Minutes of the
NOACA Governing Board
Friday, November 8, 2013
NOACA Offices
1299 Superior Avenue, Cleveland, Ohio

Present: See the attached attendance record.

President Valarie McCall convened the meeting at 10:08 a.m., a quorum having been established. She noted that public notice of the meeting and its agenda were issued.

Approval of the October 18, 2013 Meeting Minutes

Commissioner Mary Samide moved to approve the minutes of the October 18, 2013 meeting. The motion was seconded by Mr. Joe Calabrese. The minutes were approved by voice vote.

Committee Reports

President McCall announced that the Committee Updates Report was included in the mailout.

Public Comment

President McCall announced that no one signed up for public comment.

Financial Report

There were no questions regarding the Financial Report.

President’s/Executive Director’s Report

President McCall updated the Board on the following:

- Agenda items for the Board and Governance Committee were discussed by the Executive Committee.
- A meeting of the Executive Committee along with the chairs of the Standing Committees is being considered for December.
- The membership for the subcommittees will be finalized.
- A suggested meeting schedule was distributed.
Ms. Grace Gallucci updated the Board on the following:

- Positive articles were written about NOACA in *Fresh Water Cleveland and Streetsblog*.
- The accomplishments in FY 2013 Overall Work Program (OWP) will be presented to the Board.
- The third floor construction project is 75% complete.
- The first phase of the Innerbelt Bridge project (westbound) has been completed. The bridge will be named after former U.S. Senator George V. Voinovich.
- The State of Ohio will invest $120 million to repair 220 county and city-owned bridges.
- The Ohio Department of Transportation (ODOT) will be coordinating an Ohio Statewide Transit Needs Study to look at strategies and examine demographics and travel trends to determine what type of travel services are going to be required in the future.
- Mr. Joe Calabrese was named to ODOT’s steering committee for the Ohio Statewide Transit Needs Study.
- NOACA will be soliciting projects for the New Freedom Program in mid-November. There is currently $615,000 available.
- The Federal Transit Administration (FTA) announced the availability of $29 million in competitive research funds for innovative public transportation projects.
- Ms. Amy Wainright is no longer employed at NOACA and Ms. Nancy Griffith is serving as the interim general counsel. Ms. Gallucci expressed well wishes for Amy’s future endeavors.

**Resolutions/Action Items**

2013-032: Seating of the Standing Committees

Ms. Gallucci reminded members that the Board approved the Code of Regulations update on August 9. As part of the update, the new committee structure was created and membership must be approved by the Board. She noted that the membership list was included in the Board packet.

Ms. Kathleen Scheutzow asked if Board members are replaced in January as a result of the November elections, would their replacements fill the same positions on the committees. Ms. Gallucci noted that for the standing committee seats the Code of Regulations does not identify a specific position. As a result, the person is appointed rather than their position. Ms. Gallucci proposed that the Governance Committee may want to consider how new appointments would occur so that each one does not have to come back to the Board for a vote.

President McCall stated the Governance Committee will meet after the Board meeting to discuss the Code of Regulations. She informed the Board only three of the five counties ratified Articles IV and IX of the Code of Regulations.
President McCall announced Commissioner Ted Kalo, the chair of the Governance Committee, was unable to chair the first meeting due to a personal matter.

President McCall stated the membership of the subcommittees hasn’t been reviewed yet, but she doesn’t believe there will be many changes due to the technical expertise of current members.

Mayor John Hunter made a motion to adopt Resolution 2013-032. Mr. Chris Easton seconded the motion. Resolution 2013-032 was adopted by voice vote.

Mr. Calabrese asked if the placement of GCRTA and Laketran on the Board under their respective counties complies with the requirements of MAP-21 for transit agency representation on the Board. Ms. Gallucci said yes and noted the issue has been discussed with the FTA and the Department of Transportation (DOT).

**2013-033: Congestion and Mitigation Air Quality Program (CMAQ)**

President McCall reminded members that Mr. Greg Murphy from ODOT attended the Board meeting in October and addressed some of NOACA’s concerns.

