

Fresno COG Policy Board

Date: Thursday, May 25, 2017

Time: 5:30 PM

Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Americans with Disabilities Act (ADA) Accommodations

The Fresno COG offices and restrooms are ADA accessible. Representatives or individuals with disabilities should contact Fresno COG at (559) 233-4148, at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting / public hearing. If Fresno COG is unable to accommodate an auxiliary aid or translation request for a public hearing, after receiving proper notice, the hearing will be continued on a specified date when accommodations are available.

AB23 REQUIREMENT: IN ACCORDANCE WITH THE BROWN ACT AND AB23, THE AMOUNT OF STIPEND PAID TO EACH MEMBER FOR ATTENDING THIS MEETING OF THE FRESNO COUNCIL OF GOVERNMENTS POLICY BOARD IS \$100.

AGENDA AND ANNOTATED AGENDA IN PDF FORMATING FOR PRINTING

Exhibits:

Annotated Agenda Agenda

Fresno County Rural Transit Agency Meeting Package - Meeting will follow the Policy Board Meeting

Exhibits:

FCRTA Agenda

Fresno COG Sitting as the Transportation Policy Committee

I. TRANSPORTATION CONSENT ITMES

About Consent Items

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Board concerning the item before action is taken.

A. Executive Minutes of April 27, 2017 [APPROVE]

Exhibits:

April Minutes

B. Third Quarterly Work Element and Financial Report (Les Beshears) [APPROVE]

Exhibits:

C. Transportation Development Act Claims for the County of Fresno (Les Beshears) [APPROVE]

Exhibits:

Fresno County TDA Claim

Summary: The County of Fresno is submitting their 2016/17 Transportation Development Act Claims for approval.

Claimant	LTF	STA	TOTAL
County of Fresno	6,386,478	701,898	7,088,376

Action: Staff and TTC/PAC recommend the Policy Board approve Resolution 2017-8 adopting the 2016/17 Transportation Development Act Claims for the County of Fresno in the amount of \$7,088,376.

D. Transportation Development Act 2017/18 Final Apportionment (Les Beshears) [APPROVE]

Exhibits:

LTF Final Apportionment

Summary: The preliminary 2017/18 Transportation Development Act (TDA) Apportionment was released in February using January 1, 2016 population estimates provided by the Department of Finance (DOF) to allow member agencies to incorporate into their budget. DOF will release the January 1, 2017 population estimates in May. The Final Apportionment is unchanged in total from the preliminary estimate; however, it includes the January 1, 2017 population revision. The estimate is the same as last year's estimate.

Action: Staff and TTC/PAC recommend the Policy Board adopt the Transportation Development Act 2017/18 Final Apportionment of \$35,000,000.

E. State Transit Assistance Apportionment 2017/18 (Les Beshears) [APPROVE]

Exhibits:

STA Final Apportionment

Summary: The preliminary 2017/18 State Transit Assistance (STA) Apportionment was released in February using January 1, 2016 population estimates provided by the Department of Finance (DOF) to allow member agencies to incorporate into their budget. DOF will release the January 1, 2017 population estimates in May. The final apportionment is unchanged in total from the preliminary estimate; however it includes the January 1, 2017 population revision. The estimate is 14% lower than last year's estimate due to a change in methodology by the State Controller's Office (SCO). The SCO will revise their numbers after the Governor adopts the State budget.

The SCO advises there are some trailer bills and process to go through prior to making estimates on the amounts that will be available through SB1 and AB113. It is anticipated these revenues will not become available until June or July of 2018.

Action: Staff and TTC/PAC recommend the Policy Board adopt the State Transit Assistance 2017/18 Final Apportionment of \$4,136,281.

F. Approval of the 2017 Federal Transit Administration Section 5310 Program of Projects (Peggy Arnest) [APPROVE]

Exhibits:

Summary: On January 9, 2017 Fresno COG issued a formal call-for-projects for the Fresno Large Urban Area Federal Transit Administration (FTA) Section 5310 funding. The available funding for the Fresno Large Urban Area is \$1,323,214 for Federal Fiscal Year (FFY) 2015/16 apportionments and we received 4 applications requesting \$1,455,547 in total funding requests. On March 21, 2017, a scoring committee of volunteers from the Social Service Technical Advisory Committee (SSTAC) convened to review and evaluate the project applications. The Section 5310 Scoring Committee's recommendations were then reviewed by the SSTAC on April 18, 2017 and received unanimous approval. The scoring committee recommendations for the 2017 Program of Projects are as follows:

APPLICANT	RECOMMENDATION
Fresno Area Express	\$432,676
Fresno Economic Opportunities Commission	\$432,676
United Cerebral Palsy of Central California	\$409,831
WestCare California	\$ 48,031
	TOTAL \$1,323,214

Enclosed is the detailed list of the projects for your review and consideration.

