August 10, 2022

Fresno City Council Members
City of Fresno
2600 Fresno Street
Fresno, CA 93721
Sent via email

RE: Measure C Renewal Expenditure Plan, Fresno City Council August 11, 2022 Agenda, Action Item 22-1260

Dear Fresno City Council Members:

As you may know, my staff and I visited the City and County of Fresno just this week, on August 9. During our visit, we had several positive conversations with residents, community organizations, and elected representatives, including the Mayor and County Supervisors. These conversations focused on the need for continued partnership and collaboration, to maximize the benefit of many promising opportunities ahead for Fresno residents. It is in that spirit that I write to you today.

As a policy matter, locally derived sales tax funding should be directed toward projects that are identified as priorities by the residents that stand to benefit from them, and who will be most affected by them. Yet several community based organizations and residents throughout the City and County have expressed concern that the proposed Measure C Renewal Expenditure Plan (“Renewal Plan”) shifts away from some the priorities laid out in the 2006 Measure C expenditure plan, by reducing the percentage allocation of funding to support safe and accessible transit options and sustainability programs. They have also expressed concerns regarding their experience of a lack of adequate public process involved with setting the Renewal Plan’s proposed expenditures.

I know that meaningful engagement and a comprehensive public process is as important to you as it is to me and to our shared constituents—especially those constituents who have historically been disenfranchised from the processes that impact their health and well-being. The current Measure C expenditure plan, which does not lapse until 2027, allocates significant funding to expand public transit programs in the county and to improve local streets by adding sidewalks and bicycle lanes, to support active transportation – funding programs that many Fresno residents care about deeply. For this reason, I ask that you consider ways to address
residents’ concerns regarding lack of adequate public process undertaken to develop the Renewal Plan, and to meaningfully engage those residents left out of the process to date.

In addition, although I was pleased to hear that the City intends to conduct a full environmental analysis of the projects funded through the Renewal Plan, my Office is concerned with the lack of clarity regarding plans to review the potential environmental impacts attributable to the change in funding priorities identified in the Plan. Although the Renewal Plan says, “Environmental review shall be done in the future,” it is unclear who will be responsible for conducting the environmental review for specific projects and when that review will occur. To honor the commitment to conduct environmental review, I urge you to make clear, prior to voting to approve the Renewal Plan, that environmental review will take place before projects are funded and approved, and to specify, to the degree possible, who will lead that review process.

As you are well aware, Fresno suffers from some of the worst air quality in the nation and the region’s poor air quality disproportionately affects Fresno’s most vulnerable and disadvantaged communities, who, in turn, experience health impacts caused by exposure to air pollution, such as high rates of asthma, cardiovascular disease, and babies born with low birth weights.1 Because of this, it is essential that any project to widen roadways or interchanges, or that might otherwise increase traffic and, in particular, truck traffic, be carefully analyzed and mitigated to protect the health of already vulnerable communities.

Achieving environmental justice and investing in sustainable transit and climate resilience are priorities the State, Fresno residents and its elected representatives all share. The current Measure C expenditure plan appears to have generally widespread support, funds several programs that work toward meeting the State’s climate and equity goals, and does not expire for several years. In light of this, I respectfully request that you consider delaying your approval of the Measure C Renewal Plan so that you can take steps to incorporate adequate public input and carefully develop this critical measure to spend billions of dollars in Fresno through 2057.

Sincerely,

ROB BONTA
Attorney General

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CC: Fresno County Transportation Authority Board Members
     Fresno County Board of Supervisors Members