RESOLUTION NO. 2011-2

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ARMONA COMMUNITY SERVICES DISTRICT OPPOSING THE CALIFORNIA HIGH SPEED RAIL AUTHORITY HIGH SPEED TRAIN PROJECT

The Board of Directors of the Armona Community Services District (District) hereby finds, declares and resolves as follows:

A. WHEREAS, the District is a California community services district formed under the California Community Services District Law, California Government Code §§ 61000 et seq.; and

B. WHEREAS, the District provides water, wastewater, solid waste and street lighting services to the unincorporated community of Armona in Kings County, CA located west of the City of Hanford and east of the City of Lemoore; and

C. WHEREAS, on or about August 15, 2011, the California High Speed Rail Authority (Authority) and Federal Railroad Administration released a Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the Fresno to Bakersfield "section" of the proposed statewide High Speed Train (HST) project; and

D. WHEREAS, the DEIR/DEIS consists of over 17,000 pages including technical appendices and memoranda; and

E. WHEREAS, the Authority allowed only 45 days to comment on the DEIR/DEIS ending on September 28, 2011, later extended to 60 days ending October 13, 2011; and

F. WHEREAS, the 60 day comment period was inadequate under the California Environmental Quality Act (CEQA), the CEQA Guidelines (CEQA's implementing regulations), the National Environmental Policy Act (NEPA) and implementing regulations, and state and federal due process requirements; and

G. WHEREAS, the inadequate time to review and comment on the 17,000 page Fresno to Bakersfield DEIR/DEIS constituted a denial of due process to the District and all other parties who were precluded by the abbreviated comment period from making the kind of thorough review necessary to make informed comments on the presentation of the environment impacts of the project as disclosed in the DEIR/DEIS; and

H. WHEREAS, the Authority ignored the requests of over 25 interested parties requesting an adequate comment period through mid February 2012; and

I. WHEREAS, on or about September 8, without any notice, the Authority through an illegal Board meeting or illegal ultra vires ad hoc staff action illegally cancelled the scheduled

September 22, 2011 Board meeting, and violated the First Amendment petition rights of commenters and interested parties like the District by eliminating the last opportunity to appear before and address the Board prior to the close of the inadequately and illegally short comment period; and

J. WHEREAS, on or about October 5, 2011, the Authority announced that it was reintroducing the "Hanford West Bypass" alternative as a potential route for the HST, such action being an illegal action by the Authority and its Board in view that no properly noticed and agendized Board meeting had taken place at which this decision could be lawfully made; and

K. WHEREAS, the Hanford West Bypass does not follow existing transportation corridors as required by Proposition 1A approved by California voters in 2008, and will have devastating impacts to the land area between Hanford and Armona and the east portion of the community of Armona, including the impassable barrier formed by the fully grade separated alignment; and

L. WHEREAS, the DEIR/DEIS assumes that local law enforcement will respond to actions of trespass and other unlawful acts occurring in or on the alignment, providing a subsidy to the HSR even though Proposition 1A prohibits subsidies to the HST project; and

M. WHEREAS, in meetings and workshops, the Board and its staff have been nonresponsive, condescending and arrogant toward representatives of interested Kings County parties, including disrespectful treatment of the then Executive Director of the Kings County Farm Bureau by the former Board chair; and

N. WHEREAS, the Authority Board is purely appointive, and not accountable to or representative of the people of the State or the San Joaquin Valley; and

O. WHEREAS, the proposed HST project would pass through or across numerous farm properties in Kings County including land subject to the Williamson Act, land designated as prime farmland and other high value protected agricultural lands; and

P. WHEREAS, the proposed HST project would disrupt long standing farming and cultural practices on many parcels of farm property in Kings County, including many in the District, on account of the grade separated alignment blocking normal movement; and

Q. WHEREAS, on October 18, 2011, the Kings County Board of Supervisors adopted Resolution No. 11-065 "In the Matter of Revoking and Rescinding Resolution 10-033 and Opposing the California High Speed Rail Authority High Speed Train Project" a true copy of which is attached as Exhibit A; and