Action: Staff, SSTAC and TTC/PAC recommend the Policy Board approve the SSTAC scoring committee's recommendations for the 2017 FTA Section 5310 program of projects. Approved projects will be programmed for funding in the 2017 Federal Transportation Improvement Program (FTIP).

G. Active Transportation Program Update (Peggy Arnest) [INFORMATION]

Exhibits:

Summary: The Regional ATP will be an important document that will help each jurisdiction in the county identify needed bicycle and pedestrian projects and help the agencies qualify for new funds to implement the projects. It is important that the plan be context sensitive to local needs and vetted with local staff and the community.

Development of the Regional ATP will take place this spring and summer and will require input from all cities in Fresno County and from the County of Fresno representing the unincorporated communities.

Currently the Project Team is setting up outreach meetings in each city and with the County of Fresno during the first and second week in June. These meetings hope to illicit feedback regarding project issues and recommendations.

During each meeting, the Project Team will present and/or discuss the following items with City/County staff, invited community groups, and school district representatives:

- Project overview
- Project schedule
- Project coordination
- Project status and development
- Bicycle and pedestrian needs and issues
- ATP Data needs from each local agency

- The Crowdsourcing online public input tool
- Other related issues and discussion

Please feel free to contact Peggy Arnest at parnest@fresnocog.org with any questions you have about this meeting or the Regional ATP process.

Action: Information. Direction may be provided at the discretion of the Policy Board.

H. **Fresno/Madera Origin-Destination Study and Fiscal Analysis Project Update (Meg Prince)**
[INFORMATION]

Summary: The Phase I (Origin-Destination Study) portion of this project has been completed and Phase II (Fiscal Impact Analysis) is in progress. Applied Development Economics (ADE) is evaluating the fiscal impact of the trip distributions identified in Phase I. The Fresno/Madera Origin Destination Study team met on March 30, 2017, to review and discuss an interim report on the fiscal analysis. ADE is nearing completion of the draft fiscal analysis, which is expected to be ready for review in mid-May.

Action: Information. Direction may be provided at the discretion of the Policy Board.

I. **National Environmental Policy Act Assignment Program (Trai Her-Cole)** **[INFORMATION]**

Summary: In January of 2017 staff brought forward the issue that the limited waiver of sovereign immunity which allowed the State of California to implement the provisions of the National Environmental Policy Act (NEPA) for Federally-funded transportation projects was allowed to expire on January 1, 2017. As a result, the Memorandum of Understanding (MOU) between Caltrans and the Federal Highway Administration (FHWA) was suspended for up to 90 days. The absence of a resolution posed a potential threat to transportation projects which could add significant time delays and increased costs. However, Assemblyman Jim Frazier (D-Oakley) introduced AB 28 to address the situation. The legislation allows Caltrans to continue as the decision maker for the NEPA review process. Fresno COG took a support position for AB 28 which proposed to extend the waiver indefinitely to avoid this issue from reoccurring. On March 29, 2017, Governor Brown signed AB 28 into law reinstating the waiver of immunity and consent to the jurisdiction of Federal courts for actions taken by Caltrans in performing Federal environmental responsibilities under NEPA. However, the Legislature included a sunset clause to repeal Section 820.1 on January 1, 2020, instead of extending the waiver indefinitely. On March 30, 2017, FHWA acknowledged receipt of the needed certifications and that the waiver of immunity was adequate. As a result, effective March 30, 2017, the California Department of Transportation (Caltrans) once again is authorized to participate in the NEPA Assignment Program, which Caltrans has performed since 2007 ending the three-month period of suspension. Please note: during the suspension period the FHWA and Caltrans entered into a Programmatic Categorical Exemption (PCE) Agreement that allowed Caltrans to approve some 326 Categorical Exemptions (CE), helping minimize the impact of the authority suspension. That PCE is no longer effective and, as stated above, Caltrans is now authorized to approve CEs under the 326 MOU, as had been done since 2007.

