



CITIZEN OVERSIGHT COMMITTEE

Measure C Citizen Oversight Committee Meeting

Executive Minutes

Date: Thursday, June 12, 2014

Time: 4:00 PM

Place: COG Ash Conference Room

2035 Tulare St., Suite 201, Fresno, CA

Members Present:

John Baltierra, Firebaugh Rotary Club
Lee Delap, Unincorporated Rural County East of 99
Barry Mast, FCMA – District 3
Nicholas Don Paladino, Fresno Cycling Club
Frank Puglia, FCMA – District 2
Mary Savala, League of Women Voters
David Van Pelt, Unincorporated Rural Area West of 99
Murray McManus, Incorporated City outside FCMA
Kevin Hamilton, Central California Asthma Coalition
Vong Mouanoutoua, Lao Evangelical Church of Fresno

Absent:

Felix Vaquilar, Fresno-Clovis Metropolitan Area

Others Attending:

Brenda Veenendaal, Fresno COG
Sherri Martin, Fresno County Transportation Authority
Stephanie Maxwell, Fresno COG

Mary Savala, Chair, called the meeting to order.

I. Presentations

About Presentations:

This portion of the meeting is reserved for persons wishing to address the Committee on items within its jurisdiction but not on this agenda.

There were no public presentations.

II. Minutes of past meeting of the Measure C Citizen Oversight Committee-originals and corrections

The minutes of the COC's December 2013 and January 2014 meetings had been updated as directed and were attached for review by the COC. New minutes of the February and March meetings were also attached for review and approval.

- December 12, 2013 - corrected as stated in February 2014 minutes (already approved)
- January 16, 2014 - corrected as stated in February 2014 minutes (already approved)
- February 13, 2014 - first review
- March 13, 2014 - first review

Nick Paladino asked that corrections be made on the February 13, 2014 minutes.

1. Page 5 paragraph 3 second line, take the word “they” out and replace with FCTA Board.
2. The third line in the paragraph to add commas between “eligible and not” and between “ lake and then” also on the third line of the paragraph put a lower case “e” on the word “expenditure”.
3. Paragraph 5 put a comma between “light and would” and a question mark at the end of the sentence and take out “or would cover to be discussed to fund”.

Nick Paladino and Mary Savala asked that corrections be made on the March 13, 2014 minutes.

1. Page 2 paragraph 7, add “Mr. Paladino concluded his remarks by saying he was opposed to the Amendment” to the paragraph.
2. Mary Savala asked that the hand count that Tony Boren had taken to be added to the minutes.

A motion was made by Lee Delap and seconded by Vong Mouanoutoua to approve the February 13, 2014 and the March 13, 2014 Measure C Oversight Committee minutes with corrections. A vote was called for and the motion passed.

REQUEST TO ADD URGENCY ITEM TO THE CITIZEN OVERSIGHT COMMITTEE AGENDA

To add this item a 2/3 vote is required finding that:

- (1) There is a need to take immediate actions; and
- (2) That need for action came to the attention of Citizen Oversight Committee subsequent to the posting of the agenda.

ITEM: Fresno County Transportation Institute – add between Items III & IIII [HANDOUT]
This item was put between Items III & IIII but the item numbers on the agenda remained the same.

Requested by: Tony Boren, Executive Director Fresno COG

Issue: Mr. Boren wanted the COC Committee to be aware of what the Fresno County Transportation Institute Proposal is about and to weigh in on how they felt about it before taking this item to the PAC/TTC and Board meetings.

Action: A motion was made by Vong Mouanoutoua and seconded by Nick Paladino that there was a need to take immediate action, and that the need for action came to the attention of the COC subsequent to the posting of the agenda. A vote was called for and the motion carried. The Item was added between Item III & Item IV to the agenda.

III. Consideration of Proposal by City of Fresno to Amend C Expenditure Plan

Tony Boren reported on this item. At the March 2014 meeting the Citizen Oversight Committee received a presentation by Tony Boren, Fresno Council of Governments' Executive Director, regarding the City of Fresno's interest in amending the existing Measure C Expenditure Plan. The purpose of the amendment would be to eliminate both the Rail Consolidation and New Technology program components of the

current Expenditure Plan and redirect those monies to a Street Maintenance fund that would be allocated to the member agencies on a formula basis.

