

# **RIVERSIDE COUNTY TRANSPORTATION COMMISSION**

## **EXECUTIVE COMMITTEE MEETING AGENDA**

TIME:                   **9:00 a.m.**

DATE:                   **Wednesday, July 10, 2013**

LOCATION:               **CONFERENCE ROOM A  
County of Riverside Administrative Center  
4080 Lemon Street, Third Floor, Riverside**

### **☞ COMMITTEE MEMBERS ☞**

Bob Botts, City of Banning  
Karen Spiegel, City of Corona  
Terry Henderson, City of La Quinta  
Rick Gibbs, City of Murrieta  
Daryl Busch, City of Perris  
Steve Adams, City of Riverside  
Kevin Jeffries, County of Riverside, District I  
John J. Tavaglione, County of Riverside, District II  
Jeff Stone, County of Riverside, District III  
John J. Benoit, County of Riverside, District IV  
Marion Ashley, County of Riverside, District V

### **☞ AREAS OF RESPONSIBILITY ☞**

Reviews and makes final decisions on personnel issues  
and office operational matters.

*Comments are welcomed by the Committee. If you wish to provide comments to the Committee, please complete and submit a Speaker Card to the Clerk of the Board.*



# **RIVERSIDE COUNTY TRANSPORTATION COMMISSION**

## **EXECUTIVE COMMITTEE MEETING**

**9:00 A.M.**

**WEDNESDAY, JULY 10, 2013**

**County of Riverside Administrative Center  
Conference Room A  
4080 Lemon Street, Third Floor, Riverside**

*In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting at the Commission office, 4080 Lemon Street, Third Floor, Riverside, CA, and on the Commission's website, [www.rctc.org](http://www.rctc.org).*

*In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in an Executive Committee meeting, please contact the Clerk of the Board at (951) 787-7141. Notification of at least 48 hours prior to meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.*

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENTS**
- 3. APPROVAL OF MINUTES – APRIL 10, 2013**
- 4. ADDITIONS/REVISIONS** – *The Committee may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Committee subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Committee. If there are less than 2/3 of the Committee members present, adding an item to the agenda requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.*

**5. CONTRACTS RELATED TO THE COMMISSION'S RIGHT OF WAY DEPARTMENT**

**Overview**

This item is for the Committee to:

- 1) Approve the replacement of an existing unfilled full-time equivalent (FTE) of Capital Projects Contract and Claims Manager for a Right of Way Senior Staff Analyst position;
- 2) Approve the Commission's revised Fiscal Year 2013/14 organizational chart; and
- 3) Approve Agreement No. 14-31-002-00 with Southstar Engineering for Right of Way Management Services in an amount not to exceed \$200,000.

**6. AMENDMENT OF THE EXECUTIVE DIRECTOR'S EMPLOYMENT AGREEMENT**

**Overview**

This item is for the Committee to approve the fourth amendment to the Executive Director's employment agreement to reflect the change in the Employer Paid Member Contribution (EPMC) and accompanying salary increase.

**7. ADJOURNMENT**

# **AGENDA ITEM 3**

## **MINUTES**



# **RIVERSIDE COUNTY TRANSPORTATION COMMISSION**

## **EXECUTIVE COMMITTEE APRIL 10, 2013**

### **Minutes**

#### **1. CALL TO ORDER**

The meeting of the Executive Committee was called to order by Second Vice Chair Daryl Busch at 8:45 a.m. in Conference Room A at the County of Riverside Administrative Center, 4080 Lemon Street, Third Floor, Riverside, California, 92501.

#### **Commissioners Present**

Steve Adams  
Marion Ashley\*  
John J. Benoit  
Bob Botts  
Daryl Busch  
Terry Henderson  
Kevin Jeffries  
Karen Spiegel\*  
Jeff Stone\*  
John Tavaglione  
\*Arrived during closed session

#### **Commissioners Absent**

Rick Gibbs

#### **2. PUBLIC COMMENTS**

There were no requests to speak from the public.