[View the complete letter from Caltrans Division of Environmental Analysis Acting Chief Philip Stolarski at this link.](#)

Action: Information. Direction may be provided at the discretion of the Policy Board.

J. **Circuit Planning and Engineering Update (Meg Prince)** **[INFORMATION]**

Summary: Below is an update on each of the ongoing circuit planning and engineering projects. Please note that this is a list of all the current, active projects. Completed activities, as well as projects that have been placed on hold by their respective agency or are considered inactive, are not included below.

Current **planning-related** projects resulting from that process include:

- Selma Project 1 – Assistance with Planning and Design Issues - **Dinuba Avenue Overcrossing/Interchange at State Route 99**. The circuit planning team provided stakeholders the draft Existing Traffic Conditions report for review and comment by April 14, 2017. The circuit planning team is in the process of updating the draft based on the feedback received, and will then

move forward with the other scenarios.

- **Fowler Project 3 - Preparation of a Bike System Route Map.** The circuit planning team provided the Fowler Existing Bikeway and Recommendations report to city staff for review and received feedback. The circuit planner will make edits and circulate the updated draft for review.

Current **engineering-related** projects include the following:

- **Parlier Project 1 – Intersection analysis for Newmark Avenue, Parlier Avenue and Fresno Street.** Circuit engineering staff conducted an analysis and is recommending striping as a cost-effective solution for the intersection. Circuit engineering staff submitted their findings and recommendations to city staff for feedback and next steps.

Staff can provide details on the status of individual projects, as requested. Any questions or comments regarding the tasks associated with either the circuit planning or circuit engineering programs, please contact Meg Prince at mprince@fresnocog.org or 559-233-4148 Ext. 203.

Action: Information. Direction may be provided at the discretion of the Policy Board.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Blackstone Corridor Transportation & Housing Study Final Report (Kristine Cai) [APPROVE]

Exhibits:

Blackstone Corridor Report Blackstone Study Area

Summary: At the request of City of Fresno, Fresno COG provided \$150,000 to conduct the Blackstone Corridor Transportation & Housing study. The study area included Van Ness/Maroa Avenues to Harvard Avenue to Clark Avenue to Home Avenue (please see the attached map). The purpose of the study was to identify tools and opportunities for this area to be transformed from an auto-oriented corridor into a safe, accessible, multi-modal and mixed used environment that enhance the neighborhood quality and contribute to a vibrant community. The study also looked at opportunities for transit supportive infill development, improved connectivity to Blackstone Avenue and catalytic sites for revitalization in the study area.

The study report is a visioning document that can provide guidance for private development and public infrastructure investment in the area. The study identified emerging opportunities in the corridors and recommended 4 incremental development strategies for the study area:

1. Leverage catalytic sites identified by the study
2. Focus on public realm improvement
3. Promote land assembly for infill development
4. Achieve full potential of corridor

Attached is the Draft Final Report for review.

Action: Staff and TTC/PAC recommend the Policy Board approve the Blackstone Corridor Transportation & Housing Study final report.

B. Freeway Service Patrol Contract Approval (Suzanne Martinez) [APPROVE]

Summary: The Freeway Service Patrol (FSP) has been in continuous operation on segments of the metropolitan area freeway system since September 1993, nearly 24 years. The purpose of the FSP is to promote smooth traffic flow during peak commute periods by providing for the rapid removal of disabled vehicles and vehicles involved in minor accidents. The current three-year towing contract ends on June 30, 2017. A Request for Proposal (RFP) for towing service for the next five-year period beginning July 1, 2017 and ending June 30, 2022 was issued on March 24, 2017. It was mailed to all 59 towing companies on the California Highway Patrol Fresno County Tow Rotation List and posted on the Fresno COG website.

