

FRESNO COUNTY RURAL TRANSIT AGENCY
2100 Tulare Street, Suite 619 Fresno, CA 93721
Phone: 559 - 233 - 6789 Fax: 559 - 233 - 9645
Webpage: www.ruraltransit.org Email: jwebster@ruraltransit.org

FRESNO COUNTY RURAL TRANSIT AGENCY (FCRTA)

AGENDA

DATE: Thursday, January 24, 2008

TIME: Following the 7:00pm Council of Fresno County Governments (COFCG) Meeting

PLACE: COFCG / FCRTA Offices

Sequoia Conference Room; 2035 Tulare Street, Suite 201; Fresno, CA 93726

(Corner of Tulare and Van Ness Ave. - above "Club One"

Park in Underground Garage - Entrance off Tulare & Van Ness Ave.

Exit the "Parking Elevator" on Tulare St., Turn Left, Enter Lobby Door,

***Up the Stairs** to Second Floor, Left to Sequoia Conference Room)*

From November 13th through January 31, 2008 the existing Building Elevator is being totally replaced. The "Club One" elevator is available for use, by special arrangements only. Please call Fresno COG in advance at 233-4148, prior to your arrival for the meeting.

Americans with Disabilities Act (ADA) Accommodation

The Fresno COG / FCRTA offices and restrooms are ADA accessible. Individuals with disabilities may call Fresno COG (559-233-4148) / FCRTA (559-233-6789) 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 / FCRTA 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.

ROLL CALL

- I. Public Presentations - This portion of the meeting is reserved for persons wishing to address the FCRTA Board on items within its jurisdiction, but not on this Agenda.

NOTE: The public may also comment on any Agenda item, as they are presented, prior to action by the FCRTA Board.

ACTION ITEMS

- II. Recognition Presentations: Bob Waterston, 2007 Chairman of the Fresno County Board of Supervisors (Plaque).
- III. Approve "Executive Minutes of November 28, 2007" (Attachment).

REVIEW AND COMMENT ITEMS

- IV. City of Selma Resolution by City Council of Intent to Withdraw from the Fresno County Rural Transit Agency's Joint Powers Agreement effective June 30, 2008 (Attachment).

INFORMATIONAL ITEMS

- V. None.

A JOINT POWERS AGENCY TO PROVIDE A COORDINATED TRANSIT SYSTEM FOR RURAL FRESNO COUNTY
THE CITIES OF COALINGA, FIREBAUGH, FOWLER, HURON, KERMAN, KINGSBURG, MENDOTA, ORANGE COVE, PARLIER, REEDLEY, SANGER, SAN JOAQUIN, SELMA & FRESNO COUNTY



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FRESNO COUNTY RURAL TRANSIT AGENCY

EXECUTIVE MINUTES

Date: Thursday, November 28, 2007

Time: Following the 7:00pm Council of Fresno County Governments Meeting

Place: Sequoia Conference Room
2035 Tulare Street, Suite 201, Fresno, CA 93721

Members Present: Mayor Trinidad Rodriguez, City of Kerman, Chairman
Mayor Pro Tem Dennis Lujan, City of Selma, Vice Chairman
Mayor Craig Knight, City of Firebaugh
Councilmember Rico Aguayo, City of Fowler
Mayor Leland Bergstrom, City of Kingsburg
Mayor Robert Silva, City of Mendota
Mayor Victor Lopez, City of Orange Cove
Councilmember Scott Brockett, City of Reedley
Mayor Mike Montelongo, City of Sanger
Supervisor Bob Waterston, County of Fresno

Jeffrey D. Webster, General Manager
Kevin Briggs, Legal Counsel
Dottie Wright, COG

ROLL CALL

There were fifteen (15) votes from ten (10) members present; representing a quorum and business was in order.

- I. **Public Presentations – This portion of the meeting was reserved for persons wishing to address the FCRTA Board on items within its jurisdiction but not on the Agenda.**

There were no public presentations.

ACTION ITEMS

- II. **Approve Executive Minutes of July 19, 2007**

Following an expressed opportunity for public comment, a motion was made by Mayor Knight (Firebaugh) and seconded by Councilmember Aguayo (Fowler) to approve the July 19, 2007 minutes as written. A vote was called for and the motion carried.