#### **3. APPROVAL OF MINUTES – December 12, 2012**

**M/S/C (Henderson/Benoit) to approve the minutes of December 12, 2012 as submitted.**

#### **4. ADDITIONS/REVISIONS**

There were no additions or revisions to the agenda.

**5. CLOSED SESSION**

**Conference with Labor Negotiators Pursuant to Section 54957.6**

Agency Designated Representatives: Executive Director

Unrepresented Employees: All Commission employees other than Executive Director

There was no announcement from the closed session item.

**6. CLASSIFICATION AND COMPENSATION STUDY**

**M/S/C (Busch/Botts) to approve the adjustment to salaries and ranges of Commission employees based on Classification and Compensation Study presented in closed session.**

**No: Jeffries**

**7. RESOLUTION NO. 13-005, "RESOLUTION OF THE BOARD OF COMMISSIONERS OF RIVERSIDE COUNTY TRANSPORTATION COMMISSION FOR EMPLOYER PAID MEMBER CONTRIBUTIONS"**

Michele Cisneros, Accounting and Human Resources Manager, provided an overview of the Public Employees' Pension Reform Act of 2013 and the implementation of employees' cost sharing.

**M/S/C (Busch/Botts) to:**

- 1) Implement the employees' cost sharing of the Employer Paid Member Contribution (EPMC) of 3 percent beginning July 11, 2013, with a corresponding salary increase of 3 percent respectively; and**
- 2) Adopt Resolution No. 13-005, "Resolution of the Board of Commissioners of Riverside County Transportation Commission for Employer Paid Member Contributions", to reflect the cost sharing of normal pension costs by employees.**



## 8. ADJOURNMENT

There being no other items to be considered, the Executive Committee meeting adjourned at 9:35 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Jennifer Harmon". The signature is written in a cursive style with a large, looping initial "J".

Jennifer Harmon  
Clerk of the Board

### **SPECIAL NOTE**

***On April 11, Commissioner Kevin Jeffries submitted a request for reconsideration for Agenda Items 5, 6, and 7. The Administrative Code states decisions of the Committee shall be final unless a member of the Commission, within five (5) days of the date of the decision, requests that the decision be placed on the agenda of the next regular Commission meeting for reconsideration. Therefore, the actions taken on these agenda items are deemed null and void and will be presented to the Commission at its May 8 meeting.***



# **AGENDA ITEM 5**



***RIVERSIDE COUNTY TRANSPORTATION COMMISSION***

<b>DATE:</b>	July 10, 2013
<b>TO:</b>	Executive Committee
<b>FROM:</b>	Anne Mayer, Executive Director
<b>SUBJECT:</b>	Contracts Related to the Commission's Right of Way Department

**STAFF RECOMMENDATION:**

This item is for the Committee to:

- 1) Approve the replacement of an existing unfilled full-time equivalent (FTE) of Capital Projects Contract and Claims Manager for a Right of Way Senior Staff Analyst position;
- 2) Approve the Commission's revised Fiscal Year 2013/14 organizational chart; and
- 3) Approve Agreement No. 14-31-002-00 with Southstar Engineering for Right of Way Management Services in an amount not to exceed \$200,000.

**BACKGROUND INFORMATION:**

The FY 2013/14 will be one of unprecedented investment in Riverside County's transportation infrastructure that includes the acquisition of needed right of way and beginning of construction for the \$1.3 billion State Route 91 Corridor Improvement Project (SR-91 CIP). This project, which breaks ground in 2013, is expected to generate 16,000 new jobs and will be the largest ever funded by the Commission.

The Commission's Right of Way department will continue to experience an unprecedented increase in workload due to the number of right of way acquisitions and relocations required on the SR-91 CIP. During FY 2013/14, the Commission expects to acquire 200 parcels worth \$130 million and administer \$100 million in relocations. While much of this work is done primarily by consultants, all offers, settlements, contracts, and condemnations require significant attention, review, and approval by Commission staff. Staff believes that the bulk of this peak workload will last approximately three years.

