



## Meeting of the Board of Directors

**Location:** Rancho Cordova Council Chambers  
2729 Prospect Park Drive  
Rancho Cordova, CA

**Date:** Friday, May 16, 2014, 8:30 a.m. to 10:30 a.m.

**Roll Call:** Directors Hume, Mikulaco, Nottoli, Sander, Starsky

Members of the public may comment on any item on the agenda at the time that it is taken up by the Board. We ask that members of the public complete Speaker Card, submit it to the Clerk of the Board, and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a time limit on individual remarks at the beginning of the discussion.

**Public Comment:** Any person wishing to address the Board on any item not on the agenda may do so at this time. After ten minutes of testimony, any additional testimony may be heard following the New Business Items.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

1. Executive Director's Report

### Consent Agenda

2. Minutes of April 11, 2014, Board Meeting

3. Motion: Authorize the Executive Director to Enter into Negotiations for Renewal of the Lease for Office Space  
a. Attachment – Staff Report

### New Business Items

4. Introduction of Draft Budget for FY 2014-15  
a. Attachment – Staff Report  
b. Attachment – Budget Spreadsheet

5. Motion: Approve Memorandum of Understanding with SACOG to Provide Funding for Open Space Inventory  
a. Attachment – Staff Report  
b. Attachment – Memorandum of Understanding

6. Motion: Approve the Environmental Phasing Strategy and the Application of the \$2 Million in SACOG Flexible Funds  
a. Attachment – Staff Report

7. Motion: Input on Right of Way, Permitting, and Development Policy Framework
  - a. Attachment – Staff Report
  - b. Attachment – Presentation
8. Resolution: FY 2014-2015 Work Plan and Schedule
  - a. Attachment: Staff Report
  - b. Attachment: Work Plan and Schedule
  - c. Attachment: Resolution
9. Adjournment

The Board may take action on any matter, however listed on this Agenda, and whether or not listed on this Agenda, to the extent permitted by applicable law. Staff Reports are subject to change without prior notice.

*If requested, this agenda can be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact the Board Secretary for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting, should telephone or otherwise contact the Board Secretary as soon as possible. The Board Secretary may be reached at 10640 Mather Blvd., Suite 120, Mather, CA 95655 or by telephone at 916-876-9094.*



Capital SouthEast Connector Board of Directors

Item # 1  
Receive and File

May 16, 2014

### Executive Director's Report

**Issue:** An Executive Director's report is filed every month on current JPA activities

**Recommendation:** Receive and File

**Discussion:** The following is a brief status report on some of the more significant issues and activities currently being pursued by the Connector JPA staff.

#### Administrative

- Given the anticipated number of hearing items over the next several Board meetings, staff recommends an abbreviated Executive Director's Report presentation at the meetings to allow time for other items within the allocated two hour time frame.
- The next JPA Board meeting is currently scheduled for Friday, June 11 at 8:30 am. No items requiring super-majority or unanimous votes are expected at that hearing, but the adoption of the FY 14-15 budget is expected on the agenda.

#### Project

- Work continues through staff in the City of Rancho Cordova on possible solutions to the impacts of a large vernal pool preserve along Grant Line Road south of Douglas Road that introduces significant constraints in overall available right-of-way. Staff will provide updates when available at future Board meetings.
- Letters regarding the Agricultural Outreach Process were mailed to fronting landowners in four separate segment locations on April 23<sup>rd</sup>. A reminder notice was mailed April 30<sup>th</sup>. These letters were intended to request participation in the JPA sponsored process which started May 13<sup>th</sup> and 15<sup>th</sup> with the first two segments. Updates on those meetings will be provided at today's Board hearing. JPA staff has worked with the City of Elk Grove and Sacramento County staff to ensure their involvement and coordination with the Kammerer Road (segment A1/A2) section.
- The City of Elk Grove and Sacramento County are continuing work on the Project Approval and Environmental Documentation phase for the Kammerer Road Project (A1/A2). Stakeholder outreach to screen the alignment alternatives is planned to start in June with the intent of releasing a Notice of Preparation in August. The City of Elk Grove is planning to make a presentation on the Kammerer Road Project status to the JPA Board at the scheduled June 13<sup>th</sup> meeting.
- Consultation with the Design-Build advisor continues with an update to the board scheduled in June or as soon as the agenda allows the time.
- The final jurisdictional approval of the requested JPA charter amendment will be before the Sacramento County board of Supervisors on May 28<sup>th</sup>. A revised Charter agreement will be distributed to the member jurisdictions and posted on the JPA website soon thereafter.

- Staff anticipates approval of the requested Sacramento County General Plan amendment by the Board of Supervisors on May 28<sup>th</sup>. Cities of Folsom and Rancho Cordova are expected to follow in summer, as meeting schedules permit.
- The Project Manager Request for Proposals was mailed to a list of Sacramento area engineering firms on May 1 and an advertisement requesting proposals was placed in the Sacramento Bee during the period of May 4-6, inviting qualified engineering firms to submit proposals, as well. Approval of a recommended consulting Project Manager is scheduled for your June Board meeting.

### Fiscal

- Today's agenda includes an introduction of the FY 2014-15 budget for the Board's review and discussion. Staff requests that the Board review the attached spreadsheet and provide comments and recommendations to staff in anticipation of adopting a final budget at the June 13, 2014, Board meeting.
- Staff has sent notification to the member jurisdictions of the JPA staff's intent to request a local contribution of \$10,000 for FY 2014-15.
- The Caltrans audit of the JPA is still under review and Caltrans expects to complete the final report by the third week of May. JPA staff is continually checking in with the Caltrans auditor as the audit completion is necessary to enter into a Master Agreement with Caltrans in order to receive federal funds. Once the Master Agreement is executed by the Board and Caltrans, the JPA staff will initiate a Project Supplemental Agreement for the application of the \$2 Million SACOG grant.

### Media

- River Valley Times
  - May 7, 2014 – Wilton-based CCPAC hears update from Joint Powers Authority on Capital SouthEast Connector
- Sacramento Bee
  - May 9, 2014 – Back-seat Driver: Turning freeways into 'feeways'; Are toll roads ahead?

### Miscellaneous

- The Sacramento Transportation Authority has launched a public awareness campaign to promote the completed projects constructed and operated by the current Measure A program. Special signage will begin to appear across the member jurisdictions over the coming months identifying those projects built using proceeds from the ½ cent sales tax in anticipation of 2106 ballot measure. The Connector is not anticipating any signage on display.

Respectfully Submitted,



Tom Zlotkowski  
Executive Director



Capital SouthEast Connector Board of Directors

Item # 2  
Receive and File

May 16, 2014

### Action Minutes of the April 11, 2014, Meeting

The Capital SouthEast Connector Authority's Board of Directors met in regular session on April 11, 2014, in the Rancho Cordova Council Chambers, located at 2729 Prospect Park Drive, Rancho Cordova, CA.

**Call to Order:** Director Nottoli called the meeting to order at 8:37 a.m.

**Roll Call:** Directors Hume, Mikulaco, Sander, Starsky,\* and Nottoli were present.

\*Director Starsky excused himself from the meeting after Item 6, as noted below.

**Public Comment:** Dean Blank from the Sacramento County Department of Transportation announced that the County was holding a bike event on May 4<sup>th</sup> on Scott Road, and invited the Board and public to attend.

