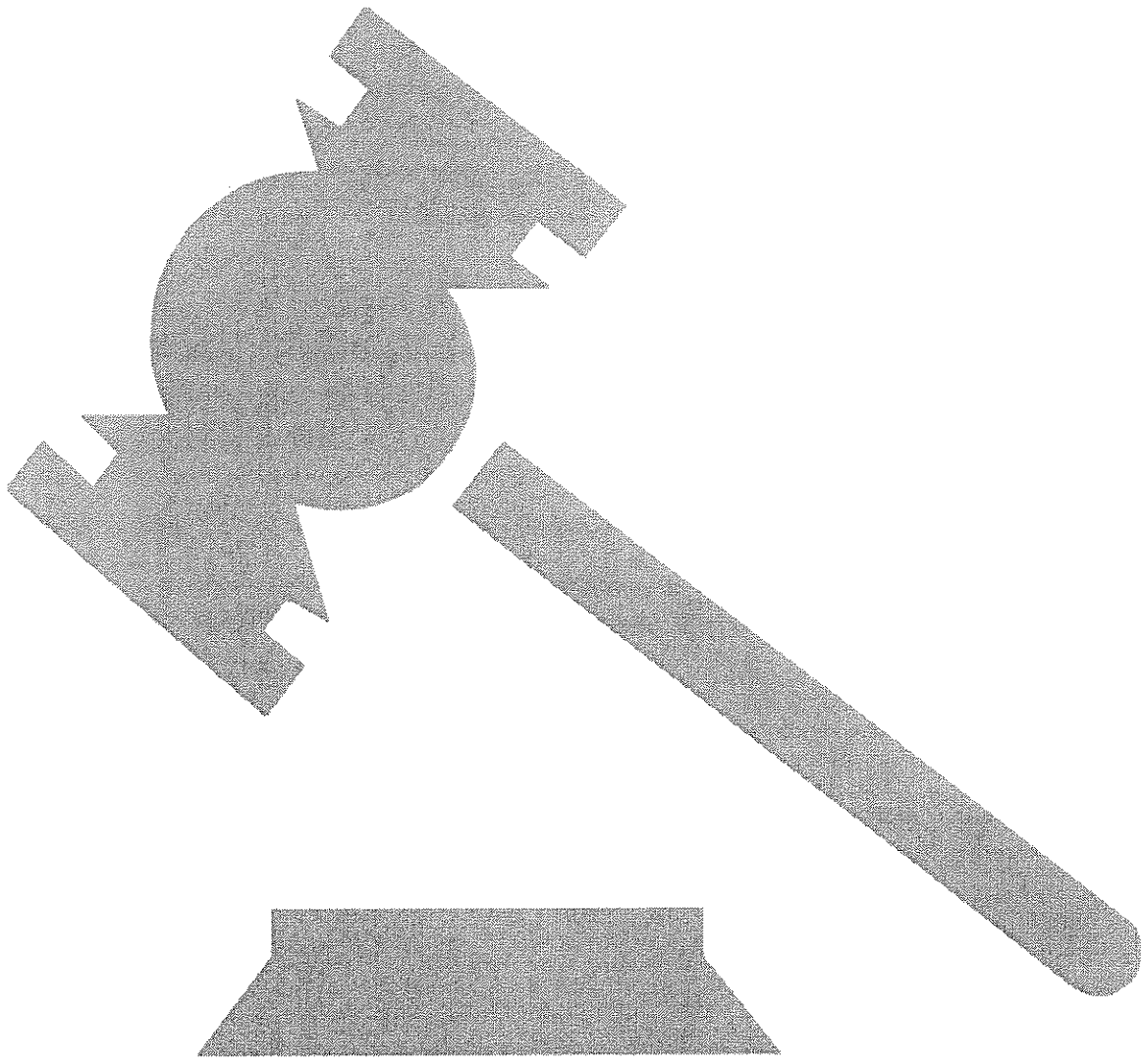




***ADMINISTRATIVE
ACTION/DISCUSSION ITEMS
AGENDA ITEM VI. A.***



2035 Tulare Street, Suite 201
Fresno, California 93721

Telephone (559) 233-4148 • FAX: (559) 233-9645
Website Address: www.fresnocog.org

May 6, 2008

Memorandum

TO: Transportation Technical Committee
Policy Advisory Committee
COG Policy Board

FROM: Barbara Goodwin, Executive Director
Tony Boren, Deputy Director
Les Beshears, Finance Director

SUBJECT: Final FY 2008-09 Overall Work Program

Recommendation:

Staff recommends approval of the final FY 2008-09 Overall Work Program and Annualized Budget totaling \$9,915,569.

Note: The first two pages of Appendix F compare annualized revenue and expense estimates for FY 2008-09 with approved FY 2007-08 values. The annualized budget eliminates the impact of the carryover projects and is thereby more accurate in highlighting current revenue and expenditure trends. The budget details following these first two pages include all carryover projects (in keeping with Federal and State requirements) and reflect overall COG workload.

Summary:

The FY 2008-09 Overall Work Program (OWP) totaling \$11,500,898 (including carryover projects) is submitted for your review. This year's budget total reflects an increase of 44% (\$3,515,853) from the approved FY 2007-08 budget. Federal revenues declined \$928,488 as a number of large studies funded by federal funds were completed last year. These large federally funded projects included the Freeway Deficiencies Study Phase II, Valleywide Goods Movement Study, and Phase One of the Regional Transportation Mitigation fee process associated with the renewal of Measure "C". State revenues increased 42% due to increased emphasis on the Blueprint Planning Process. Local Revenues increased 152%, (\$4,083,386). A significant amount of this increase comes from new revenues associated with Measure "C" programs.

Member Agencies: The cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma & Fresno County

The six primary components of the COGs' Overall Work Program are as follows:

1. Regional Transportation Planning
2. Transportation Program Development
3. Service and General Coordination Activities
4. Regional Coordination of Transportation, Land Use & Housing
5. Valleywide Coordinated Activities
6. Administrative Activities

Highlights for each of the six OWP components are listed below:

1. Regional Transportation Planning

The sixteen work elements contained within this section primarily carryout the long-range regional transportation planning program which the COG is statutorily responsible for.

Work Element 111 - Regional Transportation Modeling This \$307,000 program includes \$125,000 to update our Traffic Model.

Work Element 113 – Regional Transportation Planning Studies This element provides \$100,000 to fund a West Area Circulation Study.

Work Element 115 - Regional Transportation Mitigation Fee Study – Phases I and II The Nexus study on the RTM fee is anticipated to be complete by the end of the current year. The process of adopting the program through all the member agencies will then begin. \$162,700 is programmed to cover this involved and complicated process.

Work Element 120 – Regional Public Transportation Planning - FCMA This \$627,000 Urban Transit planning effort includes \$100,000 in Developer fees carried over from last year to complete Fresno Area Express's Master Transit Plan. It also reserves \$100,000 of FAX's Section 5307 grant to go Transit studies as needed.

Work Element 121 – Public Transit-Human Services Transportation - Job Access and Reverse Commute Program (JARC) and Work Element 122 – Public Transit-Human Services Transportation (New Freedom). The Public Transportation Human Services Plan has been adopted clearing the way for staff to conduct a competitive process to solicit \$1.6 million (representing two years of apportionments) in Federal Transit Administration Sect. 5317 and Sect. 5317 funds to eligible projects. Both programs have a required 80/20% match for capital and 50/50% match for operations.

Work Element 123 -Public Transportation Infrastructure Study (PTIS) Completion of this \$3 million Measure "C" funded study is required before Measure money can be spent on various Transit components and the Transit Oriented Infrastructure program. The cash flow of this program will require arrangements to borrow from other Measure programs to front load this study. The Fresno County Transportation Authority is presently preparing a policy to address this necessity.

2. Transportation Program Development

WE 210 Measure "C" Reauthorization Implementation This \$210,467 work element continues work done previously to implement the Measure and develop an implementable Capital Projects Strategic Plan.

WE 211 Measure "C" – Citizen Oversight Committee In this new work element, \$10,500 is implemented to provide staff support for the Oversight Committee.

WE 212 Measure "C" – Rideshare/Van Pool Coordination The new work element programs \$95,000, to cover the cost of a new Rideshare/Van Pool coordinator position and office fixtures. As the program is developed, the budget will be amended to bring the cost of the Taxi subsidy and Van Pool programs into the budget.

WE 213 Measure "C" – Rail Consolidation This new work element provides \$260,000 to update the Rail Consolidation study previously done by HDR Engineering in 2001.

3. Services and General Coordination

Work Element 360 – One Voice Advocacy In order to clarify our lobby efforts to our funding agencies, this new \$113,300 work element isolates the cost of the federal and state One Voice Advocacy programs. These activities are ineligible for state and federal participation and must be funded by local assessments.

4. Regional Coordination of Transportation, Land Use & Housing

Work Element 410 – San Joaquin Valley Regional Blueprint Planning Staff anticipates a high level of work activity with this \$591,000 program as the planning work evolves into development of alternative future land use scenarios for our region and the valley as a whole. This work element anticipates the State will fund a third year of grant funding for San Joaquin Valley Blueprint Planning Activities. The new grant would add \$148,501. Our match, which was previously subsidized by the Air District, will be \$80,851.

5. Valleywide Coordinated Activities

Work Element 810 Valley Air Quality Coordination The scope of this \$173,500 program isolates the cost associated with our lead role in San Joaquin Valley Air Quality Planning. The cost of this program is split among our eight valley partner MPO's and RTPA's.

Work Element 812 San Joaquin Valley Express Transit Study This \$11,800 program provides staff In-Kind to support a larger grant funded valley wide transit study.

Work Element 820 Valley Coordination Activities General activities associated with coordinating valley wide planning have been moved out of WE 810 to this new work element. It is anticipated that this work element will be amended to include a contract to coordinate the valley wide planning effort. The cost of the contract will be split among the valley partners. This work element also contains \$115,000 in state funding to perform the State Route 99 Economic

Benefits Study approved by the San Joaquin Valley COGs to determine the economic benefits associated with converting State Route 99 into an interstate.

6. Administrative Activities

Work Element 940 Freeway Service Patrol The Freeway Service Patrol is continued for a 16th year of operation. The current year is the final year of a three year contract and it has been six years since the rates changed. We are budgeting a 20% contingency to accommodate the bidding process. State apportionment and local match funding are adequate to cover the increase.

Work Element 950 Abandon Vehicle Abatement Program FY 2008-09 marks the fifth year of operation for the Abandoned Vehicle Abatement Program. The COG has been designated the local Abandoned Vehicle Abatement Service Authority to administer the AVA Program and Plan. The program is funded by an assessment of a \$1 additional registration fee to be used exclusively for the purpose of abandoned vehicle abatement within Fresno County.

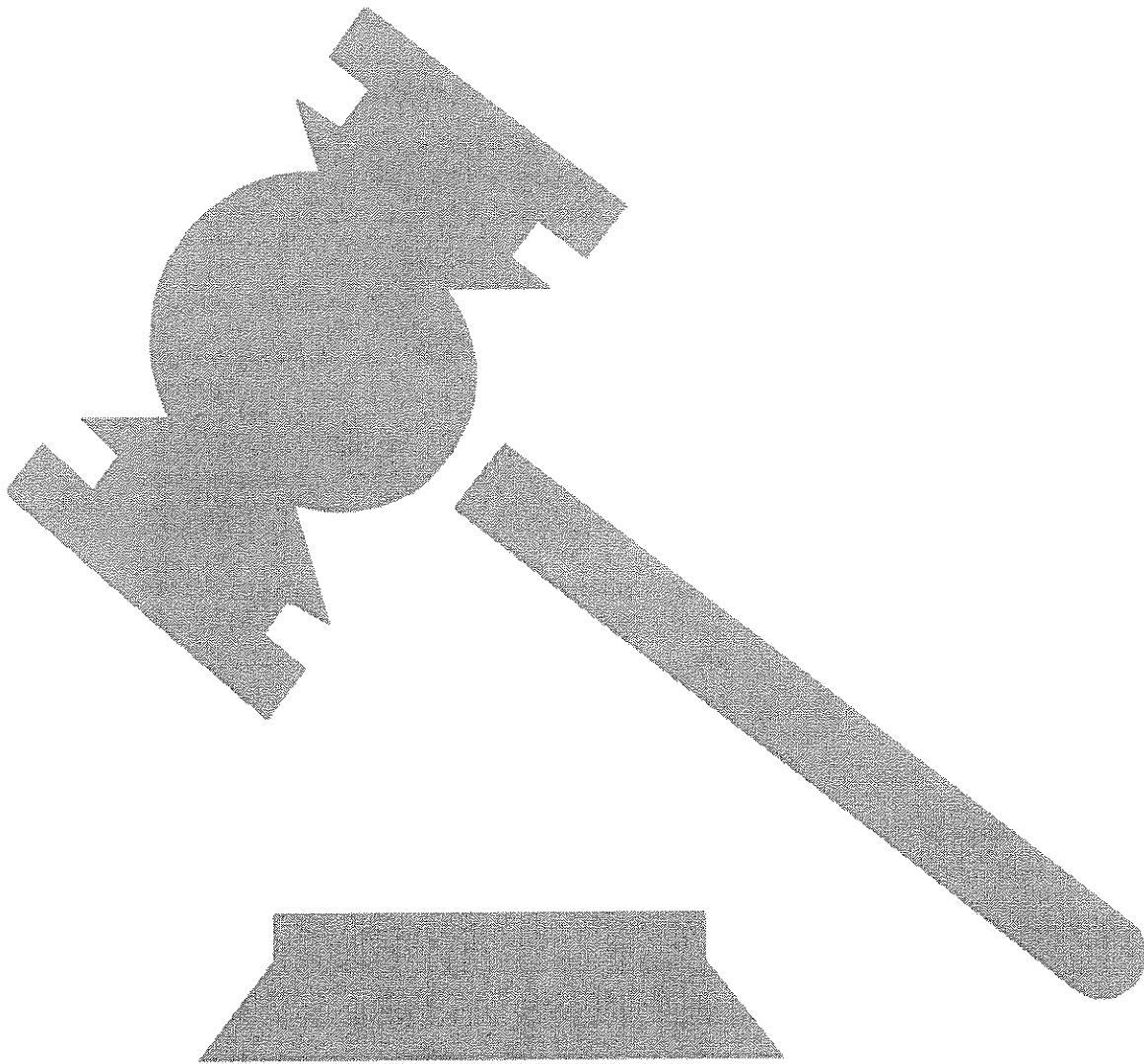
Staffing

- This year's OWP continues the additional Planning Coordinator position that was budgeted in last year's OWP but not filled. The position is requested to help with the additional workload resulting from the passage of Proposition 1B and the reauthorization of Measure "C". In addition, a new position is requested to fulfill the Rideshare/Van Pool requirements of Measure "C"

Office Overhead

Office overhead increased slightly (\$3,747) from FY 2007/08 reflecting operating expenses associated with the facility.

The OWP 2008-2009 Final is
located on the website at
(www.fresnocog.org)



***ADMINISTRATIVE
ACTION/DISCUSSION ITEMS
AGENDA ITEM VI. B.***

AGREEMENT FOR SHARING ACCESS TO SACRAMENTO REGION 511 PHONE SYSTEM

THIS AGREEMENT ("**Agreement**") is made effective as of _____, 2008 (the "**Effective Date**"), by and between the Sacramento Area Council of Governments, a joint powers agency ("**SACOG**"), and Council of Fresno County Governments, a joint powers agency ("**User**").

RECITALS

WHEREAS, SACOG owns and operates the Sacramento Region 511 interactive voice response (IVR) phone system (the "**511 Phone System**"); and

WHEREAS, SACOG is willing to host links to User's traffic information on the 511 Phone System under the terms and conditions set forth herein.

AGREEMENT

NOW THEREFORE, SACOG and User agree as follows:

1. Hosting User Traffic Information. User will deliver to SACOG all necessary information concerning traffic information providers within User's jurisdiction and will promptly inform SACOG in writing of any updates or changes to such information. SACOG will supply such information to the host of the 511 Phone System and request that telephone links for User's jurisdiction be created and maintained.
2. Reimbursement of SACOG's Expenses. SACOG will submit written invoices to User for any and all expenses incurred in connection with hosting User's information on the 511 Phone System including, without limitation, expenses related to: the initial setup of links to User's jurisdiction, including conversion of switches; phone system changes; recording or update fees; and charges for calls directed to services based in User's jurisdiction. Invoices will not include charges for SACOG staff time. User will pay SACOG the invoiced amounts within 30 days after receipt of such invoices.
3. Changes to 511 Phone System. SACOG will inform User of any material changes to the 511 Phone System within a reasonable time prior to instituting such changes and will consider any written comments or concerns that User may submit. However, SACOG reserves the right to make any and all changes it deems necessary in its sole and absolute discretion.
4. Ownership of 511 Phone System. SACOG reserves the ownership of all intellectual property rights, software and hardware that comprise the 511 Phone System. This Agreement constitutes a license for User to access the 511 Phone System during the term hereof and conveys no other rights.

5. Term of Agreement; Termination. This Agreement shall be in full force and effect from and after the Effective Date until terminated. Either party may terminate this Agreement by delivering to the other party a written notice of termination specifying the date of termination, which date shall not be less than 30 days after delivery of the notice. Thereupon, neither party shall have any further rights or obligations under this Agreement, except as specified in Section 6.
6. Liability.
- a. SACOG shall not in any event be liable to User or any third party for losses or damages suffered by User or any third party arising out of or in any way connected with the 511 Phone System or SACOG's performance hereunder.
 - b. To the fullest extent permitted by law, User will indemnify, defend, and hold harmless SACOG, its directors, officers, agents, and employees (the "**Indemnitees**") from and against any and all actions, claims, demands, losses, expenses, including reasonable attorneys' fees and costs, damages, and liabilities arising out of or in any way connected with the 511 Phone System or SACOG's performance hereunder, however caused, regardless of any negligent act of an Indemnatee, whether active or passive, excepting only such liabilities as may be caused by the sole, active negligence or willful misconduct of an Indemnatee. User shall pay all costs that may be incurred by SACOG in enforcing this indemnity, including reasonable attorneys' fees. The provisions of this Section shall survive the expiration, termination, or assignment of this Agreement.
7. Notices. All notices, invoices, payments and other communications under this Agreement shall be in writing and shall be deemed to have been duly given (i) on the date of delivery, if delivered personally to the party to whom notice is given, or if made by telecopy directed to the party to whom notice is to be given at the telecopy number listed below, or (ii) at the earlier of actual receipt or the second business day following deposit in the United States mail, postage prepaid. Notices and other communications shall be directed to the parties at the addresses shown below. A party may change its person designated to receive notice, its telecopy number, or its address from time to time by giving notice to the other party in accordance with the procedures set forth in this Section.

Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814
ATTN: A.J. Tendick

Facsimile: (916) 321-9551
E-mail: atendick@sacog.org

User Address: Council of Fresno County Governments
2035 Tulare Street, Site 201 Fresno, CA 93721

ATTN: Todd Sobrado

Facsimile: (559) 233-9645

E-mail: toddds@fresnocog.org

8. Jurisdiction. Any lawsuit, action, or other proceeding arising from this Agreement shall be brought in a California state court located in the County of Sacramento, California.
9. Execution and Counterparts. This Agreement may be executed and delivered in facsimile counterparts, each of which when so executed and delivered shall be deemed an original and all of which taken together shall constitute one and the same Agreement. Any Party executing and delivering this Agreement by facsimile shall deliver an original signature page to the other Party hereto as soon as practicable. However, the failure by such Party to deliver such original signature shall have no effect on the validity, binding effect or enforceability of this Agreement as to such Party.
10. Construction of Agreement. In the event of a dispute between the Parties as to the language of this Agreement or the construction or meaning of any term hereof, this Agreement shall be deemed to have been drafted by the Parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any Party to this Agreement.
11. Severability. If any term, provision, condition or covenant of this Agreement or its application to any party or circumstance shall be held, to any extent, invalid or unenforceable, then the remainder of this Agreement, or the application of such term, provision, condition or covenant to any party or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected and shall be valid and enforceable to the fullest extent permitted by law.
12. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns. No assignment or delegation of the obligation to make any payment or reimbursement hereunder will release the assigning Party without the prior consent of the other Party.
13. Waiver. No waiver by either party of a breach of any of the terms, covenants or conditions of this Agreement by any other party shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition herein contained. No waiver of any default by either party hereunder shall be implied from any omission by the other party to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect a default other than as specified in such waiver. The consent or approval by either party to or of any act by any other party requiring the consent or approval of the first party shall not be deemed to waive or render unnecessary such party's consent or approval to or of any subsequent similar acts by the other party. Failure to exercise any right or remedy shall not preclude the exercise of that right or remedy at any other time or of any other right or remedy at any time.