In an effort to meet the necessary right of way acquisition demands of the SR-91 CIP, staff is recommending using an existing unfilled FY 2013/14 budget approved FTE position of Capital Projects Contract and Claims Manager (Range 53: \$7,910 - \$10,678/mo) and replacing it with a second Right of Way Senior Staff Analyst position (Range 43: \$5,817 - \$7,853/mo). This position will be a three-year term

contract position and it will be eliminated at the conclusion of the SR-91 CIP right of way acquisition activities. There is no financial impact to the FY 2013/14 budget.

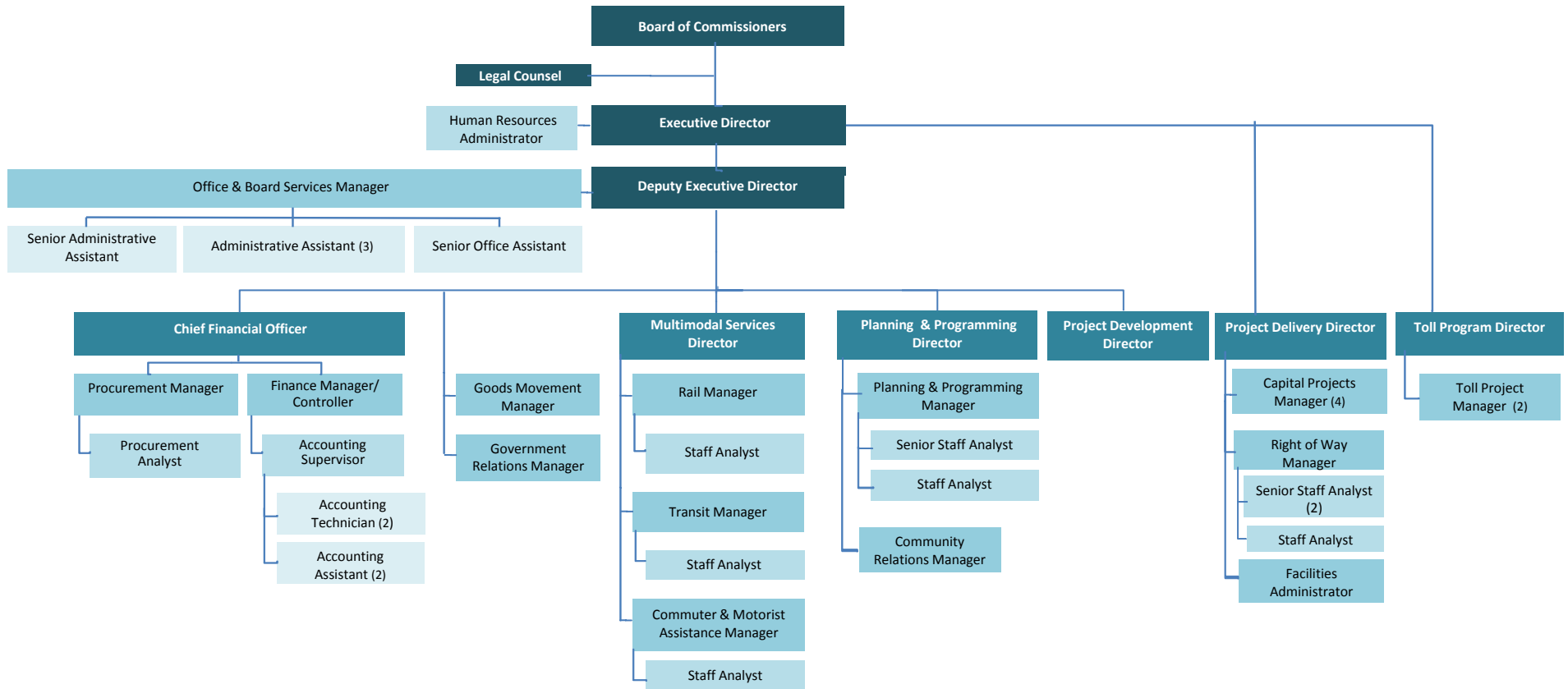
One of the tasks most critical to the SR-91 CIP is the preparation of resolutions of necessity for an estimated 60 properties over the next six months. This is critical because the Commission is obligated to obtain legal possession of these parcels according to the approved design-build contractor's schedule. In a recent development, the Commission's Right of Way Manager William Von Klug has announced his retirement. Therefore, staff is recommending the Commission procure the services of Mark Lancaster with Southstar Engineering to provide this much needed right of way management without losing any time on the project. This item is being brought to the Executive Committee because it directly relates to a personnel issue. The Commission will proceed with recruitment of a Right of Way Manager as quickly as possible, however, this takes time and includes some uncertainty as to the outcome.