**Executive Director's Report:** Mr. Zlotkowski, the Executive Director of the Authority, summarized the highlights from his Executive Director's Report, including the status of the following items: reschedule of the May Board meeting to May 16<sup>th</sup>; update on the requested El Dorado County amendment to the JPA charter; General Plan amendment process; outreach to the agricultural community; update on the Kammerer Road Project; and supplemental funding for the Project Development budget.

### Consent Agenda

The consent agenda included: (1) minutes of February 14, 2014, meeting; (2) recommendation on the 2014 Federal TIGER grant submission; (3) approval of the Project Manager RFQ/RFP; (4) approval of the Memorandum of Understanding with SACOG to provide funding for open space inventory. Item 5 regarding the MOU with SACOG was pulled from the consent agenda for later discussion. It was moved by Director Starsky, seconded by Director Sander, and passed by unanimous vote that:

**THE CAPITAL SOUTHEAST CONNECTOR AUTHORITY BOARD OF DIRECTORS APPROVES THE FOLLOWING ITEMS FROM THE CONSENT AGENDA: (1) MINUTES OF THE APRIL 11, 2014, MEETING; (2) RECOMMENDATION NOT TO SUBMIT THE 2014 FEDERAL TIGER GRANT; AND (3) APPROVE THE RELEASE OF A PROJECT MANAGER RFQ/RFP.**

### New Business Items

**Approve Memorandum of Understanding with SACOG to Provide Funding for Open Space Inventory:** Mr. Zlotkowski introduced Nancy Miller, legal counsel, who discussed the item. Public comment was provided by Charlotte Mitchell, the Executive Director of the Sacramento County Farm Bureau. After a lengthy discussion, it was agreed to continue this item to the next regular meeting. It was moved by Director Hume, seconded by Director Starsky, and passed by unanimous vote that:

**THE CAPITAL SOUTHEAST CONNECTOR AUTHORITY BOARD OF DIRECTORS CONTINUES THE APPROVAL OF THE MEMORANDUM OF UNDERSTANDING WITH SACOG TO THE NEXT REGULAR MEETING.**

**Report on Federal Funding and NEPA Strategy:** Mr. Zlotkowski presented the staff report and introduced Dennis Haglan, the JPA's Project Manager, who provided an overview/presentation of some of the highlights of each of the segments and identified the preferred segments in which to apply Federal funding. After a lengthy discussion, it was agreed to continue this item to the next regular meeting. It was moved by Director Hume, seconded by Director Sander, and passed by a unanimous vote that:

**THE CAPITAL SOUTHEAST CONNECTOR AUTHORITY BOARD OF DIRECTORS CONTINUES THE REPORT ON FEDERAL FUNDING AND NEPA STRATEGY IN PROVIDING DIRECTION AS TO THE USE OF THE FUNDING TO THE NEXT REGULAR MEETING.**

\*Director Starsky excused himself from the meeting prior to the start of Item 7.

**Input on Right of Way, Permitting, and Development Policy Framework:** Due to time constraints, it was agreed to continue this item to the next regular meeting. It was moved by Director Hume, seconded by Director Sander, and passed by a unanimous vote of the Directors remaining that:

**THE CAPITAL SOUTHEAST CONNECTOR AUTHORITY BOARD OF DIRECTORS CONTINUES THE INPUT ON RIGHT OF WAY, PERMITTING, AND DEVELOPMENT POLICY FRAMEWORK TO THE NEXT REGULAR MEETING.**

**Adjournment:** The meeting adjourned at 10:28 a.m.

Approved By:

Attest:

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Director Nottoli  
Chair of the Board

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Tom Zlotkowski  
Board Secretary



Capital SouthEast Connector Board of Directors

Item # 3  
Motion

May 16, 2014

### Authorize the Executive Director to Enter into Negotiations for Renewal of the Lease for Office Space

**Issue:** Whether to negotiate terms with Fox Creek Fund to renew the JPA's lease for office space.

**Recommendation:** Authorize the Executive Director to enter into negotiations with Fox Creek Fund for renewal of the lease for office space.

**Background:** In January 2009, the JPA entered into a contract with Fox Creek Fund for office space located at 10640 Mather Blvd., Suite 120, Mather, CA. The term of the lease was 36 months with rent starting at \$1.80 per square foot (psf) per month for the first year, with \$0.05 psf increases each year thereafter. The lease was extended in September, 2011 for an additional 36 months with rent starting at \$1.70 psf with \$0.05 psf increases each year thereafter. The JPA is currently paying \$1.80 psf.

**Discussion:** With the term of the lease due to expire in November 2014, staff felt negotiations for a lease renewal should be explored sooner rather than later and requested a lease proposal from Fox Creek earlier this month. A renewal proposal was submitted and the key elements of the response are as follows:

- Renewal of lease for 52 months with the first 4 months free
- Rent will start at \$1.50 psf per month for the first year with \$0.05 psf increases each year thereafter
- New lease would commence June 1, 2014 and expire September 30, 2018

If the JPA accepts the proposed offer at \$1.50 psf, our cost savings between June 1 and November 30 of this year will be \$18,626.40. Those savings are broken down as follows: 4 months of free rent provides \$17,193.60 savings and 2 months of reduced rent (\$0.30 psf savings) results in \$1,432.80 savings. The proposed rates are comparable to those currently offered in the area for shorter term leases. While staff is pleased with the location and services of the current property, entering into a four year lease is longer than what has been negotiated in the past. Because of this, staff felt it was appropriate to engage the Board in this discussion. If the JPA declines the proposed offer, further negotiations would ensue to explore other terms or options available. An alternative offer could be brought back to you at your next meeting.

Staff, therefore, requests that your Board authorize the Executive Director to enter into negotiations with Fox Creek Fund for renewal of the lease for office space and report back in June with an alternative proposal for consideration.

Respectfully Submitted:

Tom Zlotkowski  
Executive Director



## Capital SouthEast Connector Board of Directors

Item # 4  
Discussion

May 16, 2014

### Introduction of FY 2014-15 Draft Budget

**Issue:** To present a proposed budget for the Capital SouthEast Connector Joint Powers Authority to cover the period of time from July 2014 through June 2015.

**Recommendation:** Review the draft Fiscal Year (FY) 2014-15 Connector budget, as presented at this meeting, and provide input to staff as necessary to allow for revisions and adoption prior to July 1, 2014.

**Discussion:** Section 6.d.4 of the Capital SouthEast Connector Joint Powers Authority Agreement requires that the Board adopt a budget within 120 days of its first meeting and no later than June 30 of each year thereafter. Additionally, Sacramento County, acting as the Treasurer/Auditor for the Authority, requires that a budget be adopted prior to processing transactions on behalf of the Authority.

The Executive Director has prepared a proposed budget for FY 2014-15 which reflects the activities and requirements necessary to continue advancing the Connector Project as outlined in the Plan of Finance (POF), approved March 8, 2013, and revised in January, 2014. It should be noted that significant revisions to the POF will be required in this year's update due to a shortage in available revenues for project capital expenditures as outlined in the Program Development Budget of the plan.

The revenues anticipated in the proposed FY 2014-15 budget include a combination of Sacramento Transportation Authority (STA) Measure A bond proceeds, Measure A "pay-go" proceeds, member agency contributions, SACOG Flexible Funding proceeds, and a small amount of interest earnings.

Staff continues to work toward minimizing local fund expenditures in the areas of business conferences, subscriptions, membership dues, office supplies, copier, etc.