14. Warranty of Authority. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Agreement by the entity on whose behalf it is indicated the person is signing.
15. Integration. This Agreement constitutes the entire understanding between the Parties pertaining to the subject matter hereof and supersedes all prior understandings and representations of the Parties with respect to the subject matter hereof. Any representation, promise, or condition not incorporated into this Agreement shall not be binding on any Party.
16. Amendment. This Agreement may not be modified, amended or supplemented, or otherwise changed except by the written agreement of each of the Parties.

IN WITNESS WHEREOF, the Parties hereto enter into this Agreement as of the Effective Date.

**SACRAMENTO AREA COUNCIL
OF GOVERNMENTS**

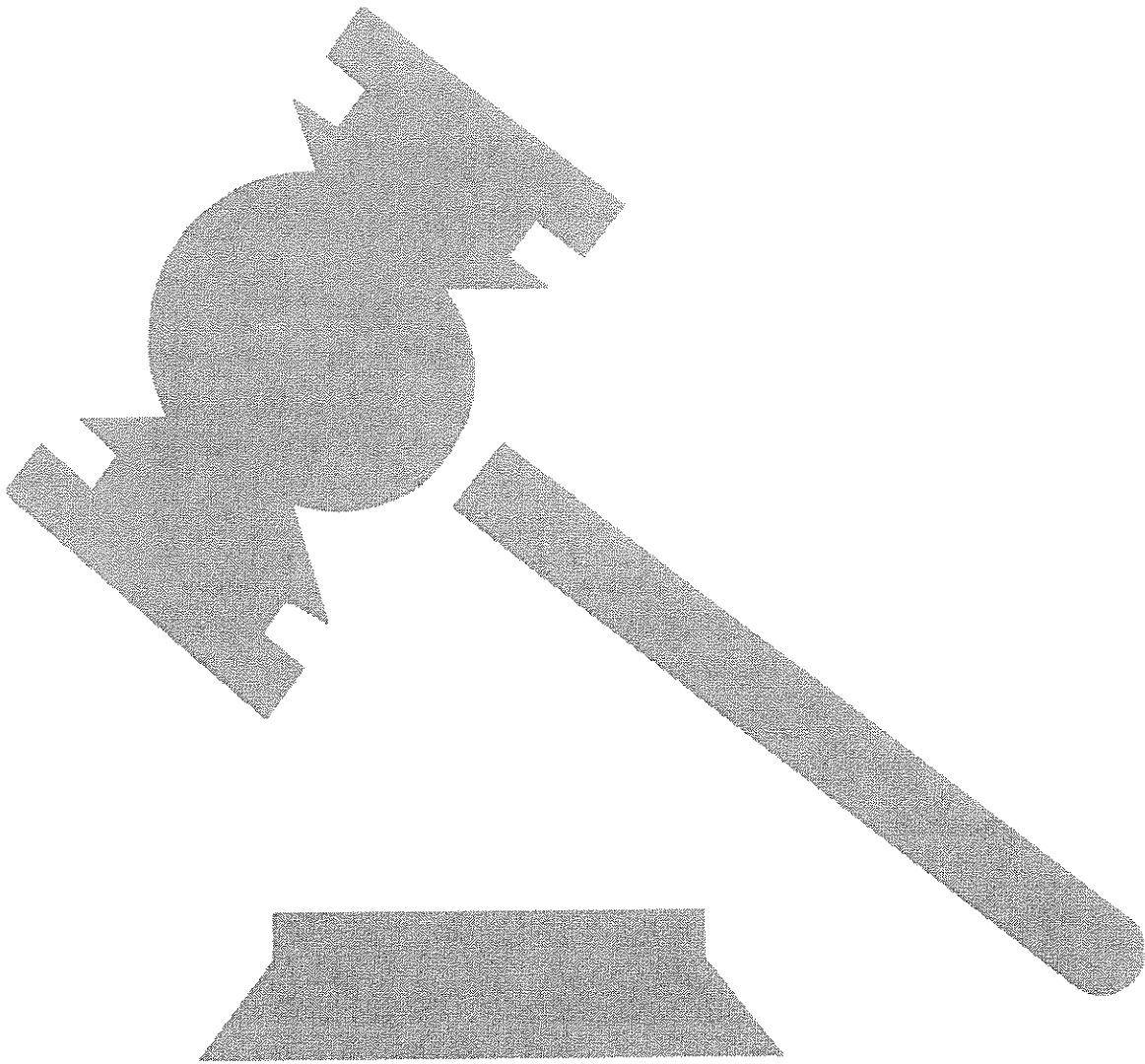
Council of Fresno County Governments

By: _____
MIKE MCKEEVER
Executive Director

By: _____
Barbara Goodwin
Executive Director

Date: _____

Date: _____



***ADMINISTRATIVE
ACTION/DISCUSSION ITEMS
AGENDA ITEM VI. C.***



2035 Tulare Street, Suite 201
Fresno, California 93721

Telephone (559) 233-4148 ♦ FAX: (559) 233-9645
Website Address: www.fresnocog.org

May 15, 2008 (revised per conversation with PAC)

MEMORANDUM

TO: Fresno COG Policy Board
Fresno COG Policy Advisory Committee
One Voice Participants and Partners

FROM: Barbara Goodwin, Executive Director

SUBJECT: *Specific "One Voice" Recommendations for the Future*

OBSERVATIONS:

"One Voice" has proven to be a wonderful effort at Fresno COG with very tangible results and some unexpected but very powerful long-term benefits.

- \$13,151,000 in appropriations for "One Voice" sponsored projects — we've received \$104 for every dollar Fresno COG has spent on our previous five trips.
(would have been a \$119/\$1 ratio had the 2007 appropriations bill retained our \$1.95 million in earmarks for a total of \$15 million, but this was the year all requested earmark appropriations were eliminated at the national level).
- Stronger partnership with many Fresno County community organizations, the result of which has been a better communication network and enhanced relationships with specific individuals, all of whom are among the leadership of Fresno County. This enhanced network has served well not only for Fresno COG, but also among and between our "One Voice" trip participants.
- Heightened recognition that Fresno COG is acting regionally, and is an excellent collaborative partner.
- Improved communication with our congressional/senate representatives and their capable and helpful staff. We have also become a better resource for our representatives.
- Wonderful financial sponsors in the community who have enabled One Voice to provide an excellent trip experience complete with professional presentation packages for both our trip participants and for our representatives -- a level of materials beyond what our budget would have allowed.

"One Voice" should continue and also evolve to remain current, strong, and relevant to changing circumstances. I offer the following recommendations, based on my observations, comments from participants, and comments from our lobbyist.

Member Agencies: The cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma & Fresno County

RECOMMENDATIONS:

REFINE AND EVOLVE "ONE VOICE":

- 1) The original goal to seek additional funding for needed projects of regional significance, those that also contribute to an improved quality of life, should remain.
- 2) We should ask our members and community partners where regulatory reform might be needed in formulas or language that keeps our region from either applying or being competitive, and then develop a strategy for presenting the issue, and seek to implement reform. Address one or two each year.
- 3) We should additionally concentrate on relevant policy issues or projects (*past example: immigration, completion of Mendota prison*) that would benefit from our valuable input and advocacy. We have great expertise in many areas that are underutilized in these instances, simply because a strategic, coordinated and comprehensive effort is not launched. Address one such issue each year.
- 4) Staff should initiate discussions with congressional/senate staff very early on upcoming bills or specific efforts our representatives will be shepherding in the next session. One or more may resonate strongly with our region's goals. While back in Washington D.C., if our community partners and COG Policy Board have previously endorsed one of these specific efforts, we can break into groups to help our representatives advocate for their bill. As an example, if a bill is meeting resistance from a Midwest or Southern Senator or Congressman, our D.C. representative could ask for an appointment where Fresno COG "One Voice" members would advocate on behalf of the mutually beneficial issue.

CONSIDER HIRING A YEAR ROUND FEDERAL LOBBYIST:

I realize that the current economy would make this a challenge for most of our members since general fund budgets are constrained. I also want to point out we have been happy with the efforts made by our existing part-time federal Lobbyist, but their efforts are somewhat limited to our trip purposes and relevant issues, identifying upcoming appropriations bills for projects we select and filing the appropriation requests (no small effort). However the reality is that other Valley COGs have hired Lobbyists on an annual contract basis: San Joaquin COG, Merced County Association of Governments, and Tulare County Association of Governments. They pay between \$1,600 - \$7,000 per month and are receiving additional services including earlier and more definitive consultations about the upcoming year, and setting the stage for the types of requests or grant issues that might be selected and competitive. They also then receive year-round follow-up, federal legislative information, and project/issue advocacy from their lobbyists. Fresno COG followed San Joaquin COG's initial "One Voice" effort, but the other COGs have realized the benefits of such an effort and are attempting to be equally competitive. The Kern COG is also exploring their own "One Voice" effort, and Stanislaus COG also makes an annual trip. We should consider this next step, but structure the effort so that broader benefits (as outlined above) can be realized on an annual basis. A survey to see the amount of dollars the other COGs are bringing in annually may be helpful.

In concert with this recommendation we should also consider differentiating the manner in which we pay our Lobbyist. We currently have the budget included with our dues, but we might be better served to call it a "special assessment" so that timely payments on an increased level of service never becomes an issue on COG member voting rights. As with the state lobbyist's contract, perhaps a provision to allow members to negotiate and contract with the federal lobbyist for a project-by-project add-on basis, paid for by the COG member. Perhaps, if there is consensus, a portion of the COG's planning funds could be

used to support the effort as long as there is an annual commitment to pursue funding for Measure C projects.

NEW TRANSPORTATION BILL AND ANNUAL APPROPRIATION BILLS:

We do need to separate out projects for the new transportation bill from projects we may seek from the more normal appropriation bills. This will also affect, for the 2009 year, the number of projects we select.

For the annual appropriation bills, there should be a project per bill. Multiple projects in one bill may face being competitive with each other, although the major programs within the appropriations bills should be examined to see if there is a solid basis to seek no more than 2 within a single appropriations bill. Our current federal lobbyist is still concerned about how many (i.e. too many) projects are requested. We also need to be realistic on the amounts being requested.

MARKETPLACE FORMAT:

With the exception of those meetings that need to be conducted elsewhere due to circumstances, the format of securing a room in one of the congressional buildings for our visit works very well and is efficient for time management. We will heed the desire to have water/cafeine/drinks available each day.

I appreciate and concur with Simon and Company's recommendation to secure appointments in 2008 with White House and other new presidential appointees. I also highly recommend we reach beyond our own congressional members and seek briefings with congressional leadership and key committee members and staff. I was pleased to see these elements in Simon and Company's comments, because we at staff level have been asking and desired to reach beyond our representatives – we need committee leaders and staff to be aware and positively receiving our projects and issues for it is these votes or recommendations that will aid in our success.

OUR PARTICIPANT BINDERS:

These need to become thinner for easier manipulation during the trip (much like the size we used in Sacramento). A couple of years ago we put punched back-up project information in separate packets so that participants could choose whether or not they wished to add any pieces to their binder. Also we have provided sightseeing and other helpful information that does not necessarily need to be in everyone's binder, but could be in a separate packet.

Our main project sheets should become two-sided: the type of project information we've had on one side, with the other side being the Fresno County map with the project located and an inset with a more thorough presentation of all funding sources (state, federal, local, other).

DAILY BRIEFINGS AND DEBRIEFINGS:

We need to once again conduct daily briefings and debriefings in the a.m. at the hotel. We did not specifically ask for this on the 2008 schedule, but should have since our lobbyists did not include it. We will rectify this oversight.

MEALS:

This answer to our survey is always mixed. What we may try is to pass out in the morning a "RSVP" for a planned dinner that night, with a deadline of 1 p.m. for a reply. The planned dinner would be described, but always optional in attendance. We would simply make reservations for the number of "yes" returns at 1 p.m. Generally it is the planned and well attended joint dinners for which the Fresno COG will help subsidize with sponsor donations since non-COG planned dinners are hard to control in potential costs or type of event.

SPONSORSHIP RECOGNITIONS:

We will elevate this effort at home (we began this increased effort recently with an annual presentation and formal recognition by the Fresno COG Policy Board). We will also continue to monitor the subject in D.C. which has been challenging of late due to the heightened awareness and "hands-off" approach of sponsored events for elected officials and their staff. The Fresno COG has always been very careful to identify how and in what manner we may recognize the sponsors because of fair political practices and the statements of economic interest. There is proposed regulatory change at the state level which may affect how we need to report our sponsorships (sponsoring an agency effort vs. sponsoring individuals). We will provide further updates as this issue progresses.



***2008 Summary of February Washington D. C. Visit
Recommendations for 2009***

February 2008
Washington D.C.



Sponsored by:

GRANVILLE

Central Valley
Community
Bank

Quad Knopf

VRPA
Technologies, Inc.

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MacDonald

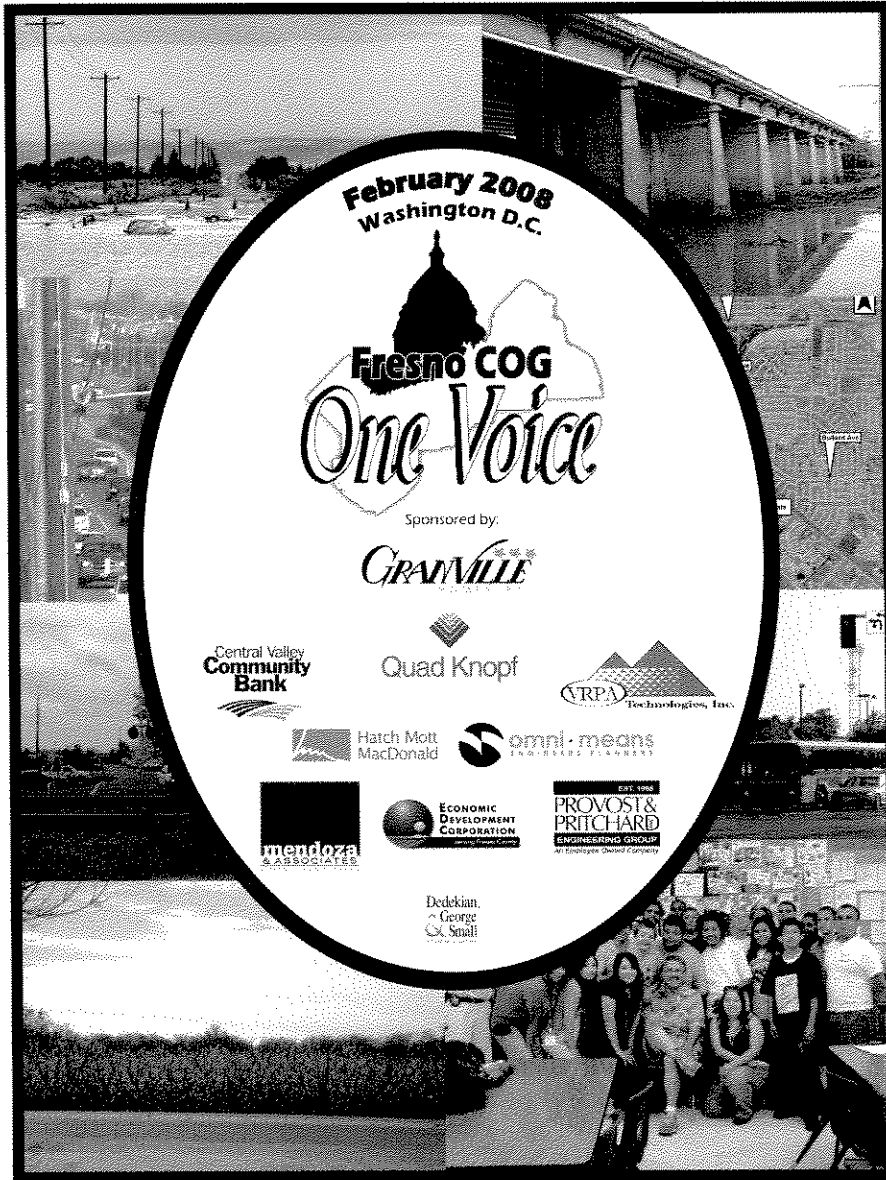
omni·means
LAND-USE PLANNING

mendoza
& ASSOCIATES

ECONOMIC
DEVELOPMENT
CORPORATION
County of Fresno

EST. 1968
PROVOST &
PRITCHARD
ENGINEERING GROUP
An Engineering Division Company

Dedekian,
George
& Small



A Heartfelt Thank You



To Our "One Voice" Financial Sponsors

The Council of Fresno County Governments and its "One Voice" delegation are grateful to have received several sponsors for our 2008 advocacy effort. Their sponsorships allow us to continue to improve our efforts in reaching our regional goals.

The following companies generously supported the 2008 "One Voice" effort:

BLUE LEVEL SPONSOR

GRANVILLE HOMES, INC.	\$3,000
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WHITE LEVEL

QUAD KNOPF	\$1,500
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RED LEVEL SPONSORS

CENTRAL VALLEY COMMUNITY BANK	\$1,000
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HATCH MOTT MACDONALD	\$1,000
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ECONOMIC DEVELOPMENT CORP. SERVING FRESNO COUNTY	\$1,000
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MENDOZA & ASSOCIATES	\$1,000
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OMNI-MEANS	\$1,000
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PROVOST & PRITCHARD	\$1,000
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VRPA TECHNOLOGIES, INC.	\$1,000
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OTHER CONTRIBUTIONS

DEDEKIAN, GEORGE, SMALL & MARKARIAN	
ACCOUNTANCY CORPORATION	\$250

TOTAL	\$11,750
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We encourage all our Policy Board members and the "One Voice" delegates to personally thank our sponsors if the opportunity presents itself. We are appreciative of their interest in our "One Voice" endeavor and grateful for their support. It is through community collaboration that "One Voice" will continue to gain momentum and achieve success.

FRESNO COG “ONE VOICE” 2008 SUMMARY OF WASHINGTON D.C. VISIT AND 2009 RECOMMENDATIONS

Background:

In 2002, the Council of Fresno County Governments (Fresno COG) Policy Board decided to undertake a “One Voice” effort seeking federal and/or state funding for projects of broad community-wide benefit within Fresno County. The goal was to assemble a private-public delegation, select prioritized projects, and then visit our Congressional and federal departmental representatives in Washington D. C. to pursue earmarked funds. The Fresno COG proposed this as an annual effort and now makes a similar effort at the State level in Sacramento. There have been six federal “One Voice” delegations making the trip to Washington D.C.: a 15-member delegation in 2003, a 20-member delegation in 2004, a 24-member delegation in 2005, a 27-member delegation in 2006, a 33-member delegation in 2007 and a 34-member delegation in 2008.

Our absence in Washington D.C. as a united Fresno community had been noted over the years. Our “One Voice” effort was modeled upon other successful programs within California, those programs in turn bringing federal and state dollars into their community once it was apparent they would be consistently proactive with their elected representatives.

The message received from our past efforts was that we were welcomed and encouraged to return and continue communications, especially if we built upon the broad-based coalition we were assembling. The “One Voice” approach is positively recognized and viewed as a means of helping our elected federal representatives to prioritize and shepherd needed projects through the federal budget process.

“One Voice” Mission Statement:

“One Voice” unites Fresno County communities and regional interests in a voluntary and collaborative effort to seek federal and state funds annually for projects of regional significance. All projects chosen shall contribute significantly to an improved quality of life throughout Fresno County.

“One Voice” Community Partners:

The Fresno COG is a Joint Powers Agency that represents the 15 cities within Fresno County, and the County of Fresno. Therefore, the Fresno COG “One Voice” effort encompasses:

The cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma and the County of Fresno.

Other active partners in developing the “One Voice” effort have been:

**Fresno County Farm Bureau
Economic Development Corporation Serving Fresno County
Fresno Business Council
Fresno-Madera-Tulare-Kings Central Labor Council
Fresno Metropolitan Flood Control District**

**I-5 Business Development Corridor
Five Cities Economic Development Authority
Greater Fresno Area Chamber of Commerce
Chambers of Commerce from Clovis and the other 13 cities
Fresno County Office of Education
League of Women Voters of Fresno County
Building Industry Association**

Additional organizations and agencies have been invited to participate, and the Fresno COG welcomes other interested community agencies and organizations as well.

How Projects Are Selected:

In the past, Fresno COG's "One Voice" Task Force worked on the effort and developed criteria that included both transportation and non-transportation projects. Because our lobbyist has recommended that we limit the number of priority projects that we take back and be realistic about the fund requests, we need to rethink our selection criteria. This past year we selected eight "physical infrastructure" projects, one social services project and three advocacy issues for the list. Since the Fresno COG and its members are providing the foundation for the "One Voice" effort (including the major funding) we have always been clear that it should be the Fresno COG Board who ultimately determines the selected projects. We are well aware that there are hundreds of community projects of worthwhile benefit that should be considered and funded, but only a few can be selected and pursued effectively within select time frames. The Task Force will continue to work with its community partners in reviewing projects submitted for consideration and putting together a recommended list, which includes the votes of the community partners. The list is then recommended to the Fresno COG Policy Board for its ultimate selection.