Mark Lancaster has a history of providing high quality services to the Commission related to resolutions of necessity and other right of way matters, most recently about one year ago during the gap between the current and former Right of Way Managers. The proposed contract with Southstar Engineering in an amount not to exceed \$200,000 will use the Commission's standard professional services agreement form, and will be adequate to cover full-time services for approximately six months, which is the period of time staff anticipates all resolutions of necessity for the SR-91 CIP will be brought forward to the Commission.

Staff is requesting to amend the FY 2013/14 professional services budget by \$200,000 to accommodate the additional right of way management services needed by Southstar Engineering.

Financial Information					
In Fiscal Year Budget:	Yes No	Year:	FY 2013/14	Amount:	\$145,400 Est. Salary/Benefit for Senior Staff Analyst \$200,000 Southstar Engineering
Source of Funds:	2009 Western County Measure A Highway funds			Budget Adjustment:	No Yes
GL/Project Accounting No.:	262 31 60001/61401 P003028 262 31 65520 P003028				
Fiscal Procedures Approved:	<i>Theresa Trevino</i>			Date:	07/03/2013

Attachment: FY 2013/14 Organizational Chart







# **AGENDA ITEM 6**



***RIVERSIDE COUNTY TRANSPORTATION COMMISSION***

<b>DATE:</b>	July 10, 2013
<b>TO:</b>	Executive Committee
<b>FROM:</b>	Anne Mayer, Executive Director
<b>SUBJECT:</b>	Amendment of the Executive Director's Employment Agreement

**STAFF RECOMMENDATION:**

This item is for the Committee to approve the fourth amendment to the Executive Director's employment agreement to reflect the change in the Employer Paid Member Contribution (EPMC) and accompanying salary increase.

**BACKGROUND INFORMATION:**

In October 2012, the Executive Committee placed a high priority on responding to the new California Public Employees' Pension Reform Act. The discussion led to the implementation of the classification and compensation review along with a clear direction for employees to pay their share of pension costs. Staff's recommendation, which was considered and acted upon at the April 2013 Executive Committee meeting and reconsidered and approved at its May 2013 Commission meeting, was similar to the direction of Riverside County in creating a two-tier pension system.

New hires who are new members to the California Public Employees' Retirement System (CalPERS) must comply fully with state requirements that offer lower pension benefits and are required to contribute their full share of the pension contribution. Contributions for existing employees will be phased in over a three-year period and will gradually pay more each year with an accompanying salary increase roughly equal to the added pension contribution. Implementation of the first phase of requiring employees to pay their share of pension costs is effective July 11, 2013. After a three-year period, employees will contribute 8 percent of their salary to the pension system.

In order to implement the employees' cost sharing of the EPMC, the Executive Director's employment agreement must be amended to reflect the change in EPMC and annual salary. Since the Executive Director is already contributing 1 percent of her salary toward the EPMC, the employment agreement must be amended to reflect an increase of an additional 2 percent contribution to the EPMC. As was done with other employees, it is recommended that a salary adjustment of \$4,717 is provided to offset the additional pension contribution resulting in an annual salary of \$240,546 effective July 11, 2013.

