

Environmental Cleanup Allocation Committee

Meeting Minutes
November 12, 2009

Committee Members Present:

Chairperson, Garry Brown, Orange County Coastkeeper
Vice-Chair Mary Anne Skorpanich, County of Orange-Watershed and Coastal
Resources Program

Tim Casey, City of Laguna Niguel
William Cooper, UCI
Hector B. Salas, Caltrans
Joe Parco, City of Santa Ana
Dick Wilson, City of Anaheim

Committee Members Absent:

Mark Adelson, Santa Ana Regional Water Quality Control Board
John Bahorski, City of Cypress
Gene Estrada, City of Orange
Paul D. Jones, Irvine Ranch Water District
James Smith, San Diego Water Quality Control Board
Sat Tamaribuchi, Environmental Consultant

Orange County Transportation Authority Staff Present:

Kurt Brotcke, Director of Strategic Planning
Marissa Espino, Senior Community Relations Specialist
Rodney Johnson, Deputy Treasurer
Janice Kadlec, Public Reporter
Hal McCutchan, Environmental Programs Manager
Kia Mortazavi, Executive Director of Development
Monte Ward, Measure M Consultant

Guests:

David Hunt, Willdan Engineering,
Dr. Wallace Walrod, OCBC
Katie Wilson, Wildan Engineering

1. Welcome

Chairman Garry Brown began the meeting at 10:05 am and welcomed everyone.

2. Approval of the October 2009 Minutes

Chairperson Garry Brown asked if there were any corrections to the October 8, 2009 meeting minutes. No corrections were suggested. A motion was made by Committee Member Tim Casey and seconded by Committee Member Bill Cooper to approve the October 8, 2009 meeting minutes. The motion passed unanimously.

3. ECAC Action Items for upcoming T2020/BOD Consideration

Monte Ward, Measure M Consultant, provided details related to the ECAP three-month work plan (November 2009 - January 2010), which lists specific tasks for completion prior to OCTA Board of Director's meeting on January 25, 2010. Tentative ECAC recommendations to the Board of Directors include:

- Approval of a two-tier grant funding approach,
- Approval of the funding guidelines for the Tier 1 Grant Program,
- Recommendation for further planning and research for the development of BMP implementation strategies related to the development of the funding guidelines for the Tier 2 Grant Program, and
- Approval of early funding for final design for the Tier 2 Grant Program.

4. 10.12.09 Committee Meeting – Direction to ECAC

Monte Ward provided feedback on the presentation, which was given on October 12, 2009 to OCTA's Transportation 2020 (T2020) Committee on the Environmental Cleanup Allocation Program design and draft funding guidelines. The T2020 Committee provided the following direction:

- Evaluate early M2 funding for the Tier 2 Grant Program related to the planning phase (planning/environmental, engineering, and right-of-way engineering activities),
- Analyze funding allocations and cash flow concepts based on splitting M2 funds for the Tier 1 and 2 Grants Programs and setting maximum funding thresholds for each, and
- Ensure that funding is tied to a transportation nexus.

Kurt Brotcke, OCTA Director of Strategic Planning, lead a discussion pertaining to ECAP funding. As discussed, the Tier 1 Grant Program could be implemented over a

three to four years period on a pay-as-a-go basis. The Tier 2 Grant Program cannot proceed on a pay-as-a-go basis as there would not be adequate funds for implementation. As such, financing would need to be obtained in order to overlap the Tier 1 and Tier 2 Grant Programs. OCTA staff will explore various bonding scenarios and present the information to the ECAC at the December meeting. OCTA staff will also examine a relatively high match in order to disseminate the availability of M2 funding for all interested jurisdictions.

Committee member Tim Casey asked if there was a parallel conversation taking place on the transportation side. Monte Ward indicated that parallel conversations are occurring on how the remaining M1 capital programming is going to be handled and how soon M2 funds should be pushed out in the CTFP.

