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Website Address: www.fresnocog.org

COUNCIL OF FRESNO COUNTY GOVERNMENTS AGENDA



Date: Thursday, August 28, 2008
Time: 5:30 p.m. **[NEW MEETING TIME]**
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Americans with Disabilities Act (ADA) Accommodations

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

Item	Description	Enclosure	Action
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Fresno COG Sitting As the Transportation Policy Committee

I. PUBLIC PRESENTATIONS

This portion of the meeting is reserved for persons wishing to address the Board on items within its jurisdiction but not on this agenda. **Note: Prior to action by the Board on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.**

II. TRANSPORTATION ACTION / DISCUSSION ITEMS

- | | | |
|---|-----|---------|
| A. PUBLIC HEARING: Measure "C" Regional Transportation Mitigation Fee Program, Resolution 2008-39 | Yes | Approve |
|---|-----|---------|

Fresno COG Sitting As the Council of Governments Policy Board

III. REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE

IV. ADMINISTRATIVE CONSENT ITEMS

Approve Calendar Items

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

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|---------------------------------------|-----|---------|
| A. Executive Minutes of July 31, 2008 | Yes | Approve |
|---------------------------------------|-----|---------|

V. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

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|---|----|---------|
| A. Financial Audit Contract Renewal | No | Approve |
| B. Joint Audit Contract with Fresno County Transportation Authority | No | Approve |

VI. OTHER BUSINESS

- A. Items from Staff
- B. Items from Members

*Items listed as information still leave the option for guidance/direction actions by the Board.

**All enclosures are available on our website at www.fresnocog.org – Committees and Agendas

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



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COUNCIL OF FRESNO COUNTY GOVERNMENTS ANNOTATED AGENDA



Date: Thursday, August 28, 2008
Time: 5:30 p.m. **[NEW MEETING TIME]**
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Americans with Disabilities Act (ADA) Accommodations

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Fresno COG Sitting As the Transportation Policy Committee

I. PUBLIC PRESENTATIONS

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II. TRANSPORTATION ACTION / DISCUSSION ITEMS

A. PUBLIC HEARING: Measure "C" Regional Transportation Mitigation Fee Program, Resolution 2008-39

Summary: Measure "C" (Fresno County's ½ cent sales tax for transportation purposes) was reauthorized by the voters of Fresno County in November 2006. One of the requirements of the new Measure "C" program is that a Regional Transportation Mitigation Fee Program (RTMF) be developed and approved by Fresno COG and the Fresno County Transportation Authority (FCTA) in coordination with all local jurisdictions. The RTMF is required to be enacted by all cities in the County and by Fresno County no later than January 1, 2009. Fees will be collected by each local jurisdiction and transmitted to the FCTA. "If any city or Fresno County should choose to not implement the RTMF program, then that Agency shall forfeit annually from the Local Transportation Program Street Maintenance Allocation an amount equal to the amount of RTMF that would have otherwise have been paid for development projects within that jurisdiction during the year".

PB Americas Inc. was selected to conduct the RTMF Study. Over the last nine months they have been working with a Regional Steering Committee consisting of Planning Directors, Public Works Directors, City Managers, industry stakeholders and interested community members in an effort to develop an RTMF Program which has "consensus support" prior to it being taken through the COG and FCTA processes and formal adoption by our member agencies. During the month of July, the Draft RTMF Final report has been presented as an information item to the TTC, PAC, Citizens Oversight Committee and COG Policy Board, as well as to the Fresno County Transportation Authority. Formal adoption of a preferred option is scheduled for the COG Committees in August 2008 and for the FCTA in September 2008. In addition, presentations of

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the draft RTMF program were requested by the City of Reedley, Clovis and the Fresno County Board of Supervisors.

Meeting Results:

TTC (July 9, 2008): Discussion on the various options ended with a recommendation that the consultant develop a “phased-in” alternative for Option One (\$447 mil.) similar to what was done with Option 2 (\$278.mil.)

Citizens Oversight Committee (July 10, 2008): The Measure “C” Citizens Oversight Committee voted 6-2 in support of Option One (\$447 mil.).