List of Former Projects:

The following page provides a summary of past projects, the funding requests, and the status of the projects back in Washington D.C. **Appendix C** contains copies of project summary sheets provided in Washington D.C. meetings.

Fruits of "One Voice"

Total to Date: \$13,151,000

The Fiscal Year 2008 Omnibus Appropriations bill included the following "One Voice" project:

\$1,636,000 for Friant Road Widening, Copper to Millerton

In 2007 a Continuing Resolution was passed that nationally eliminated all projects proposed for the Appropriations Bill. This action included the following four "One Voice" projects that were pending and are subsequently not included in the Fruits of "One Voice" total to date:

\$500,000 for State Route 180 Improvements

\$250,000 for the construction of a vocational training facility in Mendota

\$1,000,000 for Friant Road Widening

\$200,000 for the West Side Vocational Training Center in Fresno County

The 2006 Transportation, Treasury and Housing and Urban Development Appropriations bill included:

\$900,000 for State Route 180 East Improvements

Three additional "One Voice" projects were contained in the 2005 Federal Transportation Reauthorization Bill (SAFETEA-LU):

\$1,200,000 for Friant Road Widening

\$7,600,000 for Freeway 180 Improvements

\$240,000 for Willow and Herndon Traffic Flow Improvements

Four "One Voice" projects were included in the 2005 omnibus appropriation:

\$250,000 for the Non-Point Source Water Quality Management Program to Fresno COG to contract with the Fresno County Farm Bureau

\$500,000 for the Friant Corridor Improvements Project to the County of Fresno

\$200,000 for the Regional Jobs Initiative to CSUF

\$400,000 to the Workforce Investment Board

\$225,000 for the Rural Vocational Training Centers Project to the County of Fresno

Fresno COG "One Voice" ~ 2008 Recommended Regional Priorities

Project Name	Project Description	Location	Congressional District	Estimated Project Cost (\$ mil.)	Responsible Agency
#1 Transportation Priority Project State Route 180 - Temperance to Academy Ave. THUD (STP)	Completion of construction of the segment of SR 180 from Temperance to Academy	Southeast Fresno County	21	\$3,000,000	Fresno COG
Highway 268 Bridge Project THUD (STP)	Build a 500 foot bridge across the Arroyo Pasajero Creek	Near the City of Huron	20	\$1,300,000	Fresno COG
Golden State Corridor Economic Development Infrastructure THUD (TCSP)	Roadway rehabilitation, improvements and enhancements to facilitate economic development	Golden State Boulevard through Kingsburg, Selma, Fowler, and portions of Fresno Co.	20, 21	\$3,000,000	Fresno COG
Recycled Water Master Plan System -- Phase C Interior (EPA-STAG)	Complete build-out of main water transmission lines. Developed in 5 phases -- Total Cost - \$35 million	City of Clovis	21	\$850,000	City of Clovis
Veterans Boulevard THUD (STP)	Diagonal connection between Herndon Ave. and Grantland in NW Fresno	NW area of City of Fresno	19	\$1,500,000	City of Fresno
Willow Avenue Corridor Improvements from Herndon Ave to Copper Ave. THUD (TCSP)	Widening of Willow Ave	Northeast Fresno connecting to the City of Clovis	21	\$2,000,000	City of Fresno
Manning Avenue Bridge Rehabilitation and Reconstruction. THUD (TCSP)	Manning Avenue Bridge Rehabilitation and Reconstruction	Manning Avenue entrance to Reedley over the Kings River	21	\$500,000	City of Reedley
#1 Social Services Priority Project Never Give Up - Fresno County Gang Prevention Initiative Justice, Commerce, Justice, Science	Institute first step of countywide Gang Prevention Initiative	Countywide	18, 19, 20, 21	\$1,500,000	County of Fresno
Transit Signal Priority THUD (Bus and Bus Facilities)	Fund Transit Signal Priority System	Various congested intersections within Fresno Clovis Metropolitan Area	18, 20, 21	\$3,500,000	City of Fresno

Fresno COG "One Voice" 2008 Policy Priorities

Project Name	Project Description	Location	Applicant	Congressional Districts
Future of the 144th Fighter Wing, California Air National Guard Defense (Authorization)	To assign F-15 aircraft or other newer advanced fighter aircraft to the 144th Fighter Wing to replace the F-16 dated to expire in the year 2012.	Fresno Yosemite International Airport	City of Fresno	21
Fresno Yosemite International Airport DHS (Authorization)	Establish FYI as an International Port of Entry (POE) with the US Dept. of Homeland Security, Customs and Border Protection Agency (CBP)	Fresno Yosemite International Airport	City of Fresno - Dept. of Airports	21
Air Quality Enterprise/ Empowerment Zone Designation Federal Tax Legislation (Authorization)	Establishment of new designation	County of Fresno	County of Fresno - Board of Supervisors	18, 19, 20, 21

Congressional Districts - 18 - Cardoza, 19 - Radanovich, 20 - Costa, 21 - Nunes
5/15/2008

Summary of the 2008 “One Voice” visit

Fresno COG Executive Director, Barbara Goodwin

In February 2008 we embarked upon our sixth “One Voice” visit to Washington D.C. These annual trips to our nation’s capitol allow us to enhance our relationships with our federal representatives and gain a better understanding of current issues that affect the operations within all of our jurisdictions.

Fresno COG “One Voice” Delegation Well Received

Our 34-member delegation was warmly welcomed to our Nation’s Capitol. The “One Voice” concept, of bringing together community leaders to proactively present our priorities, is viewed positively not only by our Congressional delegation and their staff, but by the agency staff with whom we met as well. Our Senators and Congressmen all noted how much easier their jobs can be if an entire community can agree and rally behind a common set of needs. They noted that again this year there are no large reauthorization bills pending and that they will be mainly dealing with the 2009 appropriations effort. Our representatives also noted that they again anticipate tight budgets. This is another reason why a collaborative yet diverse group can have a great impact on helping them set priorities within their individual congressional districts. The federal agency staff members also commented on the diversity of the group, and that it reflected positively upon our community that we could work together so well.

Meetings with California Congressional and Senate Representatives and with Federal Agency Representatives

Meeting Format: Having federal agency administrators, House delegation staff, and Senate staff meet us as a group versus traveling to and from all of their various offices again proved very effective. It avoids the rush of moving from one building to another and endless security checkpoints. With the “Marketplace” format we can have a much more efficient meeting agenda and are able to have longer question/answer periods. We especially want to thank Congressman Costa’s office for helping us secure meeting rooms during our visit, and for writing letters to the administrative agencies asking for them to meet with us on various matters.

At 122 Cannon we were able to meet with the staff of all our congressional representatives (Radanovich, Nunes, Costa and Cardoza). We traveled to the Hart Senate Office Building to meet with Senator Boxer and Senator Feinstein to discuss the 2008 “One Voice” priorities and this year, we were honored to meet with Speaker Nancy Pelosi at her office in the Capitol.

We also had presentations and dialogued with:



Briefing with House Delegation Staff

Jacqlyn Schneider, Office of Congressman Costa

Kendra Fowler, Office of Congressman Nunes

Damon Nelson, Office of Congressman Nunes

Lacey Kiriakou, Office of Congressman Radanovich

Spencer Pederson, Office of Congressman Radanovich

Beth Elliott, Office of Congressman Cardoza

Immigration Reform: Next Steps in 2008

Ur Mendoza Jaddou, Majority Chief Counsel, House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law

Immigration remains an important issue although Congress has been unable to reach an agreement on how best to move forward. This session provided an opportunity to discuss the issue with a professional staff member as well as to share some concerns of the Fresno County region.

Governor Schwarzenegger's Office: Update on Activities and "One Voice" Agenda

Eric Swedlund, Deputy Director of the Governor's Washington, DC Office

Mr. Swedlund discussed the Valley's needs and the Governor's agenda in Washington.

Gang Prevention Legislation and Strategies

Bobby Vassar, Majority Chief Counsel, House Judiciary Subcommittee on Crime, Terrorism and Homeland Security

The delegates met with Mr. Vassar about gang legislation under consideration and shared information about the Fresno County gang initiative, which could serve as a model for other regions across the country.

SAFETEA-LU Reauthorization

Jim Kolb, Majority Staff Director for the Transportation and Infrastructure Subcommittee on Highways and Transit

Jim Tymon, Minority Staff Director for the Transportation and Infrastructure Subcommittee on Highways and Transit

SAFETEA-LU will expire next year and this session provided the delegates with the opportunity to discuss the committee's plans for the next reauthorization including resolving funding issues for the Highway Trust Fund



STR Trade and FYI Hosted Reception

STR Trade and Russ Widmar, Fresno Yosemite International hosted a reception for the delegation and invited guests at the Hilton Garden Inn. We thank them for their graciousness. It was a great way to unwind after a long day of meetings.

Energy Efficiency Block Grant: Next Steps for Implementation and Benefits for Local Communities

Kevin McCarty, U.S. Conference of Mayors Climate Protection Center

The Energy Independence and Security Act of 2007 authorized the Energy Efficiency and Conservation Block Grant, which will provide funding to local governments for energy conservation efforts. Mr. McCarty discussed local government coalition efforts to secure funding for the program, its benefits and next steps on implementation.



The Role of COG's in Washington and Beyond

Fred Abousleman, Executive Director

Shannon Menard, Policy Manager

National Association of Regional Councils

The National Association of Regional Councils (NARC) serves as the national voice for regionalism by advocating for regional cooperation as the most effective way to address a variety of community planning and development opportunities and issues.

White House Office of Intergovernmental Affairs

Janet Weir Creighton, Deputy Assistant to the President for Intergovernmental Affairs

Ms. Creighton shared with the group the President's agenda for the remainder of his term, particularly how that agenda may affect local entities.

Clean Air Enterprise Zone

John Gimigliano, Minority Professional Tax Staff Member, House Ways and Means Committee Staff

David McCarthy, Minority Chief Counsel for Energy, Air Quality, Environment, and Hazardous Materials, House Energy and Commerce Committee Staff

Damon Nelson, Legislative Director for Congressman Nunes

Chris Herndon, Legislative Director for Congressman Radanovich

This was a working session to discuss with Mr. Gimigliano and Mr. McCarthy the air quality challenges facing the region, the proposal to establish a Clean Air Enterprise Zone. The staff members commented on next steps for consideration



Capitol Tour – arranged through the Office of Congressman Radanovich



Meeting with Speaker Pelosi

H-232, The Capitol

The "One Voice" delegation met briefly with the Speaker in her Capitol Office.

Senator Dianne Feinstein

331 Hart Senate Office Building

The meeting with Senator Feinstein was limited to no more than 12 people this year – The group met with the Senator and key staff to discuss the "One Voice" funding and authorization projects.

Congressional Leaders: Listening to One Voice

Congressman Devin Nunes

Congressman Nunes discussed his goals and objectives of the 2008 session of Congress. The delegation presented Congressman Nunes with a small token of appreciation for his work in Washington.

Library of Congress Tour – arranged through the Office of Congressman Radanovich. *A tour of the White House was arranged for this time but was cancelled due to a function at the White House. Members of the delegation were able to take an escorted Library of Congress tour instead.*





Congressman George Radanovich

Discussion of "One Voice" Agenda and presentation
The Congressman met with the "One Voice" delegation regarding this year's advocacy effort. Congressman Radanovich was also presented with an award.

Energy and Commerce Subcommittee on Energy and Air Quality Hearing

Congressman Costa testified before the Subcommittee on H.R. 3754: Authorizing Supplemental Environmental Projects to Incent Reductions of Diesel Emissions and its impacts on the Central Valley. Members of the delegation attended the hearing and were recognized by the Committee.



Congressman Jim Costa

Discussion of "One Voice" Agenda. *The Congressman's office was very helpful in both arranging logistics for the trip and*

inviting key members of Congress to speak to the "One Voice" delegation. We appreciate their contributions to our effort in Washington. Congressman Costa met with the group and was presented a small token of our appreciation.



The Office of Senator Barbara Boxer

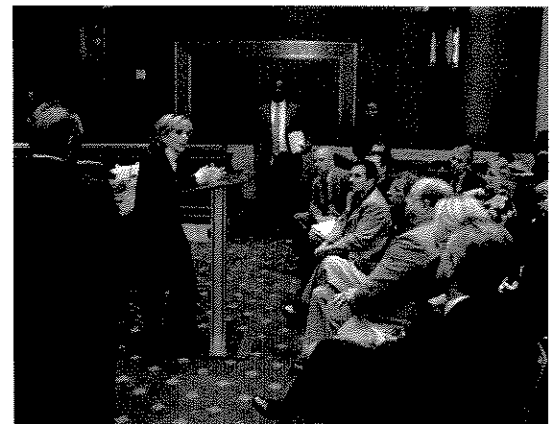
406 Dirksen – Environment and Public Works Committee Hearing Room

Discussion of "One Voice" Agenda. Senator Boxer met with the delegation and was presented with our recognition for her work in Washington.

Bridget Petruczok, Legislative Assistant for Transportation and **Derek Brent**, Senior Advisor also attended the meeting.

Closing Dinner

A closing dinner was held at the Hilton Garden Inn for the members of the delegation and invited guests. This was a time to socialize and discuss the trip and talk about ideas for next year. It was a time to thank Simon and Company for all their hard work.



02.13.2008

Debriefing Meeting

This year, the delegation was sent a survey following the trip. After the results of the survey were compiled a meeting was held with the members of the delegation to discuss the results and get suggestions for next year's "One Voice" advocacy efforts. We received lots of positive feedback from the delegation.

Thank You Sponsors

This year, staff decided to have a "One Voice" re-enactment of a Washington presentation for the 2008 sponsors and the Fresno COG Policy Board. This was held prior to the March 27th Policy Board meeting. Members of the delegation attended and gave a brief presentation outlining the projects that were taken to Washington. The sponsors were presented plaques of appreciation at the Policy Board meeting. This was very well received by all and will become an annual event.



We would again like to thank our sponsors for their financial contributions:

- ❖ Granville Homes
- ❖ Quad Knopf
- ❖ Hatch Mott MacDonald
- ❖ Omni-Means
- ❖ Central Valley Community Bank
- ❖ Provost & Pritchard
- ❖ Economic Development Corp.
Serving Fresno County
- ❖ VRPA Technologies, Inc.
- ❖ Dedekian, George, Small and
Markarian Accountancy
Corporation





2035 Tulare Street, Suite 201
Fresno, California 93721

Telephone: (559) 233-4148 • Fax: (559) 233-9645
Website Address: www.fresnocog.org

May 15, 2008 (revised per conversation with PAC)

MEMORANDUM

TO: Fresno COG Policy Board
Fresno COG Policy Advisory Committee
One Voice Participants and Partners

FROM: Barbara Goodwin, Executive Director

SUBJECT: *Specific "One Voice" Recommendations for the Future*

OBSERVATIONS:

"One Voice" has proven to be a wonderful effort at Fresno COG with very tangible results and some unexpected but very powerful long-term benefits.

- \$13,151,000 in appropriations for "One Voice" sponsored projects – we've received \$104 for every dollar Fresno COG has spent on our previous five trips.
(would have been a \$119/\$1 ratio had the 2007 appropriations bill retained our \$1.95 million in earmarks for a total of \$15 million, but this was the year all requested earmark appropriations were eliminated at the national level).
- Stronger partnership with many Fresno County community organizations, the result of which has been a better communication network and enhanced relationships with specific individuals, all of whom are among the leadership of Fresno County. This enhanced network has served well not only for Fresno COG, but also among and between our "One Voice" trip participants.
- Heightened recognition that Fresno COG is acting regionally, and is an excellent collaborative partner.
- Improved communication with our congressional/senate representatives and their capable and helpful staff. We have also become a better resource for our representatives.
- Wonderful financial sponsors in the community who have enabled One Voice to provide an excellent trip experience complete with professional presentation packages for both our trip participants and for our representatives -- a level of materials beyond what our budget would have allowed.

"One Voice" should continue and also evolve to remain current, strong, and relevant to changing circumstances. I offer the following recommendations, based on my observations, comments from participants, and comments from our lobbyist.

RECOMMENDATIONS:

REFINE AND EVOLVE “ONE VOICE”:

- 1) The original goal to seek additional funding for needed projects of regional significance, those that also contribute to an improved quality of life, should remain.
- 2) We should ask our members and community partners where regulatory reform might be needed in formulas or language that keeps our region from either applying or being competitive, and then develop a strategy for presenting the issue, and seek to implement reform. Address one or two each year.
- 3) We should additionally concentrate on relevant policy issues or projects (*past example: immigration, completion of Mendota prison*) that would benefit from our valuable input and advocacy. We have great expertise in many areas that are underutilized in these instances, simply because a strategic, coordinated and comprehensive effort is not launched. Address one such issue each year.
- 4) Staff should initiate discussions with congressional/senate staff very early on upcoming bills or specific efforts our representatives will be shepherding in the next session. One or more may resonate strongly with our region’s goals. While back in Washington D.C., if our community partners and COG Policy Board have previously endorsed one of these specific efforts, we can break into groups to help our representatives advocate for their bill. As an example, if a bill is meeting resistance from a Midwest or Southern Senator or Congressman, our D.C. representative could ask for an appointment where Fresno COG “One Voice” members would advocate on behalf of the mutually beneficial issue.

CONSIDER HIRING A YEAR ROUND FEDERAL LOBBYIST:

I realize that the current economy would make this a challenge for most of our members since general fund budgets are constrained. I also want to point out we have been happy with the efforts made by our existing part-time federal Lobbyist, but their efforts are somewhat limited to our trip purposes and relevant issues, identifying upcoming appropriations bills for projects we select and filing the appropriation requests (no small effort). However the reality is that other Valley COGs have hired Lobbyists on an annual contract basis: San Joaquin COG, Merced County Association of Governments, and Tulare County Association of Governments. They pay between \$1,600 - \$7,000 per month and are receiving additional services including earlier and more definitive consultations about the upcoming year, and setting the stage for the types of requests or grant issues that might be selected and competitive. They also then receive year-round follow-up, federal legislative information, and project/issue advocacy from their lobbyists. Fresno COG followed San Joaquin COG’s initial “One Voice” effort, but the other COGs have realized the benefits of such an effort and are attempting to be equally competitive. The Kern COG is also exploring their own “One Voice” effort, and Stanislaus COG also makes an annual trip. We should consider this next step, but structure the effort so that broader benefits (as outlined above) can be realized on an annual basis. A survey to see the amount of dollars the other COGs are bringing in annually may be helpful.

In concert with this recommendation we should also consider differentiating the manner in which we pay our Lobbyist. We currently have the budget included with our dues, but we might be better served to call it a “special assessment” so that timely payments on an increased level of service never becomes an issue on COG member voting rights. As with the state lobbyist’s contract, perhaps a provision to allow members to negotiate and contract with the federal lobbyist for a project-by-project add-on basis, paid for by the COG member. Perhaps, if there is consensus, a portion of the COG’s planning funds could be used to support the effort as long as there is an annual commitment to pursue funding for Measure C projects.

NEW TRANSPORTATION BILL AND ANNUAL APPROPRIATION BILLS:

We do need to separate out projects for the new transportation bill from projects we may seek from the more normal appropriation bills. This will also affect, for the 2009 year, the number of projects we select.

For the annual appropriation bills, there should be a project per bill. Multiple projects in one bill may face being competitive with each other, although the major programs within the appropriations bills should be examined to see if there is a solid basis to seek no more than 2 within a single appropriations bill. Our current federal lobbyist is still concerned about how many (i.e. too many) projects are requested. We also need to be realistic on the amounts being requested.

MARKETPLACE FORMAT:

With the exception of those meetings that need to be conducted elsewhere due to circumstances, the format of securing a room in one of the congressional buildings for our visit works very well and is efficient for time management. We will heed the desire to have water/caffeine/drinks available each day.

I appreciate and concur with Simon and Company's recommendation to secure appointments in 2008 with White House and other new presidential appointees. I also highly recommend we reach beyond our own congressional members and seek briefings with congressional leadership and key committee members and staff. I was pleased to see these elements in Simon and Company's comments, because we at staff level have been asking and desired to reach beyond our representatives – we need committee leaders and staff to be aware and positively receiving our projects and issues for it is these votes or recommendations that will aid in our success.

OUR PARTICIPANT BINDERS:

These need to become thinner for easier manipulation during the trip (much like the size we used in Sacramento). A couple of years ago we put punched back-up project information in separate packets so that participants could choose whether or not they wished to add any pieces to their binder. Also we have provided sightseeing and other helpful information that does not necessarily need to be in everyone's binder, but could be in a separate packet.

Our main project sheets should become two-sided: the type of project information we've had on one side, with the other side being the Fresno County map with the project located and an inset with a more thorough presentation of all funding sources (state, federal, local, other).

