

**Before the Fresno Council of Governments
Resolution 2015-05
Measure C Trail funds “Ongoing Maintenance” Amendment**

WHEREAS, the November 7, 2006 Measure “C” Ballot that was approved by the voters created a Pedestrian/Trails Facilities Program and provided the funds may be used for new construction of pedestrian /bicycle trails and for the development of the Master Plan as well as retrofitting pedestrian/trails within the circulation system that existed as of January 2007 or the date of adoption of the Master Plan.

WHEREAS, per procedures provided in the Measure “C” enabling legislation and adopted by the Fresno Council of Governments and Fresno County Transportation Authority, (the Authority), the Pedestrian/Trails Facilities Program is amended herein, to include additional provisions to allow eligibility for limited maintenance on new Trail projects funded in whole or in part with non-Measure C Trail funds.

WHEREAS, the amended provisions herein shall go into effect for a one year trial period. At the end of the one year trial period the Authority shall perform a public review of the effectiveness of the policy and recommend to the Authority Board whether or not to continue the program at a legally noticed public meeting. If a majority of the Authority Board votes to continue the program, the amended provisions shall become permanent, otherwise the amended provisions are invalidated and the provisions of the initial Ballot language continue in effect.

NOW, THEREFORE, BE IT RESOLVED, the amended provisions provide that if a local agency builds a new trail or a new extension of an existing trail using non-Measure Trail funds, the local agency will qualify to use Measure C Trails funds for “Ongoing Maintenance” of up to 20%, within maximums, of the cost of the non-Measure C Trail funds used to construct the project, subject to all of the following provisions.

- a. The project must be consistent with the local jurisdiction circulation element and adopted trail master plan.
- b. The project must be developed to meet AASHTO or California State Guidelines.
- c. The local jurisdiction must agree to maintain the new trail (segment) for a minimum of twenty years.
- d. Only the non-Measure C Trail funds capital cost of new trail projects or existing trails that have been extended may be used to determine the eligible “Ongoing Maintenance” threshold.
- e. Measure C Trails funds used for “Ongoing Maintenance” must be expended only on the project used to determine eligibility.
- f. The eligible “Ongoing Maintenance” threshold shall not exceed the lower of 20% of the non-Measure C construction cost or \$10,000 per mile per year for a maximum of five years (i.e., \$50,000 per mile maximum).
- g. If the local agency can find other ways to support the maintenance efforts the during the five year period the eligibility can be extended beyond five years, however the 20% of non-Measure C Trails construction costs or \$50,000 per mile maximum remains. Local agencies shall account for cumulative “Ongoing Maintenance” in such a way to facilitate the annual audit.
- h. In the event the Authority Board votes to discontinue the program at the end of the one year trial period, projects encumbered subject to these provisions during the initial one year trial period shall retain eligibility for the entire 20% of non-Measure C Trail construction cost or \$50,000 per mile “Ongoing Maintenance” maximum.

Example: A two (2) mile trail costing \$250,000 per mile (\$500,000 total) using funds other than Measure C Trail money would be eligible to use up to \$100,000 in "Ongoing maintenance" funds from the Measure C Trail account (20% of \$250,000 = \$50,000 X 2 miles = \$100,000 total maintenance. Note, if project cost were greater than \$250,000 per mile the maximum eligible "Ongoing Maintenance" would still be \$100,000.)

"Ongoing Maintenance" is defined as including:

- Tree and shrub trimming, tree stake retying, replacement or removal
- Fertilizing and weed control chemicals and their application
- Weed removal
- Pot holes, breaks in the asphalt surface, or tree root uplifting
- Irrigation system repair and upkeep (repair breaks, missing heads),
- Repair or reset timers
- Replace or repair stolen or damaged wires
- Litter removal
- Replace burned out light bulbs.

"Ongoing Maintenance" does not include:

- Resurfacing of asphalt except to do spot repairs from things such as a broken water line.
- Restriping any median lines
- Installing or replacing signing
- Paying for the cost of water or electricity
- Maintenance at adjacent trail heads or parks

THE FOREGOING RESOLUTION was passed and adopted by the Fresno Council of Governments this 29th day of January 2015.

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed: _____

ATTEST:

Amarpreet Dhaliwal, Chairman

I hereby certify that the foregoing is a true copy of a resolution of the Fresno Council of Governments duly adopted at a regular meeting thereof held on the 29th day of January 2015.

Signed: _____

Tony Boren, Executive Director