The key elements of the proposed budget are set forth below:

#### Revenue

- The proposed member agency contribution for FY 2014-15 remains \$10,000 for each of the five member jurisdictions. This is the same contribution as the previous five years. These funds shall be used for expenses that are not reimbursable through Measure A proceeds (\$50K).
- Measure A bond proceeds shall continue to be used exclusively for project related expenditures in line with current STA revenue estimates (\$1,215,000).
- Measure A "pay-go" revenues shall continue to be used exclusively for administrative expenses that cannot be claimed using bond proceeds (\$200K).

- Projected Measure A roll-over funding from FY 2013-14 (\$375,811)
- Interest earnings (\$1K).
- A new revenue source included in the FY 2014-15 budget is federal funds awarded to the JPA by the SACOG Flexible Funding Program to allow for continued progress on active project development efforts. (\$2M award of which \$1M is included in this budget).
- The Available Fund Balance at fiscal year-end will be applied toward debt recovery of expenditures debited to the JPA prior to the establishment of an independent accounting system (\$112,797).

#### Expenditures

##### Salaries & Wages: (\$498,302)

- Salaries and Benefits remain basically unchanged for FY 14-15 except for benefit cost increases as provided by Sacramento County, as well as step and other potential salary adjustments.

##### Services & Supplies: (\$2,456,306)

- Project and administrative consultant contracts executed by the Board of Directors and Executive Director, and the SACOG Flexible Funding (\$1,476,174)
- Legal services (\$150K)
- Facilities, furniture, equipment, support services, allocated costs, and other services (\$224,046)
- Miscellaneous: (\$386,800)
  - SSHCP (\$170K)
  - Payments to SACOG for Open Space Inventory (per ECOS Settlement) (\$200K)
  - Unforeseen charges and other miscellaneous charges (\$16,800)
- Capital Expenditure Fund (\$219,286)

#### FY 2013-14 Projected Year-End

As reported in the Mid-Year Budget Status Report, the projected total budget expended remains at 80%. Professional consulting services will likely be 58% over the budgeted amount due to the execution of new contracts (Granite Construction, Overland, Pacific & Cutler, and Moffatt & Nichol) and contract amendments (Economic Planning Systems, Quincy Engineering, and MMS Strategies) that were not anticipated in the FY 2013-14 annual budget. These overages can be covered using funds from the Capital Expenditure Fund, as it is allowable to move funds from one line item to another within the services and supplies object. The total amount expended in services and supplies is anticipated to be 78%.

Additional details of the FY 2014-15 proposed budget are found on the attached budget spreadsheet. Staff requests that the Board review the attached spreadsheet and provide comments and recommendations to staff in anticipation of adopting a final budget at the June 13, 2014, Board meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tom Zlotkowski". The signature is fluid and cursive, with the first name "Tom" and last name "Zlotkowski" clearly distinguishable.

Tom Zlotkowski  
Executive Director

## CAPITAL SOUTHEAST CONNECTOR JOINT POWERS AUTHORITY

### FY 2014-15 Draft Budget

### FY 2013-14 Projected Year-End

			FY 13-14 Final Budget	Projected Year-End Expenditures	% Expended
<b>EXPENDITURES</b>					
<b>Salaries &amp; Benefits</b>	\$ 498,302		\$ 479,323	\$ 408,609	85%
<b>Services &amp; Supplies:</b>					
Capital Expenditure Fund	\$ 219,286		\$ 550,000	\$ -	0%
Professional Consulting Services	1,476,174		551,783	873,080	158%
Legal Services	150,000		180,000	141,282	78%
Facilities, Furniture & Equipment	54,467		56,904	52,150	92%
Support Services (AFS, Audit)	67,633		50,616	66,573	132%
Allocated Costs (D-Tech, personnel/general srvs)	50,831		45,428	43,946	97%
Other (insurance, business conferences, copier, etc.)	51,115		58,792	47,552	81%
Misc. (SSHCP, ECOS, Unforeseen Charges, etc.)	386,800		91,440	14,668	16%
<b>Total Services &amp; Supplies</b>	<b>\$ 2,456,306</b>		<b>\$ 1,584,963</b>	<b>\$ 1,239,251</b>	<b>78%</b>
<b>Total Expenditures</b>	<b>\$ 2,954,608</b>		<b>\$ 2,064,286</b>	<b>\$ 1,647,860</b>	<b>80%</b>
<b>REVENUES</b>					
				Projected Revenue	
Available Fund Balance	\$ 112,797	Available Fund Balance	\$ 63,763	\$ 63,763	
Measure A Bond Proceeds	1,215,000	Measure A Bond	655,443	229,632	
Measure A Pay-go Proceeds	200,000	Measure A Pay-Go	200,000	200,000	
Estimated Year-End Measure A Rollover from FY 13-14	375,811	Measure A Rollover from FY 12-13	* 1,094,080	** 1,103,465	
Member Jurisdiction Contributions	50,000	Member Jurisdiction Contributions	50,000	50,000	
Interest Income	1,000	Interest Income	1,000	1,000	
SACOG Flexible Funding	1,000,000				
<b>Total Revenue</b>	<b>\$ 2,954,608</b>		<b>\$ 2,064,286</b>	<b>\$ 1,647,860</b>	<b>80%</b>
<p>* Projected Rollover from FY 12-13  ** Actual Rollover from FY 12-13</p>					



Capital SouthEast Connector Board of Directors

Item # 5  
Motion

May 16, 2014

**Approve a Memorandum of Understanding with SACOG to Provide Funding for Open Space Inventory**

**Issue:** To approve a Memorandum of Understanding (“MOU”) with the Sacramento Area Council of Governments (“SACOG”) to fund the development of an Open Space Inventory, consistent with the JPA’s November 2012 settlement agreement with the Environmental Council of Sacramento (“ECOS”), and incorporating the changes requested by the Board at its April 2014 meeting.

**Recommendation:** That the Board approve the MOU as revised to address the comments of the JPA Board at its April 2014 meeting.

**Background:** At the JPA Board’s April 11, 2014, Board meeting, staff presented a draft MOU for the Board’s review and discussion. At that meeting, the Board requested that the MOU be revised and circulated to interested stakeholders for review and comment before being brought back in May for consideration by the JPA Board.

The changes requested at the April meeting have been incorporated, including the extension of the timeline for developing the Work Plan for the Open Space Inventory, and the addition of an outline to the MOU to provide additional detail regarding the Work Plan and Inventory. The attached draft has been approved by SACOG and ECOS, and was circulated to interested members of the agricultural community for review on May 8<sup>th</sup>. In addition, JPA staff met with interested agricultural stakeholders on April 11<sup>th</sup> and April 24<sup>th</sup>. Interested parties were notified of today’s hearing as well.

**Discussion:** In light of the revisions incorporated into the MOU and the additional outreach that was completed with the agricultural community, JPA staff and counsel request that the Board approve the MOU so that SACOG may start preparing the Work Plan for approval by ECOS and the JPA Board before initiating the preparation of the Open Space Inventory..

Respectfully Submitted,

Tom Zlotkowski  
Executive Director

**MEMORANDUM OF UNDERSTANDING**  
between the  
**SACRAMENTO AREA COUNCIL OF GOVERNMENTS**  
and the  
**CAPITAL SOUTHEAST CONNECTOR AUTHORITY**

This Memorandum of Understanding (“MOU”) is made and entered into on \_\_\_\_\_, 2014, by and between the Sacramento Area Council of Governments (“SACOG”), and the Elk Grove – Rancho Cordova – El Dorado Connector Joint Powers Authority, also known as the Capital SouthEast Connector Authority (“Connector JPA”).