One significant change was made for this next contract period. The contract will now be for a five-year period instead of a three-year period. This change was made for efficiency reasons on the part of the Towing Service Provider and Fresno COG Staff. The change was also made in order to better align with the contract terms of FSP Programs throughout the State and in hopes of saving money on the hourly rate, given that the Towing Service Provider would be able to extend any vehicle leases for a five-year term instead of a three-year term. Other aspects of the program remain unchanged. There will still be four beats running Monday through Friday (excluding holidays) that will provide service in the morning from 7:00 a.m. to 9:00 a.m., and in the afternoon from 3:30 p.m. to 6:30 p.m.

Only one proposal was received in response to the RFP. Historically, through all the contracting cycles of the FSP very few towing companies have submitted proposals in response to the RFPs issued. This may be because very few tow companies can meet the strict requirements of the program. In particular, these requirements include the financial resources to purchase and equip the necessary trucks and the hiring and retention of drivers who can pass background checks and meet other qualifications.

The proposal received was from Fresno Budget Towing Inc., the current FSP towing provider. The proposal amount is \$84.00/hour for 5,000 hours of service per year (5 hours/day/beat x 4 beats x 250 days/year = 5,000 hours/year). The proposal amount of \$84.00/hour is consistent with the current contract's hourly rate.

The selection committee, comprised of a representative of each of the FSP Partners, the California Highway Patrol, Caltrans and the Fresno COG, conferred on May 2, 2017, to review the proposal. The selection committee unanimously recommends that Fresno Budget Towing Inc. continue to provide FSP towing service for the next five-year period. This recommendation is based on several factors:

- Fresno Budget Towing has provided consistent excellent service during the nearly six years they have been the FSP towing provider. There have been no penalties assessed against them and survey responses are highly complementary of the service provided and the drivers who provide the service.
- They are financially strong, purchasing five new trucks for the service including the required back-up truck. Five of the trucks (including the back-up) will have a crew cab, thereby enabling the truck to more easily accommodate several passengers in the event the passenger vehicle must be towed to the CHP-approved drop location. One of the five trucks will be a 4x4 which will provide for additional capability.
- They have a team of experienced drivers that has been with the program and will continue with the program.
- The proposal amount is consistent with current hourly rate, which is beneficial in that the rate will be locked in for the next 5 years.

Action: Staff and TTC/PAC recommend the Policy Board authorize the Fresno COG Executive Director to enter into a contractual agreement with Fresno Budget Towing Inc. in an amount not to exceed \$420,000.00/year for five years beginning July 1, 2017 and ending June 30, 2022.

C. **Circuit Planner Contract Amendment FY 2016-17 and Contract Renewal FY 2017-18 (Meg Prince)**
[APPROVE]

Summary: Fresno COG has a contract with Fehr and Peers to develop a Regional Active Transportation Plan (ATP), which will include individual ATPs for several member agencies who currently don't have a plan. However, the quality of the individual plans will depend on the level of effort participating members contribute to the process. VRPA Technologies Inc. is currently under contract as Circuit Planner specifically to help member agencies in situations such as this. VRPA was requested by Fresno COG to provide additional support under the Circuit Planner contract to supplement the Regional ATP for an amount not to exceed \$20,603. This will ensure that each jurisdiction has an ATP that is compliant with the 2017 California Transportation Commission ATP Guidelines in order to be eligible for future funding. The amount is within the existing budget and requires no additional appropriation.

Additionally, in June staff was planning to extend the Circuit Planner contract into FY 2017-18 at the budgeted amount of \$50,000 and recommends we do this now to facilitate the process.

Action: Staff and TTC/PAC recommend the Policy Board authorize the Executive Director to amend the contract with VRPA to increase the contract \$70,603 and extend the term to June 30, 2018.

D. Regional Transportation Plan Update (Kristine Cai)

1. Senate Bill 375 Greenhouse Gas Emission Reduction Target Recommendation (Kristine Cai) [APPROVE]

Exhibits:

042517 Target Recommendation 051017 Target Recommendation

Summary: Senate Bill 375 (SB 375) requires that greenhouse gas (GHG) emission reduction targets be updated every eight years for the 18 Metropolitan Planning Organizations (MPO) in the State. The California Air Resources Board (ARB) adopted the first set of MPO targets in 2010. They are set for each region at a percent per capita reduction of passenger vehicle GHG emissions from 2005 level. The eight MPOs in the San Joaquin Valley were given the targets of 5% reduction for 2020, and 10% reduction for 2035 in 2010. ARB is scheduled to propose targets for the 18 MPOs in late May, and the targets will be finalized by the ARB Board in the fall of 2017.