Fresno County Transportation Authority Policy Board (July 16, 2008): It was suggested that the consultant develop a new alternative that is based on the \$102 million that was identified in the Measure “C” Expenditure Plan.

Policy Advisory Committee (July 18, 2008): PAC recommended that Option 3 (\$278 mil. phased in option) be given additional detail quantifying the three phases.

Reedley City Council (July 28, 2008): RTMF presentation was informational only. Discussion focused on reasons behind the higher project cost estimates and potential impacts to developers building in Reedley.

Fresno COG Policy Board (July 31, 2008): The COG Policy Board received the presentation on the RTMF from Don Hubbard. Several questions were raised related to the cost estimates.

Clovis City Council (August 4, 2008): RTMF presentation was informational only. Discussion centered on reasons behind the higher project cost estimates and potential solutions to the problem. Specific recommendation by Councilmember Lynne Ashbeck that we bring the Measure “C” Reauthorization Steering Committee back together in order to bring them up to date on the RTMF issue and the progress that has been made in implementing all of the Measure “C” programs.

Fresno County Board of Supervisors (August 12, 2008): The Fresno County Board of Supervisors voted to support Option 2.

It is now clear, based on correspondence (enclosed) and testimony presented at the various meetings, that the Building Industry Association and the Central California Development Council (industrial/commercial builders) appear to support the \$102 mil. alternative. However, Dr. Gary Manross (COG consultant) has been meeting with BIA officials in an attempt to have them reconsider their position on the issue. PB Americas Inc. will be modifying the Final RTMF report and their RTMF presentation to reflect the two new alternatives and providing additional detail to Option 3 requested by the PAC.

Summary of RTMF Options:

Option 1: That portion of Tier 1 and Tier 2 lists as well as Freeway Interchange Deficiency Study attributable to new development. Exemptions for educational and governmental developments, discount for affordable housing, and 43% reduction for retail.

Option 2: Same as Option 1, but excluding Tier 2 projects.

Option 3: Same as Option 2, except that the RTMF would be phased in over three years.

Option 4: Same as Option 1, except that the RTMF would be phased in over three years.

Option 5: Scale entire program back to fit \$102 Mil. overall.

Results in Terms of Revenues (\$mil).

Project or Cost Category	Total Project Costs	Costs Allowable Under Mitigation Fee Act	RTMF Revenues				
			Option 1	Option 2	Option 3	Option 4	Option 5
Tier 1	\$947	\$458	\$247	\$247	\$235	\$235	\$68
Tier 2	\$687	\$254	\$170	\$0	\$0	\$161	\$0
FIDS	\$125	\$41	\$31	\$31	\$29	\$29	\$31
Admin. Costs		\$23	\$9	\$6	\$5	\$9	\$3
Total	\$1,758	\$776	\$456	\$283	\$269	\$434	\$102
As a % of Total Project Costs >			26%	16%	15%	25%	6%
As a % of Tier 1 Costs >			26%	26%	25%	25%	7%
As a % of Allowable Costs >			59%	37%	35%	56%	13%

Results in Terms of Fees

Land Use Category	Options 1 & 4	Options 2 & 3	Option 5
Residential (\$/dwelling unit)			
Single-Family Dwellings	\$2,781	\$1,727	\$621
Multi-Family Dwellings	\$1,953	\$1,212	\$436
Non-Residential (\$/square foot)			
Government & Education	Exempt	Exempt	Exempt
Commercial/Retail	\$3.16	\$1.96	\$0.71
Commercial/Office/Service	\$1.98	\$1.23	\$0.44
Light Industry	\$0.79	\$0.49	\$0.18
Heavy Industry	\$0.17	\$0.10	\$0.04
Other Non Residential	\$0.67	\$0.42	\$0.15