DAILY BRIEFINGS AND DEBRIEFINGS:

We need to once again conduct daily briefings and debriefings in the a.m. at the hotel. We did not specifically ask for this on the 2008 schedule, but should have since our lobbyists did not include it. We will rectify this oversight.

MEALS:

This answer to our survey is always mixed. What we may try is to pass out in the morning a "RSVP" for a planned dinner that night, with a deadline of 1 p.m. for a reply. The planned dinner would be described, but always optional in attendance. We would simply make reservations for the number of "yes" returns at 1 p.m. Generally it is the planned and well attended joint dinners for which the Fresno COG will help subsidize with sponsor donations since non-COG planned dinners are hard to control in potential costs or type of event.

SPONSORSHIP RECOGNITIONS:

We will elevate this effort at home (we began this increased effort recently with an annual presentation and formal recognition by the Fresno COG Policy Board). We will also continue to monitor the subject in D.C. which has been challenging of late due to the heightened awareness and "hands-off" approach of sponsored

events for elected officials and their staff. The Fresno COG has always been very careful to identify how and in what manner we may recognize the sponsors because of fair political practices and the statements of economic interest. There is proposed regulatory change at the state level which may affect how we need to report our sponsorships (sponsoring an agency effort vs. sponsoring individuals). We will provide further updates as this issue progresses.

SIMON AND COMPANY

INCORPORATED

Intergovernmental Relations and Federal Affairs

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MEMORANDUM

TO: Barbara Goodwin

FROM: Len Simon
Shannon Long

SUBJECT: 2008 Fresno COG “One Voice”: *Observations and Recommendations*

DATE: April 21, 2008

Thank you again for the opportunity to work with the 2008 Fresno COG “One Voice” delegation. As with previous “One Voice” efforts, 2008 was very productive and the caliber of projects, presentations and meetings continue to improve each year.

In preparation of next year’s “One Voice” meetings in Washington, we wanted to provide recommendations that you may wish to incorporate into the 2009 visit.

2009 “One Voice” Recommendations

1. **Format** - While we chose only to invite congressional officials as speakers for the 2008 events, we would recommend that the “One Voice” effort once again include White House officials and new presidential administration appointees. A newly elected president and his or her staff will present an excellent opportunity for the “One Voice” delegation to learn about new and exciting policy initiatives that will have the greatest impact at the local level.

In addition to a new administration, there will certainly be some turnover in Congress and we would suggest briefings with the congressional leadership and key committee members and staff. As with past years, the joint congressional briefing worked well and as you will recall, the congressional staff were thoroughly engaged in the discussion of projects, which continued among them subsequent to the “One Voice” visit.

Although logistical issues prevented us from having the congressional lunch, we recommend that we replicate that format where the “One Voice” group can honor all four House members and congressional staff. We are happy to work with the congressional offices to reserve an on site congressional banquet facility. As you know, there are great demands on the schedules of **Senators Feinstein** and **Boxer** and we suggest individual meetings with each

office. We believe the meetings this year with both senators were excellent and we will work to repeat similar meetings next year.

We will try to end each day's events around 3:00 p.m., although scheduling with key members of Congress does require us to extend meeting times beyond that targeted time. We would also be pleased to work with you on arranging group dinners each night if the delegation chooses to have arranged dinners each evening.

2. **Discussion of Policy Issues** – Similar to past years, we will structure the time with members and their staff to allow discussions of both appropriations and policy. We should take advantage of the time with the members of the delegation and congressional committee staff to discuss both appropriations and policy, which very often have a larger impact at the local level.

3. **Materials** - The materials that the COG staff provided each member of the delegation and their staffs was quite impressive and we would advise that same general package be used next year. The materials should also include the details of both federal and non-federal funding sources for all projects.

4. **Presentations** – We recommend that the COG revive its use of PowerPoint backdrops when discussing the “One Voice” projects, as the slides made it easier for the congressional staff to understand the funding requests and other unique factors which can be presented visually. The slides may also be adapted to reflect policy positions of the group. We may obtain a projector within the next year, which would prevent your staff from having to transport a projector from Fresno.

5. **Grants** - As we have previously suggested, the COG should continue to look for grant opportunities that could be applicable to the “One Voice” funding requests. Beyond the “One Voice” requests, COG members may find that there are funding opportunities available for a number of projects in their respective jurisdictions for which they may wish to seek funding.

6. **Project Selection** – As you know, the appropriations process continues to be controversial following a ban on earmarks in Fiscal Year 2007 and repeated attempts to pass a one-year moratorium on earmarks in appropriations bills. There has been significant discussion in Congress of delaying the Fiscal Year 2009 appropriations process until a new president has been elected, which will certainly have a tremendous impact on earmarks. You are also very familiar with the policy adopted by Congressman Devin Nunes and the number and size of earmarks are becoming increasingly unpopular.

With these factors in mind, we would urge you once again to carefully choose projects that are regional in scope, but remain within the \$2 – 3 million request range. We would also urge you to consider only four appropriations projects for the 2009 program, with a special emphasis on the reauthorization of SAFETEA-LU, which is discussed further below for your review.

7. **SAFETEA-LU II** – The current surface transportation reauthorization bill expires next year and the 2009 “One Voice” trip will coincide with congressional consideration of a new bill. We urge the “One Voice” group to begin thinking now about both projects and policy provisions

that the delegation members would like to see included in the reauthorization measure to ensure those proposals can be part of the “One Voice” discussion in 2009. We also urge you to start and continue dialogue throughout the summer and fall as projects will be officially submitted during the 2009 “One Voice” trip. It is important to note that during project selection, if the “One Voice” delegation designates a project as a SAFETEA-LU reauthorization project, it should not be included as an appropriations project as well. We would certainly be pleased to provide assistance during the project selection phase to ensure that projects are properly designated for authorization as compared to appropriations.

8. Voices of Fresno County – The distinction between “regional” projects and those submitted individually continues to be an issue addressed by the congressional staff. The “One Voice” delegation will need to reiterate its message that the “One Voice” projects are regional in nature and have been agreed upon by the local governments represented by the COG. However, as we have mentioned, the same entities that support the “One Voice” projects will also be presenting their own list of projects to the congressional delegation, which often must decide which projects truly are a priority for the region.

We hope that you find this information helpful as you begin to think about your future “One Voice” efforts.

Please let us know if you have any questions or if we may be of further assistance. We look forward to talking with you soon.

Appendices

Appendix A	2008 Fresno COG “One Voice” Delegation List
Appendix B	2008 Washington D. C. Schedule
Appendix C	Copies of the Project Summary Sheets provided in Meetings
Appendix D	Representative Appropriations Accounts for Local Government Projects
Appendix E	2008 Survey Results

Appendix A

2008 “ONE VOICE” TRIP PARTICIPANTS

1. **Trinidad Rodriguez**, Fresno COG Policy Board Chairman and Mayor, City of Kerman
2. **Henry Perea**, Fresno County Board of Supervisors Chair; Supervisor, District 3,
3. **Blong Xiong**, **City of Fresno** Council President, Councilmember, District 1
4. **Bob Whalen**, Mayor, City of Clovis
5. **Rico Aguayo**, Councilmember, City of Fowler
6. **Leland Bergstrom**, Mayor, City of Kingsburg
7. **Scott Brockett**, Councilmember, City of Reedley
8. **Don Tow**, Mayor, City of Selma
9. **Ray Dunn**, Chair, Greater Fresno Area Chamber of Commerce
10. **James E. “Buzz” Burleson**, Chairman, Economic Development Corporation Serving Fresno County
11. **Frank Franco**, Chairman, Fresno Metropolitan Flood Control District; Director, Fresno County EOC
12. **Dan Doyle**, President & CEO, Central Valley Community Bank; Board Member, Fresno Business Council
13. **Jeffrey T. Roberts**, Representing the Building Industry Association
14. **Al Smith**, CEO, Greater Fresno Area Chamber of Commerce
15. **Steve Geil**, President/CEO, Economic Development Corporation Serving Fresno County
16. **Ryan Jacobsen**, Executive Director, Fresno County Farm Bureau
17. **Andrew T. Souza**, City Manager, City of Fresno
18. **Kathy Millison**, City Manager, City of Clovis
19. **Jose Antonio Ramirez**, Fresno COG Policy Advisory Committee Chair, City Manager, City of Firebaugh
20. **Barbara Goodwin**, Executive Director, Council of Fresno County Governments
21. **Russell C. Widmar**, City of Fresno, Fresno Yosemite International Airport, Director of Aviation
22. **Bob Van Wyk**, General Manager-Secretary, Fresno Metropolitan Flood Control District
23. **Richard Fosse**, Executive Director, I-5 Business Development Corridor, Inc.
24. **Lydia Zabrycki**, Director of Business Partnering, Quad Knopf
25. **Cal Rossi**, Vice President, Government and Community Relations, McMillin Homes
26. **Jill Schwinn**, Director of Government Affairs, Comcast Cable
27. **Amy Huerta**, Government Affairs Manager, Greater Fresno Area Chamber of Commerce
28. **Rocky Rogers**, Director of Public Works, City of Reedley
29. **John Mulligan**, Deputy Public Works Director, City of Sanger
30. **Dana Ritschel**, Senior Engineer Assistant, City of Reedley
31. **Sandy Sanchez**, Pre-Development Manager, O & S Holdings, LLC
32. **Tony Boren**, Deputy Director, Council of Fresno County Governments
33. **Barbara Steck**, Senior Transportation Planner, Council of Fresno County Governments
34. **Marla Day**, Executive Assistant, Council of Fresno County Governments

Appendix B

Fresno COG One Voice Delegation Washington DC 2008 Final Agenda

Time	Saturday February 9	Sunday February 10	Monday February 11	Tuesday February 12	Wednesday February 13	Thursday February 14	
8:00	4:30 AM travel to Washington DC	Open	Travel to Hill	Travel to Hill	Travel to Hill	Travel to Fresno	
8:30							
9:00			Briefing with House Delegation Staff – Dep. Costa, Radanovich, Nunes and Cardoza	Energy Efficiency Block Grant - Kevin McCarty			
9:30				Fred Abousleman, Shannon Menard - NARC – The Role of COG's	Meeting with Congressman Devin Nunes		
10:00							
10:30				White House Office of Governmental Affairs – Janet Weir Creighton	Library of Congress Tour		
11:00							
11:30			Lunch Break				
12:00			Immigration Reform – Ur Mendoza Jaddou – Majority Chief Counsel	Lunch Break	Meeting with Congressman George Radanovich		
12:30				Open	Energy and Commerce Subcommittee on Energy and Air Quality Hearing – Congressman Costa testifying		
1:00		Briefing with Simon and Company at Hilton Garden Inn	Governor's office – Eric Swedlund		Return to Cannon House		
1:30			Open				
2:00			Gang Prevention Legislation and Strategies -Bobbie Vassar	Clean Air Enterprise Zone – John Gimigliano	Meeting with Congressman Jim Costa		
2:30			SAFETEA-LU Reauthorization – Jim Kolb and Jim Tymon	Capitol Tour arranged by Congressman Radanovich	Travel to Dirksen Senate Office		
3:00					Meeting with Senator Barbara Boxer		
3:30			Open	Meeting with Speaker Pelosi/ Meeting with Senator Feinstein	Open		
4:00							
4:30							
5:00							
5:30			STR Trade and FYI – Reception at Hilton Garden Inn	Open	Closing Dinner at Hilton Garden Inn		
6:00		Open					

Appendix C

Copies of Project Summary Sheets Provided in Meetings



STATE ROUTE 180 EAST TEMPERANCE TO ACADEMY AVENUES KINGS CANYON EXPRESSWAY

**REQUESTED FUNDING:
\$3 MILLION**

PROJECT GOAL:

This segment has been identified as a crucial step in the process of completing the improvements on State Route 180. This vital corridor will ultimately connect the Sierra Nevada Foothills on the East to Interstate 5 on the West.

PROJECT DESCRIPTION:

Completion of construction of the segment of State Route 180 East from Temperance Avenue to Academy Avenue consisting of a four lane divided expressway. The Temperance to Academy project will extend improvements by adding 6 miles of four lane divided expressway. This highly anticipated expressway project will provide improved access to the smaller cities in southeast Fresno County.

PROJECT NECESSITY:

- Provide much needed East-West route extensions that will ultimately provide connection to the only Interstate in Fresno County, Interstate 5.
- Provide improved access to both Kings Canyon and Sequoia National Parks and other recreational areas to the East.
- Accommodate increased safe traffic flows vital for the economic and commercial development of eastern Fresno County.
- Enhance farm-to-market shipping opportunities for the region.
- Improve safety conditions and traffic flows across the San Joaquin Valley and provide connections to our major interregional roads: Interstate 5, Route 99, and Route 41.
- The 180 Route will ultimately connect the cities of Sanger, Reedley, Clovis, and Fresno, and small communities across the Westside to Interstate 5.
- When State Route 180 is ultimately completed from the Sierra to Interstate 5, it will relieve highly congested SR 99 of truck traffic, and assist in air pollution control by moving traffic away from the metropolitan Fresno area.

RECIPIENT:

Council of Fresno County Governments

CONTACT:

Tony Boren, Deputy Director, Council of Fresno County Governments
(559) 233-4148 or email: tboren@fresnocog.org



HIGHWAY 269 BRIDGE PHASED IMPROVEMENTS

**REQUESTED
FUNDING:
\$1.3 MILLION**

ARROYO PASAJERO CREEK BRIDGE

PROJECT GOAL: To build a 500-foot bridge across the Arroyo Pasajero Creek on Highway 269 between SR 198 and Huron to alleviate severe economic disruption to the Huron area caused by the flooding of Arroyo Pasajero Creek. The request of \$1.3 million will pay for the environmental analysis necessary to complete the bridge. The project is consistent with the Fresno County Westside Action Plan.

PROJECT DESCRIPTION:

The following components make up the \$31 million Highway 269 Bridge Project (Caltrans estimate):

	Estimated Cost
A. Project Approval and Environmental Documents	\$ 1.3 M
B. Bridge Design	\$ 3.7 M
C. Right-of-Way Purchase and support	\$ 2.2 M
D. Construction and Support	\$ 23.8 M
Total Project Cost	\$31 M

PROJECT NECESSITY:

Since Highway 269 came into the state highway system in 1976, the road has been closed a total of 551 days. Cost to the community of Huron, it's residents and businesses, has averaged \$454,044 per year for 30 years. This is the same creek that washed out Interstate 5 in 1997. Because this highway is the only access to the community from the north, it is a 28-mile detour to get around the flooding. The 7,500 people living in Huron are mostly farm-workers who depend on Highway 269 as their route to work, shopping, and medical services.

RECIPIENT: Council of Fresno County Governments

CONTACTS:

Tony Boren, Deputy Director, Council of Fresno County Governments
(559) 233-4148 or email: tboren@fresnocog.org

Richard Fosse, Executive Director, I-5 Business Development Corridor, Inc.
(559) 855-6850 or email: ref12@fresno.com

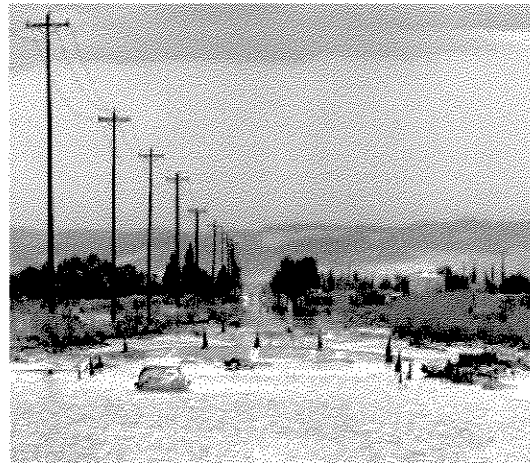


Photo Courtesy Fresno Bee

Photographer: Christian Parley

May 7, 2005



GOLDEN STATE CORRIDOR PHASED IMPROVEMENTS AT SPECIFIC LOCATIONS

**REQUESTED FUNDING:
\$3 MILLION**

PROJECT GOAL: To facilitate economic development and revitalization along the Golden State Corridor, a regional industrial and commercial corridor that parallels State Route 99 and links three neighboring cities (Fowler, Selma, and Kingsburg) with the Fresno Metropolitan Area.

The proposed infrastructure improvements will create a vibrant regional economic center in an underutilized and under invested area planned for industrial and commercial development, where business may grow and thrive for the benefit of the whole region.

PROJECT DESCRIPTION: The Golden State Corridor Economic Development Project will be phased to include segments of the ultimate plan and will include the following:

- Construct intersection improvements at specific locations, and class I trail to match already-programmed segments, along the Golden State corridor to improve safety and mobility for commercial users and local residents. Improvements will include intersection improvements and traffic signals.
 - Temperance Avenue Intersection w/ Golden State Blvd. (Fowler)
 - Dockery Avenue Intersection w/ Golden State Blvd (Selma)
 - Kamm/Bethel Avenues Intersection at Golden State (Kingsburg)
 - 1 mile of class I trail (County and/or City)
- The ultimate plan will implement a common vision for the attractive revitalization of the Golden State Corridor that will support job creation, preserve the surrounding agricultural lands, and enhance the environment of this important regional economic corridor.

SPECIFIC PLAN

- The Golden State Corridor is an area specifically planned for industrial and commercial development within the contiguous spheres of influence of the cities of Fowler, Selma, and Kingsburg. It is well suited for such use by virtue of its proximity and access to State Route 99 and Union Pacific Railroad, and the continuous linkage of Golden State Boulevard itself. The three cities have made a concerted effort to work together in developing a seamless project. In this proposed phase, each of the cities will construct staged improvements within their jurisdiction which will be part of the overall corridor master plan. These projects are the initial, and most critically needed, elements of the larger corridor enhancement plan.

RECIPIENT:

Council of Fresno County Governments

CONTACT:

Tony Boren, Deputy Director, Council of Fresno County Governments
(559) 233-4148 or email: tboren@fresnocog.org

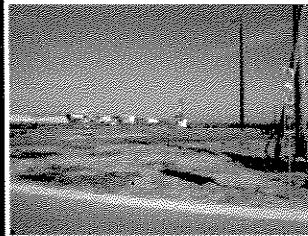


Photo of Temperance Avenue Intersection with Golden State Boulevard (Fowler)

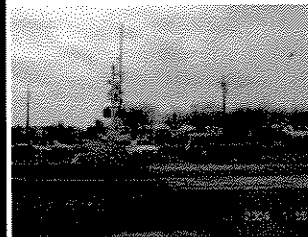


Photo of the Kamm/Bethel Avenues Intersection (Kingsburg)

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RECYCLED WATER SYSTEM INFRASTRUCTURE — PHASE C

**REQUESTED
FUNDING:
\$850,000**

PROJECT NECESSITY:

The State Water Resources Control Board is encouraging water reclamation projects throughout the State of California. By building-out the Recycled Water System Infrastructure, Clovis will be able to meet its projected water needs as it continues to build and grow towards an expected population of 150,000 in the next 25-30 years, while protecting its precious groundwater resource, reducing historic groundwater overdraft, and enhancing groundwater recharge.

PROJECT OVERVIEW:

Clovis has embarked on a project that will open the door to continued development in our community with significant benefit to our sole-source groundwater aquifer. By 2009, the City will be operating its own state-of-the-art wastewater treatment plant and water recycling distribution system. In light of projected water balance needs, Clovis recognizes the importance of recycled water as a much needed new water source. The wastewater treatment plant will ultimately produce 9,400 acre-feet of "disinfected tertiary treated recycled water" annually through a membrane bioreactor facility. The Recycled Water System Infrastructure will then carry this treated water to irrigate green belts, median islands, parks, trails and paseos, State Route 168, and agricultural operations throughout the City.

PROJECT DESCRIPTION:

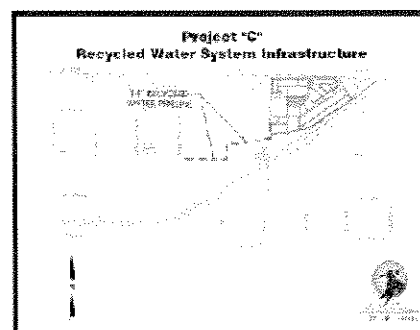
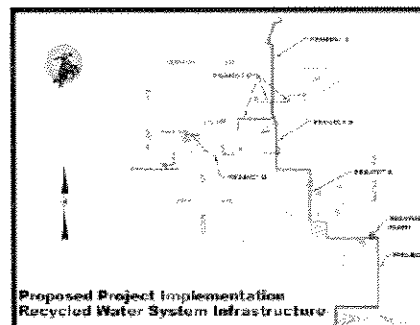
Complete build-out of the main water transmission lines for the Recycled Water System Infrastructure. This system will be developed in five phases at a total cost of approximately \$35,000,000.00. The City completed construction of Phase A in June 2008 for a total cost of \$8.8 million. The City is currently in the process of developing Phase B&E. The remaining two phases of the system (C&D) are estimated to cost \$11.7 Million. The City is specifically requesting congressional assistance to construct a portion of the Phase C Recycled Water System Infrastructure. This portion of work consists of constructing a 14-inch recycled water pipeline estimated to cost \$850,000. The City of Clovis is specifically requesting \$850,000 in congressional funding to build a portion of Phase C.