- III. **Approve Measure “C” Funding Claim for the Fresno County Rural Transit Agency to the Fresno County Transportation Authority, Resolution 2007-10**

Per the Transportation Authority estimate there is approximately \$2,481,780 in Fiscal Year 2007-08 Measure “C” planning funds available. Per the Transportation Authority's

adopted guidelines the Local Transportation Program certifications and claim form shall be adopted by resolution.

After an expressed opportunity for public comment, a motion was made by Mayor Silva (Mendota) and seconded by Mayor Lopez (Orange Cove) to approve the funding claim by adopting Resolution 2007-10 for the 2007-08 Multi-Modal Funding allocation, Fresno County Rural Transit Agency category sub-program funds claim. A vote was called for and the motion carried.

REVIEW AND COMMENT ITEMS

IV. None

INFORMATIONAL ITEMS

V. None

CLOSED SESSION

The Board adjourned to conduct its Closed Session.

VI. Public Employee Performance Evaluation – General Manager

VII. Possible Conference with Labor Negotiator (Government Code Section 54957.6) Agency Negotiator (Board Member; to be chosen by FCRTA Board of Directors); Unrepresented Employee: General Manager

The Board agreed to appoint Chairman, Mayor Pro Tem Trinidad Rodriguez (Kerman) as the Labor Negotiator, representing the FCRTA Board of Directors

Following the closed session, the meeting reconvened to regular session.

ACTION ITEM

VIII. Discussion and Approval of General Manager Employment Contract

It was reported by Chairman Rodriguez (Kerman) that during closed session, the FCRTA Board of Directors had openly expressed excellent employee ratings for the General Manager; and that they had agreed to amend the General Manager's Employment Agreement to reflect the following concluded negotiations:

- a parity adjustment to salary, equal to the mean value paid to Transit General Manager's at other relevant transit agencies of 12.7%;
- a 3.42% cost-of-living adjustment;
- and all other provisions of said agreement not herein amended shall remain in full force and effect.

Said adjustments are to be formally documented by Legal Counsel as Amendment Number Eighteen (18) to the General Manager's Employment Agreement (on file) effective January 1, 2008. After an expressed opportunity for public comment, a motion was made by Mayor Lopez (Orange Cove) and seconded by Mayor Pro Tem Lujan (Selma) to approve the recommendations as negotiated. A vote was called for and the motion passed unanimously.

ADJOURN

There being no further business, a motion was made by Mayor Lopez (Orange Cove) and seconded by Councilmember Lujan (Selma) to adjourn the meeting. A vote was called for and the motion carried.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jeffrey D. Webster", with a stylized flourish at the end.

JEFFREY D. WEBSTER, General Manager
Fresno County Rural Transit Agency

JDW/dw



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December 4, 2007

MEMORANDUM

TO: FCRTA Board of Directors;
Member Agency Policy Boards;
COFCG / FCRTA Policy Advisory Committee;
COFCG Transportation Technical Committee;
COFCG Social Service Transportation Advisory Council;
and
The General Public

FROM:  Jeffrey D. Webster, General Manager

SUBJECT: City of Selma Resolution by City Council of Intent to Withdraw from the Fresno County Rural Transit Agency's Joint Powers Agreement effective June 30, 2008.

REVIEW AND COMMENT

On Tuesday, December 4th, I was notified in person by Mikal Kirchner, City of Selma Director of Recreation & Community Services / Selma Transit Supervisor of their City Council's action the previous night at their regular City Council Meeting. He informed me that the Council had approved a Resolution declaring their intent to withdraw from the FCRTA as per the existing Joint Powers Agreement stipulations. They were expressly giving the organization six (6) months notice of their intent. He wanted me to know before I read about it in the Wednesday edition of the Selma Enterprise.

He explained that the City staff had approached MV Transportation (who was currently operating Dinuba Transit), they apparently believe they can save \$50,000 by contracting directly with them. The City Council has authorized the City Manager, D-B Heusser, to negotiate directly with MV Transportation to formulate an agreement for City Council approval. If Contract negotiations with MV Transportation were to fail, the Council could rescind its intent.

On Wednesday, December 5th I went to Selma City Hall to request a copy of the Staff Report. I met very briefly with D-B Heusser. He gave me a copy of the attached Staff Report with Resolution and said that the City Clerk would be sending me an executed copy. The Resolution further directs the City Clerk to mail a copy of the matter to each Member Agency's City Manager or City Administrator, and Administrator of

Fresno County. He simply stated that they may have an opportunity to save some money and that they intend to determine if that is the case. He clearly, indicated if that is not the case that the Council could still rescind their action in February, March or April. He just wanted to give us fair warning as per the current JPA requirements.