**WHEREAS**, the “I-5/SR99/US50 Connector,” commonly called the “Connector Project,” spans from Interstate 5, south of Elk Grove, to Highway 50 in El Dorado County, just east of El Dorado Hills, and connects the City of Elk Grove, the County of Sacramento, the City of Rancho Cordova, the City of Folsom, and the County of El Dorado; and

**WHEREAS**, on November 2, 2004, over 75% of voters in Sacramento County approved Measure A, a countywide 0.5% sales tax to be levied over thirty years, which identified the Connector Project for funding and construction; and

**WHEREAS**, on March 7, 2012, the Connector JPA certified a Program Environmental Impact Report (“EIR”) and selected a General Alignment for the Capital SouthEast Connector Project (“Project”); and

**WHEREAS**, on April 5, 2012, the Environmental Council of Sacramento (“ECOS”) filed a writ of mandamus, challenging the JPA’s certification of the Program EIR and approval of the General Alignment for the Project; and

**WHEREAS**, the Connector JPA entered into a Settlement Agreement with ECOS on November 26, 2012, as a compromise in response to ECOS’ legal challenge; and

**WHEREAS**, pursuant to the Settlement Agreement, the JPA agreed to contribute \$300,000 to SACOG, to the extent needed, for the development of a Regional Open Space Inventory/Plan (“Inventory”) to benefit the South Sacramento Habitat Conservation Plan (“SSHCP”) and the region.

**NOW, THEREFORE**, the parties agree as follows:

- 1. Amount.** The JPA shall contribute \$300,000 to SACOG, to the extent needed for the development of a Regional Open Space Inventory/Plan to benefit the SSHCP and the region. Of these funds, \$50,000 may be used toward a study of alternative funding sources for advance mitigation acquisition, and shall not be subject to the three year proration described in Section 2, below, provided that no more than \$100,000 shall be available in a fiscal year.
  - a. The precise timing and amount of needed funds shall be set forth in the Work/Finance Plan described in Section 3, below, which shall include

milestones to be completed before additional installments of funds are allocated.

**2. Time of Performance.** The funds shall be available and prorated over three fiscal years, starting with 2013-14, to be expended consistent with the Settlement Agreement, this MOU, and the agreed upon Work/Finance Plan. The payment of funds shall be timed so as to ensure their availability as local matching funds to grants awarded for the Inventory.

**3. Work/Finance Plan.**

- a. Before any contributed funds may be spent, SACOG will present to ECOS and the Connector JPA a Work/Finance Plan for the expenditure of these funds. An outline shall be prepared and provided to ECOS and the Connector JPA no later than June 6, 2014, consistent with Exhibit A to this MOU. Staff from SACOG, ECOS, and the Connector JPA shall meet prior to July 18, 2014, to discuss and revise the outline as needed.
- b. A final Work/Finance Plan will be prepared no later than August 1, 2014. If additional time is required for review of the final Work/Finance Plan, this deadline may be extended until August 22, 2014.
- c. ECOS will review the Work/Finance Plan with respect to its objectives for a comprehensive Regional Open Space Inventory/Plan and multi-agency coordination of resource conservation efforts.
- d. Upon ECOS's approval, which shall not be unreasonably withheld, conditioned, or delayed, the Work/Finance Plan shall be presented to the JPA Board of Directors, or its designee, for approval at its next regular meeting. The JPA approval of the Work/Finance Plan shall not be unreasonably withheld.
- e. If a Work/Finance Plan for the preparation of the Inventory has not been approved by all parties by September 18, 2014, or if the milestones contained within the Work/Finance Plan are not met, the JPA and ECOS may terminate this agreement pursuant to Section 6 below, and jointly develop an alternative strategy for the use of the funds.
- f. The Inventory/Plan shall identify and map habitat, wetland, and agricultural lands. The Work/Finance Plan for the Inventory shall be consistent with the following principles:
  - (a) That the Inventory will identify lands with valuable habitat and open space resources in the Connector JPA's region that might be used to mitigate the Connector Project
  - (b) That the Inventory will assist the Connector JPA with meeting its mitigation obligations set forth in its Program EIR.

(c) That the Inventory may also assist the Connector JPA in meeting its obligations under the Settlement Agreement.

(d) The Work/Finance Plan will utilize existing resources, including but not limited to information available through the SSHCP, to ensure the most efficient use of public funds.

- 4. Notices.** All correspondence and written notices shall be addressed to the designated representatives listed below. The parties shall provide written notification of any change to its designated representative or the representative's contact information:

Mike McKeever, Chief Executive Officer  
Sacramento Area Council of Governments  
1415 L Street, Suite 300  
Sacramento, CA 95814  
mmckeever@sacog.org  
916.321.9000

Tom Zlotkowski, Executive Director  
Capital SouthEast Connector JPA  
10640 Mather Boulevard, Suite 120  
Mather, CA 95655  
zlotkowski@ConnectorJPA.net  
916.876.9094

- 5. Amendments.** This MOU may only be amended in writing if signed by both parties, and made available for review by ECOS prior to final adoption, provided that any such amendment may not conflict with the Settlement Agreement or applicable laws.
- 6. Termination.** Either party may terminate this MOU for non-performance by giving the other party a written notice of default and intent to terminate ("Termination Notice"). The Termination Notice will be deemed served and effective for all purposes on the date it is deposited in the U.S. mail, certified, return receipt requested, addressed to the appropriate party at the address indicated in Section 4, above.
- a. Upon receipt of a Termination Notice, the receiving party shall have a reasonable period in which to cure the stated violation. If the receiving party has not cured within such reasonable period, or has not provided sufficient evidence of such to the terminating party, this MOU shall be terminated immediately.
- 7. Binding MOU.** This MOU shall be binding on the parties hereto.

8. **Integration.** This MOU, along with the Settlement Agreement, represents the entire understanding of SACOG and the JPA as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This MOU may not be modified or altered except in accordance with Section 5.
9. **Severability.** If any provision of this MOU is held invalid or unenforceable by any court of final jurisdiction, it is the intent of the parties that all other provisions of the MOU be construed to remain valid, enforceable and binding on the parties.

IN WITNESS WHEREOF, THE PARTIES HAVE ENTERED INTO THIS AGREEMENT AS OF THE DATE HEREIN ABOVE APPEARING:

**SACRAMENTO AREA COUNCIL OF GOVERNMENTS**

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MIKE MCKEEVER  
Chief Executive Officer

**Approved as to Form:**

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KIRK E. TROST  
General Counsel to SACOG

**CAPITAL SOUTHEAST CONNECTOR AUTHORITY**

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TOM ZLOTKOWSKI  
Executive Director

**Approved as to Form:**

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NANCY C. MILLER  
General Counsel to Connector JPA

## EXHIBIT A

### OUTLINE OF PRINCIPLES FOR OPEN SPACE INVENTORY WORK PLAN

#### General Description of Open Space Inventory/Plan

The Open Space Inventory/Plan (“Inventory”) is a region-wide effort, and the parties agree that the Work/Finance Plan will outline that regional effort and that the JPA funding will be used for that regional effort.