RECIPIENT:

City of Clovis

CONTACT:

Steven E. White, City of Clovis Engineer
(559) 324-2355 or email: stevenw@cityofclovis.com



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VETERANS BOULEVARD AND THE SR-99 INTERCHANGE

**REQUESTED
FUNDING:
\$1.5 MILLION**

PROJECT GOAL:

To fund the Project Approval Report, environmental document, and the preliminary right-of-way work for the development of the Veterans Boulevard freeway interchange at State Route-99. Veterans Boulevard is planned as a new 6 lane super-arterial roadway which includes bridges over SR-99, Golden State Boulevard and the Union Pacific Railroad tracks. The interchange is a critical element to alleviate congestion at the Shaw Avenue/SR-99 and the Herndon Avenue/SR-99 interchanges. This project will serve to alleviate the growing traffic concerns as substantial development continues to expand in the northwest region of Fresno County.

PROJECT DESCRIPTION:

The development of Veterans Boulevard in the northwest region of Fresno and the freeway interchange at SR-99.

PROJECT NECESSITY:

- The region west of SR-99 is expected to grow by more than 35% over the next 20 years.
- Central Unified School District is constructing new schools to keep up with the population growth at a rate of 1 new facility every 2 years.
- A Project Study Report is near completion for the future freeway interchange at SR-99 providing a complete analysis study.
- There are earmarked funds established for construction through the local Measure C transportation sales tax measure.
- The project will significantly improve regional mobility, reduce vehicle congestion, and traffic conflicts as residential and commercial expansion continues in the area over the next several years.
- The construction of Veterans Boulevard will improve traffic circulation and the interchange at SR-99 will improve the regional mobility for commuters and the distribution of goods and services.

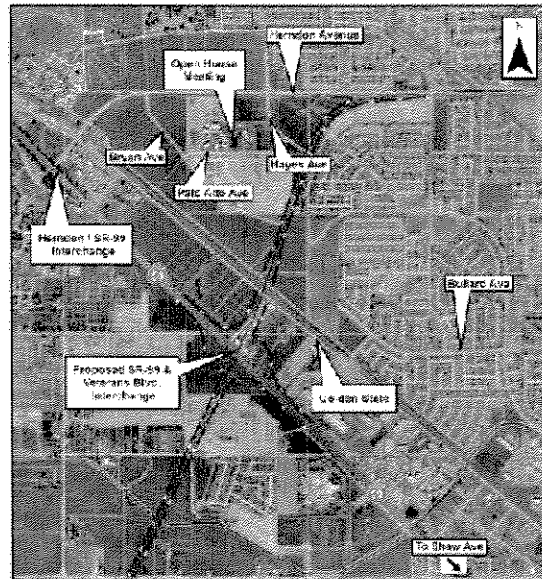
RECIPIENT:

City of Fresno

CONTACT:

Bruce Rudd, Assistant City Manager, City of Fresno
(559) 621-8000 or email: bruce.rudd@fresno.gov

Veterans Blvd/SR-99 Interchange



Veterans Boulevard has been identified as the "northwest gateway to Fresno".



WILLOW AVENUE CORRIDOR IMPROVEMENTS FROM HERNDON AVENUE TO COPPER AVENUE

**REQUESTED
FUNDING:
\$2 MILLION**

PROJECT GOAL:

To fund the widening of Willow Avenue from a 2 lane to a 4 lane super-arterial. The Willow Avenue corridor is a roadway shared by the City of Fresno, City of Clovis and County of Fresno. The requested federal funding will be added to current impact fees and Measure C funding to allow for project completion. This project will serve to alleviate the severe bottlenecks and traffic congestion exacerbated by the growth of the northeast area of the region.

PROJECT DESCRIPTION:

To expand the Willow Avenue corridor from Herndon Avenue to Copper Avenue to address the substantial increase in vehicle traffic volume and development.

PROJECT NECESSITY:

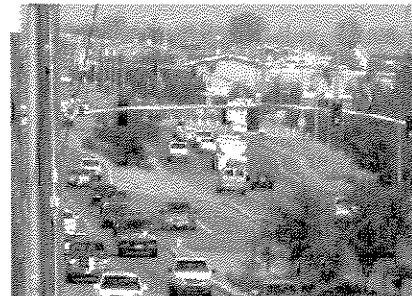
- The bottlenecks on Willow Avenue exist at critical locations and significantly impact the safety of motorists, pedestrians, bicyclists, traffic flow and the air quality due to poor traffic circulation.
- The project will facilitate proper traffic flow where there is currently severe traffic congestion and delays.
- The project will improve accessibility to the major activity centers and substantially improve daily travel for motorists through the Willow Avenue corridor.
- The Willow International Community College is a new facility of the State Center Community College District and currently serves over 7,000 students. It is located on Willow and International Avenues and is projected to serve over 10,000 students after its final construction phase.
- The Clovis North Educational Center is a new facility of the Clovis Unified School District located on Willow and International Avenues and is the District's 5th comprehensive middle and high school serving 7th to 12th graders.
- Willow Avenue is a major north-south travel corridor and improvements will directly impact the residents of the Clovis, Fresno and the County region.
- The traffic flow improvements will have significant impacts for air quality benefits and the safer conditions will encourage greater walking and bicycling activities from the community.

RECIPIENT:

City of Fresno

CONTACT:

Bruce Rudd, Assistant City Manager, City of Fresno
(559) 621-8000 or email: bruce.rudd@fresno.gov



The Willow Avenue corridor impacts the Cities of Clovis and Fresno, Fresno County, the State Center Community College District and the Clovis Unified School District in northeast Fresno County.



Bottleneck conditions limit vehicles traveling to a single lane and result in a long line of vehicles idling.



MANNING AVENUE BRIDGE REHABILITATION AND RECONSTRUCTION

**REQUESTED
FUNDING:
\$500,000**

PROJECT GOAL:

The City of Reedley is proposing to rehabilitate and reconstruct the Manning Avenue Bridge over the Kings River to alleviate congestion and improve public safety. The bridge is located on Manning Avenue (an urban arterial), approximately 11 miles east of SR 99 south of Fresno. This route provides the primary access to the City of Reedley and has a relatively high traffic volume of over 25,000 vehicles per day.

PROJECT DESCRIPTION:

The existing bridge was originally constructed in 1929 and has been subsequently widened twice: once in 1952 and again in 1974 from a two-to a four-lane arterial to provide additional width to increase the traffic capacity on Manning Avenue into the City of Reedley.

The Federal Highway Bridge Program and the City of Reedley are partially funding the bridge work; however, there is a need of \$500,000 to complete the right of way work on this important project.

PROJECT NECESSITY:

According to the latest Caltrans maintenance reports, the existing bridge is structurally deficient due to the poor deck condition.

The purpose of this project is to improve public safety by replacing a structurally deficient bridge so that vehicular and pedestrian traffic may cross the Kings River more safely.

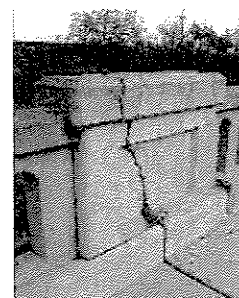
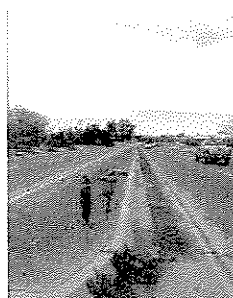
RECIPIENT:

City of Reedley

CONTACTS:

Rocky Rogers, Public Works Director, City of Reedley
(559) 637-4200 or email: rocky.rogers@reedley.com

Dana Ritschel, Sr. Engineer Assistant, email: dana.ritschel@reedley.com



NEVER GIVE UP: FRESNO COUNTYWIDE GANG PREVENTION INITIATIVE

**REQUESTED
FUNDING:
\$1.5 MILLION**

PROJECT GOAL: To execute phase one of a Countywide collaborative gang prevention effort focused on prevention, intervention, and suppression called Never Give Up. The initiative is based on a model from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

PROJECT DESCRIPTION: The funding for this proposal will leverage over \$3,000,000 the county has already invested, and align law enforcement and community-based efforts to combat gang activity. The model expands on current efforts to inventory human and financial resources in the county and create community-driven action plans that enable current resources to support prevention, intervention, and suppression strategies.

1. PREVENTION

Mobilize law enforcement and government agencies with local residents, youth, and community groups and agencies to conduct gang information summits, forums and educational opportunities.

Develop and implement policies and procedures to better address mandated training standards for civil servants; countywide school bullying policies and dress codes; and human services workers and contractors in identifying and addressing the impact of gang membership on families.

Influence community action and behaviors using major media partners and social marketing tactics through music, clothing, print, television, and internet videos with an 'anti-gang' message attractive to young people.

2. INTERVENTION

Expand comprehensive social intervention tactics such as the County Probation's nationally recognized STOP Program (Students Targeted with Opportunities for Prevention). STOP brings together the County Health Department, Probation, and community-based organizations to provide services for at-risk youth including: tutoring; mentoring; crisis intervention; education and counseling for substance abuse/alcohol; and family and individual therapy.

Build partnerships with education and business to provide ex-gang members with jobs, vocational training, and to encourage the development of entrepreneurial ventures that generate revenues for gang intervention services.

3. SUPPRESSION

Foster expansion of the Multi-Agency Gang Enforcement Consortium (M.A.G.E.C). The County Sheriff, Probation, District Attorney, municipal police, California Highway Patrol, and state and federal agencies such as the Department of Corrections and Rehabilitation and the F.B.I. have formed the regional task force to identify, target, apprehend, and prosecute gang leadership and members responsible for the most violent gang offenses.

Utilize state and federal databases, and criminal intelligence technologies to identify and predict patterns of gang crime and participation, enabling law enforcement for the first time to strategically allocate prevention and intervention resources.

PROJECT NECESSITY: Violent street gangs affect public safety, community image and quality of life in communities of all sizes in urban, suburban, and rural areas. Gang's impact society at all levels, causing heightened fears for safety, violence, and economic costs (2005 National Gang Threat Assessment, National Alliance of Gang Investigators Association).

- There are 208 identified gangs in Fresno County with approximately 12,000 validated gang members including associations with federal prison gangs.
- Fresno County's gang population represents 5 times the national average per capita.
- 30% of violent crimes (homicides, aggravated assaults, robberies and rapes) are committed by gang members in the county.
- 60% of violent crimes and auto thefts, larcenies, and burglaries committed in the county are gang-related.

RECIPIENT:

Fresno County

CONTACT:

Debra McKenzie, Gang Task Force Coordinator, Fresno County
(559) 488-1710 or email: dmckenzie@co.fresno.ca.us





FUTURE OF THE 144TH FIGHTER WING CALIFORNIA AIR NATIONAL GUARD

The 144th Fighter Wing is responsible for the defense of airspace over California, Nevada and up to 500 nautical miles over the Pacific Ocean. As one of the five Main Operating Bases responsible for defense of airspace over the US, the 144th is the only wing flying F-16s. The other air defense wings are flying F-15s which have better radar that can detect small targets like cruise missiles.

PROJECT GOAL:

- To assign F-15 aircraft or other newer advanced fighter aircraft to the 144th Fighter Wing to replace the F-16 Fighter Wing currently being used and are dated to expire in the year 2012.
- To secure a long-term future for Fresno-based fighter planes at the Fresno Yosemite International Airport.
- To continue the security of our homeland protection by one of the nation's best homeland-defense fighter fleets.

PROJECT NECESSITY:

- Homeland defense requires protection of California and its major population centers (seventh largest in the world) by fighter aircraft.
- Effective and timely coverage of the coastal cities requires stationing these aircraft in California, with 144th Fighter Wing being the only permanent stationed Air National Guard (USAF) fighters in California. These aircraft provide air defense of California's west coast, 500 nautical miles and range as far as Las Vegas and Seattle.
- Loss of the 144th Air Wing would cause severe economic harm to the local region that can ill afford it.
- Cost to local economy:
 - 375 full-time employees and 627 part-time Air National Guard
 - \$28 million loss in direct and indirect costs based on the City of Fresno specific-economic model. This does not include loss of what the 144th Wing purchases from the local economy.

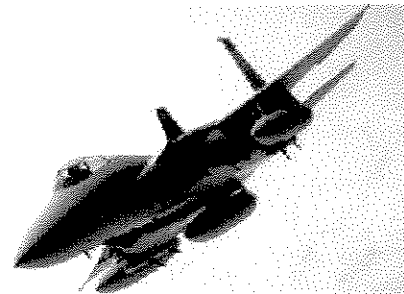
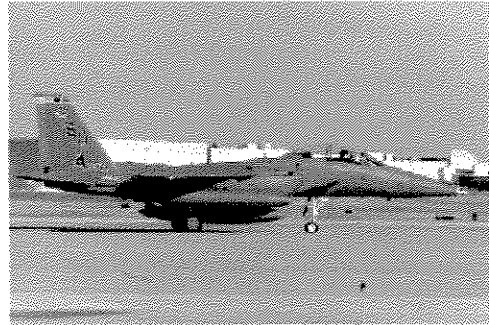
RECIPIENT:

144th Fighter Wing, California Air National Guard

CONTACT:

Council Member Larry Westerlund, Council District Four
(559) 621-8000 or email: larry.westerlund@fresno.gov

Bruce Rudd, Assistant City Manager, City of Fresno
(559) 621-7770 or email: bruce.rudd@fresno.cog



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FRESNO YOSEMITE INTERNATIONAL AIRPORT PORT OF ENTRY STATUS

PROJECT GOAL:

To establish Fresno Yosemite International Airport (FYI) as a fully-funded international Port of Entry (POE) with the US Department of Homeland Security, Customs and Border Protection Agency (CBP) to provide jobs and enhance economic development in the Fresno region.

PROJECT DESCRIPTION:

FYI became a true, international airport on April 1, 2006 with the arrival of Mexicana Airlines' first non-stop flight from Guadalajara, Mexico and subsequent departure the following morning. Since the start, Mexicana has increased the size of its aircraft serving FYI to provide more capacity in this market; and now, effective March 18, 2008, Mexicana will increase its five weekly flights to Guadalajara to daily service. To accommodate the new schedule, FYI will increase the number of full-time, permanently assigned CBP personnel from seven to ten (thereby increasing its annual cost by some \$400,000 to \$1.8 million). The City pays all costs to support the processing of international arriving passengers by federal agents employed by CBP. FYI meets the performance criteria for granting of Port of Entry status, but CBP needs supporting legislation to internally fund these ten positions. To that end, Congressmen Costa and Nunes have introduced bipartisan authorizing legislation. The next step is to ensure that the proposal will be fully-funded in the appropriations process.

PROJECT NECESSITY:

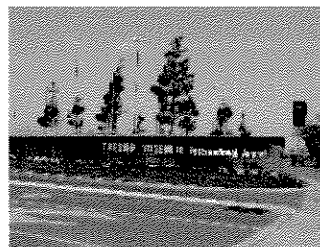
- Establishing FYI as a fully-funded international POE will shift the burden of cost for the required federal personnel to the federal government. However, the City will continue to pay for the Federal Inspection Station operating costs and its own personnel that support the Mexicana operation.
- Achievement of POE status will save the City an estimated \$1.6 million annually.
- In addition, the City will be able to reduce its existing \$15 per arriving international passenger fee. This is among the highest fees in the country and is used to partially offset the City's losses to provide CBP services in Fresno.
- In summary, achievement of fully-funded POE status will accelerate the development of additional international air service between Fresno and Mexico, and perhaps elsewhere, thereby bringing new jobs to both markets and enhanced economic development to the region.

RECIPIENT:

City of Fresno – Fresno Yosemite International Airport

CONTACT:

Russell C. Widmar, AAE, Director of Aviation, City of Fresno
(559) 621-4800 or email: russ.widmar@fresno.cog





AIR QUALITY ENTERPRISE / EMPOWERMENT ZONE DESIGNATION

PROJECT GOAL:

The San Joaquin Valley Air Pollution Control District (the District) is seeking the establishment of a new designation as an Air Quality Enterprise/Empowerment Zone at the state and federal level. The new designation would recognize that the Valley has a unique air quality and economic situation that calls for additional state and federal resources to effectively meet the unique challenges that we face.

PROJECT DESCRIPTION AND NECESSITY:

Given the Valley's climate and economic situation, it is abundantly clear that aggressive regulatory measures alone will not yield the needed reductions to attain the federal air quality standards. A primary reason for this is that new tail-pipe standards for on-road and off-road engines will not produce any reduction in emissions until old engines are replaced with new cleaner engines. Without incentive grants, the full benefit of the new engine standards will not be realized for decades.

Additionally, incentive grants can allow for adoption of cleaner technologies that may otherwise be unaffordable. Furthermore, industrial equipment at stationary sources could be replaced with newer and cleaner equipment with appropriate incentive funding.

1. **New Incentive Funding** - Current state and local funds available for incentive-based programs in the San Joaquin Valley are approximately \$40 million per year. The primary sources for these funds are the expected revenues from the District's Indirect Source Review rule, voluntary development mitigation agreements, local DMV surcharge fees, and the state's Carl Moyer program. Significant new funding will be required to procure the necessary reductions. The District is seeking \$200 million per year for a period of ten years to accelerate the introduction of new cleaner technologies. This level of funding can procure only 20% of the necessary reductions in emissions with the remaining 80% having to come from state, federal, and local regulatory measures.
2. **Tax Incentives Plant/Fleet Modernization** - In order to attain the federal standards for ozone and PM2.5, the District, the Air Resources Board, and Environmental Protection Agency have identified opportunities for emissions reductions from existing and new regulations. The regulations identified to date are not sufficient to bring the Valley into attainment in a timely manner. In order to attain the standard it will be necessary to go beyond regulation and replace existing industrial and mobile source equipment with cleaner equipment prior to the end of its useful life. The District supports the creation of tax incentives in order to obtain cost-effective emissions reductions by encouraging the early retirement of this equipment.