I made it clear that I would remain available to assist him, his staff, and Council in their deliberations and negotiations to ensure a smooth transition.

Attached is the copy of the Selma Enterprise article, recounting the City Council action.

Attachments



C I T Y O F S E L M A

1 7 1 0 T U C K E R S T R E E T • S E L M A , C A L I F O R N I A 9 3 6 6 2

December 13, 2007

Mr. Jeffrey D. Webster
General Manager
Fresno County Rural Transit Authority
2035 Tulare Street, #201
Fresno, CA 93721

Re: Withdrawal from the FCRTA

Dear Jeff:

The City of Selma, in discussions with staff and the City Council, is looking to expand transportation in the City of Selma.

We appreciate our relationship with the FCRTA but on December 3, 2007 the City Council voted unanimously to remove ourselves from the Agency effective July 1, 2008. A certified copy of the approved Resolution is attached. This letter will serve as official notification. We do wish to continue to work with the FCRTA's Southeast Transit program.

Our Community Services Director, Mikal Kirchner, is available to work with you during the transition period. He may be contacted by telephone at 891-2285 or by email at mikalk@cityofselma.com.

If you have any questions, please feel free to contact us.

Sincerely,

D-B Heusser
City Manager

cc: Barbara Goodwin
Mikal Kirchner

RECEIVED

DEC 14 2007

BY: _____
FRESNO COG

CITY MANAGER'S REPORT

CITY COUNCIL MEETING DATE: December 3, 2007

ITEM: 3.
SUBJECT: Consider approving resolution with the intent to withdraw from the transit agreement with Fresno County Rural Transit Agency (FCRTA).

DISCUSSION:

Our City Attorney has forwarded a resolution for City Council's consideration of our intent to withdraw from our current agreement with Fresno County Rural Transit Agency (FCRTA).

Presently the City of Selma has an agreement with FCRTA for transit service. As part of this agreement, the City of Selma must notify Fresno County of its intention through a resolution to withdraw from the agreement within six months of the end of the fiscal year. With June 30, 2008 being the last day of the fiscal year, the City of Selma prior to January 1, 2008, must forward a resolution of intent to withdraw immediately following the December 3, 2007 City Council meeting.

Staff is also requesting approval for the City Manager to enter into negotiations with MV Transportation. During the next few months staff is requesting approval to formulate an agreement with MV Transportation. City Council must approve the contract agreement with MV Transportation prior to transferring our service on July 1, 2008. If for some reason no agreement can be reached with MV Transportation or City Council does not approve this agreement, based on the resolution, the City of Selma can withdraw our resolution of intent and remain with FCRTA.

To recap:

- Consideration of a resolution be approved informing Fresno County of intent to withdraw from present agreement effective July 1, 2008.
- Permitting City Manager to negotiate directly with MV Transportation and formulating an agreement for City Council approval.
- The resolution of intent to withdraw does allow the City of Selma should negotiations fail, to enter back into an agreement with FCRTA.
- Resolution of intent to withdraw must be submitted to Fresno County prior to January 1, 2008.

COST: No Cost.

BUDGET IMPACT: No impact on Fiscal Year Budget.

RECOMMENDATION: Consider approving resolution with the intent to withdraw from the transit agreement with Fresno County Rural Transit Agency (FCRTA).



Mitch Krichman
Department Head

11/20/07
Date

Finance Director

Date

D. B. Messer
City Manager

30 NOV 07
Date



RESOLUTION NO. 2007- 73R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA
OF INTENT TO WITHDRAW FROM THE
JOINT POWERS AGREEMENT FOR A PUBLIC TRANSIT AGENCY
IN NON-URBANIZED PORTIONS OF FRESNO COUNTY
DATED SEPTEMBER 27, 1979**

WHEREAS, the City of Selma is a party to that certain Joint Powers Agreement for a Public Transit Agency in Non-Urbanized Portions of Fresno County dated September 27, 1979, as modified by the First Amendment to Fresno County Rural Transit Agency Joint Powers Agreement executed by the City of Selma on January 23, 1989, establishing Fresno County Rural Transit Agency (FCRT) and providing, generally, for the operation and maintenance of a public transit system within the boundaries of the City, and other cities within the Agency's service area; and

