

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the October 10, 2012 Meeting**

**Page 1**

A regular meeting of the Carson City Regional Transportation Commission was scheduled to begin following adjournment of the Carson Area Metropolitan Planning Organization meeting on Wednesday, October 10, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Shelly Aldean  
Vice Chairperson James Mallery  
Commissioner Charles Des Jardins  
Commissioner John McKenna

**STAFF:** Darren Schulz, Deputy Public Works Director  
Patrick Pittenger, Transportation Manager  
Daniel Doenges, Senior Transportation Planner  
Ken Smithson, Transit Coordinator  
Joe Ward, Senior Deputy District Attorney  
Kathleen King, Deputy Clerk / Recording Secretary

**NOTE:** A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

**A. CALL TO ORDER AND DETERMINATION OF A QUORUM (5:07:03)** - Chairperson Aldean called the meeting to order at 5:07 p.m. Roll was called; a quorum was present. Commissioner Smolenski was absent.

**B. PUBLIC COMMENT (5:07:45)** - Chairperson Aldean entertained public comment; however, none was forthcoming.

**C. POSSIBLE ACTION ON APPROVAL OF MINUTES - July 11, 2012, August 8, 2012, and August 27, 2012 (5:08:10)** - In consideration of Vice Chairperson Mallery's absence from the August 27<sup>th</sup> meeting, Chairperson Aldean suggested a method for approving the minutes. Commissioner Des Jardins moved to approve the minutes of July 11 and August 8. Commissioner McKenna seconded the motion. Motion carried 4-0. Commissioner Des Jardins moved to approve the minutes of August 27. Commissioner McKenna seconded the motion. Motion carried 3-0-1, Vice Chairperson Mallery abstaining.

**D. AGENDA MANAGEMENT NOTICE (5:09:29)** - Chairperson Aldean entertained modifications to the agenda and, when none were forthcoming, deemed it adopted.

**E. DISCLOSURES (5:09:42)** - None.

**F. CONSENT AGENDA (5:09:53)** - Chairperson Aldean entertained requests to hear items separate from the consent agenda. When none were forthcoming, she entertained a motion to approve the consent agenda. **Commissioner McKenna moved to approve the consent agenda, consisting of three items. Commissioner Des Jardins seconded the motion. Motion carried 4-0.**

**F-1. POSSIBLE ACTION TO AUTHORIZE THE REGIONAL TRANSPORTATION**

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the October 10, 2012 Meeting**

**Page 2**

**COMMISSION CHAIR TO EXECUTE AMENDMENT NO. 3 TO AGREEMENT NO. PR189-08-063, COOPERATIVE STEWARDSHIP AGREEMENT FOR THE CARSON CITY FREEWAY**

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the October 10, 2012 Meeting**

**Page 3**

**LANDSCAPING PROJECT FOR PHASE 1, BETWEEN CARSON CITY AND THE NEVADA DEPARTMENT OF TRANSPORTATION**

**F-2. POSSIBLE ACTION TO ACCEPT THE PUBLIC WORKS DEPARTMENT RECOMMENDATION TO APPROVE AMENDMENT NO. 2 TO CONTRACT NO. 1011-205 WITH RaPiD CONSTRUCTION, INC., TITLED "CARSON CITY FREEWAY LANDSCAPING PROJECT," TO EXPAND THE SCOPE OF WORK AND INCREASE THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$38,530.00, FROM THE RTC / GRANT FREEWAY LANDSCAPING PROJECT FUND ACCOUNT, AS PROVIDED FOR IN FY 2011 / 2012**

**F-3. POSSIBLE ACTION TO APPROVE AMENDMENT #1 TO CONTRACT 13401 WITH THE STATE OF NEVADA DIVISION OF HEALTH CARE FINANCING AND POLICY ("DHCFP") FOR THE REIMBURSEMENT OF PARATRANSIT ASSESSMENTS FOR MEDICAID RECIPIENTS ON THE JAC ASSIST SERVICE**

**G. PUBLIC MEETING ITEMS:**

**G-1. RECOGNITION OF JOHN TREADWELL, WINNER OF THE KATHERINE McCLARY OPERATOR OF THE QUARTER (2012 2<sup>ND</sup> QUARTER) AWARD FOR MV TRANSPORTATION, CONTRACT OPERATOR OF THE JAC SYSTEM (5:10:32)** - Chairperson Aldean introduced this item, and invited John Treadwell to join her at the podium. Chairperson Aldean commended Mr. Treadwell on his devoted service to the public, and presented him with a Certificate of Appreciation, the language of which she read into the record. Chairperson Aldean invited Mr. Treadwell to comment; however, he declined. The commissioners, City staff, and citizens present applauded Mr. Treadwell, and Chairperson Aldean returned to the dais.