R. WHEREAS, the District concurs in all reasons stated by the Board of Supervisors in opposition to the High Speed Train Project.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors of the Armona Community Services District does hereby resolve that it opposes the California High Speed Train Project as being not in the interests of the District or of the interests of the service recipients in the District's service area of Armona; and

BE IT FURTHER RESOLVED THAT the staff of the District is instructed to send copies of this Resolution to appropriate public entities including the Authority, the Authority Board, the Federal Railroad Administration, the Boards of Supervisors and County Administrators of the Counties of Kern, Kings, Fresno, Madera and Merced, the City Councils and Mayors of the Cities of Visalia, Tulare, Hanford, Fresno, Madera, to elected state and federal officials and to such public and private entities and individuals as it may judged appropriate to communicate this Resolution.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Armona Community Services District on December 13, 2011, by the following vote:

AYES: Dillon, McMillan, Chavarin, Danielson
NOES: Bittner
ABSENT: None
ABSTAIN: None

ALAN DANIELSON, Chairman of Board of Directors

ATTEST:

IRENE DILLON, SECRETARY

CERTIFICATE OF SECRETARY

I, Irene Dillon, the duly appointed and acting Secretary of the Board of Directors of the Armona Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District, duly held at Armona, California, on December 13, 2011.

DATED: December 13, 2011.

IRENE DILLON, SECRETARY

C:\RLC\ACSD\RESOS\ACSD11-2.wpd

EXHIBIT "A"

RESOLUTION 2011-2

Resolution of the Board of Directors of the
Armona Community Services District
Opposing the California High Speed Rail Authority
High Speed Train Project

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

****

IN THE MATTER OF REVOKING AND RESCINDING RESOLUTION 10-033 AND OPPOSING THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY HIGH-SPEED TRAIN PROJECT

RESOLUTION NO. 11-065

/

WHEREAS, California voters approved Proposition 1A on November 4, 2008 and the Legislature codified the *Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century* ("the Act"; AB 3034; *See* Streets and Highways Code Sections 2704-2704.1); and

WHEREAS, the Act provides $9.1 billion in bond funds to finance a high speed electrified train system designed along existing transportation corridors to achieve mandated travel times between population centers and to operate without government subsidies, that will connect the San Francisco Bay Area and Sacramento in the north, through the Central Valley to Los Angles, Orange County and San Diego in the south (collectively the "Project'); and

WHEREAS, federal American Recovery and Reinvestment Act ("ARRA") money has been allocated to the California high-speed train Project; and

WHEREAS, a nine-member California High-Speed Rail Authority ("Authority") was appointed pursuant to the Act and Public Utilities Code Section 185020 to plan and implement the Project pursuant to the Act and all applicable law and implementing regulations; and

WHEREAS, the Authority and the Federal Railroad Administration ("FRA") are co-lead agencies for purposes of environmental review of the Project under the California Environmental Quality Act ("CEQA") and the National Environmental Protection Act ("NEPA"); and

WHEREAS, on May 25, 2010, the Kings County Board of Supervisors resolved (Resolution #10-033) that it:

1. Supports the continuing development of high-speed rail on a statewide basis;
2. Supports a unified approach for the Central Valley, should the rail be designated to traverse through it;
3. Supports routes that use existing transportation corridors and rights-of-way; and
4. Opposes any and all alignments where transportation corridors do not exist at the present time; and

WHEREAS, revocation and rescission of Resolution 10-033 and opposition to the California High-Speed Rail Authority High-Speed Train Project is under consideration based on the following findings:

Findings:

