



STAFF REPORT
Board Meeting of September 23, 2020

AGENDA ITEM: 5-C

PREPARED BY: Patricia Taylor, Executive Director
Jeff Findley, Principal Regional Planner

SUBJECT:

Explore Formation of a Council of Governments (COG) for the Madera Region

Enclosure: No

Action: Direct staff to explore further with counsel and local jurisdictions

SUMMARY:

The Madera County Transportation Commission (MCTC) is the Regional Transportation Planning Agency (RTPA), Metropolitan Planning Organization (MPO), and the Local Transportation Commission for Madera County designated pursuant to Title 3, Division 3, Chapter 2, Article II, and Section 29532 of the California Government Code. MCTC is responsible for the development and adoption of the Regional Transportation Plan and Transportation Improvement Program required by State law (California Government Code Sections 65080 et al.) and has entered into several Memoranda of Understanding (MOU) with the California Department of Transportation (Caltrans) for delivery of these projects. The current MOU reflects Federal requirements per Federal transportation legislation. The Madera metropolitan boundary area shall cover the entire County of Madera.

MCTC's role is to foster intergovernmental coordination; undertake comprehensive regional planning with an emphasis on transportation issues; provide a forum for citizen input into the planning process; and to provide technical services to its member agencies. In all these activities MCTC works to develop a consensus among its members with regards to multi-jurisdictional transportation issues. MCTC functions much as a council of governments (COG), but without a Joint Powers Agreement (JPA), pursuant to Government Code 6500, et seq.

Presentation – Bill Higgins, Executive Director, California Council of Governments (CALCOG)

Mr. Higgins joined CALCOG as its executive director in 2011. The Madera County Transportation Commission is a current member of CALCOG. He is an enthusiastic regionalist and enjoys working on the day to day policy issues that improve the ability of regional governments to serve their member cities and counties. Previously, he spent 11 years as a senior staff attorney, program manager, and legislative representative for the League of

California Cities and its nonprofit affiliate, the Institute of Local Government. There he focused his efforts on local and regional planning, housing, economic development, and land use policy.

Mr. Higgins will discuss why nearly all other California regions, similar in function to MCTC, have approved JPAs and provide examples of what can be accomplished under a JPA. In addition, Mr. Higgins has also been at the forefront of the AB 101 discussions and the state trend to better align transportation and housing policy over the past decade.

Regional Governments

Most regional governments in California have evolved from local government collaboration. Accordingly, there are differences in how they form, operate, and implement policy. Regional governments typically plan, fund, and to some extent deliver transportation infrastructure. In some regions, this is their only function.

But other regional governments are formed as general-purpose councils of governments (or "COGs") under the State joint powers authority's statute. COGs represent the joint powers of cities and counties, while others are transportation commissions created by statute. All regional governments are governed by locally elected officials selected by their peers.

A list of the primary types of regional governments is provided below. The classifications are not exclusive. For example, some regional governments formed as a COGs, have also been designated as the Metropolitan Planning Organization for Federal purposes, and are defined as a Regional Transportation Planning Agency under State law.

- ***Councils of Governments or "COGs."*** A COG is defined as general purpose regional agencies that can undertake any action in which their member cities and the county share in common. Although many COGs are formed to focus on transportation planning and programming, some COGs have been tasked by their local governments to address housing, preparation of the Regional Housing Needs Allocation (RHNA), homelessness, water infrastructure, energy efficiency, earthquake safety, the economy, and more. Several COGs also serve as the MPO, while others are separate entities.
- ***Regional Transportation Planning Authorities.*** County or multi-county entities charged by State law in meeting certain transportation planning requirements.
- ***Metropolitan Planning Organizations.*** An MPO is a designation under Federal law that encourages large urbanized areas to engage in regional transportation planning. California has 18 designated MPOs.
- ***Transportation Commissions and Authorities; Congestion Management Agencies.*** They provide a more localized focus to transportation planning and often manage county-raised revenue from sales tax measures.