Mr. Randy Lane reported to members that a resolution was requested by the Board in October. Mr. Lane stated that in November 2012, ODOT directed the Ohio Association of Regional Councils (OARC) to create a new CMAQ program. A subcommittee was established by OARC consisting of representatives from the eight largest MPOs in Ohio. This subcommittee was directed to draft a new policy that manages the statewide CMAQ program. The objective of the proposed policy was to reduce unused fund balances and advance projects that have statewide benefits. On August 28, 2013 the proposed policy was approved by OARC, despite objections by NOACA and AMATS.

Mr. Lane mentioned NOACA has received approximately 26% of the total CMAQ funds annually based on population in nonattainment areas. He informed members that projects scheduled beyond FY 2017, totaling $34.4 million, would not be grandfathered into the CMAQ program. Project sponsors would need to resubmit their applications through NOACA to the statewide program for funding consideration. Mr. Lane discussed the disadvantages of the new policy as well as the impact it would have on the NOACA region. He also pointed out that OARC is not a legal recognized public entity that is accountable to the public.

Mr. Lane advised that if the resolution passes, NOACA will work with ODOT to develop an alternate solution that focuses on the goals and priorities of the statewide program while maintaining its individual allocation.

Mr. Allen Biehl commented that ODOT will not support the resolution because it is not based on fact. He stated NOACA could benefit from the new program and suggested tabling the resolution and let the process work itself out. If the process isn’t working after a few application cycles, ODOT would be willing to work with the MPOs to tweak the process.

Commissioner Dan Troy asked what regions in Ohio had unspent CMAQ funds. Mr. Lane replied that Ohio MPOs have historically carried forward CMAQ balances for various reasons. However, SFY 2014-2017 TIP projects are projected to have a 0% carry forward. Commissioner Troy expressed his concerns on whether the OARC committee will remain impartial when selecting projects to be funded.
President McCall made the observation that based on the $34.4 million in projects that won’t get funded, the NOACA region loses. She reminded the Board of all the communities that will be impacted by the CMAQ changes.

Commissioner Hambley stated CMAQ funds are currently allocated based on population and air quality attainment criteria. However, with the new process, the allocations will be based on one vote per MPO. He pointed out that the voting process is disproportionate to the population as well as to clean air attainment. Commissioner Hambley expressed his concerns over the lack of public scrutiny in the overall screening process. He stated the new process takes decision making away from local governments.

Ms. Kathleen Scheutzow stated there needs to be a discussion on the criteria for selecting projects. She stated she believes ODOT is looking at projects that will give the state the biggest bang for the buck on cleaning the air. She asked for clarification of whether OARC will be distributing CMAQ funds itself or will it be acting in an advisory capacity to ODOT? If the latter is the case, OARC would be acting as a committee under a state agency that is subject to Sunshine Laws and stated she was unsure if there would be a loss of transparency. Ms. Scheutzow pointed out that although NOACA has historically received 26% of the CMAQ funds that is not a guarantee to receive funds in the future. Ms. Scheutzow stated she was uncomfortable voting for a resolution that would not change ODOT’s decision to implement the new process.

President McCall pointed out that NOACA does not like having resolutions against ODOT and that the purpose of the resolution is to go on record stating its viewpoint on the CMAQ changes.

Ms. Gallucci addressed Ms. Scheutzow’s concerns. She referred to Commissioner Hambley’s comments that the funds were allocated proportionally within the state based on nonattainment area population. She noted that NOACA has the largest nonattainment area, so it would benefit the region to continue receiving its share of the funding.

Mr. Lane made it a point to mention the resolution does not state NOACA is against statewide benefits or a statewide program initiative. The resolution says that the statewide program intent can be achieved through coordination of shared goals, priorities, and performance measures to guide individual MPO programs and minimize the risks to project sponsors.

Ms. Gallucci reminded the Board that ODOT delegated OARC to manage the CMAQ program. Ms. Gallucci provided details on how the OARC committee would select projects and how it developed the new process, expressing concerns regarding the transparency of these efforts to the public.