The Inventory shall identify and map habitat, wetlands, agricultural lands, and other resources. As part of that regional effort, the Work/Finance Plan shall also:

- (a) Identify lands with valuable habitat and open space resources in the Connector JPA’s region that might be used to mitigate for the Connector Project.
- (b) Assist the Connector JPA with meeting its mitigation obligations set forth in its Program EIR and resulting Settlement Agreement.
- (c) Utilize existing resources, including information available through the SSHCP effort, to ensure the most efficient use of public funds.
- (d) Provide general information regarding the location of valuable habitat and open space resources, but will not identify parcel numbers or property ownership.

#### Project Schedule/Invoicing

The Work Plan will include a Project budget, a Project Schedule (including milestones for funding upon task completion and acceptance), and a process for invoicing the Connector.



Capital SouthEast Connector Board of Directors

Item # 6  
Motion

May 16, 2014

### Environmental Phasing Strategy and Application of the \$2 Million SACOG Grant

**Issue:** To determine the appropriate environmental document to be used for the various Connector segments and where to apply the \$2 Million in flexible funds awarded to the JPA from SACOG (Sacramento Area Council of Governments) to the JPA in 2013.

**Recommendation:** Approve the recommended Environmental Phasing Strategy and the application of the \$2 million of SACOG flexible funds for the Project Approval/Environmental Document (PA/ED) phase on Segment D2 (Jackson to White Rock Road) of the Connector.

**Background:** At your April meeting, staff presented the Project Development Team's (PDT's) recommendations to apply \$2 million flexible funds to Connector segment E2 (Latrobe to US 50), with a backup plan of applying the funds to Segment D2 in the event that SACOG would not approve the use of these funds outside their four county programming region. Staff reported that Director Sander and JPA staff met with SACOG staff on March 6, 2014, where SACOG expressed concerns with the PDT's recommendation of applying the \$2 Million to Segment E2 and skepticism that their Board would approve that application of the funds.

Staff also reported it was currently in the process of confirming, to the extent possible, that the "CEQA only" segments strategy is sound and fully implementable for specific sections, and that it would report back to the board in May on the results of the CEQA/NEPA Strategy.

As a result of SACOG's reported concerns, the Board directed staff to meet with the PDT and prepare a revised NEPA strategy to present to the Board at the May/June meeting. The revised strategy would consider alternative segments to apply the \$2 Million with the PDT members and provide a final recommendation to the Board.

**Discussion:** A Project Development Team (PDT) meeting with the member jurisdictions was held April 23, 2014 with attendance by SACOG. At this meeting, the PDT discussed potential segments on where to apply the \$2 Million in flexible funds and which segments should remain as "CEQA only" segments. The PDT reiterated the desire for initiation of the Folsom Segment (D3) and the El Dorado Segment (E) to provide parallel capacity to US 50 and connect with the recently completed Sacramento County project. It also recognized the importance of Segment A that is being pursued as a local project by the City of Elk Grove and County of Sacramento.

At the time of the PDT meeting JPA staff was analyzing the D3 segment to confirm that this segment can be completed with "CEQA only" funding, or if NEPA is required, what level of NEPA analysis is required. Since El Dorado County is outside of the four-county SACOG programming region, the PDT confirmed that the \$2 Million should be applied to the D2 (Jackson to White Rock Road) Segment, if a "CEQA only" document is the appropriate level of environmental documentation for the D3 Segment. Discussions will be held with the El Dorado County Transportation Commission to discuss the best way to introduce their sections of the Connector into the programming process.

Results of the CEQA only Analysis on the Segment: D3

Working with a consulting environmental analyst, staff recently completed the "CEQA only" analysis on the D3 Segment, which concluded the following:

1. The recent completion of Sacramento County's White Rock Road Widening Project provided certified CEQA clearance for the widening of White Rock Road from two to four lanes from Sunrise Boulevard east to the El Dorado County line, which includes Segment D3.
2. The Folsom South of U.S. 50 Specific Plan Area (SPA) EIR/EIS was prepared by the City of Folsom, U.S. Army Corps of Engineers and Bureau of Reclamation, which includes a portion of Segment D3 along White Rock Road.
3. Based on the already completed environmental analyses, if non-federal funds are used for Segment D3, the JPA could move forward with preparing a document that satisfies the requirements of the California Environmental Quality Act (CEQA). However, only 2/3's of the D3 Segment would be covered under the *South of U.S. 50 SPA Backbone Project Section 404 permit* currently being obtained from the US Army Corps of Engineers (USACOE) for impacts to wetlands/waters of the US. The remaining 1/3 of the segment would require some level of environmental documentation under the National Environmental Policy Act (NEPA), but only for the permitting phase of the project.
4. The D3 segment project would affect federally listed threatened and endangered species and would involve construction activities in aquatic resources and other waters of the U.S. Therefore, the U.S. Fish and Wildlife Service (USFWS) and USACOE would need to demonstrate compliance with NEPA before issuing their respective permits. The USACOE would be the lead NEPA agency and would initiate Section 7 consultation with the USFWS for any endangered/threatened biological species that may be affected by the proposed project. Any impacts would require a Biological Assessment and receipt of a Biological Opinion from USFWS before issuance of a Section 404 permit. Likewise, USACOE would initiate consultation with State Historic Preservation Office (SHPO) for any cultural resources potentially eligible for the National Register of Historic Places. It is important to note that the City of Folsom has already completed a full cultural resources study and received SHPO concurrence on all of the cultural resources along the South of U.S. 50 SPA Backbone Project. Therefore, it is likely that the project would only need to comply with Section 7 consultation with USFWS and Section 106 consultation with SHPO for any potential impacts to resources not previously studied by the South of U.S. 50 SPA Backbone Project.
5. Since NEPA is only required for the permitting phase of the project, a "CEQA only" analysis is appropriate and can be completed in a timely manner under the following conditions:
  - a. Federal funds are not used in design, right of way acquisition, or construction.
  - b. Less than 0.5 acres of fill to wetlands and waters of the U.S. are impacted and the project falls under a Section 404 Nationwide permit. It should be noted that even if more than 0.5 acres are affected, a CEQA only document can be completed, but the permitting process will take longer.
6. A Supplemental EIR to the previously approved White Rock Road General Plan Amendment and Widening EIR would be an appropriate document for Segment D3.

Recommended Environmental Phasing Strategy:

With the City of Elk Grove/County of Sacramento currently completing CEQA/NEPA clearance for the Kammerer Road project (segment A1/A2), efforts should be focused on beginning environmental clearance on segments that have been identified as complex environmentally and segments that will provide parallel capacity to US 50. One of the significant considerations in support of the current staff recommendation towards providing parallel capacity is the positive traffic relief impacts an improved White Rock Road/Connector corridor would have on US 50 in both El Dorado and Sacramento Counties. Therefore, staff recommends the following strategy be approved:

- a) Working with Folsom staff, initiate a project-level Supplemental EIR to the previously approved White Rock Road General Plan Amendment and Widening EIR for Segment D3 (Prairie City Road to the El Dorado County Line).
- b) Immediately begin discussions with the El Dorado County Transportation Commission (EDCTC) in an effort to jointly pursue funding with El Dorado County for Segment E (El Dorado County Line to the US 50/Silva Valley Parkway Interchange).
- c) Apply the \$2 Million SACOG Flexible Funds Grant to Segment D2 (Jackson to White Rock along Grant Line Road) to initiate a NEPA environmental review. This segment connects to the recently completed Sacramento County project (White Rock Road to Prairie City) and has the highest concentration of habitat constraints, including extensive occurrences of wetland, stream, vernal pools, swales, and other habitat and would affect more floodplain and natural waterways that support a rich aquatic ecosystem and habitat for numerous protected species. Given this complexity, it prudent to begin the Federal process early, recognizing a lengthy review process is inevitable.