SB 375 is focused on GHG reduction from passenger vehicles through integrated transportation and land use planning. MPOs are tasked with the implementation of SB375 through the development of a Sustainable Communities Strategy (SCS) in the Regional Transportation Plan (RTP). An SCS is a forecast land use development pattern combined with transportation strategies, which if implemented, will meet or exceed the GHG reduction targets set by the ARB.

Due to declining transportation revenues and increased vehicle efficiencies which reduce the cost of driving and increases the overall vehicle miles driven (VMT), MPOs are having challenges achieving the existing targets. However, in order to meet the State's aggressive GHG reduction goals in SB 32 under the Governor's Executive Order B-30-15, the ARB is looking for more enhanced targets from each region. MPOs across the State sent consistent messages that the State needs to explore more tools such as pricing and other revenue strategies to achieve the state's goal.

Based on the scenario modeling that has been conducted, Fresno COG is proposing to aim for 6% per capita reduction for 2020 and 13% reduction by 2035 for the 2017 target update. Both the 2020 and 2035 target scenarios are largely based on the 2014 SCS with enhanced alternative transportation investment strategies. The land use strategies include compact development and mixed uses, infill development, growth concentration along the high capacity transit corridors, etc. Transportation strategies in the target scenarios include more enhanced investment in transit, bike/ped. projects, carpool/vanpool programs and other alternative transportation strategies such as EV charging stations. These proposed targets are ambitious to the Fresno Region, but can be achieved with the implementation of the latest general plans from the cities/county, and more aggressive investment in vanpool/carpool, active transportation, electric vehicle (EV) programs and other alternative transportation strategies. The latest growth forecast is applied in the target scenarios, and the Model Improvement Plan (MIP) 2 model and EMFAC2014 are used in the quantification of the GHG reduction.

Attached with the agenda are the target recommendation report submitted to ARB on April 25th and an additional recommendation letter on May 10th.

Action: Staff and TTC/PAC recommend the Policy Board approve the greenhouse gas emission reduction targets of 6% for 2020 and 13% for 2035 for the Fresno region.

2. Feedback from the 2018 Regional Transportation Plan/Sustainable Communities Strategy Community Workshop (Seth Scott/Meg Prince) [INFORMATION/DISCUSSION]

Exhibits:

Community Workshop Results June Community Workshops

Summary: On April 25, 2017, Fresno COG hosted a community workshop at Hoover High School to promote the 2018 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) and garner public input on the SCS scenario development process. Staff will present the public's response to the four draft scenario concepts, as well as their expressed priorities and values. It is staff's hope that this information will help the RTP Roundtable in their selection of the four scenarios that will officially be analyzed as part of the RTP/SCS in May.

Furthermore, a subcommittee of RTP Roundtable members has been formed to modify the existing scenarios and propose new scenarios for the Roundtable's consideration in May. Ultimately, it is staff's recommendation that four scenarios be selected by the Roundtable at that meeting for inclusion in the SCS.

Update on June RTP Mini Grant Workshops:

Fresno COG awarded mini grants to 7 organizations to help with RTP/SCS outreach. The 7 mini grant recipients have currently coordinated 13 workshops for the month of June throughout the County. Attached is the finalized workshops dates, times and locations.

The purpose of this round of workshops is to collect feedback from residents on what projects they would like to see in their communities, to facilitate what projects each jurisdiction decides to submit to the RTP.

Fresno COG hopes that City and County staff can attend the workshops for their communities and work with residents to discuss the projects and address some of the questions. The format staff is envisioning for these workshops is as follows:

- City or County staff provides a brief presentation on their General Plan's vision for their community and their Circulation Element.
- Fresno COG staff will bring maps of your city's proposed projects from the 2014 RTP for the residents to look at and provide feedback on.
- Fresno COG is currently developing an online survey using MetroQuest that has a mapping tool for residents to add and comment on projects they would like to see.

Fresno COG staff will compile the feedback collected during these workshops and provide it to each jurisdiction for their consideration.

For any additional information on the June workshops, contact Meg Prince at mprince@fresnocog.org or 559-233-4148 Ext. 203.

Action: Information. Direction may be provided at the discretion of the Policy Board.