Ms. Scheutzow stated that if a government entity delegates a committee to make decisions on spending public dollars, the group would probably be subject to Sunshine Laws. She questioned whether the OARC meeting was legal if there was no public notice or public meeting.

Mr. Calabrese stated CMAQ funds are a necessary component to funding the bus replacement programs in Northeast Ohio. He pointed out that the NOACA region provides over 50% of the transit trips in the state. He stated he doesn’t feel confident that transit agencies will be considered for funding in the statewide program. Mr. Ray Jurkowski agreed with Mr. Calabrese and commented that the State of Ohio does not provide matching funds for capital replacement.
of vehicles and expressed his doubts that ODOT will balance the needs of transit systems with the needs of highway projects.

Mr. Skip Claypool stated he was concerned about transparency and the spend it or lose it mentality expressed by some Board members. He said he believes mass transit should be handled in a cost effective, efficient manner and that the CMAQ issue provides an opportunity for the Board to raise the level of discussion to ensure the maximum benefit in services to taxpayers.

Mr. Biehl commented that people fear change. He acknowledged the Board had some legitimate concerns and admitted he was unable to answer all of their questions. He suggested they have legal counsel validate their concerns. Mr. Biehl reviewed the scoring criteria and stated he was not convinced the new process is flawed.

Ms. Gallucci acknowledged that the eight MPOs represented on the committee had a good process in place prior to the new one. ODOT took the process from local decision making to statewide decision making. Ms. Gallucci commented that although a criteria-based process should produce the best outcome, there is subjectivity and room for manipulation. She pointed out that NOACA was disproportionately represented on the OARC committee.

Ms. Tanisha Briley stated she supports the resolution because it addresses concrete concerns the Board has with the CMAQ program. She informed Mr. Biehl that $34.4 million in projects is a tangible concern. She requested that ODOT work with NOACA to address the issues stated in the resolution as well as the concerns expressed by Board members.

Ms. Scheutzow asked if the projects scheduled beyond 2017 would definitely not receive funding. Ms. Gallucci responded that the sponsors would have to resubmit their applications to NOACA for approval. Once approved, the projects would be submitted to the statewide program for funding consideration. She noted there is no guarantee the projects would be funded.

Mr. Biehl said ODOT has similar processes in place with the Transportation Review Advisory Council (TRAC) and the County Engineers of Association of Ohio and noted both processes have worked out well. Mr. Biehl tried to assure the Board ODOT would work with the MPOs to improve the process if needed.

Mr. Tom Williams moved to table Resolution 2013-033. He said Mr. Biehl had some valid points and admitted he too has some concerns with the resolution. He stated he travels throughout the state and there are other regions in Ohio that need CMAQ funds. He said he believes the new process will bring economic development to the entire state and that ODOT has the best interest for the State of Ohio.

President McCall requested that a roll call be done to table Resolution 2013-033. The results of the roll call were as follows: 25 no votes, 10 yes votes and 1 abstention. President McCall announced the vote to table Resolution 2013-033 failed.

Commissioner Bob Afuldish moved to adopt Resolution 2013-033. The motion was seconded by Ms. Judy Moran. Resolution 2013-033 was introduced for voice vote.
President McCall requested that a roll call be done. The results of the roll call were as follows: 26 yes votes, 8 no votes and 2 abstentions. President McCall announced Resolution 2013-033 was adopted.

President McCall informed Mr. Biehl the CMAQ issue was previously discussed with Mr. Pakush and Mr. Greg Murphy from ODOT and she hopes the issue can be resolved.

**Resolution 2013-034: Geauga County Facility Planning Area (FPA) Boundary Map Update**

Mr. Woppershall said that Water Quality staff is in the process of reviewing the FPA boundary areas for accuracy in the NOACA region. He stated the review for Geauga County has been completed. Commissioner Mary Samide asked Mr. Woppershall why South Russell was not shown on the map. Mr. Woppershall stated that South Russell has a service agreement with Geauga County for wastewater treatment and that there are no changes to that area. Mr. Woppershall requested the approval of the resolution so the Water Quality Management Plan can be updated to reflect the changes.