The majority of the Oversight Committee was opposed to the amendment, though no formal vote was taken. Mr. Boren briefed the Oversight Committee on the latest developments regarding the proposed amendment as follows:

Mr. Boren took the proposal to the Policy Board and their direction was to send it back to each City Council. The Mayor's thought it was significant enough that they did not want to make the decision on their own and wanted the City Council's to give their opinion on the Proposed Amendments.

Mr. Boren also informed the committee that there were 8 of Fresno COG's member agencies who voiced support for the proposal, and 6 members who do not seem to support it. Those six agencies included the cities of Clovis, Kerman, Kingsburg, Reedley, Selma and Fresno County. The City of Mendota and the City of Parlier had taken no action on the proposal at that time. Mr. Boren then explained that the Proposed Amendment will go forward to the TTC/PAC then the Policy Board and that he will inform the COC of the results at their next meeting. Mr. Boren explained to the committee that this action was just for the polling and not for the amendment proposal.

IV. Discussion briefing on Millerton Road widening project

Tony Boren reported on this item. The Measure C Citizen Oversight Committee Chair requested a briefing on the discussion regarding Fresno County's proposal to move the Millerton Road widening project, currently on the Tier Two Measure C Regional Program list, up to the Tier One funding list. Mr. Boren gave a brief update.

This item was tabled by the Policy Board at their last meeting until further notice.

ITEM: Fresno County Transportation Institute

Tony Boren reported on this item. Mr. Boren distributed a hand out and explained that The Fresno County Transportation Institute proposal was put forth by Lyles College of Engineering out of Fresno State. The Transportation Institute would like consideration regarding the use of New Technology Funds for activities at the University, some focused on research and providing tactical services and some on education. Mr. Boren explained that he wanted the committee to weigh in with what they thought about the possible proposal so that he could take their feedback to the TTC and PAC.

Nick Paladino commented that he had reviewed the proposal and knew a little of what it was about. Mr. Paladino also indicated that that there was no dollar figure attached to the proposal and thought it was critical to know a dollar amount.

Mr. Boren explained when the Fresno County Transportation Institute submitted their proposal it did not have enough information. CSUF informed Mr. Boren that they would be providing a PowerPoint presentation to the TTC/PAC with more detailed information.

Mr. Boren also reminded the Committee that the Street Maintenance Amendment would also use the New Technology Funds, so if it is approved there will be no funds for the FCTI Amendment.

Lee Delap expressed that it was too early to do away with New Technology Funds and that the FCTI group could do research and development without using all the funds on a show and tell program. Mr. Delap also felt that this proposal could be a positive thing, because it would give an avenue to gather information that has not been collected.

Kevin Hamilton also expressed that a dollar amount needs to be added because there are not a lot of funds available. Mr. Hamilton commented that the funds have been sitting for so long that the Cities now want to take it and use it for other projects that are not important.

Sherri Martin explained that the FCTI group contacted the FCTA about 4 months ago after reading the Measure C annual report. They called FCTA to ask if there were New Technology Funds available. They had no idea the New Technology Funding existed until they read the Annual Report. Ms. Martin then asked the FCTI to put a proposal together for review and analysis to see if it meets the New Technology Funding criteria.

Mr. Boren said that once he receives the FCTI PowerPoint he will forward it to everyone on the COC.

Mary Savala commented that the proposal talks about education, workshops, conferences and professional development in road and General Transportation Planning. She felt that if the Advanced Technology money is used in helping to fund this program, she would like to see that it go in fact to the Advanced Transit Technology and not become part of the General funds of other Institutes.

Frank Puglia expressed he was most interested in the research and technical service. Mr. Puglia also thought it would be a good thing to see an education program focused on transportation professionals.

Vong Mouanoutoua would like to see a process created that would inform everyone about funds that are available, instead of allocating them on a first come first serve basis. Mr. Mouanoutoua felt this was a better way to see if there were ideas on how best to use the funds.

Ms. Savala asked, with the permission of the Committee, for Tony to articulate a response to the TTC, PAC and Policy Board that includes the following:

1. The COC is interested in the CSUF proposal but needs more information to formulate further opinion.
2. The COC would like to see the details flushed out.
3. The caveats expressed about funds being spent on public education and outreach.
4. The COC wants to see the funds used for transit and not for road projects.