Respectfully Submitted,



Tom Zlotkowski  
Executive Director



Capital SouthEast Connector Board of Directors

Item # 7  
Presentation

May 16, 2014

### Presentation of Right of Way, Permitting, and Development Policy Framework

**Issue:** To inform the Board of Directors on a Right of Way, Permitting, and Development Policy Framework that has been created for the Capital SouthEast Connector Project.

**Purpose:** To provide an overview on the Right of Way, Permitting, and Development Policy Framework and provide any feedback to staff on the elements that will ultimately be contained in the Real Property and Utility Procedures section of the Project Design Guidelines for the Capital SouthEast Connector Project.

**Background:** The goal of a Real Property and Utility Procedures section of the Project Design Guidelines will be to:

- Promote coordination in areas with common interest among the member jurisdictions.
- Improve communication among the member jurisdictions.
- Ensure that persons, required to sell land or to move their facilities because of the Connector Project, are treated fairly, in an open professional manner, and that the work is performed safely.
- Provide consistent treatment of property owners and provide a uniform hearing body for appeals and unique situations.
- Establish a fair and efficient process to complete the acquisitions of property.
- Assure proper conditions are placed on private development adjacent to the Connector alignment to support the Project Design Guidelines and member jurisdiction requirements.
- Recognize the unique aspects of Design/Build delivery and the allocation of risk between the JPA and the contractor.
- Establish standards for future encroachments and the relocations of existing conflicting utilities that are necessary for the Capital SouthEast Connector Project.

The *Draft* Right of Way, Permitting, and Development Policy Framework is being developed through the review of existing policies and procedures from various resources and other Joint Power Authority projects that are similar to the Connector Project. These include:

- Riverside County Transportation Commission.
- Orange County Transportation Authority
- Ada County Highway District.
- Caltrans Right of Way Manual.
- Federal Highway Administration Right of Way and Utility Manuals.

JPA staff used elements of the aforementioned resources to identify the “best fit” policy framework that matches the particular needs of the Connector Project and its member agencies. In addition, the JPA staff has also solicited input from consulting resources that include:

- The Right of Way consulting firm of Overland, Pacific and Cutler
- The Ballard Law Group
- The engineering firm of Moffatt & Nichol

These firms were selected to provide input since they have direct experience and lessons learned in the implementation of right of way, utility and permitting polices from prior multi-jurisdictional projects that are similar to the Connector.

On February 26, 2014, and on April 23, 2024, the JPA staff met with the Public Works staff of the member agencies to discuss elements of the Right of Way, Permitting, and Development Policy Framework. Comments were received from the member agencies and discussions are ongoing along a number of areas. The latest meeting of the group occurred yesterday, May 15<sup>th</sup>, and feedback from that meeting can be provided during today's presentation. The framework is broken into several sections:

- Overarching principals that apply to all issues
- The Acquisition Process
- Permitting and Development Plan Review Process

Due to the unique nature of a JPA project delivery, a number of policy elements that might conflict between jurisdictions need to be resolved to provide the best economy for both the JPA and its members. It should be also noted that under a Design/Build project delivery mechanism, there are shared risks between the JPA and the Design/Build contractor, particularly in the availability of Right of Way and utility conflict relocations. Shared risk provisions, if structured properly, accomplish two goals: 1) aligning the interests of the parties – both the JPA and contractor, to be invested in obtaining a quick and fair resolution, and 2) reducing risk contingencies that would otherwise be included in bids or JPA reserves. For example, if not acquired prior to contractor Notice to Proceed, the JPA must establish a timeline for Right of Way availability. If the JPA fails to meet these timelines, the Design/Build contractor is entitled to remedies. This can be perhaps in time only, but can also be monetary. For utilities, there is the potential for shared risk between the JPA and the Design/Build contractor. For example, it may benefit the JPA to pay utilities for an accelerated relocation, which may set a precedent not typically done on local agency projects with franchise agreements with the utilities. In addition, it may benefit the JPA to share the responsibility for utility non-performance with the Design/Build contractor in the form of time and/or costs.

Some highlighted questions that need to be resolved in the Policy Framework are, where the JPA is the lead agency developing and constructing a portion of along corridor, shall the JPA:

- Be responsible for Right of Way appraisal, negotiations, acquisition, and Property Management activities?
- Acquire Right of Way in the name of the JPA, with a later transfer to the jurisdictions at an appropriate time as defined in the proposed Reciprocal Use Funding Agreement?
- Acquire ultimate Right of Way with each acquisition, where feasible?
- Obtain access rights per JPA adopted Design Guidelines and proposed General Plans?
- Be notified, review and comment with member agencies on all civil design plans for tentative and final subdivision maps, environmental studies/permits, encroachment permits, new development and public construction projects adjacent or having an impact along the corridor?

With the inclusion of any Board feedback today, the JPA staff will continue to work with staff from each jurisdiction to refine this framework and develop the Real Property and Utility Procedures section of the Project Design Guidelines (PDG). That section will ultimately be adopted by the JPA Board in concert with other major policy discussions to occur over the upcoming months. The following processes are proposed to fully develop the Real Property and Utility Procedures section of the Project Design Guidelines:

- Incorporate JPA Board comments today and continue preparation of a Draft Real Property and Utility Policy section of the PDGs
- Continue meeting with the Public Works Director Committee to share Board comments, adjust policy accordingly, and introduce the Procedures section (May 2014)
- Present Real Property and Utility Policies section for approval by the Board and introduce the Procedures section to JPA Board (June/July 2014)
- Adjust R/W Procedures per Board feedback and meet with Public Works committee to adjust accordingly (August 2014)
- Incorporate the Real Property Policy and Procedures portion of the manual into the PDG (Post-August 2104)
- Initiate work on Utilities portion of the manual and provide for a process similar to that of the R/W section (September 2014)
- Finalize the Utilities section of the manual and incorporate it into the PDG (December 2014).

It should be noted that many of the elements that will ultimately be defined in the Real Property and Utility Procedures section of the Project Design Guidelines may have applicability to the subsequent Reciprocal Use and Funding Agreements that will be executed among the JPA and the member agencies. These upcoming processes will be integral to the Policy Framework and vice versa.

Respectfully submitted,



Tom Zlotkowski  
Executive Director



CAPITAL | SOUTHEAST  
**CONNECTOR**  
*Connecting Communities*

# DRAFT - Right of Way, Permitting, and Development Policy Framework



# ROW Framework

Develop “best fit” Framework through review of existing policies and procedures from similar projects:

- Riverside County Transportation Commission
- Orange County Transportation Authority
- Ada County Highway District
- Caltrans Right-of-Way Manual
- Federal Highway Administration Right of Way and Utility Manuals
- Consultation with Ballard Law, Moffatt & Nichol, and Overland Pacific and Cutler



# ROW Framework

The framework is broken into several sections:

- Overarching principals that apply to all issues
- The Acquisition Process
- Permitting and Development Plan Review Process



# Overarching Principals

- Promote coordination in areas with common interest and improve communication among the member jurisdictions
- Provide consistent treatment of property owners and provide a consistent hearing body for appeals and unique situations
- Recognize the unique aspects of Design/Build delivery and the allocation of risk between the JPA and the contractor



# Shared Risks with Design/Build

- 1) Aligns the interests of JPA / contractor to obtain quick and fair resolutions
- 2) Reduces risk contingencies that would otherwise be included in bids or JPA reserves

## Examples:

- JPA must establish a timeline for ROW availability. If the JPA fails to meet, Design/Build contractor is entitled to remedies (time and/or monetary)
- It may benefit the JPA to pay utilities for accelerated relocation or share the responsibility in the form of time and/or costs.