Commissioner Samide made a motion to adopt Resolution 2013-034. The motion was seconded by Mr. Jim Gills. Resolution 2013-034 passed by voice vote.

President McCall advised staff to inform county commissioners when their facility planning area maps will be presented to the Board so they can address any issues or concerns ahead of time.

**Resolution 2013-035: Overall Work Program (OWP)**

Mr. Jonathan Giblin gave a presentation on the OWP completion report. He provided detailed information on the products that were completed as well as products that were not completed. He said 95% of the products were completed and the products that were not completed were due to staff attrition, reassignments, timing issues, and shifting priorities under a new executive director. Mr. Giblin provided an overview of the accomplishments in FY 2013 for the following areas:

- Environmental Planning and Outreach
- Demographic Modeling and Forecasting
- Multimodal Planning
- Asset Management
- Transportation Planning
- Sustainable Communities Planning
- Projects, Programming and Funding
- Program Administration
- Communications and Public Involvement

Commissioner Aufuldish asked if the reports for individual products are available on NOACA’s website. Ms. Gallucci said yes and added staff would be willing to email him specific reports.

Ms. Scheutzow asked for an explanation on why the Air Quality Programs was under budget and the Northeast Ohio Sustainable Communities Consortium (NEOSCC) project was over budget.

Ms. Gallucci explained that in 2012, NEOSCC was falling behind schedule and since NOACA is the official grantee and responsible for the outcome of the project, NOACA invested time and labor towards the work of NEOSCC. She mentioned NEOSCC is back on track and is near
Ms. Gallucci stated the reason the Air Quality Programs was under budget is because a full time employee responsible for some of the air quality efforts retired in 2012 and the work was combined with someone else’s duties.

Commissioner Troy made a motion to adopt Resolution 2013-035. The motion was seconded by Mr. Joe Calabrese. Resolution 2013-035 passed by voice vote.

Resolutions

Resolution 2013-036: Third Floor Build-out Unanticipated Cost Increases
Ms. Kathy Sarli informed members the project had experienced some unanticipated cost increases totaling $7,317.37. The additional costs were caused by omissions such as door hardware, and building code requirements such as fire damper sleeves. Ms. Gallucci said a contingency was not included in the project budget. President McCall mentioned the resolution was discussed at the Executive Committee meeting. Ms. Sarli stated NOACA staff would have a post construction meeting with the architect to discuss the omissions.

Ms. Scheutzow inquired if NOACA asked the architect if errors and omissions were covered under their insurance.

Ms. Sarli stated the increase cost was considered more of an omission than an error so NOACA would have needed to pay for the extra cost anyway.

Ms. Scheutzow made a motion to adopt Resolution 2013-036. The motion was seconded by Mr. Julian Rogers. Resolution 2013-036 passed by voice vote.

Old Business

There was no old business.

New Business

There was no new business.

Presentations/Discussion Items

a. State Fiscal Year 2014 2nd Quarter Project Planning Reviews (PPRs) – President McCall asked members to review the PPRs in their packets before the next Board meeting.

b. Regional Strategic Plan – Visioning Statement Results and Discussion – The Board agreed to defer the presentation to the meeting in December.

c. Legislative Agenda – The Board agreed to defer the discussion of the Legislative Agenda to the External Affairs Committee.

d. Northeast Ohio Sustainable Communities Consortium (NEOSCC) – the Board agreed to defer the update to a future meeting.

Reports/Updates

President McCall informed members that copies of the committee structure, the Legislative Liaison Report and the NOACA-Attributable Funded Project Monitoring Report were included in their packets for review.
Mr. Calabrese announced President McCall was elected to the American Public Transportation Association (APTA) committee.

**Next Meeting**

President McCall announced the next Board of Directors meeting would be held on Friday, December 13, 2013, 10:00 a.m. at NOACA offices. She noted that the meeting will last until noon or longer. There being no further business, the meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Valarie J. McCall, President  
Brenda Walker, NOACA Recorder