**G-2. INFORMATION ON THE IMPACT OF THE BUSINESS DECISION OF LOGISTICARE, THE BROKER FOR MEDICAID TRANSPORTATION IN NEVADA, TO TRANSITION MEDICAID RECIPIENTS FROM PRIVATE TRANSPORTATION PROVIDERS TO THE JAC PUBLIC TRANSPORTATION SYSTEM (5:12:14)** - Chairperson Aldean introduced this item. Mr. Smithson provided background information and reviewed the agenda materials. Chairperson Aldean noted the unfortunate timing in consideration of the potential for additional subsidy from the City's general fund. She inquired as to whether the State Division of Health Care Financing Policy ("DHCFP") has requested legislative support. In reference to the August 6, 2012 letter to DHCFP Business Lines Chief John Whaley, Mr. Pittenger advised of having spoken to Southern Nevada RTC senior management who informed him of "the enormity of the impact that this had ..." He acknowledged the "much larger operation" in Clark County, "but the results upon them ... required fundamental changes in operations and funding and budgeting; enormous impact, and they have been looking for some sort of resolution as well for, obviously, much longer than we have." Mr. Pittenger advised of having been "aware of this transpiring in other parts of the state and we actually had a meeting approximately a year ago with both the State and with representatives of LogistiCare, their contract operator, specifically bringing this to their attention ... Unfortunately, it was the 23<sup>rd</sup> or 24<sup>th</sup> of July, without warning, this came to pass as a surprise to us and that was why this letter was transmitted."

(5:17:06) DHCFP Business Lines Chief John Whaley introduced himself for the record, and provided background information on the responsibilities of the Business Lines Division. He discussed federal requirements, by the Centers for Medicare and Medicaid Services ("CMS"), to "find the least expensive

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the October 10, 2012 Meeting**

**Page 4**

mode of transportation for Medicaid recipients. They require, first off, that we provide transportation so that we're not just saying, 'Yeah, you have Medicaid, but you're on your own to get to the doctor.' And they require that we use the least expensive method of doing that and that, generally, is people having their own car. Sometimes it is having a friend or a neighbor who can drive them, in ... both of those cases, we reimburse them for gasoline to do that. And then there's public transportation ... and that's one of the things that we pay each of the RTCs in Washoe County and Clark County and, I believe, in Carson City to do these assessments for us ... in which case we give them a bus ticket. This move towards getting people away from the more expensive commercial transportation and using the RTC, specifically the paratransit, ... began a couple years ago with who was then ... our chief financial officer, ... Lynn Kerrigan. She's since retired, but she had a real, burning desire to reduce the costs to the taxpayers and, at the same time, to support, to the best of our ability, the local RTCs, ... Clark County, Washoe County, and Carson City. We began with Clark County ... moving to a cost-based payment methodology and we'll be doing that in Carson City also. In Clark County, that will result in an increase in revenue ten fold what we were paying in the past for these riders." Mr. Whaley expressed uncertainty "how that'll work out" for Carson City. "But the idea is that we want ... to bring in as much federal revenue as is possible. That's not creating new taxes. That's taking tax dollars that have been paid in ... federal income tax and Nevada has a very poor record of bringing that money back to the State and this is one of the things we're doing to improve on that, to bring this back. So, what we'll do, rather than pay the \$2 per ride for the people, is we will say, 'How much does it cost for you to give a ride?' Clark County, that's \$40 per ride. We bring in a federal match of fifty percent and, if we're able to get this considered to be a medical coverage, then that'll be 60 percent. So, whereas in the past we might have paid \$80 for a monthly pass, we'll now be paying \$50 a day for people who are going back and forth to adult day care and who are using these facilities. That's Clark County and I mention that because these are things that have kind of gelled. Right now, we're in a little bit of a state of flux with Carson City. We've begun working on that, getting this to move forward, but the end result, when it happens, is you'll be paid much more than we have paid so far. And it is correct that we have instructed LogistiCare to use the least expensive method of transportation and, if that is paratransit through the RTC, then that's the direction that we've given them."