# ROW Framework Questions of Note

## Should the JPA:

- Be responsible for Right of Way appraisal, negotiations, acquisition, and Property Management activities?
- Acquire ROW in the name of the JPA, with a later transfer to the jurisdictions per proposed Reciprocal Use Funding Agreement?
- Acquire ultimate Right of Way, where feasible?
- Obtain access rights per JPA Design Guidelines, and proposed General Plan designation?



# ROW Framework Questions of Note

## Should the JPA:

- Be notified, review and comment on all tentative and final subdivision maps, environmental studies/permits, encroachment permits, new development and public construction projects adjacent or having an impact along the corridor?



# Proposed ROW Framework of Note

## Benefits:

- Allows the JPA to manage schedule, project priorities, budget, and environmental mitigation
- JPA can analyze the amount of risk to share with the Design/Build contractor
- Avoids impacts to member agency policy board agendas and added process timeline frames/expense



# Proposed ROW Framework of Note

## Benefits:

- Preserves ROW, reduces cost, and avoids conflicts for the ultimate project phase
- Preserves traffic operations and enhances safety
- Assures conformance with JPA policies and standards
- Note: Variance process will remain as outlined in the Project Design Guideline



# Proposed ROW Framework

## Benefits:

- Assures environmental permits are in compliance and consistent with JPA environmental documents and permits
- Capitalize on cooperative opportunities
- Assures JPA financial tracking



# Next Steps

- Incorporate JPA Board comments today and continue preparation of a Draft Real Property and Utility Policy section of the PDGs.
- Continue meeting with the Public Works Director Committee to share Board comments, adjust policy accordingly, and introduce Procedures section (May 2014)
- Present Real Property and Utility Policies section for approval by the Board and introduce the Procedures section to JPA Board (June/July 2014)

# Next Steps

- Adjust R/W Procedures per board feedback and meet with Public Works committee to adjust accordingly (August 2014)
- Incorporate the Real Property Policy and Procedures portion of the manual into the PDGs (Post-August 2104)
- Initiate work on Utilities portion of the manual and provide for a process similar to that of the R/W section (September 2014)
- Finalize the Utilities section of the manual and incorporate it into the PDGs (Dec.2014).



Capital SouthEast Connector Board of Directors

Item #8  
Resolution

May 16, 2014

### FY 2014-15 Work Program and Schedule

**Issue:** To continue the active development of the Connector Project by adopting a Work Program and Schedule for Fiscal Year 2014-15.

**Recommendation:** Approve the proposed Work Program and Schedule for FY 2014-15 and direct staff to pursue the Work Program consistent with the FY 2014-15 Budget.

**Discussion:** To assist the JPA staff in the orderly development of the Connector Project and to keep the Board apprised of the progress of many of the critical JPA organizational functions, an annual Work Program is developed. While the majority of the work focuses on project-related elements, the Program also deals with the organizational/administrative responsibilities of the JPA. Since many of the work program elements are co-dependent and time dependent with each other, some flexibility in the precise timing and order of their completions will be required. Staff will provide a mid-year correction to this work plan if required as occurred during last year's plan in February, 2014. For Fiscal Year 2014-15, the work plan includes the following major elements:

- **Item 1 – Update Plan of Finance (POF) and Project Design Guidelines (PDGs)** – The initial Plan of Finance is a living document that requires updating and refinement in order to reflect inherent changes in design, scope, timing, revenue, and administration for the Project. New materials and standards developed during the course of the year also need to be added to the PDGs. Some of the significant steps required for this year's updates include:
  - a. Initiate POF and PDGs revisions for presentation to the Board for approval – This is the initiation of the annual update of both of these documents. Both require considerable addition and refinement requiring consultant input and modification. Staff will begin this process prior to Board of Directors discussion.
  - b. Provide update introductions to Board of Directors - It is anticipated that a number of update items will require Board of Directors input which will be presented in August for consideration.
  - c. POF: Verify and update project cost estimates, the project development budget, and expenditures forecast – Using the latest information from various sources, the expenditure side of the POF will be updated to verify costs and scheduling of major items of work.
  - d. Refine POF cash flow model and primary revenue estimates - Due to uncertainties over the availability of several categorical funds, a major update of the revenue side of the plan is in order at this time.
  - e. Update POF schedule and construction sequencing – Based on revised revenues, information from the design-build team, and approval of a sequencing strategy, the plan's schedule and phasing will be adjusted accordingly.
  - f. Finalize POF and PDGs and present for Board Approval – A presentation of the revised documents will be made to the board for approval and adoption.

- **Item 2 – Member Jurisdiction General Plan Amendments** – The inclusion of the Connector Project on the General Plans of the member jurisdictions is a necessary step in designating and delivering the regional project:
  - a. Hold General Plan Amendment hearings – Working with staff of the member jurisdictions, the General Plans will be formally amended to include the Connector designation and its associated guidelines and provisions.
  - b. Review and report back all approved GP's to Board – Following approval by all five member jurisdiction policy boards, the complete Connector designation will be brought back to the board for a summary report to reflect any noteworthy items from the individual approvals.
  - c. Coordinate amendment of SACOG MTIP/MTP – Once formal approvals are complete and the board has reviewed the process, staff will work with SACOG to amend the MTP to reflect the new designations of the project and adjust the MTIP to reflect any necessary near-term changes that could affect federal approvals and funding.
  
- **Item 3 – Conduct Ag Access meetings** – As an outcome of discussions during the General Plan Amendment process, the need to better understand and explore solutions for farming interests along the project limits was identified. The outcome of these meeting is intended to inform future environmental documents.
  - a. Conduct meeting and establish needs – Two sets of meetings will be held with fronting agricultural property owners in four separate geographic sections of the project. The first set of meetings will be to gather owner information and requests for access, while the second will be to provide feedback and possible accommodations based on project design standards and traffic engineering evaluations. The process is expected to require several months of evaluation between meetings.
  - b. Provide recommendations to Board of Directors – After the second round of meetings, staff will provide the board with an update on the progress made and any resulting agreements that can be used to inform subsequent environmental documents.
  
- **Item 4 – Reciprocal Use and Funding Agreements (RUFA)** – One of the most critical steps in the development and construction of the project will be the negotiation of the necessary development, operating, and financial principals between the member jurisdictions. The RUFA document developed by staff will detail both mutual and exclusive conditions for eventual adoption by the board. Initial steps in its development include:
  - a. Initiate process and report back to Board of Directors on details – Staff will request an initial meeting with the appropriate executive staff of the member jurisdictions to review the anticipated contents of the RUFA and gauge support for the proposed contents as well as the anticipated time frame required to negotiate the agreement(s). Staff will then report back to the board to report out anticipated timing and expected issues of significance.
  - b. Negotiate RUFA agreements with member jurisdictions – Once feedback has been provided by the board on the initial meeting(s), staff will begin in-depth discussions with the member jurisdictions to seek agreement on key issues to be contained in the document.
  