The following are Council of Governments (COGs) in California:

- Association of Bay Area Governments (ABAG)
- Association of Monterey Bay Area Governments (AMBAG)
- Butte County Association of Governments (BCAG)
- Calaveras Council of Governments (CCOG)
- Coachella Valley Association of Governments (CVAG)
- Fresno Council of Governments (Fresno COG)
- Humboldt County Association of Governments (HCAOG)
- Kern Council of Governments (Kern COG)
- Kings County Association of Governments (KCAG)
- Lake County/City Area Planning Council (APC)
- Mendocino Council of Governments (MCOG)
- Merced County Association of Governments (MCAG)
- Orange County Council of Governments (OCCOG)
- Sacramento Area Council of Governments (SACOG)
- San Benito Council of Governments (San Benito COG)
- San Bernardino County Transportation Authority (SBCTA)
- San Diego Association of Governments (SANDAG)
- San Joaquin Council of Governments (SJCOG)
- San Luis Obispo Council of Governments (SLOCOG)
- Santa Barbara County Association of Governments (SBCAG)
- South Bay Cities Council of Governments (SBCCOG)
- Southern California Association of Governments (SCAG)
- Stanislaus Council of Governments (Stan COG)
- Tulare County Association of Governments (TCAG)
- Western Riverside Council of Governments (WRCOG)

The following are Metropolitan Planning Organizations (MPOs) in California:

- Association of Monterey Bay Area Governments (AMBAG)
- Butte County Association of Governments (BCAG)
- Fresno Council of Governments (Fresno COG)
- Kern Council of Governments (Kern COG)
- Kings County Association of Governments (KCAG)
- Madera County Transportation Commission (MCTC)
- Merced County Association of Governments (MCAG)
- Metropolitan Transportation Commission (MTC)
- Sacramento Area Council of Governments (SACOG)
- San Diego Association of Governments (SANDAG)
- San Joaquin Council of Governments (SJCOG)
- San Luis Obispo Council of Governments (SLOCOG)
- Santa Barbara County Association of Governments (SBCAG)

- Shasta Regional Transportation Agency (SRTA)
- Southern California Association of Governments (SCAG)
- Stanislaus Council of Governments (Stan COG)
- Tahoe Metropolitan Planning Organization (TMPO), Multi-State
- Tulare County Association of Governments (TCAG)

There are currently two regions in California that are designated as Metropolitan Planning Organizations (MPOs) that do not have a COG for their area:

- Madera County Transportation Commission (MCTC)
- Shasta Regional Transportation Agency (SRTA)

SRTA is currently exploring the formation of a COG for their region, which will leave MCTC as the only MPO in the State without a COG.

Becoming a COG

The MCTC Policy Board would direct staff to consider the merits of forming a Joint Powers Agreement (JPA) to become recognized as a council of governments. Staff would prepare a Draft JPA for consideration at a future Policy Board meeting.

MCTC staff would consult with counsel on the preparation of a draft JPA to ensure compliance with Government Code Section 6500, et seq. Consultation with the cities and county would occur to outline roles and responsibilities. The Draft JPA would also be presented to the MCTC Technical Advisory Committee.

The Draft JPA would then be presented to the Policy Board for approval and then to the local MCTC governing bodies for their approval.

One unknown is the public outreach requirement that would be required for a JPA. The MCTC Public Participation Policy does not include a policy for the formation of a JPA.

Possible Governing Structure of a COG

For consistency, it is recommended that the membership of a Board formed as a COG in the Madera Region should be consistent with the current Policy Board of MCTC. This would allow for combined Board meetings with the same representatives.

Benefits of a COG

1. Certain State and Federal funds are only available to COGs.
2. Certain State discretionary grants, such as a California Air Resources Board Grant for transit operations, planning and vehicles are only available to COGs.
3. COGs are nimble and can take on any regional role the member agencies determine advantageous, efficient, or better not left to the State.

4. In these ever-changing times, the COG structure allows the Madera Region to swiftly act to any rising challenge or opportunity.
5. A COG would allow the combination of housing and transportation planning for the Madera Region.
6. COG status requires the State Department of Housing and Community Development to coordinate with MCTC in setting Regional Housing Needs Allocations (RHNA) for our two cities and the county. While more local empowerment in the setting of State housing quotas is a benefit, it does take staff resources.
7. COGs can serve as the U.S. Census data center.
8. COGs can coordinate and plan for transit services.
9. COGs typically coordinate ridesharing activities.
10. Some COGs provide circuit planning for member jurisdictions.
11. Participate in “One Voice” or “Valley Voice” efforts regarding topics outside of transportation.

Disadvantages

1. There are upfront costs in preparing a JPA.
2. A portion of the costs to participate in the RHNA process are available from AB 101 funds but may not cover all expenses or be available in future years.
3. There will be additional ongoing staff costs to perform the (non-transportation related) functions of a COG.
4. Increase in CALCOG dues.

The local agencies in the Madera Region may need to contribute additional funds

FISCAL IMPACT:

Minimal Fiscal Impact to the MCTC 2020-21 Budget