RECIPIENT:

San Joaquin Valley Air Pollution Control District

CONTACT:

Lynn Gorman, Deputy Director of Planning, Fresno County
(559) 262-4265 or email: lgorman@co.fresno.ca.us



Appendix D

Representative Appropriations Accounts for Local Government Projects

Representative Appropriations Accounts for Local Government Projects

Appropriations Bill	Account	Eligible Projects	Ineligible Projects	Average Amount
Labor-HHS-Education No Earmarks for FY 2006	Fund for the Improvement of Education (FIE)	This program funds a "broad portfolio of activities that disseminate innovative educational approaches" As well as job training activities, including youth programs;	This account does not provide funding for construction	\$300,000-\$400,000
	Institute of Museum and Library Sciences	This related agency program provides funding to upgrade and expand museums and other educational institutions including facilities and programming		\$75,000-\$300,000
	Fund for the Improvement of Postsecondary Education	This program provides funding for a number of educational programs as well as facilities and equipment related to education		\$300,000-\$550,000
	Health Resource Service Administration (HRSA)	These funds are used for construction and equipment as well as program development. The Health Resources and Services Administration (HRSA), an agency of the U.S. Department of Health and Human Services. HRSA supports programs which provide health services to disadvantaged, medically underserved, and special populations, decrease infant mortality, assist in the education of health professionals, and provide technical assistance regarding the utilization of health resources and facilities;	Construction projects must be directly related to health-related activities	\$600,000-\$800,000
	Substance Abuse and Mental Health Services	These funds support mental health and alcohol and drug abuse prevention and treatment services. Funds may be used for a range of education, treatment, prevention programs.	Funds may not be used for construction	-
	Training and Employment Services "Pilots and Demonstrations"	This account funds a variety of youth, educational, and workforce development projects, programs and pilots	This account does not allow for construction and capital expenses	\$100,000-\$500,000
Transportation-Treasury- HUD	Economic Development Initiatives (EDI)	This account is the broadest of all the urban development funds. EDI funds are used for a wide variety of economic development projects but must be used for construction or real property acquisition;	These funds are not eligible for use in transportation/ transit planning projects. Furthermore, no more than 20% of EDI funds may be used for overhead, planning or staff support	\$300,000-\$400,000
	Surface Transportation Account	The Surface Transportation Account funds a variety of Federal Aid Highway and surface	This account does not fund any mass transit or planning projects	\$1,500,000- \$2,500,000

		transportation construction projects. These funds are for bus acquisition and bus related facility construction	These funds are not used for operational costs	\$750,000- \$1,500,000
	Bus and Bus Facilities			
	Small Starts	These funds are for fixed guideway modernization projects and BRT projects that have a federal share of \$75 million or less and a total project cost of \$250 million or less		Variable
	Transportation and Community and System Preservation	Funds within this account are used to: (1) Improve the efficiency of the transportation system; (2) Reduce environmental impacts of transportation; (3) Ensure efficient access to jobs, services, and centers of trade; (4) Examine community development patterns and identify strategies to encourage private sector development patterns and investments that support these goals.	Note: The TCSP Program is a FHWA Program being jointly developed with the FTA, FRA, the Office of the Secretary, and the Research and Innovative Technology Administration within the US DOT and the Environmental Protection Agency.	\$300,000-\$1,000,000
Interior and Environment	State and Tribal Assistance Grants	These funds are largely designed to build or rehabilitate water and wastewater infrastructure systems. However, funding may also be used for related activities such as monitoring and treatment. This account provides funding for both wastewater and (beginning in FY1997) drinking water projects and related activities. 70% of funds within this overall account are used to capitalize state revolving funds for wastewater and clean water while roughly 30% of total funds are earmarked by Congress for the above activities;	These funds may not be used for operational costs and they have a 45% local matching requirement	\$250,000- \$500,000
	U.S Fish and Wildlife Services- <i>Construction</i>	These funds cover a fairly wide category of construction projects related to fish and wildlife services;		\$750,000- \$1,000,000
	National Park Service (Historical Preservation Fund)- <i>Save our American Treasures</i>	These funds are used for priority preservation projects of nationally significant sites and they cover a wide range from bridges to lighthouses, and more.	Projects must be listed on the National Historical Register	\$200,000- \$300,000
Energy and Water	Operations and Maintenance	These funds are used by the Army Corps for a variety of dredging and water infrastructure projects	These funds are not used for projects study or planning	Variable
	Construction General	Funds provided to the Army CORPS for construction, major rehabilitation, and related activities such as flood control, navigation,	These funds are not used for projects study or planning	Variable

		aquatic ecosystem restoration, and other purposes		
	General Investigations	These funds are used by the Army CORPS to study and determine the engineering and economic feasibility, and the environmental and social suitability of water and related land resource problems	These funds are not used for construction or maintenance	Variable
	Energy Supply and Conservation- "Hydrogen" Sub-account	Projects within this account may range from Research and Design to Demonstration projects	Note: grantees must provide a 50% match for demonstration funding and a 20% match for research and design funding	Variable
Commerce-Science-State-Justice	COPS Technology	COPS Technology grants provide funding for the continued development of technologies and automated systems that help Tribal, state, and local law enforcement agencies prevent, respond to, and investigate crime. This funding allows state agencies to purchase technologies to advance communications interoperability, information sharing, crime analysis, intelligence gathering, and crime prevention in their communities.	These funds are not eligible for operational expenses	\$200,000- \$300,000
	Edward Byrne Memorial Justice Assistance Grant Program	These funds are used for law enforcement programs, prevention and education programs, drug treatment programs, prosecution and court programs, and planning, evaluation, and technology improvement programs	This account funds a broad range of activities, however, it does not provide funding for vehicles, vessels, or aircraft, real estate, or construction projects	\$500,000- \$700,000
	Methamphetamine Enforcement and Clean-Up	These funds are used for program development, training, and coordination activities related to methamphetamine clean-up as well as the removal and disposal of hazardous materials from methamphetamine labs	These funds are not eligible for construction	\$200,000- \$300,000
	Juvenile Justice Programs (Discretionary Grants)	These funds are targeted for youth development and crime prevention activities ranging from law enforcement agencies to eligible nonprofit organizations	These funds are not eligible for construction	\$300,000- \$400,000

Appendix E

2008 Survey Results

“One Voice” 2008 Trip Survey

Listed below is a series of questions to help us evaluate our “One Voice” lobbying endeavor. Please send your responses by replying to this email. Thanks in advance for your participation in the survey.

#1. Overall, did you feel that the trip was worthwhile? 23 Yes 0 No

Additional comments: (9)

- Senator Boxer was a pleasant surprise.
- We need to investigate other funding measures while there.
- I really enjoyed the trip. Travel was well organized both in the air and daily metro. I have received positive feedback from the City Council and staff.
- It was an eye opening experience. I think we should be giving more presentations regarding the projects.
- Not only urging support for our projects but also getting to know members of the delegation better.
- If we get dollars
- Third year going; thought it was the best yet
- Very productive with the staffers and with Senators Feinstein and Boxer
- Gets better every year

#2. Were three days of meetings adequate? 21 Yes 2 No

Additional comments: (8)

- A 4th day should be considered
- Maybe a fourth day would be good. More time to schedule.
- It depends on how much business we are involved in, Committees et.al.
- I liked the wide variety of topics covered. Some meetings were a bit rushed but I understand the timing of getting elected officials and/or staff to meet.
- More than enough.
- We could do it in 2 days
- The last day was a wash. disappointed we didn't meet with Cardoza.
- Much more would kill me

#3. Did you like the meeting format where we secured a room in the House building to schedule meetings? 23 Yes 0 No

Additional comments: (7)

- Can we move to a larger room or meet in different rooms?
- Excellent for our side and theirs.
- After chasing all over D.C. and dealing with security issues, this is the only way to go.
- My first time but the more we had to walk, the more time seemed to be wasted. One room seems logical.
- I realize that space is limited in the Cannon Building, but more room would have been very much appreciated. More comfortable seats would also have been nice - I'm not as young as I used to be.
- Far better than going from office to office. Better use of our time.
- Very good plan, beats walking all over

#4. Would you like to have more, but shorter, meetings with agencies? 9 Yes 14 No

Additional comments: (12)

- Ok "as is"
- Add a day to the meeting total if there is a need.
- This gets a maybe, it depends upon the agency and the information available
- I don't like the rushed feeling of quick meetings. Shorter meetings don't allow for ample Q&A.
- You really need the time to delve into the details a little.
- Possibly.
- But be careful - having the "gang" presenter tell us to oppose Senator Feinstein's bill was horrible.
- No, I think an ample amount of time for questions is crucial.
- Meetings are about the right length in time. Would be more productive to just fill in holes with other meetings.
- Maybe the banking committee and housing
- I feel we need more but not shorter meetings.
- Not too much shorter, but late in the day it is hard to stay focused

#5. Should more time be dedicated in the morning to debrief and plan and review the daily events? 11 Yes 12 No

Additional comments: (11)

- Ok as is if a meeting is needed call it.
- Yes, especially for new participants who don't have a good idea of what to expect. It would better set the tone for the day. This would be a better time to get the revised schedule too.
- In the evening.
- maybe for "newbies", but we didn't do much at all this year.
- I feel more briefing should be done in Fresno prior to the trip. It is hard to get 35 people to meet at one place though. We actually got it all together pretty well Sunday.
- An extra 15 minutes or so just go over what we plan to accomplish that day would be helpful.
- Need to insure that who we are spending time with has a return for us.
- Or at the end of each day.
- It was just right this year.
- A morning breakfast "huddle" would be a good idea, especially for first timers.
- The time this year was perfect. we didn't need a lot of time for changes. Maybe set aside 30 minutes each morning for debrief and changes

#6. Any suggestions for change? 15 Yes 7 No

Additional comments: (17)

- Sunday evening de-briefing should be later...6pm
- Meeting but split groups - as interest on one voice agenda
- But..., let me think more about it
- Break into small work groups to take our message to other representatives and connect their district problems to ours. This way we help get their vote to support our projects.
- I think it is fine, but will listen to other perspectives

- Allow for more free time before and after the schedule - in other words, Sunday's meeting could have been scheduled at later time like 5 or 6pm around dinner. Maybe fly out later on Thursday allowing for half day of sightseeing. If I go next year, maybe I will schedule an additional day. It is a work trip though....hmmmmm
- See above comments
- See above re space, comfort and seats.
- The local lobbyist has relationships with a lot of the folks we met with. I think they too should be "pitching" and following up on our presentations to insure good follow through.
- Thought that the majority of the scheduled meetings went well except for the intergovernmental person with the White House. The agency could have been more prepared for the meeting.
- If tours of the Capitol, White House are planned - make sure that they are escorted by one of our Congressman's staff.
- Plenty. i will discuss verbally
- See the following comments.
- 5 above
- Invite legislators to dinner
- See final question
- To stay focused all day and into the evening is difficult. I would suggest cutting it off sooner and allowing the group to rest their minds earlier in the day. Take away the day before (saturday) and dedicate more time in between days.

#7. Were the number of regionally significant projects acceptable? 17 Yes 6 No

Additional comments: (10)

- Absolutely too many projects...our 2007 debriefing identified this issue...Top 4-5 projects is plenty. Some may not get their project on list...may reduce attendees...may not be all bad.
- Probably too many, and we should have spread them out over the number of authorization bills available versus the many transportation projects
- Too many this time. We have been asked to keep it to four or five. We should do this.
- May not be if we find other funding sources in other areas
- Once we get back there it seems like too many, but for our constituents at home the number are necessary to represent the county.
- I think less may have been better but I don't feel we overwhelmed them. Some keyed in on specific projects (eg. airport, 269 bridge) rather than prioritized projects.
- Too many. No more than one for each appropriations bill/account.
- too many projects - should prioritize and cut the list down significantly
- There were too many projects - there should be no more than 3
- We are taking back way too many projects. There needs to be no more than 3-5 funding requests and 1-2 non-funding requests. It's easy to tell the congressional delegation and staff are upset with our long list.

#8. Were the number of team members adequate? 20 Yes 3 No

Additional comments: (7)

- We should talk about this in our meeting - should we all talk? Would you not go if you didn't get to talk? Is your agency/title presence more significant than everybody getting a chance to talk?
- Cut out the special interest private parties. Keep it leaders of the community organizations.

- I felt the teams were adequate and represented a wide range of knowledge.
- Limit to 3 per project and try not to have more than one project per person.
- Too many. No more than three persons per a project, one project per a person.
- Would have liked to present projects more and discuss specifics with certain agencies
- I think we are ready to split the group and have two interests.

#9. Did you find the meetings with the Congressmen enjoyable and useful? 22 Yes 1 No

Additional comments: (5)

- We need to see them, and, they need to recognize our interest.
- BS is BS, but at least they heard our issues and concerns as a group
- I wish that Congressman Radanovich's staff would have stayed and interacted with us even if he couldn't be there. That was a waste of very valuable time.
- you will hear why
- ME? Oh sure.....

#10. Did you find the hotel/travel accommodations to be adequate? 23 Yes 0 No

Additional comments: (8)

- Excellent hotel - location excellent
- Very nice hotel and the plane trip was timely. The location was convenient to the metro as well.
- Having the hotel at the Metro is fantastic!!
- Hotel was fine but it might be fun to stay in another district for variety.
- Very convenient and well priced.
- Hilton Garden Inn was a great location but the meeting room was very small and very warm.
- Hotel is excellent location
- Very good

#11. Did you enjoy having a "travel day" on Saturday and a partial "free day" on Sunday before starting meetings? 18 Yes 5 No

Additional comments: (11)

- Please schedule the Sunday meeting later.
- Need to keep as is.
- Absolutely
- Yes - free day should have been longer delaying the meeting until later, maybe a light dinner/meeting in the lower basement room. The group tended to go to the same close restaurants and a later dinner after a later meeting would have been sufficient and allowed for more "free time". A later flight out on Thursday would have also allowed for free time.
- The meeting time was too early. Say 6 pm with dinner to follow.
- Very much so.
- Prefer to leave on Sunday.
- As a business, it's more cost effective to eliminate one hotel night and arrive on Sunday.
- Sunday's briefing should have been later in the day - having it at 3: was not convenient

- Would have liked more down time prior to Monday. maybe travel earlier...i realize its coordinating flights that is an issue
- See above though #6

#12. Were your "One Voice" Binders adequate? 22 Yes 1 No

Additional comments: (8)

- Yes, but you should encourage us to lose some of the items before we actually go to the meetings, they become unwieldy.
- A little too heavy.
- VERY WELL DONE!!!!!! I have received many rave reviews of the binder from others I have shared the binder with.
- Might consider including a folio to take to the meetings (the binders are too heavy for carrying around).
- Excellent work. This is the most organized information binder. I would add a regional map highlighting the member cities and also a map showing the location of the project.
- I appreciate the information, but it seems to me that it is really too much to carry around. I think team members should have the general information about the trip and the one project they are assigned to.
- Excellent
- Excellent job!

#13. What was your impression of our lobbying firm, Simon & Company?

Additional comments: (24)

- Not the best fit for Fresno County. We should look at alternative lobbying firm.
- Very Competent!
- Capable
- They do a great job.
- Very Good!!
- I think they do an o.k. job. Hard to tell without some comparison. It helps having the same people doing the job since they get to know the staffers to get the work done.
- I thought they did a fine job. The schedule got a little off with Cardoza canceling - not much they could do about that.
- Professional and accommodating with solid connections in Washington, D.C. Great staff, humble and well educated. Good choice.
- None
- I like Len Simon very much. He was my lobbyist when I worked in Salt Lake City 12 years ago.
- Excellent...
- They did a fine job.
- I did not think they were very strong in pushing for our funding. It appeared to me that they simply scheduled meetings. We need a more aggressive lobbyist!
- Very good Agency!
- Great job.
- Excellent
- They were adequate. When some of the speakers failed to show, there should have been a backup plan - And it was not appropriate to tell us that the request for a later Sunday briefing time couldn't be done because of a conflict with a child's performance.
- Nice people; too many cancellations
- They did a great job and really helped keep everything in order.
- They did a good job.
- Well placed in D.C., but working in difficult environment with the current earmark

situation. Felt they were less engaged this year vs prior yrs

- Good job
- They did a superb job I thought.
- Very professional, great people

#14. Do you feel it would be beneficial for Fresno COG to hire a federal lobbying firm year round?

16 Yes

5 No

Additional comments: (1)

- Maybe, but the question would be what they would do for us in addition to what the city and county lobbyists currently do?

#15. Evenings free vs. planned dinners – What is your preference?

Additional comments: (23)

- If you want some planned dinners, Pick 3 places per night and let the group split up randomly...not same small group...a much better dining experience with a smaller group. Example...1st night...team members dine together. 2nd night big city and small city, 3rd night mix it up.
- Free - informal planning with groups.
- 50/50
- Both
- I enjoyed the planned dinners
- The mix was good...participants could opt out of the planned dinners if they desired.
- Evenings free without a doubt. The closing dinner was just ok and the group seemed to plan their own dinners depending on preference etc.
- Half and half
- Evenings free except when the Airport hosts an event.
- Combo of both, particularly if you can get elected reps to attend.
- Some of each.
- Combination of both!
- Either way is good!
- Combination
- I prefer most evenings to include planned dinners with one night free.
- Evenings free with one planned dinner
- Planned on the first night, free after that
- I like the planned dinners for the most part. Perhaps one or two nights we can be on our own, but I think the most bonding gets done during dinners.
- Combination of both.
- Planned dinners with option to not attend if you have outside business
- Filomena's was a lot of fun, free is good
- I like the planned dinners at least for the first night
- Free

#16. Other suggestions on how we could improve the trip:

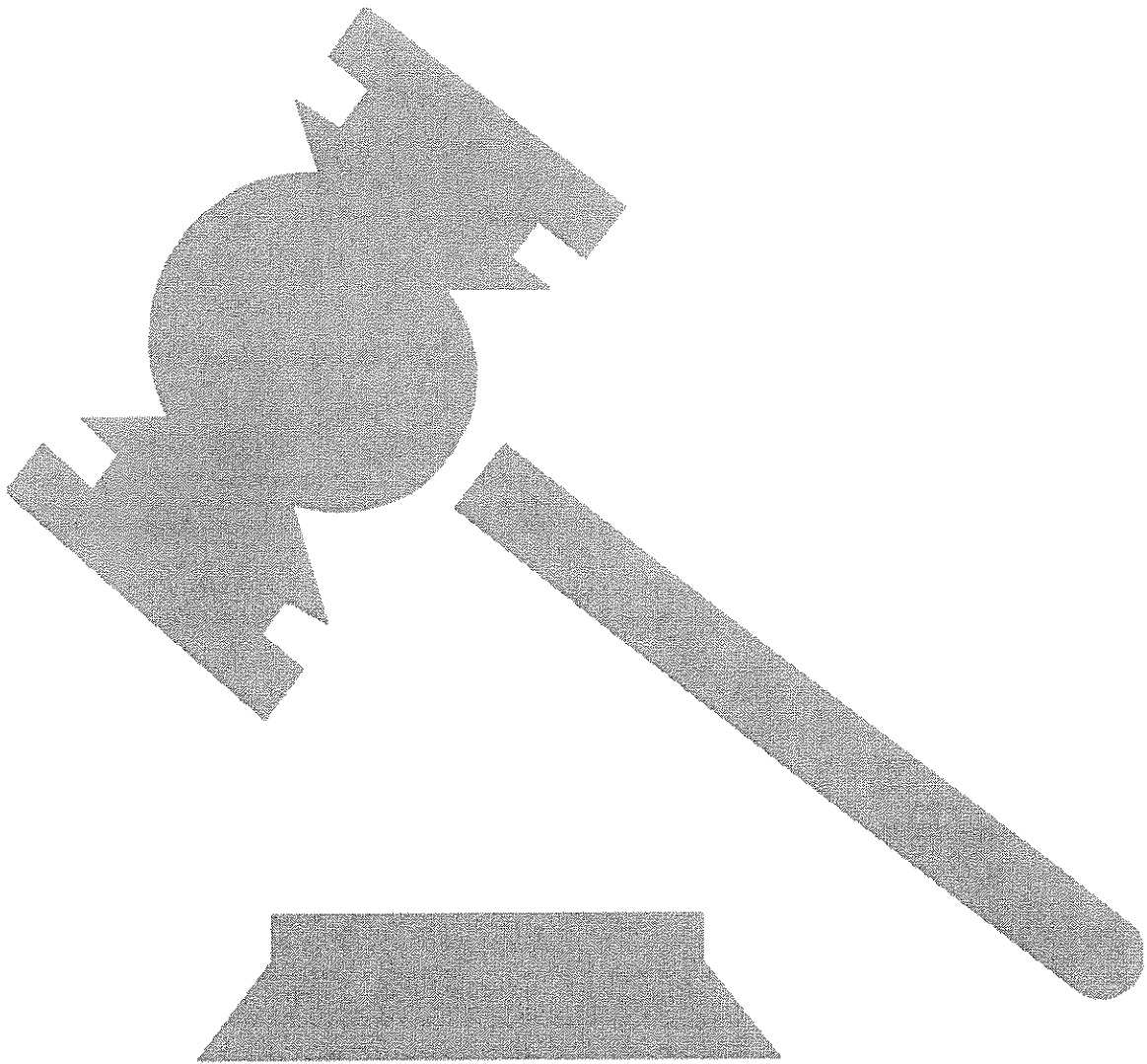
Additional comments: (15)

- One Voice format very good - continue as is -- make changes as needed to become more effective. To me it is a day to day call depending on cancellations - changes,etc.
- Get the hearing schedule. it was a good experience to sit in on the Air Quality hearing. It also introduced the Fresno One Voice group to other congressmen.
- Answer to #14. It depends on our subjects and the involvement of Congress creating

this need.

- Off the purpose of the trip, but it would be nice to have the Smithsonian booklet in advance to better plan individual sightseeing on Sunday since that is the only day available.
- Get someone to brief the President's local government liaison on the her job and the purpose of the trip.
- Just a bit more free time. The one room was nice as the weather is a bit uninviting for some and it prevents a lot of movement outside. Very well done!!! Hats off to the COG staff and thank you for all the hard work.
- None. It was a great trip. Only thing that would make it better would be walking away with money in hand!
- Nope! Great job to all!
- I thought it went well.
- We should have water and/or drinks in the room every day -
- No more giving handouts during the presentations. If they need to be given out, they need to be in the binder. No exceptions! It is unprofessional and discourteous to the other projects to be handing out separate information.
- Barbara, Barbara, Marla and Tony do a super job each year. Thanks
- Sponsorship recognition. There were a number of sponsors on the trip. The group needs to know who the sponsors are.
- Better sound system with possibly a pass around microphone.
- What about the Blong Award?

Thank you for your feedback.



***ADMINISTRATIVE
ACTION/DISCUSSION ITEMS
AGENDA ITEM VI. D.***

PROPOSITION 98:
California Property Owners and Farmland Protection Act

On the
June 3, 2008 Statewide Direct Primary Election Ballot

Fact Sheet: Impact of Proposition 98 on the Transportation Agencies

Current Practices by Transportation Agencies

- Acquire property exclusively for public transportation purposes.
- Do not acquire property for private use, such as redevelopment (the subject of the controversial **Kelo** decision).
- Currently have the burden to prove that any property they seek to acquire by eminent domain is necessary for a transportation purpose. Before the Transportation Agency can file an eminent domain action, the appropriate Governing Body (California Transportation Commission, County Board of Supervisors, Local City Council) must determine that the acquiring agency has demonstrated that the property is needed for the public project.
- Currently, the property owner is responsible for its own attorney's fees and litigation expenses if the court finds that the acquiring agency acts in good faith by making a reasonable settlement offer to the property owner in an eminent domain action.