1. The Authority and FRA have failed and continue to fail to coordinate with Kings County regarding the Project and its impacts on the health, safety and welfare of the County and its local planning documents and ordinances; and
2. The Project does not conform with the County's General Plan and related ordinances; and
3. Prior to release of the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/EIS") for the Fresno to Bakersfield Section of the Project, the Authority and FRA assured Kings County Board of Supervisors that local planning issues and health, safety and welfare concerns would be addressed in the DEIR/EIS, but it has not be done despite detailed correspondence presented to the Authority and FRA and introduced in attempted coordination meetings by Kings County Board of Supervisors; and
4. The DEIR/EIS defers mitigation analysis on many of the impacts that will affect not only Kings County property owners, but Kings County Government and County staff resources and fails to resolve conflicts with the County's General Plan; and
5. The DEIR/EIS proposes that the Bakersfield to Fresno Section will not initially be electrified, in violation of Proposition 1A, which requires an electrified high-speed train system; and
6. The DEIR/EIS further indicates that if the entire high-speed train system anticipated by Prop. 1A is not built out as anticipated, the track for the Bakersfield to Fresno Section will have "independent utility" for Amtrak purposes and will qualify under ARRA funding requirements. This completely ignores the local investment in the existing transportation hub and intermodal connectivity and planning as well as economic impacts on affected downtowns and the air quality and greenhouse gas impacts created by altering the hub; and
7. The Fresno to Bakersfield Section DEIR/EIS consists of more than 17,000 pages and relies on technical documents that combined total more than 30,000 pages yet the Authority provided for a 45-day comment period with a token 15 day extension for a total of 60 days; and
8. Just before expiration of the inadequate 60 day review period, rather than respond to a flood of requests for extension of the comment period, the Authority, without evaluating the impacts, issued a statement that it intends to retain the 60 day comment period for the DEIR/EIS, proceed with the separate Merced to Fresno Section DEIR/EIS, but "re-introduce an alternative route, the Hanford West Bypass alternative, along with an alternative station location to serve the Kings/Tulare region" and then issue a revised draft EIR/supplemental draft EIS for the Fresno to Bakersfield Section only in Spring of 2012. Had the Authority coordinated with the County as requested, this may have been avoided, and the Authority's bad-faith behavior has exhausted local resources only to have to start all over again in the Spring of 2012. To further demonstrate the Authority's mismanagement of this Project and unwillingness to account for local input, the Hanford West alternative is reintroduced as a preferred alternative from the Authority's 2007 Visalia-Tulare-Station Feasibility Study, which was adopted

without environmental review, without outreach by the Authority or contact with Kings County, and was previously abandoned without explanation. In other words, it adopted particular alignments without public or agency input despite claiming to "tier" off of the earlier general programmatic environmental document. Also, despite a letter from a federal responsible agency, the U.S. Army Corps of Engineers, suggesting that it should reconsider the Hanford West alignment the Authority on May, 2011 refused to comply and remained undeterred in its effort to issue the Project DEIR/EIS. Now, at the end of the DEIR/EIS comment period, the Authority is backtracking and indicating it will reconsider this alternative; and

9. The Authority's lack of transparency, failure to coordinate and resolve impacts, ignorance of the will of the people expressed in Prop. 1A, and its "act now, ask forgiveness later" approach to the Project, have caused the Kings County Board of Supervisors to revisit its prior Resolution 10-033.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Kings County Board of Supervisors:

1. Affirms the findings herein;
2. **REVOKES** and **RESCINDS** Resolution #10-033 adopted May 25, 2010; and
3. **OPPOSES** the California High-Speed Rail Authority High-Speed Train Project.

The foregoing resolution was unanimously adopted upon motion by Supervisor Joe Neves, seconded by Supervisor Doug Verboon at a regular meeting held on the 18th day of October, 2011, by the following vote:

AYES: Supervisors Neves, Verboon, Fagundes, Valle and Barba
NOES: Supervisors
ABSENT: Supervisors

/s/Tony Barba
Tony Barba, Chairperson of the Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this 18th day of October, 2011.

/s/Rhonda Bray
Rhonda Bray, Deputy Clerk of said Board of Supervisor