E. Measure C Transit Oriented Development Program Update (Kristine Cai) [INFORMATION]

Summary: As directed by Fresno COG Policy Board and the Fresno County Transportation Authority Board to open up the (Measure C Transit Oriented Infrastructure for In-Fill Development (TOD)) program to the entire region, the TOD Technical Advisory Committee (TAC) has started the process of reviewing and updating the TOD program guidelines. Two meetings have been held in March and April. The TAC has moved to define the membership of the committee as follows:

-Fresno COG

-Fresno County Transportation Authority

-Fresno Area Express

-Fresno County Rural Transit Agency

-Clovis Transit

-City of Fresno

-City of Clovis

-Eastside Cities

-Westside Cities

-County of Fresno

- 3 public members (representing development communities, environment/health, and other sectors)

The TAC membership has been filled except one public member from "other sectors".

The TAC discussed several potential approaches to update the program, and decided to move forward with the two viable options:

1. Remove the "project location" requirement in the existing guidelines, which designated three locations inside the City of Fresno as the only qualified locations for the TOD funding, and make minor revisions to the existing scoring criteria.
2. Create an urban/rural split and develop two sets of scoring criteria for the urban and rural programs. The project location requirement will be removed from both programs.

Since there was no representation from the small cities at the April meeting, the TAC decided not to take action on which option to move forward until input is received from them at the next meeting, scheduled on May 31, 2017, at 2:00 p.m.

Action: Information. Direction may be provided at the discretion of the Policy Board.

F. **Caltrans Update (CALTRANS) [INFORMATION]**

Fresno COG Sitting as the Fresno Council of Governments Policy Board

REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE

III. **ADMINISTRATIVE CONSENT ITEMS**

About Consent Items

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Board concerning the item before action is taken.

A. **Regional Clearinghouse (Jennifer Soliz) [APPROVE]**

Exhibits:

 Regional Clearinghouse Fresno County/Malaga

	Project	Applicant
1.	Lead-Based Paint Hazard Control (LBPHC)	Fresno County
2.	Multimedia Equipment for Community Center	Malaga

Summary: Your agenda package includes this month's Clearinghouse Calendar containing "Project Notification and Review Reports" for grant proposal.

1. County of Fresno's application form SF-424 Lead-Based Paint Grant Hazard Control Program
2. Community Facilities Grant

Action: Per Board procedure, unless an item is pulled from the Consent Calendar, tacit authorization is given for staff to forward any comment(s) received, or any Committee/Board comment(s) generated as a result of this informational item, to the appropriate agency. It is understood that if in the event this item should be pulled from the consent calendar, discussion and comment by the board members and

the public will be taken.

B. University of Colorado Denver Contract Indemnity (Les Beshears) [APPROVE]

Summary: Caltrans awarded Fresno COG a 5304 grant to perform a study on business commute in conjunction with Fresno State and University of Colorado Denver. On January 26, 2017 the Fresno COG Policy Board authorized contracts with Fresno State in the amount of \$142,737 and UC Denver in the amount of \$209,858. During the contract negotiations with UC Denver it became apparent there were issues regarding legal venue and indemnity. UC Denver advised they could not enter into a contract that compromised their governmental immunity per the laws of the State of Colorado and requested the venue for legal action be the State of Colorado instead of the State of California. UC Denver also proposed a mutual indemnity clause to replace the standard indemnity clause, written into the Fresno COG contract. During negotiations with legal counsel for UC Denver, Fresno County Counsel advised that the legal venue must remain in the State of California, as funding is from a grant by the California State Department of Transportation, and that Fresno COG should not have to travel to the State of Colorado to litigate matters related to the grant. UC Denver legal counsel agreed to seek permission from the UC Denver Chancellor to accept Fresno COG's contract language. However, an indemnity clause was unsatisfactory for UC Denver. Fresno County Counsel agreed the indemnity clause proposed by UC Denver would be legally acceptable, but determined it was a significant enough change to warrant taking this back to the Fresno COG Policy Board for authorization.

