

BEFORE THE  
**FRESNO COUNCIL OF GOVERNMENTS**  
**RESOLUTION NO. 2017-01**

IN THE MATTER OF:

**MEASURE C AMENDMENT #3**

**RESOLUTION TO ALLOCATE AN  
AMOUNT NOT TO EXCEED \$500,000  
FROM THE MEASURE "C" HIGH  
SPEED RAIL PROGRAM TO  
REIMBURSE THE CITY OF FRESNO  
FOR NON-REFUNDABLE DEPOSITS**

WHEREAS, the November 7, 2006 Measure "C" Ballot Measure that was approved by voters created An Alternative Transportation / Rail Consolidation Program funded by the proceeds of Measure "C" sales and use taxes; and

WHEREAS, The Fresno COG Policy Board and the Fresno County Transportation Authority Board approved Amendment #1 to the Measure "C" Expenditure Plan in 2010 which authorized \$25 million to be reallocated from the Alternative Transportation / Rail Consolidation Program to a High Speed Rail Program, conditioned upon and subsequent to Fresno County being formally designated by the California High Speed Rail Authority (CHSRA) as the location of the High Speed Rail Heavy Maintenance Facility; and

WHEREAS, the City of Fresno represents that discussions with CHSRA representatives make it clear that control of the site will be a major factor in the High Speed Rail Heavy Maintenance Facility site selection process; and

WHEREAS, the City of Fresno has hired a specialized right of way consultant, Continental Field Services (CFS), to negotiate land prices and two-year land sale option contracts transferable to the CHSRA in the event Fresno County is formally designated as the location of the High Speed Rail Heavy Maintenance Facility; and

WHEREAS, the City of Fresno requests Amendment #3 to the Measure "C" Expenditure Plan allow the cost of non-refundable deposits for acquisition of land options to be reimbursed from Measure "C" prior to the CHSRA designating Fresno County as the location of the High Speed Rail Heavy Maintenance Facility.

NOW, THEREFORE BE IT RESOLVED, notwithstanding any provision contained in Amendment #1 and subject to final approval by the Fresno County Transportation Authority, The Fresno Council of Governments, by approving Amendment #3 to the Measure "C" Expenditure Plan, is requesting and recommending that the Fresno County Transportation Authority transfer an amount not to exceed \$500,000, from the \$25 million previously reserved by Amendment #1 for reallocation to the High Speed Rail Program, and subject to subsequent approval and execution of an appropriate agreement between the Fresno County Transportation Authority and the City of Fresno, to reimburse the City of Fresno, in an amount not to exceed \$500,000, for the cost of non-refundable deposits for purchasing land options for the High Speed Rail Heavy Maintenance Facility, which transfer and reimbursement, pursuant to such subsequent agreement and this Amendment #3, may occur both prior to, and irrespective of whether, the CHSRA formally designates Fresno County as the location of the High Speed Rail Heavy Maintenance Facility.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno Council of Governments this 26<sup>th</sup> day of January 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed \_\_\_\_\_  
Amarpreet Dhaliwal, Chairman

ATTEST:

I hereby certify that the foregoing is a true copy of a resolution of the Fresno Council of Governments adopted at a duly noticed public hearing thereof on the 26<sup>th</sup> day of January 2017.

Signed \_\_\_\_\_  
Tony Boren, Executive Director