V. Measure C Projects included in the 2014 Regional Transportation Plan

Tony Boren reported that Fresno COG staff was asked to provide a brief presentation highlighting the 2014 Regional Transportation Plan as it relates to Measure C funding and projects. Fresno COG is required to develop a Regional Transportation Plan every four years. Since the passage of greenhouse gas emissions reduction legislation at the state level, AB 32 and SB 375, they are required to include a Sustainable Communities Strategy in the Plan. The SCS is defined in SB 375 as "a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from light trucks and cars, to achieve, if feasible, the greenhouse gas emission reduction targets approved by the Air Resource Board." While Fresno COG had developed its own RTP/SCS, they have done so in conjunction with the

seven other MPOs in the San Joaquin Valley. The process for the 2014 RTP has had many moving parts and has involved new challenges and broader outreach activities. COG staff had been engaged in this process for over three years! The final 2014 Regional Transportation Plan and associated documents were posted to Fresno COG's website at www.fresnocog.org/rtp.

Mary Savala asked Tony Boren to explain the acronyms he used in his presentation. Mr. Boren explained what a Regional Transportation Plan (RTP) is and how a project gets chosen for inclusion in the plan. Ms. Savala asked what the criteria was for RTP project scoring and she asked who decided that criteria. Mr. Boren told her that the RTP scoring committee made those decisions. Ms. Savala then asked who the RTP scoring committee was. Mr. Boren replied that they are member agency staff members and Transportation Stakeholders who agreed to participate in the process. Ms. Savala asked if a member of the COC Committee asked to be a part of looking at the criteria and scoring the projects will they get a notice how does the information get out? Mr. Boren replied that he will make sure that the information gets out to the COC Committee and Environmental Justice Committee.

Brenda Veenendaal explained that all the information regarding RTP project selection is placed on the website under the RTP financial development webpage.

Nick Paladino commented that he knew about the scoring committee because he sits on the TTC. Mr. Paladino did not recall the existence of the scoring committee being broadcast widely.

Frank Puglia asked how do you know about these committees and how would you know they are on the internet?

Ms. Veenendaal explained how they looked for people who represented different transportation sectors as the RTP Guidance document requires. Fliers were also sent out for public-at-large positions and that there are so many different people from different sectors that are already involved. Ms. Veenendaal also said that there are not enough funds to advertise widely.

VI. Follow up-Letter to FCTA regarding Pedestrian Trail Funding

Sherri Martin reported that the FCTA Board, at the May 28, 2014 board meeting, considered the COC's letter regarding the opposition of Pedestrian Trail activities from the County of Fresno as "recreational only". FCTA staff asked for a legal opinion as the Authority already authorized the County's expenditure on the Lost Lake trail and disagreed with the COC's opinion that a "recreational only" trail is not eligible for Measure C Extension Pedestrian Trail funding. The Board waived privilege of the legal opinion and authorized release of the opinion to the COC and COG staff. The opinion is in concurrence with Authority staff in that there is nothing in our Expenditure Plan nor our Enabling Legislation that specifically precludes a "recreational only trail" as an eligible activity. It goes on to state that the only reference given to the voters to make their decision was the Caltrans Design Manual which specifically authorizes or encourages recreational only trails as a transportation eligible activity. The FCTA tabled the item and asked for a Pedestrian Trail workshop be held prior to their next Board meeting.

Ms. Martin explained that Pine Flat trails is supposed to be Lost Lake trails and asked everyone to correct it on their handout.

An Interoffice Memorandum with Legal Counsel's opinion was mailed out to Oversight Committee Members with the packet.

Ms. Martin explained that in September a workshop will be held in a public forum. The workshop will give an overview on what pedestrian trails are, how they relate to the Measure C Program, and what trails have been built. Ms. Martin also commented that in speaking to Councilmember Brandau she learned that he would like entertain further discussion on providing maintenance for pedestrian trails.

Mary Savala commented that she was shocked by the lack of understanding of Measure C by the public officials on the FCTA Board. Ms. Martin explained that the FCTA lost a few members that were on the Board for quite a long time and completely understood what the measure was about. The Board members that are on the FCTA now have other committees that they sit on along with their council or supervisor position and are not able to take an in-depth perspective on the Measure in its entirety. Ms. Savala asked if a general workshop is offered to FCTA Board members on what the Measure includes. Ms. Martin replied that when a new member starts they offer an hour long orientation and are briefed on the history of the Measure C Program.

David Van Pelt expressed concern that the COC's purpose to ensure the public that Measure C funds are being spent as promised. But, it does not have grant authority to exercise any power or control over the expenditure of Measure C grant funds. Mr. Van Pelt stated that the committee cannot ensure anything if they have no authority so are they wasting their time with this Committee.