Chairperson Aldean inquired as to the timing, suggesting a better approach would have been to identify additional sources of funding in order to leave the RTC whole. Mr. Whaley advised that the DHCFP has "been working on this for a year and a half." Chairperson Aldean reiterated the question, noting it would have been better for the City to first identify a funding source. Mr. Whaley discussed the requirement to "come into federal compliance with CMS, which is to use the least expensive method of transportation. ... It was done beginning a couple years ago and, at that time, we let each of the counties know that, in their turn, we would be shifting this over to them." In response to a further question, Mr. Whaley advised there will be no opportunity for the City to retroactively recover the funding.

From the City's perspective, Mr. Pittenger advised Mr. Whaley that the requirement to minimize cost "is a minimization of cost to the taxpayers that are supporting your program and ... whatever you were paying the private operators before with federal tax dollars has now been reduced to \$2, but it has been a shift in the burden from those taxpayer dollars to the City's taxpayer dollars. So while the apparent cost to your program may be \$2 per trip at the moment and, therefore, the least expensive to your program, it then basically transferred those costs to a different set of taxpayers ... a different base which is ... obviously a much smaller base, meaning Carson City." Mr. Whaley expressed understanding for the burden imposed on the City. "At the same time, I mentioned that we're looking for the least expensive methodology, we have also, by double digits, increased rides on your bus system so you are

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the October 10, 2012 Meeting**

**Page 5**

getting extra revenue for bus passes that we're now paying for ...”

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the October 10, 2012 Meeting**

**Page 6**

Chairperson Aldean explained the funding mechanism “based on the anticipated volume of people we serve and then, all of a sudden, our volume is ... substantially increased after we’ve gone through the budgeting process, after we’ve made the allocation out of the general fund. ... we are statutorily required to deliver a balanced budget.” Chairperson Aldean characterized the subject action as “yet ... another unfunded mandate that’s being passed down to us with very little time to prepare.” She expressed appreciation for Mr. Whaley having entered into discussions with staff prior to implementing the change. “... it may be less expensive to the State, in general, but it’s certainly more expensive to the local taxpayers of Carson City. ... therein lies the rub.”

In response to a question, Mr. Whaley stated that, “The members who were going to be referred to RTC that are current Medicaid members, that has been taken care of. However, we do expect an increase in Medicaid recipients, especially should the Governor decide to go along with the single adults as part of the Medicaid population when he makes his decision in November. But even if he doesn’t, other parts of the Affordable Care Act are going to increase Medicaid and that will increase ... proportionately the number of rides. So, if we go up ten percent then you would likely ... expect to have another ten percent on there.” Mr. Whaley advised that “we are increasing the payment to be much greater than you charge for any of your other recipients, any of your other riders. And we have already increased ... the ... contract where we pay you to assist these riders to see are they qualified to ride paratransit or should they be riding the bus and we pay [the RTC] to make that determination.” Mr. Whaley expressed understanding for the burden associated with the change and assured the commissioners “we are doing everything that we can right now as quickly as we can make the slow-moving train of CMS, the federal funding authority.” He expressed the hope that “by January, we’ll be able to increase these payments ..., but we won’t be able to do it retroactive[ly].” Mr. Whaley responded to questions of clarification, and discussion followed.

In response to a further question, Mr. Whaley advised that the DHCFP is “only looking at Washoe County, Clark County, and Carson City.” Commissioner McKenna suggested considering the possibility of the RTC taking over the scheduling responsibility currently handled by LogistiCare. Mr. Whaley expressed the belief that the Code of Federal Regulations requires a broker to schedule rides, but offered to research the possibility. In response to a question, Mr. Pittenger advised of having implemented an assessment policy approximately two years ago, to which changes have not been proposed. In response to a comment, he explained the purpose of the policy was “to come into compliance with the law and to ensure that we did not have any abuses of the system ...” He noted that the users are “some of the most severely disabled individuals in our community. ... there is no question about their eligibility.”

Chairperson Aldean acknowledged the need for the service, but noted “the matter of how we pay for it.” She reiterated the requirement for the City to submit a balanced budget and to keep taxes low. Mr. Whaley reiterated his apology relative to not overseeing LogistiCare to ensure they were working with Transportation Division staff. “One of the things we do a very good job on is making sure that they look for every other option before referring someone for assessment at the RTC. So if they can find a friend, a neighbor, a church member, a volunteer driver ..., they do that. ... the ones that are being referred to you are the ones who have no other option.”

Chairperson Aldean expressed appreciation for Commissioner McKenna’s suggestion to “eliminate the middle man,” and for Mr. Whaley’s expression of willingness to investigate the possibility. Mr. Whaley advised of having investigated the possibility of paying more to the RTC than is charged to the general public, “but apparently there are federal regulations in your own system that prevent us from

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**  
**Minutes of the October 10, 2012 Meeting**  
**Page 7**

giving you

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the October 10, 2012 Meeting**

**Page 8**

more money. We were willing to do that. It still would have been a savings to us and, in the interim, we had looked at that ..., but we weren't allowed to do that." Mr. Whaley expressed the hope that "in the future ... this will be a good thing ..."

