



STAFF REPORT

MEETING DATE: April 26, 2023

PRESENTER: John Jansons, City Manager

SUBJECT: Consideration of City's position and possible Resolution regarding Assembly Bill 558 which proposes to change the governance structure of the Fresno County Transportation Agency and enact other project conditions (JAJ)

RECOMMENDATION: Staff recommends City Council:

1. Consider Assembly Bill 558 which proposes to change the governance structure of the Fresno County Transportation Agency and impose wage and environmental review conditions on funded projects; and
2. Determine whether to adopt a position in support or opposition to the proposed bill; and
3. Adopt resolution accordingly that communicates the Council's position to the bill's author Assembly Arambula, the Assembly Committee on Local Government, Cal Cities and Fresno County Transportation Authority.

EXECUTIVE SUMMARY: Assembly Bill 558, sponsored by Assembly Member Joaquin Arambula, District 31 Fresno, seeks to amend and expand the governance structure of the Fresno County Transportation Agency (FCTA) by adding four unelected representatives from labor, education, youth, and a disadvantaged unincorporated area resident. AB 558 also proposed to add wage and environmental review conditions placed upon FCTA funded projects.

Currently, The FCTA Board consists of nine members (9) with two members from the City of Fresno, two members from the Fresno County Board of Supervisors, one member from the City of Clovis, one member from a rural east side city, one member from a rural west side city, an urban Member-At-Large and a rural Member-At-Large.

AB 558 is currently under consideration by the Assembly Committee on Local Government.

DISCUSSION: FCTA was established in 1986 as a part of Fresno County's first county-wide locally funded transportation sales tax measure (Measure C).

At that time, the FCTA Board consisted of two members from the City of Fresno, two members of the Fresno County Board of Supervisors, an Eastside and Westside City representative, and a City of Clovis representative.

In 2006, two additional members were added to the FCTA Board; an urban and a rural Member-At-Large with the rural member appointed by the Board of Supervisors and the urban member

appointed jointly by the Cities of Fresno and Clovis. The two additional members were requested locally and were added just prior to the 2006 reauthorization.

The new Board membership was then approved by the voters of Fresno County. This was not a top-down change but rather a local request. These at-large positions have been filled with individuals of various backgrounds. The two current at-large members come from the disabled community and the goods movement industry.

AB 558 proposes to add four additional non-elected members to the FCTA Board from various backgrounds, including labor, education, youth, and an additional disadvantaged unincorporated area resident. AB 558 would also extend prevailing wage requirements to projects that are not in their entirety a public works project, and would require Measure C projects to adhere to the California Environmental Quality Act (CEQA).

These proposed changes rest on the assumption that these additional members are necessary because the constitution of the existing Board does not adequately represent people in underserved communities and the current FCTA Board is not inclusive.

FCTA strongly disagrees with this premise. FCTA is in fact proud that the existing Board is extremely diverse and represents all of Fresno County, including the 15 incorporated cities, the unincorporated communities, as well as the rural unincorporated areas and does not need to be changed.

FCTA believes that the changes proposed by AB 558 are unwarranted and will reduce the influence and effectiveness of the elected representatives on the FCTA Board. Further, FCTA claims AB 558 is an example of Sacramento imposing a State requirement on a local transportation funding measure.

While it may be difficult for any Board or Commission to represent every citizen of Fresno County on an equal basis, FCTA believes the current Board membership achieves a good balance between urban cities, small rural cities, and rural unincorporated areas. FCTA contends that adding four new unelected Board members who are not accountable to the voters of Fresno County would not provide better representation than the current Board membership.

FISCAL IMPACT: It is unknown at this time what fiscal impact there may be directly to Kerman with the proposed changes to FCTA governance and other aspects to the AB 558. Although it can be safely assumed that all member agencies will see smaller project awards due to the increased costs of wage and environmental review conditions set forth in AB 558 which are expected to have significant costs associated with them.

AB 558 would increase costs for projects County-wide, thereby resulting in smaller or fewer projects being completed in Fresno County with the projected resources available.

ATTACHMENTS:

- A. Draft Resolution in Support of AB 558
- B. Draft Resolution in Opposition to AB 558
- C. AB 558 Bill Text
- D. Opposition to AB 558 from Fresno County Transportation Agency

RESOLUTION NO. 23-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN IN SUPPORT AB 558,
REGARDING CHANGES TO THE GOVERNANCE AND PROJECT REQUIREMENTS OF THE
FRESNO COUNTY TRANSPORTATION AGENCY (FCTA)**

WHEREAS, the Fresno County Transportation Agency (FCTA), has operated since 2005 pursuant to state law; and

WHEREAS, Assembly Member Arambula has submitted to the California Legislature Assembly Bill 558 which proposes to change the governance structure of the FCTA Board and requires additional wage and environmental condition for FCTA projects; and

WHEREAS, Kerman is a member beneficiary of FCTA funded projects, transportation planning, and eligible for FCTA Board membership; and

WHEREAS, the City Council believes the changes proposed by AB 558 (Arambula) are beneficial to Kerman and Fresno County.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Kerman supports AB 558.

Section 1. The recitals above and true and correct and incorporated herein by reference.

Section 2. The City Clerk is hereby directed to email a copy of this adopted Resolution to the following:

1. California State Assembly Committee of Local Governance,
2. Office of Assembly Member Joaquin Arambula,
3. Fresno County Transportation Agency,
4. The League of California Cities; and
5. Other interested parties in support of the passage of AB 558.

Section 3. This Resolution is effective immediately.

The foregoing resolution was considered by the City Council to the City of Kerman at a regular meeting of said Council held on 26th day of April 2023, adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Marci Reyes
City Clerk

Attachment 'B'

RESOLUTION NO. 23-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN OPPOSING AB 558,
REGARDING CHANGES TO THE GOVERNANCE AND PROJECT REQUIREMENTS OF THE
FRESNO COUNTY TRANSPORTATION AGENCY (FCTA)**

WHEREAS, the Fresno County Transportation Agency (FCTA), has operated since 2005

WHEREAS, Assembly Member Arambula has submitted to the California Legislature Assembly Bill 558 which proposes to change the governance structure of the FCTA Board and requires additional wage and environmental condition for FCTA projects; and

WHEREAS, Kerman is a member beneficiary of FCTA funded projects, transportation planning, and eligible for FCTA Board membership; and

WHEREAS, the City Council believes the changes proposed by AB 558 are unnecessary and detrimental to Kerman and Fresno County.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Kerman opposes AB 558;

Section 1. The recitals above and true and correct and incorporated herein by reference.

Section 2. The City Clerk is hereby directed to email a copy of this adopted Resolution to the following:

1. California State Assembly Committee of Local Governance,
2. Office of Assembly Member Joaquin Arambula,
3. Fresno County Transportation Agency,
4. The League of California Cities,
5. Other interested parties in opposing AB 558.

Section 3. This Resolution is effective immediately.

The foregoing resolution was considered by the City Council to the City of Kerman at a regular meeting of said Council held on 26th day of April 2023, adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Marci Reyes
City Clerk