



CITIZEN OVERSIGHT COMMITTEE

Measure C Citizen Oversight Committee Meeting

Annotated Agenda

Date: Tuesday, June 28, 2011

Time: 5:30 p.m.

Place: Fresno Council of Governments

2035 Tulare Street, Suite 201, Fresno, CA

I. Strategy Research Institute Contract Renewal [Boren]

Summary: Strategy Research Institute Inc. (Dr. Gary Manross) has been serving as consultant to Fresno COG in his current capacity since July 2008. Over the course of the last year, SRI Inc. has played a key facilitation role in bringing two major regional projects, the Regional Transit Consolidation Study and the Farmland Conservation Model Program study forward to a point where a determination can be made on whether there is interest in moving forward with the next steps in the process. In addition, SRI Inc. is also providing direct services to our member agencies at reduced rates as a result of their on-going contract with Fresno COG.

Recently, at the request of the Fresno Works Committee, the entity which is overseeing high speed rail matters in Fresno County, SRI Inc. met with California High Speed Rail Authority staff to determine if there might be a role for SRI Inc. to play in resolving some of the contentious issues that have been raised by the agricultural community. This role is a logical fit for Dr. Manross given his consensus building experiences with Measure C and his recent outreach to the agricultural community as part of the Farmland Conservation Model Program.

SRI Inc.'s current contract with Fresno COG is a \$6,000 a month retainer which totals \$72,000 annually.

Policy Advisory Committee Discussion

In general, the Policy Advisory Committee was very supportive of the quality of the work that SRI Inc. has conducted for Fresno COG over the last several years, however specific concerns were expressed by the County of Fresno and the City of Fresno over the "retainer" nature of SRI Inc.'s contract with Fresno COG. Their concern is that traditionally, work in the transportation field is done on a "pay for product" basis. When utilizing this type of approach, there is an actual deliverable product that is provided to the COG, and the cost for delivering that product is determined on a time and materials basis. Concerns were also expressed by PAC that when utilizing a "retainer" contract it can oftentimes be difficult to achieve *day in day out* accountability with the consultant. Additional PAC comments focused on "retainer" contracts in general as being counter to the competitive procurement process that most public agencies are operating under. Concerns were also expressed by the City of Fresno and the County of Fresno over the use of COG's Measure "C" planning funds as the source of funding for SRI Inc.'s contract, as they felt those funds should only be expended on planning activities that have direct relevance to COG's Measure "C" program, and SRI Inc.'s work for the COG did not meet that test.

PAC also stated that should the Policy Board wish to utilize SRI Inc. services on a "case-by-case" basis in the upcoming year, individual scope of works identifying the specific tasks, and the cost of completing those tasks, for each project, be presented to the PAC and Policy Board for their review and approval, prior to the work beginning.

Additionally, the City of Mendota provided comments applauding the work that SRI Inc. had done for their community and stated that without SRI's contract with the COG they would have been unable to afford his services. It is our understanding that Reedley, Huron and Mendota have also availed themselves of SRI Inc.'s services as well.

Upon completion of the comment and discussion portion of the item, the Policy Advisory Committee voted 6 (Fresno County, Fresno, Fowler, Clovis, Kerman, Kingsburg) to 1 (Mendota) to recommend discontinuing SRI Inc.'s "retainer" contract with Fresno COG. Going further, PAC stated that in the event that Fresno COG should choose to use SRI Inc.'s services down the road, SRI should be required to develop a detailed scope and cost for the specific product on a case by case basis for Policy Board approval.

COG Policy Board Discussion

After hearing a discussion of the issues associated with renewal of SRI's contract at their May 26, 2011 Policy Board meeting, at the request of the City of Fresno, the Policy Board voted to continue the item until the June 2011 meeting. The Policy Board also requested that COG staff solicit the opinion of the Measure "C" Oversight Committee as to their view on the appropriateness of using Measure C funding for SRI's contract. The Measure "C" Oversight Committee is scheduled to meet on June 28, 2011, and the outcome of that meeting will be shared with the Policy Board at their June 30th Policy Board meeting.

Action: Receive, review and recommend action to the Fresno COG Policy Board.

II. Measure C Citizen Oversight Committee 2009-2010 Annual Report to the Public [Veenendaal]

Summary: At an emergency meeting of the Measure C Citizen Oversight Committee (COC) held in May, the Committee discussed the reporting procedures for the FCTA's Administrative and Services and Supplies Budgets as they related to the COC's Annual Reporting to the public. Though the COC resolved the reporting issue they met to discuss, Committee members felt it was important to continue the discussion of how the FCTA's Administrative costs are reported.

Background Information on the issue:

The issue at hand is how to report the Supplies and Services budget expenditures. As some see it, those items should be under the Administrative expense budget. However, they are not part of the Administrative budget now nor have they been since the implementation of this new Measure. There has been a Services and Supplies listing in the line item budget since the FCTA budget was developed 3 years ago.

The Administration budget includes any costs necessary to run the FCTA executive office. The Services and Supplies line item includes services and supply costs needed and required by the Measure for each program, and includes auditing, accountants, legal, public outreach and financial advisors. It is all contracted work, not done to

administer the Measure, but to provide a service, evaluation or analysis of work done. Or, in other words, they are the cost of evaluating the efficiencies, the correctness or legality and educating the public of each program.

Therefore, the FCTA has not exceeded their 1% Administrative Budget allocation.

Action: Receive, review and recommend action

III. Measure C Extension Expenditure Plan Master Plan Requirements for Trails, Bicycle and Pedestrian Facilities [Veenendaal]

Summary: The Measure C Extension Expenditure Plan includes the following requirements in "Appendix C – Implementing Guidelines: Local Transportation Program" that Committee Members would like to discuss for further clarification. The issue at hand is that each jurisdiction is required to have a Master Plan for Trail, Bicycle and Pedestrian Facilities by January 1, 2012, but jurisdictions with populations under 25,000 are not required to use Measure C funds to build trail or bicycle facilities.

Expenditure Plan Language:

Master Plan for Trail, Bicycle and Pedestrian Facilities

- By January 1, 2012, all jurisdictions within Fresno County will have updated and/or adopted a Master Plan for Trail, Bicycle and Pedestrian Facilities that promotes connectivity within all of Fresno County and its urban areas
- Measure "C" funds may be used to pay for development of a Master Plan
- The Master Plan will be the guiding document for upgrade and/or installation of such facilities
- If any jurisdiction fails to meet this goal the earmarked funds for Trail, Bicycle and Pedestrian facilities shall be withheld by the Authority until such time as a jurisdiction is in compliance

Pedestrian / Bicycle Trails and Bike Lane Earmark Thresholds

- Less than 25,000 population - jurisdictions are exempt from the earmarked funds for pedestrian / bicycle trails and earmarked funds for bicycle facilities
- 25,000 - 74,999 population - jurisdictions may combine the earmarked funds for pedestrian / bicycle trails and the earmarked funds for bicycle facilities in order to provide flexibility in implementing projects conforming to any of the provided definitions
- Greater than 75,000 population - jurisdictions must meet each of the earmark targets for 1) Pedestrian / Bicycle Trails and 2) Bicycle Facilities

Action: Receive, review and recommend action

IV. Other Business

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