Impacts of Proposition 98 on Transportation Agencies

- Proposition 98 will significantly increase the cost of transportation projects by adding significant time to the acquisition of real property needed for roadway improvements (delay) and adding additional costs for the property acquired for public use.
- Under Proposition 98, the property owner can withdraw the deposit of probable compensation without waiving the right to challenge the acquisition. Currently, a property owner's withdrawal of the deposit of probable compensation constitutes a waiver of the right to challenge the acquisition. The ability of the owner to withdraw the compensation amount as well as challenge the right of the Transportation Agency to acquire the property, appears to override the conclusive presumption established by the governing body in the adoption of the Resolution of Necessity. The acquisition of the property right that the acquiring agency needs to construct the project will be delayed indefinitely pending separate legal hearings and/or litigation on the right to take. This will result in additional time and cost to acquire property needed to build transportation projects.
- Under Proposition 98, Transportation Agencies will be required to pay for all of the property owner's attorney's fees and litigation expenses whenever the property owner obtains a judgment for more than the amount offered by the acquiring agency, even if the acquiring agency acts in good faith and makes a reasonable settlement offer.
- Under Proposition 98, before Transportation Agencies may sell an excess parcel, they must make a good faith effort to locate the property owner from whom the property was acquired and make a written offer to sell the property at the price that the

acquiring agency paid for the property. Proposition 98 does not specify what constitutes a good faith effort, or include a time limit on the right of first refusal. This component of Proposition 98 strongly mirrors verbiage contained in SB 1650, which was enacted January 1, 2007, and appears redundant.

- Proposition 98 expands the scope of what constitutes “just compensation” to include temporary business losses, relocation expenses, business reestablishment costs, and “other actual and reasonable expenses incurred.” Business reestablishment costs and relocation expenses are reimbursed under the Uniform Act. Currently, temporary business losses are not compensable. Proposition 98 would create an open-ended and unpredictable basis for the valuation of property to be acquired.
- Under Proposition 98, a Transportation Agency’s ability to obtain property for possible public-private partnership projects would be impaired.

Fiscal Impact

- Estimated annual project delay costs would be substantial.
- Estimated annual additional eminent domain litigation expenses due to increased number of lawsuits, added trials, and expanded entitlement to attorney fees and litigation expenses would be substantial.
- Potentially significant unknown costs due to expanded and additional categories of compensation for property acquired by eminent domain or affected by Transportation Agencies. Specifically, the initiative includes the additional category of compensation as “those other expenses deemed reasonable by the Legislature.”
- Potentially significant unknown additional costs related to regulatory activity and related litigation, in order to clarify, define, and interpret the intent of this initiative.

Project Impacts

- Lengthen the project delivery process by extending the property acquisition process.
- Separate hearings and/or litigation may be required to decide if the property is needed for the project, as well as a jury trial determining the amount of just compensation.
- More property owners are likely to force eminent domain actions because the acquiring agencies would have to pay property owners' attorney fees and litigation expenses if the owner recovers more than the amount the acquiring agency offers. Eminent domain proceedings take far longer than a negotiated, non-litigated settlement.

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April 22, 2008

No on Proposition 98 Campaign
1121 L Street, Suite 803
Sacramento, CA 95814

Re: Opposition to Proposition 98

Dear Sir or Madam:

The California Transportation Commission (Commission) is responsible for programming and allocating funds for the construction of highway, passenger rail and transit improvements throughout California. The Commission also participates in the initiation and development of State and Federal legislation to secure financial stability for the State's transportation needs.

I am writing to inform you that the Commission, at its April meeting, voted to oppose Proposition 98. The Commission reviewed the initiative and found the provisions in it:

- Would re-define eminent domain to the detriment of public agencies by changing the definition of "taking". This change would impair the State Department of Transportation's (Caltrans) ability to purchase rights-of-way for potential projects that involve a public-private partnership that benefits the driving public.
- Would significantly drive up the cost and increase the time needed to acquire rights-of-way for freeways, road and rail purposes by the state and local public agencies. Under Proposition 98, the property owner could accept an offer by Caltrans for the property, deposit the money, and still contest the acquisition of the property, potentially delaying the project for years. Currently, a property owner waives his right to contest an acquisition, once he accepts and deposits the money in his account. The remaining issue at that point before the court is the amount of compensation the owner should receive for his property.
- Would direct the court, when the property owner challenges a taking or damage to his property, to consider all relevant evidence, exercise independent judgment, not limit the court's review to the administrative record and give no deference to the findings by the public agency. Currently, the court gives deference to the findings made by government agencies in exercising their eminent domain powers.

- Would require an award of attorneys' fees and costs if a property owner obtains a judgment for more than the amount offered by the government. This differs from current law, in which the court must find that the property owner's offer was reasonable and that the Caltrans' offer was unreasonable before it will order Caltrans to pay attorneys' fees and litigation expenses.
- Would require a public agency to offer the property to the original owner, if it is determined to be excess, at the price the parcel was originally purchased. Further, the initiative does not set a time limit for the right of first refusal by the original owner or define good faith effort in finding the original owner. A property's value could increase over the years. Under the Proposition, Caltrans is required to sell the property back at the original purchase price, which could be a gift of public funds.

The Commission concluded that the provisions in Proposition 98 would increase the cost in expanding and maintaining the state's overall transportation system. The Proposition would cause significant delays and increase costs in delivering transportation projects by state and local agencies. Accordingly, the Commission has taken an oppose position on Proposition 98.

If you have questions concerning the Commission's position, please call the Commission's Executive Director, Mr. John F. Barna, Jr., at 916-654-4245.

Sincerely,



JOHN CHALKER
Chair, California Transportation Commission

cc: Commissioners

Ballot Propositions

Proposition: 98

Government Acquisition, Regulation of Private Property. Constitutional Amendment.

June 3, 2008

Proposition HTML PDF

This measure amends the State Constitution to (1) constrain state and local governments' authority to take private property and (2) phase out rent control. The measure also might constrain government's authority to implement certain other programs and laws, such as mandatory inclusionary housing programs and tenant relocation benefits. The measure's provisions apply to all governmental agencies.

**Proposition 98
Government Acquisition, Regulation of Private Property.
Constitutional Amendment.**

BACKGROUND

Government Actions to Take Property—"Eminent Domain"

Every year, California state and local governments buy hundreds of millions of dollars of property from private owners. Government uses most of this property for purposes such as roads, schools, and public utilities. In other cases, government buys property for different purposes, such as to transfer it to (1) private owners to develop new businesses or (2) nonprofit organizations to provide affordable housing.

Most of the time, government buys property from willing sellers. Sometimes, however, property owners do not want to sell their property or do not agree on a sales price. In these cases, California law allows government to take property from a private owner provided that government:

- Uses the property for a "public use" (a term that has been broadly interpreted to mean a variety of public purposes).
- Pays the property owner "just compensation" (generally, the property's fair market value) and relocation costs (including some business losses).

This government power to take property for a public use is called "eminent domain."
(The nearby box provides additional information about its use.)

Government's Authority to Take Property by Eminent Domain

Government may use eminent domain to take property for a public use if it pays just compensation and relocation costs.

What Is a Public Use?

Common examples of public use include providing new schools, roads, government buildings, parks, and public utility facilities. The term public use also includes broad public objectives, such as economic development, eliminating urban blight and public nuisances, and public ownership of utility services. The following activities have been considered a public use:

- Promoting downtown redevelopment by transferring property to other owners to construct new stores, hotels, and other businesses.
- Reducing urban blight and crime by transferring substandard apartments in a high-crime area to a nonprofit housing organization to renovate and manage.
- Securing public control of utility services by acquiring private water and other utility systems and placing them under government ownership.

What Are Just Compensation and Relocation Costs?

Just compensation includes (1) the fair market value of the property taken and (2) any reduction in value of the remaining property when only part of a parcel is taken. In addition to the payment of just compensation, California law requires governments to pay property owners for certain other expenses and losses associated with the transfer of property ownership.

May Government Take Property Before Just Compensation Has Been Determined?

Sometimes government wants to take property quickly, before the amount of just compensation has been fully determined. In these cases, California laws allow government to deposit the probable amount of just compensation and take property within a few months. This is called a "quick take" eminent domain action. If a property owner accepts these funds, the owner gives up the right to challenge whether government's action is for a public use. The owner can still challenge the amount of just compensation.

Eminent Domain Challenges. Property owners are not required to accept the amount of compensation government offers. Instead, they may make a counteroffer or challenge

the amount in court. Under the State Constitution, property owners are entitled to have the amount of compensation determined by a jury. While property owners also may challenge government's right to take a property, these challenges are more difficult. In part, this is because courts give significant weight to government's findings and perspectives when ruling on disputes as to whether an eminent domain action is for public use.

Programs to Promote Affordable Housing

Rent Control. Over a dozen California cities have some form of rent control law. These cities include Los Angeles, San Francisco, Oakland, Berkeley, Santa Monica, and San Jose. In addition, about 100 cities and counties have laws limiting the rent mobile home park owners may charge people who lease space in their park. Altogether, about one million California households live in rent-controlled apartments or mobile home parks. While the provisions of these rent control laws vary, they typically restrict the amount of money by which a landlord (or park owner) may increase a tenant's rent each year. If a tenant moves out of a housing unit or mobile home park, property owners may reset rents to market rates. Once the unit or space is rented again, however, rent control laws restrict the rate of future rent increases.

Other Housing Programs and Laws. About one-third of California cities and counties have laws referred to as "inclusionary housing." These laws (which can be mandatory or voluntary in nature) have the goal of providing lower-cost housing units in new developments. Mandatory inclusionary laws require developers to construct

affordable housing on part of their land or contribute funds to develop such housing. Voluntary laws offer developers incentives to provide affordable housing. (For example, a city might permit a developer to build an increased number of housing units if some of them are affordable to lower-income households.) In addition, many California cities have ordinances requiring apartment owners to provide relocation benefits to tenants if they convert their property into condominiums.

PROPOSAL

This measure amends the State Constitution to (1) constrain state and local governments' authority to take private property and (2) phase out rent control. The measure also might constrain government's authority to implement certain other programs and laws, such as mandatory inclusionary housing programs and tenant relocation benefits. The measure's provisions apply to all governmental agencies.

Taking Property

The measure prohibits government from taking ownership of property to transfer it to a private party—such as a person, business, or nonprofit organization. In addition, government could not take property to use it for (1) a purpose substantially similar to how the private owner used it (such as public operation of a water or electricity delivery system formerly owned by a private company) or (2) the purpose of consuming its natural resources (such as its oil or minerals). These restrictions on government's authority to take property also would apply to cases when government transfers the right to use or occupy property (but does not take ownership of it). None

of these restrictions would apply, however, if government was addressing a public nuisance or criminal activity or as part of a state of emergency declared by the Governor.

Under the measure, government could continue to take property for facilities that it would own and use, such as new schools, roads, parks, and public facilities. Government could not take property for one purpose, however, and then use it for a different purpose unless it offered to sell the property back to its previous owner.

Property Owner Challenges. If a property owner challenged government's authority to use eminent domain, the measure directs the court to exercise its independent judgment and not defer to the findings of the government agency. In addition, property owners could challenge government's right to take the property even if they accepted funds that government deposited as part of an accelerated eminent domain action.

Property Owner Compensation. The measure contains provisions that would increase the amount of compensation provided to property owners. For example, property owners would be entitled to reimbursement for all business relocation costs, which could exceed the maximum amounts specified under current law. In addition, property owners would be entitled to compensation for their attorney costs if the property owner was successful in an eminent domain challenge.

Rent Control

The measure generally prohibits government from limiting the price property owners may charge others to purchase, occupy, or use their land or buildings. This provision would affect local rent control measures. Specifically, government could not enact new rent control measures, and any rent control measure enacted after January 1, 2007 would end. Other rent control measures (those enacted before January 1, 2007) would be phased out on a unit-by-unit basis after an apartment unit or mobile home park space is vacated. Once a tenant left an apartment or mobile home space, property owners could charge market rate rents, and that apartment unit or mobile home space would not be subject to rent control again.

Other Government Laws and Programs

The measure appears to limit government's authority to impose restrictions on the "ownership, occupancy, or use of property" if the restrictions were imposed "in order to transfer an economic benefit" from one property owner to other private persons. The range of government laws and programs that would be affected by these provisions is not clear and would be determined by the courts. Given the wording of the measure, however, programs such as mandatory inclusionary housing and condominium conversion relocation benefits might be prohibited.

Related Measure on Ballot. This ballot contains two measures related to eminent domain: Proposition 98 (this measure) and Proposition 99. If this measure were

approved by more votes than Proposition 99, the provisions of Proposition 99 probably would not take effect.

FISCAL EFFECTS

Eminent Domain Changes

Much of the property state and local government acquires is bought from willing sellers or is taken by eminent domain for purposes that would still be allowed under the measure. In these cases, government could continue to acquire these properties, but might need to pay somewhat more for them. This is because the measure increases the amount of compensation provided for properties taken by eminent domain and willing sellers are likely to demand similar increased amounts.

In some cases, the measure would prevent government from taking property by eminent domain. This reduced ability to take property could apply to many government plans for redevelopment, affordable housing, and public ownership of water or electric utility services. As a result of this reduced authority to take property, government might (1) buy fewer properties and have lower costs or (2) offer property owners more to purchase their properties and thus have higher costs.

The net fiscal effect of these potential changes in the number and price of properties acquired cannot be determined. Overall, we estimate that many governments would have net increased costs to acquire property, but that the net statewide fiscal effect probably would not be significant.

Other Changes

It is difficult to estimate the fiscal impact of the measure's phase out of rent control and limitation of other programs that transfer economic benefits from property owners to private parties. In response to these provisions, governments might choose to change their policies in ways that do not increase their costs. For example, a government might repeal a mandatory inclusionary housing ordinance and not enact a replacement policy, or repeal the ordinance and enact land-use regulations that encourage the construction of lower-cost housing.

In other cases, conforming to the measure's provisions could result in new costs. For example, a government could respond to the elimination of rent control by creating publicly funded programs to subsidize affordable housing. Given the uncertainty regarding some of the measure's provisions, some governments might be unaware that their policies conflicted with the measure's provisions and be required to pay damages to property owners.

The fiscal effect on state and local governments associated with these changes in rent control and other policies is not possible to determine, but there probably would be increased costs to many governments. The net statewide fiscal effect, however, probably would not be significant.

**Greater Fresno Area Chamber of Commerce:
Government Affairs Council Analysis**

California Property Owners and Farmland Protection Act (Proposition 98)

Background

In October of last year the GAC heard from the Yes on Proposition 98 campaign. At that time the main concern with Proposition 98 was that the language in the proposition would impact water storage and conveyance projects. Both sides have competing legal arguments.

The specific language that is questioned in the Prop 98 language is:

19(b)(2)

"Public use" means use and ownership by a public agency or a regulated public utility for the public use stated at the time of the taking, including public facilities, public transportation, and public utilities, except that nothing herein prohibits leasing limited space for private uses incidental to the stated public use; nor is the exercise of eminent domain prohibited to restore utilities or access to a public road for any private property which is cut off from utilities or access to a public road as a result of a taking for public use as otherwise defined herein.

19(b)(3)(ii)

"transfer of ownership, occupancy or use of private property or associated property rights to a public agency for the consumption of natural resources or for the same or a substantially similar use as that made by the private owner"

Prop 99 analysis

The Prop 99 analysis of this statement is that this section "Section 19(b)(3)(ii) expressly designates as a "private use" the transfer of property rights to a "public agency" for the "consumption of natural resources." Thus, it is clear that property transfers under eminent domain or threat of eminent domain to a public agency for that limited purpose are not to be treated as a "public use" under 19(b)(2) and are therefore prohibited.

Proposition 99's argument is that because this language have competing legal arguments all cases will be held up in court. For a complete analysis of Proposition 99's competing legal argument please see Exhibit A.

Prop 98 analysis

"The California Farm Bureau Federation has long been an advocate of establishing additional water storage to meet the needs of all Californians. Our ballot measure was carefully crafted to allow government the use of eminent domain for legitimate public projects, while protecting the water that allows California farmers to provide such bountiful and affordable food."

-California Farm Bureau Federation

"The language of the Act retains the constitutional guarantee that private property can be taken for a public use. Nothing changes there. In addition, the Act specifically defines 'public use' to include 'public utilities.' Water projects such as drainage ditches, sewers, reservoirs, dams, drinking water and irrigation have long been accepted as public uses and there is considerable case law and historical evidence that confirms this fact. Water projects will not be affected should the Act pass."

-Institute for Justice, litigated Kelo v. New London case before U.S. Supreme Court

“This statewide ballot initiative strikes a reasonable balance between private property ownership and, when necessary, beneficial public use. . . Further, CWA considers the initiative to be complementary to the current water supply and water conveyance proposals in the state legislature, since they are necessarily intended for beneficial public use.”

-California Water Association

California Property Owners and Farmland Protection Act (Proposition 98)

Sources

Howard Jarvis Taxpayers Association
California Property Owners and Farmland Protection Act
LAO Office

Support

California Farm Bureau Federation
Howard Jarvis Taxpayers Association
California Republican Party
California Alliance to Protect Private Property Rights
California Association of REALTORS
California Business Alliance
California Hispanic Chambers of Commerce

Oppose

California League of Cities
California RDA
Association of California Water Agencies
California Chamber of Commerce
Former Gov. Pete Wilson
U.S. Rep. George Radanovich (R-Mariposa)
ACWA
Western Growers Association
Metropolitan Water District of Southern California
Nisei Farmers League
San Diego County Water Authority

Summary

Private property may not be taken by eminent domain for private use under any circumstances (i.e. to build a shopping center, auto mall or industrial park).

Property may be taken by eminent domain only for public use (i.e. freeway construction, parks, schools).

Property may not be taken by government and used for the same purposes (i.e. residential housing cannot be used for government housing).

Family farms and open space are protected from seizures by government for the purpose of selling the natural resources.

If a public agency takes property under false pretenses, or abandons its plans, the property must be offered for sale to the original owner at the original price and the property tax would be assessed at the value of the property when it was originally condemned.

If farmers or business owners are evicted by eminent domain, they would be entitled to compensation for temporary business losses, relocation expenses, business reestablishment costs and other reasonable expenses.

Government may not set the price at which property owners sell or lease their property.

Purpose

According to the Howard Jarvis Taxpayers Association, current law does not restrict how a public agency may use property acquired through the eminent domain process or require the agency to return the property to its previous owner if it no longer uses the property for its originally intended purpose.

Therefore, statutes and case law give state and local government wide discretion to act to promote policy objectives, even if the action may- directly or indirectly- reduce property values and transfer economic benefits among private properties.

Private property may not be taken for private use under any circumstances

Property may not be taken by government and used for the same purposes; it can only be taken for public use. Public use means:

- Use and ownership by a public agency or a regulated public utility for the public use stated at the time of taking. These would include public facilities, public transportation, and public utilities, although nothing prohibits leasing limited space for private uses incidental to the stated public use.
- The exercise of eminent domain is not prohibited to restore utilities or a public road for any private property which is otherwise cut off from these entities utilities as a result of a taking for public use.

Right to first refusal

If a public agency takes property under false pretenses, or abandons its plans, the property must be offered for sale to the original owner at the original price and the property tax would be assessed at the value of the property when it was originally condemned.

Protection of farmland

Family farms and open space are protected from seizures by government for the purpose of selling the natural resources.

- However, if farmers or business owners are evicted by eminent domain they would be entitled to compensation for temporary business losses, relocation expenses, business reestablishment costs and other reasonable expenses.
- Also, the property owner is also entitled to prompt release of funds- meaning an owner can have immediate possession of the money offered while maintaining the right to challenge the determination of this amount as fair market value.

Fair value for the use of property

The act will allow property owners the freedom to control the price at which they rent or sell their property. Meaning, this measure will remove existing rent regulations or rent control restrictions on property owners only after the tenant vacates the property.

Exemptions

Although this measure constrains public agency authority, the measure still provides four exemptions from its requirement:

- Eminent domain actions to reduce public nuisances or criminal activity
- Actions related to voluntary agreement between a public agency and a property owner to develop or rehabilitate affordable housing
- Public utility rate regulation by the California Public Utilities Commission
- Actions taken by the Governor during a state of emergency.

Opposition**Threatens State Water Quality and Supply**

CPOFPA would make it illegal to use eminent domain to acquire land and water to develop public water projects. The reason being is because the initiative would prohibit property for private use, stating that “private use” encompasses the transfer of private property to a public agency for the consumption of natural resources.

Depending on how broadly consumption of natural resources is interpreted, acquisition of land for groundwater, groundwater storage, surface water, surface water storage, rock quarries, mines and more may be prohibited.