Ms. Martin explained that the Committee can and should include remarks in their annual report to the public regarding whether something is appropriate or not. Ms. Martin also explained that the committee is part of the public so putting information in the annual report will be ensuring that the information gets out.

Vong Mouanoutoua expressed that the Committee needs to attend the Policy Board meetings to support the FCTA and articulate to the Board what the Committee says in the letter.

There was much discussion on eligibility of funding for the Pedestrian Trail at Lost Lake and the COC Committee's opinion on whether it is eligible for funding.

VII. 2014-2015 Annual Operating Budget(s) and Measure C Extension Resolution of Allocation

Sherri Martin reported on this item. Attached was the Measure C Extension Operating Budget for Fiscal Year 2014-15 that was approved at the May 28, 2014 Authority Board Meeting.

This proposed 2014-15 Measure C Extension budget addresses estimated revenue to be received during the 2014-15 fiscal year resulting from the extension of the original Measure C sales tax levy. Total estimated tax revenue is \$66,841,854. The revenue estimate reflects a conservative continuation of a recovery from the weak economy that has impacted tax revenue over the past 5 years in that it represents a 4% increase from the 2013-14 budget estimates. Fiscal year 2013-14 actual receipts appear to be ending with a growth rate of 6.15% over the prior year. The California State Board of Equalization estimates a statewide increase of 6.78% in tax revenue for FY2014-15. This proposed Administrative budget reflects two employees (the Executive Director and the Contracts Administrator) and adds 25% of the salaries and benefits for the only employee funded out of the Original Measure budget (Program Manager) and at the currently approved salary structure as well as office expense and support services needed to fulfill Administrative duties. The Administrative Budget also is sharing all office expense and support services needed to fulfill Administrative duties from all three employees at a 70% Extension/30% Original split. The balance of the 1% of total revenues allowed for Administration

costs by our enabling legislation is recommended to be reserved to build up a fund to finance agency closedown or transition to an Extension in 2027 as was approved last year.

The 2014-15 Extension budget also proposes Services and Supplies expenditures in the amount of \$731,852. This budget category provides the services needed to deliver the overall Measure C Program and for the most part reflects actions previously approved by the Board. Where appropriate, Services and Supplies expenses are prorated between the Original Measure (30%) and the Extension (70%) to reflect actual service to each. Examples of services funded in this category are:

- Public Outreach contracts
- Legislative Advocate
- Financial Advisor
- Self Help County Organization membership dues
- Accounting Services, and
- Audit expense

The remainder of the proposed Extension budget consists of pass-through funding to participating jurisdictions for all the categories of projects and programs identified as eligible pass-through activities. It also identifies the remaining undistributed reserve allocations for programs or projects that are not ready to proceed at this time. These funds will continue to be retained by the Authority in separate accounts until claim and certification procedures are finalized and projects are identified.

Though it is not under the Measure C Extension Citizens Oversight Committee's purview, the Fiscal Year 2014-15 original Measure C annual operating budget was attached as well for transparency.

Mary Savala asked who the FCTA pays rent to. Ms. Martin replied that the FCTA currently leases the executive offices through the County of Fresno.

Frank Puglia asked how many are employed with the FCTA. Ms. Martin replied 3.

Mary Savala had questions on the PTIS and the TOD. Ms. Martin answered both of them.

Kevin Hamilton asked about the allocated funding reserves. Ms. Martin explained how it works.

Kevin Hamilton asked about the Environmental Enhancement for the School Bus Replacement Program and asked if the funds available to schools. Ms. Martin replied that two busses were funded during this round, and that funds are available.

Lee Delap asked about the audit expense being reduced. Ms. Martin replied that it went down to \$46,000.00 last year and now it's \$42,280.00 because a new auditor was retained and a new contract was negotiated.

A motion was made by Vong Mouanoutoua and seconded by Kevin Hamilton to approve the 2014-2015 Annual Operating Budget(s) and Measure C Extension Resolution of Allocation. A vote was called for and the motion carried.

VIII. Items from Members

Nick Paladino recommended a sub-committee be recruited to start the annual report by Nov. 15, 2014 dead line. Mary Savala asked if Lee Delap would call on the Sub-Committee as a reminder.

Sub-Committee for the Annual Report:

- Nick Paladino
- John Baltierra
- Lee Delap

IX. Items from Staff

Upcoming tentative COC meeting dates to mark on your calendars:

- August 14, 2014
- September 11, 2014
- October 9, 2014
- November 13, 2014
- December 11, 2014

There being no further business, the meeting was adjourned.

\sm-bv