



Ron Peterson
Executive Director

January 12, 2011

Mr. Nicholas Paladino, Advocacy Director
Fresno Cycling Club
PO Box 27571
Fresno, CA 93729

Dear Mr. Paladino

Please consider this letter a response to your letter dated December 20, 2010 in which you disagreed with my interpretation of what the term "retrofit" means in the 2006 Measure C Extension Expenditure Plan.

Your letter bases your disagreement with my interpretation on two points. These are:

1. The interpretation violates the intention of the Steering Committee, and
2. The interpretation is not consistent with the definition of the word "retrofit".

Relating to your first point, due to the difficulty involved in reconvening the Steering Committee we must rely on a literal interpretation of the language used in the Measure itself. In any event, the voters only had the language of the Measure to consider when deciding whether to support or oppose the proposition, so further interpretation by the Steering Committee that results in clarification of requirements which differ from a literal interpretation of the language would be invalid.

Relating to the second point, once again a literal interpretation of Measure language is the primary basis a voter has to determine support or opposition. For this reason all commonly accepted definitions of the words used to describe the program must be given equal consideration since it is impossible for us to know which definition resulted in the ultimate voter decision. I believe the fourth definition you listed in your letter describes exactly what is undertaken when maintenance is performed and it was the primary determinate I used in making my interpretation. Maintenance is not performed until deficiencies develop in a facility that require correction for either safety reasons or economical life cycle. Maintenance does not keep an improvement in its current condition but attempts to return it to a facility that meets current standards, therefore resulting in an improvement. If you wish to change the meaning of the Measure as presented to the voters I suggest you initiate an Expenditure Plan amendment with Fresno COG as outlined within the Measure.

Nick Paladino
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If you wish to discuss this issue further please call me at 600-3282 to discuss it on the phone or make an appointment to meet.

Sincerely

A handwritten signature in black ink, appearing to read "Ron Peterson", with a stylized, sweeping flourish extending to the right.

Ron Peterson, Executive Director
Fresno County Transportation Authority