Projects for RTMF Funding

Projects Receiving Funds	% Attributable to New Development	Potential RTMF Funding	% of Total Project Cost
Tier 1			
SR-180 West Seg II	46%	\$1 M	34%
SR-41/SR-168/SR-180	100%	\$85 M	74%
Veteran's Boulevard	58%	\$51 M	43%
SR-180 East Seg III	100%	\$32 M	74%
SR-180 East Seg IV	100%	\$34 M	74%
SR-180 East Seg V	100%	\$45 M	74%
		\$247 M	
Tier 2			
SR-99 Stanislaus & Tuolumne	100%	\$34 M	74%
SR-99 Central & Chestnut	100%	\$37 M	74%
SR-41 Central & Amercian	100%	\$23 M	74%
SR-43 Widening	100%	\$35 M	74%
SR-180 E Seg VI	100%	\$40 M	74%
		\$170 M	
Freeway Interchange Deficiency Study			
SR99/Belmont	100%	\$5 M	74%
SR41/Tulare&Divisadero	100%	\$5 M	74%
SR41/Ashlan	100%	\$4 M	74%
SR41/Bullard	100%	\$10 M	74%
SR41/Friant	84%	\$2 M	62%
SR180/N. Fullton & Van Ness	100%	\$2 M	74%
SR168/Shaw	100%	\$2 M	74%
		\$30 M	

Following a lengthy discussion of the pros and cons of the various alternatives under consideration at the joint TTC/PAC meeting held August 15, 2008, the TTC vote was split (3-3) between Option 1 and Option 2; and the PAC voted (9-0) to support Option 2. In addition, direction was given to the consultant to draft a Model RTMF Ordinance for adoption by each of the cities that addresses the "timing" of the collection of the fees. Member agencies will be provided the opportunity to review and comment on the draft RTMF Model Ordinance prior to taking it to each of the cities for their adoption. (Boren)

Action: Select a preferred Regional Transportation Mitigation Fee Option to forward to the Fresno County Transportation Authority for their consideration. The Preferred Option will be reflected in Resolution 2008-39.

Fresno COG Sitting As the Council of Governments Policy Board

III. REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE

IV. ADMINISTRATIVE CONSENT ITEMS

Approve Calendar Items

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A. Executive Minutes of July 31, 2008

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V. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. Financial Audit Contract Renewal

Summary: Per our Joint Powers Agreement, the County Auditor Controller selects a firm to provide our annual financial audit. In 2005/06 they issued an RFP and selected Dedekian, George, Small, & Markarian Accounting Corporation. County policy allows the auditor to be used for up to five years if satisfactory results are achieved. The firm has provided satisfactory results and staff recommends using them again for the third year. The scope will include all Federal Single Audit as well as Transportation Development Act Trust, and Claimant Member Agency program audits. This year we are expanding the scope of the audit to include the Fresno Area Express TDA Compliance as well as coverage of all newly created Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) funds distributed to Transit agencies in our region. Dedekian, George, Small, & Markarian Accounting Corporation has requested \$6,300 to cover the additional audit coverage. Staff feels the request is reasonable considering the size and scope of the additional services and recommends the board authorize the contract at \$49,050 including the additional services. [BESHEARS]

Action: Staff, TTC and PAC recommend authorization to contract with Dedekian, George, Small, & Markarian Accounting Corporation to provide the 2007/08 Financial audit for \$49,050.

B. Joint Audit Contract with Fresno County Transportation Authority

Summary: Under the reauthorized Measure "C", the Fresno County Transportation Authority will require an annual audit of all pass through funding. The majority of agencies falling under this requirement are the same agencies that we are already required to perform TDA audits for pursuant to Section 99245. There are many similarities between the Measure audits and the TDA audits and in many instances the auditors will be looking at the same projects as claimants may use both sources of funding on eligible projects. In order to make the process as efficient as possible the Transportation Authority has requested our auditor expand the scope of the TDA audits to cover the Measure audits. This will save claimants subject to both audits from having to deal with separate audit teams. Dedekian, George, Small, & Markarian Accounting Corporation has estimated the Measure Audits will require an additional 190 hours at a cost of \$22,800. The time allotted for the current TDA field audits is 300 hours so staff feels this is reasonable and recommends the board authorize the contract. [BESHEARS]

Action: Staff, TTC and PAC recommend authorization to contract with Dedekian, George, Small, & Markarian Accounting Corporation to provide the 2007/08 Measure "C" Pass Through audit for \$22,800

VI. OTHER BUSINESS

- A. Items from Staff
- B. Items from Members

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