The standard Indemnity clause reads as follows:

CONTRACTOR agrees to indemnify, save, hold harmless, and at FCOG's request, defend the FCOG, its boards, committees, representatives, officers, agents, and employees from and against any and all costs and expenses (including reasonable attorneys fees and litigation costs), damages, liabilities, claims, and losses (whether in contract, tort, or strict liability, including, but not limited to, personal injury, death, and property damage) occurring or resulting to FCOG to the extent they are caused from any negligent, recklessness or willful misconduct of CONTRACTOR, its officers, agents, subcontractors, or employees in their performance of this Agreement, and from any and all costs and expenses (including reasonable attorneys fees and litigation costs), damages, liabilities, claims, and losses (whether in contract, tort, or strict liability, including, but not limited to, personal injury, death and property damage), occurring or resulting to any person, firm, corporation, or entity who may be injured or damaged to the extent such injury or damage arises from any negligent acts, errors or omissions of CONTRACTOR, its officers, agents, subcontractors, or employees in their performance of this Agreement.

The substitute liability clause proposed and acceptable to UC Denver reads as follows:

Each party hereto agrees to be responsible and assume liability for its own wrongful or negligent acts or omissions, or those of its officers, agents, or employees to the full extent allowed by law.

Action: Staff and the PAC recommend the Policy Board to authorize the Executive Director to enter into the contract with UC Denver using the substitute liability clause in lieu of the standard indemnity clause.

C. Resolution in Support of 2017 "One Voice" Sustainable Aviation Project (Tony Boren) [APPROVE]

Exhibits:

 Resolution 2017-16

Summary: This joint venture called the Sustainable Aviation Project (SAP) is an advanced transportation technology project that will recruit, train and place veterans, youth and career seekers from disadvantaged communities into pilot training programs for electric aircraft.

SAP is requesting \$1,500,000 to train approximately 225 career seekers for private pilot certification through ground training at Reedley College Flight Science Program and 35 hours of flight training at Mazzei Flying Service. Training cost will also include license exam fees, medical certificate, FBI fingerprinting and background checks. For additional supportive services we will leverage and braid Workforce Innovation and Opportunity Act (WIOA) funds to ensure the success of our participants.

The One Voice delegation presented this project to our congressional representatives and federal agencies during the 2017 One Voice trip.

Action: Staff, PAC and the One Voice delegation recommend the Policy Board approve a Resolution 2017-16 in support of the 2017 "One Voice" Sustainable Aviation Project.

D. **Monthly Legislative Update (Trai Her-Cole) [INFORMATION]**

Exhibits:

State & Federal Legislative Update

To locate current and past year **state bill information** go to the Official California Legislative Information webpage at: <http://www.leginfo.ca.gov/>

To locate current and past year federal bill information go to THOMAS, The Library of Congress's bill information website (in the spirit of Thomas Jefferson) at: <http://thomas.loc.gov/>

Please contact staff person, Trai Her-Cole, if you have any questions or comments.

IV. **ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

A. **Fiscal Year 2017-18 Overall Work Program and Budget-Resolution 2017-02 (Tony Boren) [APPROVE]**

Exhibits:

FY17-18 OWP Final Draft OWP Memo OWP Resolution 2017-02

Summary: The Fiscal Year (FY) 2017-18 Overall Work Program (OWP), totaling \$15,833,473, is submitted for adoption. The proposed budget decreased \$3,464,988 from last year. Operational revenues remain intact, reserves are adequate, and the agency continues to operate within the bounds of prudent management.

The final proposed budget increased \$4,500 from the draft submitted in February to correct an error on the Advertising & Legal Notice budget in the Indirect Overhead category.

The proposed FY 2017-18 budget total reflects a decrease of 18% from the approved FY 2016-17 budget. This decrease is spread over a large variety of programs; however, a significant factor causing this reduction is simply that federal grants for multi-year projects are fully funded in our operating budget and funds that are spent are not reflected in the subsequent year's budget.

There is a commensurate decrease in one-time expenses associated with this phenomenon, and generally, operating expenses are not affected. Decreases in revenues resulting of this sort are the Federal Transit Administration (FTA) Section 5307 Urbanized Area Formula Program funds, funding demonstration projects providing public transit service to Yosemite and Sequoia national parks, the FTA Section 5316 Job Access & Reverse Commute (JARC)\ FTA Section 5317 New Freedom Grant program, the Prop 84 Sustainable Communities Grant from the Department of Conservation, and the Interstate 5 and Highway 99 Goods Movement Study funded from the State Highway Account (SHA).