The CPOFPA would eliminate a necessary tool for a vast number of public and private water projects including:

- Construction of project to deliver water for reasons such as water, irrigation, commercial and industrial uses
- Right of way for pipelines and canals to deliver water to homes and businesses.
- Acquisition of new well-water sources
- Projects to conserve and protect the quality of our water resources and the species that rely on these water systems
- Water rights needed to convey water to farms and agriculture
- Acquisition of land for pumping sites
- Right of way for new canal around the Delta
- Acquisition of water rights
- Acquisition of land for water reservoirs

Eliminates Economic Benefits

The CPOFPA states that it would prohibit laws that would transfer an economic benefit to one or more private personas at the expense of a private owner. Because the courts have ruled that virtually all local land-use decisions can transfer economic benefit from one party to another, the CPOFPA would prohibit countless laws that protect the quality of neighborhoods.

- For example, a city would be prohibited from regulating the hours of bars and nightclubs in order to restrict noise, crime and loitering since those laws would cost the business owners, but are set to improve the quality of neighborhoods and nearby homeowners.
- This clause would also prohibit laws that protect air and water quality, preserve open spaces, and protect the environment.

- This clause may prohibit zoning regulations intended to prevent sprawl or development of open spaces.

Government Affairs Council Position: Oppose

PROPOSITION 99:
Homeowners and Private Property Protection Act

On the
June 3, 2008 Statewide Direct Primary Election Ballot

Ballot Propositions

Proposition: 99

Eminent Domain. Acquisition of Owner-Occupied Residence. Constitutional Amendment.

June 3, 2008

Proposition **HTML** **PDF**

This constitutional amendment limits state and local government's use of eminent domain in certain circumstances. Specifically, the measure prohibits government from using eminent domain to take a single-family home (including a condominium) for the purpose of transferring it to another private party (such as a person, business, or association). This prohibition, however, would not apply if government was taking the home under certain specified circumstances.

Proposition 99
Eminent Domain. Acquisition of Owner-Occupied Residence.
Constitutional Amendment.

Background

California state and local governments frequently acquire private property to build public facilities (such as roads, parks, and schools) or to promote public objectives (such as economic development and affordable housing).

Most of the time, government buys property from willing sellers. Sometimes, however, property owners do not want to sell their property or do not agree on a sales price. In these cases, California law allows government to take property from a private owner provided that government:

- Uses the property for a “public use” (a term that has been broadly interpreted to mean a variety of public purposes).
- Pays the property owner “just compensation” (generally, the property’s fair market value) and relocation costs (including certain business losses).

This government power to take property for a public use is called “eminent domain.” The nearby box provides additional information regarding the terms public use, just compensation, and relocation costs.

Government's Authority to Take Property by Eminent Domain

Government may use eminent domain to take property for a public use if it pays just compensation and relocation costs.

What Is a Public Use?

Common examples of public use include providing new schools, roads, government buildings, parks, and public utility facilities. The term public use also includes broad public objectives, such as economic development, eliminating urban blight and public nuisances, and public ownership of utility services. The following activities have been considered a public use:

- Promoting downtown redevelopment by transferring property to other owners to construct new stores, hotels, and other businesses.
- Reducing urban blight and crime by transferring substandard apartments in a high-crime area to a nonprofit housing organization to renovate and manage.
- Securing public control of utility services by acquiring private water and other utility systems and placing them under government ownership.

What Are Just Compensation and Relocation Costs?

Just compensation includes (1) the fair market value of the property taken and (2) any reduction in value of the remaining property when only part of a parcel is taken. In addition to the payment of just compensation, California law requires governments to pay property owners for certain other expenses and losses associated with the transfer of property ownership.

Proposal

This constitutional amendment limits state and local government's use of eminent domain in certain circumstances. Specifically, the measure prohibits government from using eminent domain to take a single-family home (including a condominium) for the purpose of transferring it to another private party (such as a person, business, or association).

This prohibition, however, would not apply if government was taking the home to:

- Protect public health and safety.
- Prevent serious, repeated criminal activity.
- Respond to an emergency.
- Remedy environmental contamination that posed a threat to public health and safety.
- Use the property for a public work, such as a toll road or airport operated by a private party.

In addition, the prohibition would not apply if the property owner did not live in the home or had lived there for less than a year.

Related Measure on Ballot. This ballot contains two measures related to eminent domain: Proposition 99 (this measure) and Proposition 98. If this measure were approved by more votes than Proposition 98, this measure provides that the provisions of Proposition 98 would not take effect.

Fiscal Effects

Under current law and practice, government seldom uses eminent domain to take single-family homes. Even when it does so, the acquisition often is for a purpose that is permitted under the measure (such as construction of a road or school). Accordingly, this measure would not change significantly current government land acquisition practices.

In a very limited number of cases, however, this measure might result in government:

- Savings—because government could not acquire a home that the owner did not wish to sell.
- Costs—because government might pay more to buy a home than would have been the case if it could have taken the home using eminent domain.

The net fiscal effect of such actions would not be significant.

**Greater Fresno Area Chamber of Commerce:
Government Affairs Council Analysis**

Homeowners and Private Property Protection Act (Proposition 99)

Sources

California League of Cities
Homeowners and Private Property Protection Act
LAO Office

Support

California League of Cities
California RDA
California State Association of Counties
Downey Chamber of Commerce
Mountain View Chamber of Commerce
Peteluma Chamber of Commerce
Silicon Valley Leadership Group

Oppose

Howard Jarvis Taxpayers Association
California Alliance to Protect Private Property Rights
National Federation of Independent Businesses

Purpose

The purpose of the Homeowners and Private Property Protection Act is to protect the people of California homes from eminent domain use and to prohibit government agencies from using eminent domain to take an owner-occupied home to transfer it to another private owner or developer.

Summary

The Homeowners and Private Property Protection Act would provide:

- Constitutional prohibition against taking owner occupied homes (including town homes and condos) for conveyance to another private person
- Owner occupied homes cannot be taken to convey to private person even as part of plan to eliminate blight
- This measure does not impact ability of agencies to acquire property for traditional public works projects utilities and other infrastructure

“owner occupied residence”- means real property that is improved with a single family residence such as a detached home, condominium, or townhouse and that is the owner or owners principal place of residence for at least one year prior to the State or local government’s initial written offer to purchase the property.

“public work or improvement”- means facilities or infrastructure for the delivery of public services such as education, police, fire protection, parks, recreation, emergency medical, public health, libraries, flood protection, streets or highways, public transit, railroad, airports and seaports; utility, common carrier or other similar projects such as energy-related, communication related, water-related and wastewater-related facilities or infrastructure

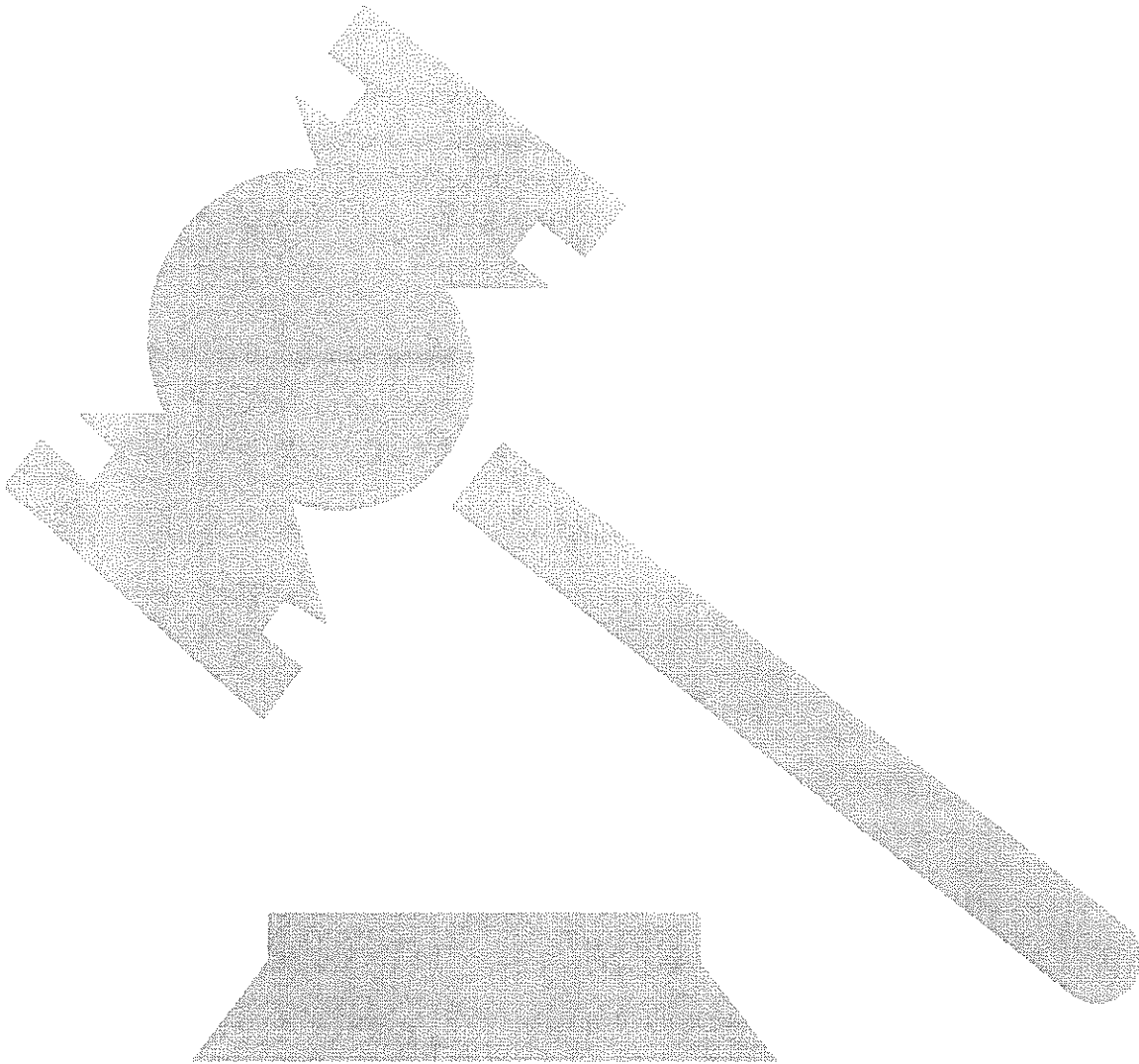
Exemptions

- This section does not apply when State or local government exercises the power of eminent domain for the purpose of protecting public health and safety; preventing serious, repeated criminal activity; responding to an emergency; or remedying environmental contamination that poses a threat to public health and safety.

Opposition

- The HPPPA gives only an illusion of reform, without providing real protections for property owners because this measure would only provide protections to owner-occupied homes that have been the primary residence for a minimum of one year.
- It does not offer protections to small businesses, places of worship, farmland, rental or investment property.
- The measure provides loopholes that allow government to seize homes or other private property, regardless of condition.
- This measure states that ag land does not need protection because there is already built in protection. However, only half of California's farm and ranch land is subject to the Williamson Act and is therefore not protected.
- According to the National Institute on Money in state politics the League of California Cities and other redevelopment interests have spent more money to defeat eminent domain reforms in California than in the other 49 states combined.
- This measure include a provision stating that if two eminent domain measures appear on the ballot at the same time, the one with the most vote becomes law. Even if both the League's measure and the CPOFPA get a majority of votes, the League's measure would pre-empt the superior protections.
- This measure fails to redefine the term "blight" allowing the most modest homes or productive businesses to be seized if they are adjacent to blight, lack parking, or the existence of subdivided lots of irregular form or shape.
- The act has significantly fewer protections than state legislation sponsored by the League that failed on the Assembly floor.

Government Affairs Council Position: Oppose



***ADMINISTRATIVE
ACTION/DISCUSSION ITEMS
AGENDA ITEM VI. E.***

Report from Steve Samuelian, California Consulting,

From: Carrol Terrazas [mailto:carrol.ca-consult@sbcglobal.net]

Sent: Thursday, May 22, 2008 10:22 AM

To: Marla Day

Subject: Board Packet info. from Steve Samuelian below

Conference Call re: Transportation

Steve Samuelian was present on the call

I recently participated in a conference call hosted by the Governor's Office. The purpose of the call was to give a briefing related to the Governor's May Revise Budget Proposal and specifically how it impacts transportation issues. My notes from the call are as follows:

Special guests on the call included:

1. Bismarck Obando, Director of External Affairs, Office of the Governor
2. Dale Bonner, Sec. BTH
3. Will Kempton, Director of Cal-TRANS
4. Mark Hill, Dept. of Finance
5. Curt Augustine, Deputy Legislative Secretary for Transportation and Housing for the Governor

Prop. 42 and Prop. 1A are not proposed to be impacted by the Governor's May revise.

Secretary Bonner: \$4 billion in Prop. 1B scheduled to be distributed.

Will Kempton: 08-09 \$13.8 billion proposal for transportation projects.

Prop. 42 is fully funded under this proposal. \$1.43 billion, \$5.6 billion over 4 years for transportation funding for transit remains stable \$306 million for transit same as last year.

TCIF and state and local partnership both funded hopefully this year working with the legislature.

Include 1A repayment to traffic congestion relief program.

Home to school repayment proposed for \$593 million. Some loans will be taken but loans will not impact project delivery.

SHOPP down primarily because of gas tax revenue. 100 million from tribal gaming will be transferred to SHOPP.

Department staffing will be decreased by 88 positions.

\$2.1 billion for local cities and counties for local infrastructure.

\$3.8 billion for highway maintenance, etc.

High speed rail, \$33 million is proposal.

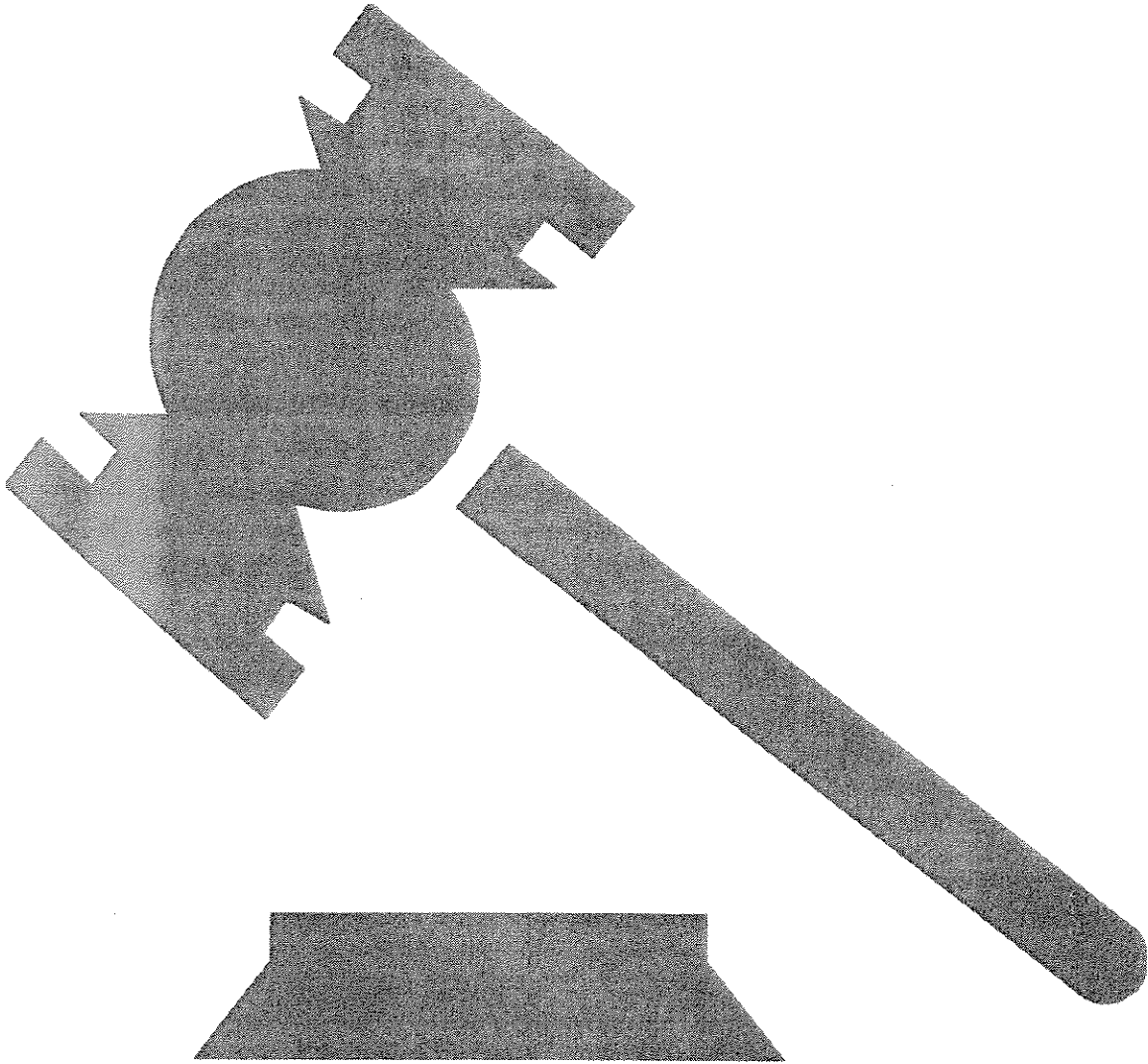
STIP Jan. budget had money for previously programmed projects. \$250 million. No new money for 08-09 projects. May revised remains unchanged.

TCRP: funding is small amount and will be for new projects. Most of the money is for TCRP projects that have been programmed already. Mostly "first come, first served" under TCRP. Is Governor still committed to funding gaming bonds to pay back borrowing to TCRP fund? Yes. Intent is to pay back TCRP funds if the Governor gets a positive Court ruling and brings TCRP projects forward and state would attempt to issue bonds to fund those TCRP projects.

STIP: STIP projects should not be suspended in the coming year. Intent is not to delay any project work.

Please let me know if you have any questions, comments, or concerns.

Carrol Terrazas
Administrative Assistant
California Consulting, LLC
Central Valley Office
1530 E. Shaw, Suite 114
Fresno, CA 93710
(559) 244-0801
(559) 244-0804 fax



VIII. OTHER BUSINESS

RESOLUTION NO. 2008-049

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY
SUPPORTING THE DEPARTMENT OF FOOD AND AGRICULTURE
AND THE UNITED STATES DEPARTMENT OF AGRICULTURE
IN ERADICATING THE LIGHT BROWN APPLE MOTH (LBAM)**

WHEREAS, the presence of the light brown apple moth (LBAM), which is originally from Australia, has no natural predators in the United States and has currently been confirmed in 12 counties, which include Alameda, Contra Costa, Los Angeles, Marin, Monterey, Napa, San Francisco, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, and Solano, since its discovery in California by the Department of Food and Agriculture and the United States Department of Agriculture in March 2007; and

WHEREAS, the introduction of the LBAM represents a danger to California's Central Valley's natural environment and could cause billions in crop damage and lost agriculture work for our citizens; and

WHEREAS, the United States Department of Agriculture and California Department of Food and Agriculture have been working diligently to select the best organic pheromone, a substance that can be used safely to disrupt the mating of the LBAM, to eradicate the pest in order to reduce the use of other more harmful types of pesticides to rid our state of the LBAM; and

WHEREAS, more than 16,000 LBAMs were found in the Bay Area and most of these moths were found in Monterey and Santa Cruz Counties proving a direct threat to our central valley; and

WHEREAS, according to the Department of Food and Agriculture, aerial spraying for the LBAM is needed in 10 Bay Area counties to rid our state of this invasive pest; and

WHEREAS, after aerial spraying for the LBAM in Monterey and Santa Cruz Counties last year, and that according to studies done by the California Department of Public Health and the Office of Environment Health and Human Services, no health claims have been found to be directly linked to the aerial application of this pheromone; and

WHEREAS, the Central Valley is the fruit basket of the world and we will not stand to have our livelihood and food supply threatened by an eradicable pest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Reedley that we support the Department of Food and Agriculture and the United States Department of Agriculture in their effort to eradicate this dangerous and harmful pest that threatens the environment and our agricultural industry, including the use of aerial applications, if needed.

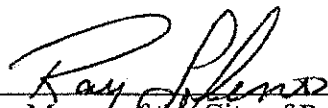
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This foregoing resolution is hereby approved this 13th day of May, 2008, by the following vote:

AYES: Brockett, Rapada, Betancourt, Fast, Soleno.

NOES: None.

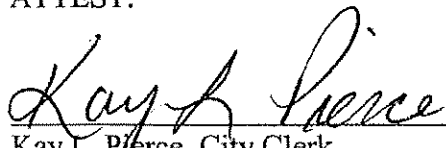
ABSTAIN: None.

ABSENT: None.



Mayor of the City of Reedley

ATTEST:



Kay L. Pierce, City Clerk

