11.	<p>Discussion of the HDC as a multimodal corridor accommodating High Speed Rail, to conform with the national vision for a Western U.S. High Speed Rail network potentially linking at first, CA HSR and DesertXpress, and ultimately through to other Mountain West States and Phoenix (possible action)</p>	<p>On motion by Alternate Director Cano, seconded by Director McEachron, the discussion of the HDC as a multimodal corridor is taken off calendar indefinitely due to the inability of the Executive Director of the Western States Coalition to be present today.</p>
12.	<p><u>Budget Update</u> Recommended Actions: a. Adopt the High Desert Corridor Joint Powers Authority (HDCJPA) Fiscal Year 2009-10 and 2010-11 Recommended Budgets b. Authorize the Auditor/Controller-Recorder/Treasurer/Tax-Collector to contract with Rogers, Anderson, Malody & Scott, LLP to perform the HDCJPA audits for the Fiscal Years 2009-10, 2010-11, 2011-2012 for an amount of \$3,750, \$6,850 and \$9,280 respectively c. Accept Los Angeles County financial contribution of \$250,000 for Fiscal Year 2009-10</p>	<p>Gerry Newcombe, Project Advisor, states the JPA is required to adopt a budget every year, and as such, he presents the 2009/10 and 2010/11 budgets, documents which are included in the meeting packet.</p> <p>Alternate Director Cano points out that they still have to work with Metro to clear up the \$500,000 grant they had awarded to them as Board action a year and a half ago, so they need to make sure they extend that and bring that into the budget at a future date.</p> <p>Mr. Newcombe states they will continue to work on that.</p> <p>On motion by Director Roelle, seconded by Director Piehe, the Board unanimously approved action to: a. Adopt the High Desert Corridor Joint Powers Authority (HDCJPA) Fiscal Year 2009-10 and 2010-11 Recommended Budgets b. Authorize the Auditor/Controller-Recorder/Treasurer/Tax-Collector to contract with Rogers, Anderson, Malody & Scott, LLP to perform the HDCJPA audits for the Fiscal Years 2009-10, 2010-11, 2011-2012 for an amount of \$3,750, \$6,850 and \$9,280 respectively c. Accept Los Angeles County financial contribution of \$250,000 for Fiscal Year 2009-10</p>
13.	Public Comment	None
14.	Adjournment	There being no further business, the meeting was adjourned at 3:11p.m.