Federal revenues decreased 24% (\$1,968,226) reflecting the previously mentioned FTA 5307 and the FTA Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities program, FTA Section 5316 & FTA Section 5317 drawdowns. State revenues decreased 38% (\$504,236) largely due to the drawdown of the Prop 84 Sustainable Communities grant and completion of the state funded San Joaquin Valley Goods Movement Freight Study. Local revenues decreased 10% (\$992,526), a significant part of which is Cash Match revenue from FTA Section 5310 projects that were spent down along with the progress of the design phase of the Golden State corridor project funded by Local Measure C revenues. Furthermore, utilization of the Measure C Taxi Scrip, Carpool, Commuter and Farm Worker Vanpool programs continue to grow.

The full document is available on the Fresno COG website at www.fresnocog.org/owp-0.

Action: Staff and TTC/PAC recommend approval of Resolution 2017-02 approving the FY 2017-18 Overall Work Program and Budget.

B. Resolution 2017-21 in Support of City of Fresno Water Supply Requirement Under Temperance Flat Project

Exhibits:

Resolution 2017-21

C. San Joaquin Valley Water Authority - Orange Cove Dues (Les Beshears) [INFORMATION/DISCUSSION]

Exhibits:

SJVWIA Dues Pro Rate by Population

Summary: In 2015 five counties (Merced, Madera, Fresno, Kings and Tulare) in the Central Valley formed the San Joaquin Water Infrastructure Authority (SJVWIA) Joint Powers Authority (JPA) to address critical Valley Water Issues. Along with board representation from County Boards of Supervisors and Irrigation Districts, the JPA designated a board position for an East Side and West Side city-at-large. The JPA Board also approved a \$50,000 per designated agency dues structure to pay for the administrative cost of the SJVWIA JPA. The Fresno Council of Governments nominated, and the JPA accepted, Mayor Victor Lopez from the City of Orange Cove as the East Side city representative, however, the City of Orange Cove could not pay the \$50,000 dues. The Fresno COG nominated the City of Clovis as an alternate, but there is no dues requirement for the alternate. Mayor Lopez requested Fresno COG act as a forum to request that the cities and Fresno County assist the City of Orange Cove in paying the dues. The item was discussed at the December 17, 2015 Fresno COG Policy Board meeting and a consensus obtained to divide the \$50,000 up by county population and have Board members take the item to their individual Councils or Board to see if they were interested in providing a pro rata share of that cost. It was emphasized that this was not a Fresno COG jurisdictional item. At the January 28, 2016 Fresno COG Policy Board meeting general consensus appeared to be all the agencies would participate. During the discussion Mayor Swearingen, City of Fresno, indicated it would be a one-time contribution and if any additional levy occurred it would go back to the Cities and County and not Fresno COG.

At the April 27, 2017, Fresno COG Policy Board meeting during a presentation by SJVWIA Executive Director Mario Santoyo on the dealings of the Authority, Mayor Victor Lopez requested Fresno COG Executive Director Tony Boren send correspondence to the member agencies requesting they help the City of Orange Cove defray the current year \$50,000 dues assessment. Chairman Dhaliwal emphasized this was not a Fresno COG jurisdictional issue and the Councils and Board of the respective member agencies would make the decision. Executive Director Mario Santoyo indicated he would meet with Mayor Lopez to compile a letter to be sent out to the agencies explaining the need for the request. Fresno COG staff updated the population spreadsheet, pro rating the \$50,000, then sent it out to member agencies on Mayor Lopez's behalf to facilitate the discussion.

The PAC voted unanimously in support for each of the member cities to pay a pro-rata share of Orange Cove's SJVWIA dues. Payment formula to be based on Fresno COG's current population formula.

Action: Information and discussion. Direction may be provided at the discretion of the Policy Board.

D. Yosemite Area Regional Transportation System Presentation (Dick Whittington) [INFORMATION]

Exhibits:

YARTS Map SR 41 Route Schedule

V. OTHER BUSINESS

A. Items from Staff

1. 2017 One Voice Trip Update (Tony Boren) [INFORMATION]

Fresno COG Executive Director, Tony Boren will provide a verbal summary of this year's One Voice

trip.

B. Items from Members

VI. PUBLIC 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. **Note: Prior to action by the Board on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.**