- **Item 5 – Initiate Project Level Environmental Studies** – Based on results of the environmental phasing strategy currently under board consideration, staff will initiate and coordinate work on project level environmental studies as budget resources allow.
  - a. Finalize the environmental phasing strategy - Based on the phasing strategy to apply the \$2Million SACOG grant to Segment D2 and to provide parallel capacity to US 50, it is anticipated that staff will

proceed with project level environmental studies on Segments D2 (CEQA and NEPA), Segment D3 (CEQA only) and Segments E (type of document dependent on funding source).

- b. Select and initiate initial segment for NEPA review and select consultant – Based on the approved environmental phasing strategy, the NEPA process for the 42 Million SACOG grant is expected to begin upon completion of the Caltrans audit and funding obligation by SACOG/Caltrans. The obligation of the \$2 Million is anticipated by July/August 2014. This activity will remain active for the duration of FY13-14.
  - c. Select and initiate initial segment for CEQA or CEQA/NEPA review and select consultant – Based on the approved environmental phasing strategy, it is expected that this activity will start as funding becomes available. This activity will remain active for the duration of FY13-14.
- **Item 6 – Continue development of technical materials and design elements** – In conjunction with the refinement of the POF and the completed General Plan amendments, the project design must advance to inform subsequent project level requirements. This includes segment specific environmental review, right-of-way acquisition, utility relocation, permitting, mitigation requirements, and design-build technical document development.
    - a. Refine selected alignment to initiate 30% design process – Depending on the progress of a particular project level environmental process, staff will begin the process of advancing design and right of way acquisition as revenues allow. The environmental phasing strategy will inform the decision on which segment to advance to the 30% design level.
  - **Item 7 – Participate in SSHCP Processing** – As the SSHCP team finalizes and publishes the actual plan document, as well as the required State and Federal environmental documentation, staff will become more involved in the details pertinent to the Connector Project.
    - a. Review draft SSHCP document and both CEQA and NEPA analyses – While the majority of the draft HCP document has been completed, several chapters remain incomplete. An extension of the activities duration should reflect an October, 2014 completion.
    - b. Participate in outreach and management of HCP process – A considerable level of outreach to the Community will be required in advance of the public hearing process. Since the JPA and HCP share common interested parties and related principles, it is fitting for the JPA to be involved in the public outreach process as it leads towards plan approval
    - c. Identify specific mitigation requirements necessary for permits – Working with the SSHCP staff, the JPA staff will begin to investigate the necessary mitigation requirements previously identified in the PEIR or to be required through subsequent environmental analyses of the various Connector segments.
  - **Item 8 – Develop Right-of-Way (R/W) Procurement & Utility Relocation Policy** – These two significant aspects of project development are necessary to initiate final design and construction documents. Since the POF is based on the JPA providing these necessary delivery components, adequate time must be built into the schedule to allow these processes to be completed.
    - a. Develop and present R/W acquisition policy to the Board of Directors for approval – The complexity and legal requirements of this activity require outside consultation and expertise. This will extend the duration of this task to August, 2014.
    - b. Initiate R/W acquisition per policy and POF – Based on revision to the R/W policy duration task and constraints in the POF, initiation of this task will be delayed to June, 2015.

- c. Develop and present utility relocation policy to the Board of Directors for approval – This activity is also affected by the introduction of outside expertise. It is also being coordinated with information being obtained through the design-build consultation process. Initiation is expected to begin in September, 2014 and will extend in duration through the end of the calendar year.
  - d. Initiate utility relocation planning per policy and POF scheduling – Due to the extended duration of the utility relocation policy development, the earliest that this task will be initiated is June, 2015.
- **Item 9 – Continue Outreach and Information Sharing Program** - Continued outreach and project information sharing will continue to inform stakeholders of the status of program development leading towards initial construction. This process is intended to provide information as well as to solicit support through multiple forms of outreach both in-person, print, and electronic.
  - **Item 10 – Update Improvement Plan** – Update of the current Project Improvement Plan as presented to the Board annually for determining the sequence and timing of major project improvements.
  - **Item 11 – Develop and Apply JPA Technical, Communication and Administrative Improvements** – Based on the presentation and approval of the major tasks outlined in this work schedule, staff will develop and recommend future policies that will support the direction of the JPA as needed beyond the approval of the PEIR and into the construction of the Connector Project.

Staff will report back to the Board in May, 2015 with the annual work program and schedule for FY 15-16 for your approval. Should significant adjustments be needed prior to the annual update, a revised schedule for the fiscal year will be presented.

Respectfully Submitted:



Tom Zlotkowski  
Executive Director

**Attachment  
FY 2014-15 Updated Work Program and Schedule  
May 16, 2014**

	2014						2015					
	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
<b>1. Update Plan of Finance (POF) and Project Design Guidelines (PDGs)</b>												
a. Initiate update process for both POF and PDGs												
b. Provide update introductions to Board of Directors												
c. POF: Verify and update project cost estimates, the project development budget, and expenditure forecast												
d. Refine POF cash flow model and primary revenue estimates												
e. Update POF schedule and construction sequencing												
f. Finalize POF and PDGs and present for Board approval												
<b>2. Member Jurisdiction General Plan Amendments</b>												
a. Hold General Plan amendment hearings												
b. Review and report back all approved GP's to BOD												
c. Coordinate amendment of SACOG MTIP/MTP												
<b>3. Conduct Ag Access meetings</b>												
a. Conduct meetings and establish needs												
b. Provide recommendations to BOD												
<b>4. Reciprocal Use &amp; Funding Agreement</b>												
a. Initiate process and report back to BOD on details												
b. Negotiate RUFA agreement												
<b>5. Initiate Project Level Environmental Studies</b>												
a. Finalize environmental phasing strategy												
b. Select and initiate segment for NEPA review and select consultant												
c. Select and initiate segment for CEQA or CEQA/NEPA review and select consultant												

	2014						2015					
	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
<b>6. Continue development of technical materials and design elements</b>												
a. Refine selected alignment to initiate 30% design process												
<b>7. Participate in SSHCP Processing</b>												
a. Review draft HCP document and environmental analyses												
b. Participate in outreach and management of HCP process												
c. Identify specific mitigation requirements necessary for permits												
<b>8. Develop R/W Procurement &amp; Utility Relocation Policies</b>												
a. Develop and present R/W acquisition policy & procedures to Board for approval												
b. Initiate R/W acquisition per policy and POF												
c. Develop and present Utility Relocation policy and procedures to Board for approval												
d. Initiate Utility Relocation elements per policy and POF												
<b>9. Continue Outreach and Information Sharing Program</b>												
<b>10. Update Improvement Plan</b>												
<b>11. Develop and Apply JPA Technical, Communication and Administrative Improvements</b>												



Item # 8  
Attachment

RESOLUTION NO. 2014-07

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE CAPITAL SOUTHEAST CONNECTOR AUTHORITY  
APPROVING THE FY 2014-15 WORK PROGRAM AND SCHEDULE

**BE IT RESOLVED** by the Board of Directors ("Board") of the Capital SouthEast Connector Authority ("Authority") that the proposed FY 2014-15 Work Program and Schedule, presented to the Board at this meeting, is hereby adopted in substantially the same form as attached hereto.

This Resolution shall take effect from and after the date of its passage and adoption.

\* \* \* \* \*

PASSED AND ADOPTED this 16<sup>th</sup> day of May, 2014, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Secretary