Chairperson Aldean entertained additional commissioner questions or comments and, when none were forthcoming, thanked Mr. Whaley for his attendance and participation. Mr. Pittenger reviewed ridership statistics for August and September, noting that the MV Transportation contract is for an annual number of hours. He advised that an amendment to the MV Transportation contract will be agendized "once we have a better handle on our expectation and what will be required ..."

Chairperson Aldean entertained public comment. (5:40:59) DeeDee Foremaster suggested considering evaluation and "transportation training" to "thin out the curb-to-curb service and allow people to use the transit system more often." She advised "there are certified trainers in town ...". At Chairperson Aldean's request, she agreed to share information with Transportation Division staff. Discussion followed.

Chairperson Aldean entertained additional public comment. (5:47:43) JAC Operations Manager Darcy Kerns discussed the transportation training program. Chairperson Aldean entertained additional public and staff comments; however, none were forthcoming.

**G-3. INFORMATION ON AN ADJUSTMENT TO ROUTES 2A AND 2B THAT PROVIDE NEW TRANSIT SERVICE TO THE NEVADA HEALTH CENTERS FACILITY ON RESEARCH WAY (5:49:25)** - Chairperson Aldean introduced this item, and Mr. Smithson reviewed the agenda materials. Mr. Smithson and Mr. Pittenger responded to questions of clarification regarding Route 2A. In response to a question, Mr. Pittenger advised that no modification to the current MV Transportation contract will be necessary as a result of the subject route adjustments. In response to a further question, he discussed benefits of the route adjustments. Chairperson Aldean entertained additional commissioner questions or comments and public comments. When none were forthcoming, she thanked Mr. Smithson and Mr. Pittenger.

**G-4. POSSIBLE ACTION TO APPROVE THE PROPOSED BUS DISPOSAL PLAN, WITH UNIT 4221 AND 4227 BEING PURCHASED BY MV TRANSPORTATION (5:56:49)** - Chairperson Aldean introduced this item, and Mr. Smithson reviewed the agenda materials. Mr. Smithson and Mr. Pittenger responded to questions of clarification. Chairperson Aldean entertained commissioner questions or comments and public comments. When none were forthcoming, she entertained a motion. **Commissioner McKenna moved to approve the proposed bus disposal plan, with Unit 4221 and 4227 being purchased by MV Transportation in the amount of \$4,000 each. Commissioner Des Jardins seconded the motion. Motion carried 4-0.**

**H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS**

**H-1. STREET OPERATIONS REPORT - JULY 2012; and H-2. STREET OPERATIONS REPORT - AUGUST 2012 (6:00:10)** - Chairperson Aldean introduced these items and entertained questions or comments. When none were forthcoming, she entertained public comments. None were forthcoming.

**H-3. PROJECT STATUS REPORT (6:00:36)** - Chairperson Aldean introduced this item, and Mr. Schulz provided a status report on the freeway landscaping project. In response to a question,

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the October 10, 2012 Meeting**

**Page 9**

he advised that the Long Street sidewalk improvement project start date has been moved to the spring of 2013 due to weather concerns. He responded to questions regarding a reimbursement from NDOT for the irrigation sleeves associated with the freeway landscaping project. Chairperson Aldean provided additional clarification. Chairperson Aldean entertained additional commissioner questions or comments and public comments; however, none were forthcoming.

**H-4. FUTURE AGENDA ITEMS (6:03:05)** - Mr. Pittenger reviewed the tentative agenda for the November commission meeting.

**I. COMMISSIONER COMMENTS (6:04:53)** - At Chairperson Aldean's request, Vice Chairperson Mallery provided a report on the most recent Tahoe Transportation District Board meeting. Chairperson Aldean entertained commissioner questions or comments; however, none were forthcoming.

**J. PUBLIC COMMENT (6:14:23)** - Chairperson Aldean entertained public comment; however, none was forthcoming.

**K. ACTION TO ADJOURN (6:14:35)** - Commissioner Des Jardins moved to adjourn the meeting at 6:14 p.m. Commissioner McKenna seconded the motion. Motion carried 4-0.

The Minutes of the October 10, 2012 Carson City Regional Transportation Commission meeting are so approved this 10<sup>th</sup> day of December, 2012.

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SHELLY ALDEAN, Chair