Financial Information					
In Fiscal Year Budget:	Yes	Year:	FY 2013/14	Amount:	\$4,717 (\$4,717) \$ 0
Source of Funds:	Measure A, FSP, SAFE, TUMF		Budget Adjustment:	No	
GL/Project Accounting No.:	XXX-XX-60001 XXX-XX-61401				
Fiscal Procedures Approved:	<i>Theresa Trevino</i>			Date:	07/01/2013

Attachment: Employment Contract

**FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN  
THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
AND THE EXECUTIVE DIRECTOR**

This FOURTH AMENDMENT (hereinafter referred to as "Amendment") is made and entered into between Anne Mayer (hereinafter referred to as "Executive Director") and the RIVERSIDE COUNTY TRANSPORTATION COMMISSION (hereinafter referred to as "Commission") as of and to be effective July 11, 2013, in order to amend, in writing, the terms and conditions of employment for management services by the Executive Director of the Commission.

WHEREAS, on October 25, 2007, the Commission and the Executive Director entered into an Employment Agreement (hereinafter referred to as "Agreement"); and

WHEREAS, on December 10, 2008, the Commission entered into a First Amendment to the Agreement increasing the Executive Director's base salary to \$222,480 per annum effective December 10, 2008 and providing a one time payment into Executive Director's 457 plan account, in the amount of \$7,729.94, payable upon the first pay date in calendar year 2009;

WHEREAS, on October 24, 2010, the Commission employed the Executive Director an additional term of three (3) years commencing on October 24, 2010 continuing through October 23, 2013; and

WHEREAS, on October 24, 2012, the Commission entered into a Third Amendment to the Agreement in order to increase the Executive Director's base salary per annum; to extend the Agreement's term for an additional four (4) years; to provide for a future annual Consumer Price Index ("CPI") adjustment of the Executive Director's salary; and to provide for any other salary increases the Commission's Executive Committee may approve during the Executive Director's annual performance evaluation; and

WHEREAS, in May 2013, the Commission approved a policy requiring all employees, including the Executive Director, to pay their full share of the Employee Paid Member Contribution (EMPC), and the Commission is implementing this policy incrementally over fiscal years 2013-2014, 2014-2015, and 2015-2016; and

WHEREAS, the parties now desire to amend the Agreement in order to increase the Executive Director's base salary per annum by two percent (2%) for fiscal year 2013-2014, by three percent (3%) for fiscal year 2014-2015, and by two percent (2%) for fiscal year 2015-2016.

NOW, THEREFORE, the parties hereto agree as follows:

1. Except as modified by this Amendment, all provisions of the Agreement shall remain in full force and effect for the term thereof.
2. Paragraph 3 of the Agreement shall be amended in its entirety to read as follows:

Effective July 11, 2013, Executive Director's salary shall be Two Hundred Forty Thousand Five Hundred Forty-Six Dollars (\$240,546) per year, payable in installments at the same time as other employees of Commission are paid, pursuant to the procedures regularly established, and as they may be amended by Commission. Effective July 1, 2014, Executive Director's salary shall be increased by three percent (3%) for fiscal year 2014-2015, payable in installments at the same time as other employees of Commission are paid, pursuant to the procedures regularly established, and as they may be amended by Commission. Effective July 1, 2015, Executive Director's salary shall be increased by two percent (2%) for fiscal year 2015-2016, payable in installments at the same time as other employees of Commission are paid, pursuant to the procedures regularly established, and as they may be amended by Commission.

Executive Director's salary shall also be adjusted annually upwards but not downwards in accordance with the actual percentage increase in the Consumer Price Index – All Urban Consumers, for Los Angeles-Riverside-Orange County, California ("CPI"), as determined by the United States Department of Labor, Bureau of Labor Statistics for the proceeding twelve (12) months. The Commission's Executive Committee may consider additional increases above the CPI during the Executive Director's annual performance evaluation or at such other time at the Committee deems appropriate. Any increase above the CPI shall be within the complete discretion of the Commission's Executive Committee.

**[Signatures on Following Page]**

IN WITNESS WHEREOF, the parties have executed this Amendment as of the 10<sup>th</sup> day of July, 2013.

RIVERSIDE COUNTY TRANSPORTATION  
COMMISSION

By: \_\_\_\_\_  
Karen S. Spiegel, Chair

EXECUTIVE DIRECTOR

\_\_\_\_\_  
Anne Mayer

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: \_\_\_\_\_  
General Counsel for  
Riverside County Transportation Commission