WHEREAS, Section 19 of the aforementioned Joint Powers Agreement for a Public Transit Agency in Non-urbanized Portions of Fresno County provides that the Agreement may be terminated as of the first day of July of any year following six (6) months notice to the other parties to the said agreement by resolution of intent to terminate the Agreement adopted by the Governing Board of the City of Selma; and

WHEREAS, the City desires to explore whether provision of transit services by a private entity under contract with the City of Selma may provide better, more efficient and less costly transit services within the City of Selma and, therefore, wishes to preserve its ability to withdraw from the Joint Powers Agreement for a Public Transit Agency in Non-Urbanized Portions of Fresno County as of July 1, 2008.

NOW, THEREFORE, the City Council of the City of Selma hereby resolves that the City of Selma intends to withdraw as a party to the Joint Powers Agreement for a Public Transit Agency in Non-Urbanized Portions of Fresno County, effective July 1, 2008. The City Clerk is directed to serve a copy of this Resolution of Intent on each and all of the entities that are parties to the Joint Powers Agreement for a Public Transit Agency in Non-Urbanized Portions of Fresno County dated September 27, 1979, by mail to the City Manager or City Administrator of each of the cities who are parties to the aforementioned Joint Powers Agreement and to the Administrator of Fresno County.

* * * * *

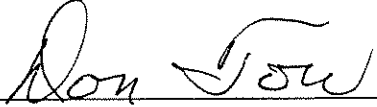
The foregoing Resolution was duly adopted on the 3rd day of December 2007, by the following vote, to wit:

AYES: 5 COUNCIL MEMBERS: Lujan, Derr, Avalos, Niswander, Tow

NOES: 0 COUNCIL MEMBERS: None

ABSTAIN: 0 COUNCIL MEMBERS: None

ABSENT: 0 COUNCIL MEMBERS: None



Don Tow
Mayor of the City of Selma

ATTEST:



Melanie A. Carter
City Clerk of the City of Selma

COPY CERTIFICATION

I, Melanie A. Carter, City Clerk of the City of Selma, do hereby certify that the attached is a true and correct copy of RESOLUTION NO. 2007-73R, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA OF INTENT TO WITHDRAW FROM THE JOINT POWERS AGREEMENT FOR A PUBLIC TRANSIT AGENCY IN NON-URBANIZED PORTIONS OF FRESNO COUNTY DATED SEPTEMBER 27, 1979 the original of which is kept on file in the office of the City Clerk, 1710 Tucker Street, Selma, California, 93662.

Attest:

Date:

Melanie A. Carter
Melanie A. Carter, CMC
City Clerk of the City of Selma

December 13, 2007



General plan update put on hold

By Beth Warmerdam

bwarmerdam@selmaenterprise.com

Plans to discuss Selma's general plan update in a joint meeting between the City Council and the Planning Commission were put on hold when representatives from the city's consulting firm, Quad Knopf, didn't show up on Monday night.

The meeting was scheduled to begin at 5 p.m., but was canceled after 20 minutes of waiting for the consultants. It has been postponed to an undetermined date.

The regular council meeting

went on as planned at 7 p.m., but with little to discuss.

The council voted to withdraw from the city's current transit agreement with Fresno County Rural Transit Agency.

As part of the agreement, the city was required to notify the transit agency of its intent to withdraw within six months of the end of the fiscal year. Because June 30, 2008 is the last day of the fiscal year, the city was required to state its intent before Jan. 1, 2008.

Selma was one of several cities to enter into a Joint Powers Agreement for a public

transit agency in non-urbanized portions of Fresno County in September of 1979.

The transit agency has provided for the operation and maintenance of a public transit system within the boundaries of Selma and other cities within the agency's service area.

The city's agreement with the transit agency will be terminated on July 1, 2008.

The council also approved for City Manager D-B Heusser to enter into negotiations with MV Transportation, a privately held and domestically owned transportation management

company that operates throughout the United States.

The City Council must approve the contract agreement with MV Transportation prior to transferring its service on July 1, 2008.

If no agreement can be reached with MV Transportation or the council does not approve the agreement, the city can withdraw its intent to leave the Fresno County Rural Transit Agency and keep its services.

No reason was given at the meeting for the desire to switch agencies.

The council has tentatively canceled its next two meetings, scheduled for Dec. 17 and Jan. 7.