

Fresno County Regional Transportation Mitigation Fee Agency

Executive Minutes

Date: Thursday, April 30, 2015
Time: 5:30 PM
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Members Attending: Mayor Nathan Magsig, City of Clovis
Mayor Ron Ramsey, City of Coalinga
Mayor Craig Knight, City of Firebaugh
Mayor David Cardenas, City of Fowler
Mayor Sylvia Chavez, City of Huron
Mayor Stephen Hill, City of Kerman
Mayor Robert Silva, City of Mendota
Mayor Victor Lopez, City of Orange Cove
Mayor Pro Tem Raul Villanueva, City of Parlier
Councilmember Robert Beck, City of Reedley
Mayor Amarpreet Dhaliwal, City of San Joaquin
Mayor Scott Robertson, City of Selma
Supervisor Buddy Mendez, County of Fresno

Gail Miller, Caltrans
Arthur Wille, Legal Counsel
Tony Boren, Executive Director

Absent: Mayor Ashley Swearengin, City of Fresno
Mayor Chet Reilly, City of Kingsburg
Mayor Joshua Mitchell, City of Sanger

Others Attending:
Bob Hillison, Caldwell Bell & Hillison LLP

QUORUM: At the start of the meeting there were 13 members present representing 42.72% of the population and there was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Huron, Kerman, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Selma, Fresno County)

Mayor Dhaliwal (San Joaquin) Chair, called the meeting to order at 6:54 pm.

I. Executive Minutes for March 26, 2015 [APPROVE]

A motion was made by Mayor Chavez (Huron) and seconded by Mayor Cardenas (Fowler) to approve the Executive Minutes of March 26, 2015 as presented. A vote was called for and the motion carried.

II. Hearing

A. Clovis- Herndon LLC RTMF Appeal

Tony Boren, Executive Director (FCOG) explained that the City of Fresno was unable to send a delegate to the RTMF meeting because of a full agenda on the City's own Council meeting. Mr. Boren stated that after deliberations with Chair Dhaliwal and with other FCOG staff, there was consensus that the hearing be postponed until next month because it would be futile to try and proceed with the hearing as the City of Fresno's absence ensures that a decisive decision could not be made tonight.

Bob Hillison, Caldwell Bell & Hillison LLP, representative of the appellate applicant, stated that he was in support of a postponement so that the City of Fresno could be in attendance. The return of writ is due May 29, 2015, but if the County Counsel needed additional time, the applicant would not object and an agreement to that effect could be reached with the County Counsel. He stated that he was confident that Judge Cabrera would agree that the extra time to prepare the return of writ should be granted.

After an informed discussion, Board members agreed that it would be prudent for the hearing to be postponed due to the absence of the City of Fresno and the inability to reach a decisive decision because of the absence.

Mayor Hill (Kerman) expressed his dismay that delegates from two of the larger cities were not in attendance during the meeting and felt that their absence was disrespectful to the entire Board.

A motion was made by Mayor Cardenas (Fowler) and seconded by Mayor Chavez (Huron) to: **A)** postpone the RTMF Hearing to the next scheduled meeting in May, 2015, with a statement noting that there are other delegates that the various Cities could send in the primary appointee's place, and that membership to this Board is an obligation that should not so easily be overlooked; and **B)** secure the appellate applicant's confirmation that the deadline for the return of writ will be extended. A vote was called for and the motion carried.

B. Resolution 2015-01 Findings of Fact

Due to the postponement of Item A, Resolutions 2015-01 was not considered.

III. Public Presentations Related To Closed Session Only And Then Retire To Closed Session

A. Conference with legal counsel - Existing Litigation; Government Code section 54956.9(d)(1): *Clovis-Herndon, LLC v. Fresno County Regional Transportation Mitigation Fee Agency*, Fresno County Superior Court, Case No. 13 CECG 0048

The Board retired to Closed Session at 7:08 pm.

The board returned from Closed Session at 7:14 pm with nothing to report.

III. OTHER BUSINESS

A. Items from Staff

None

B. Items from Members

None

IV. PRESENTATIONS

A. Public Presentations

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

There were no public presentations.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tony Boren". The signature is written in a cursive style with a large initial "T".

Tony Boren, Executive Director

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