Committee member Tim Casey said he would be interested in hearing more on the subject of why the need for a high matching contribution for Tier 2 Grant projects. Monte said where the match is set can have bearing on whether the project comes to fruition. Committee member indicates that he was hopeful the definition of the local match stays the same. Monte Ward said this is the kind of direction being looked for from the Committee.

Chairperson Garry Brown said in the beginning the ECAC made decisions based on a downward trend in the economy and the Committee would be open to hear possible financing scenarios. Rodney Johnson, OCTA Deputy Treasurer, indicated that both Cal State Fullerton and UCLA have submitted their sales tax forecast and they contend the loss of jobs will continue but will level off. OCTA is waiting for the Chapman forecast before blending the three forecasts together although OCTA is preparing for a slow rebound.

Committee member Tim Casey said it would be helpful to see a quarterly M1 forecast summary (forecasted versus actual). He would like to see a simple one page executive summary.

Kurt Brotcke, said at the next ECAC meeting, staff would provide some funding scenarios based on "pay-as-you-go" versus bonding for FY 2009-10 through FY 2014-15.

5. Proposed Tier 2 Program Planning Study Update

Hal McCutchan, OCTA Environmental Program Manager, gave an update on the Proposed Tier 2 Program Planning Study. This study would determine the most strategically effective areas, opportunities, and types of investment to reduce road/freeway runoff impacts to impaired waters in Orange County. The County and OCTA have decided to move forward with drafting a small and convenient procurement for professional support services for the development for this Planning Study Scope of Work. By hiring an independent consultant, this will insure that work is not replicated on elements that are in common with the Study and drafting of the NPDES Watershed Plans. In addition, it would also accelerate the timeline for the watershed plans. Tasks that will be included within this procurement are:

- Determine GIS information that is needed
- Assist on what models would be beneficial to undergo the evaluation
- Act as an independent advisor throughout the planning study
- Development of a comprehensive SOW

Vice-Chair Mary Anne Skorpanich said a Watershed Master Plan for one of the four watershed areas in the Santa Ana Region would need to be developed and submitted to the Regional Board by May 2011. Once the format of this Plan is approved, there is no reason the Tier 2 Program could not move forward quickly.

Committee member Tim Casey asked if Mary Anne was confident this program would provide collateral value to the MS4 Permit Program. Mary Anne said yes she was.

Committee member Tim Casey said his only suggestion was to be sure one of the technical members of the ECAC like Paul Jones from the Irvine Ranch Water District has a look at the Program before it is finalized. Chairman Garry Brown said he received an email from Paul Jones saying he would not be at the meeting today but supported the Program Plan.

Chairman Garry Brown asked if staff needed a motion to accept the Tier 2 Program Planning Study guidelines. Monte Ward said staff would roll all the components of the Tier 1 and Tier 2 programs together in a package for ECAC approval and OCTA Board Approval in January 2010.

Committee member Dick Wilson asked what amount of bonding is going to be needed and how much debt will be incurred. Rodney Johnson indicated that OCTA has a system to tap into the Commercial Paper (CP) first, then bond to pay off the CP.

6. Tier 1 Grant Program Funding Guidelines

Hal McCutchan discussed feedback that was provided from the City of Huntington Beach on the Environmental Cleanup Allocation Program design and draft funding guidelines, which was presented at OCTA's Technical Advisory Committee meeting on September 23rd. A response letter was drafted to the City of Huntington Beach and reviewed by the Allocation Committee. In addition, it was indicated that further feedback on the funding guidelines will be sought at the December 9th TAC Meeting as well as the December 17th County's NPDES Permittee Meeting.

7. Next Meeting – December 10, 2009

The next ECAC meeting will be December 10, 2009.

8. Committee Member Reports

Committee member Dick Wilson said he would like a photo of the ECAC. Marissa Espino, OCTA staff, indicated that arrangement would be made.

9. Adjournment

The meeting adjourned at 11:05 a.m.