

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING APRIL 14, 2009
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters.
 - a. Proclamation - Library Week.
7. Items from the Public - Non-Agenda Items.
8. Consent Calendar
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The March 24, 2009 Regular Meeting.
 - d. Adopt Resolution No. 2009- , A Resolution Approving The Sewer Line Replacement Project And Authorizing Ed Katen As Mayor, And Michael E. Holland, As City Clerk To Record A Notice Of Completion.
9. Public Hearings
 - a. Adopt Resolution No. 2009- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.
 - b. Adopt Resolution No. 2009- , A Resolution Authorizing The Police Chief To Apply To The United States Department Of Justice For The Edward Byrne Justice Assistance Grant In The Amount Of \$11,252.
10. Regular Business
 - a. Introduction And Distribution Of Draft Housing Element Update For Council Review And Comment.
 - b. Adopt Resolution No. 2009- , A Resolution Authorizing The City of Newman's Application For Grant Funds Under The State-Legislated Safe Routes To School (SR25) Program.

- c. Adopt Resolution No. 2009- , A Resolution Approving A Neighborhood Stabilization Plan Contract With The Stanislaus County Housing Authority And Authorizing The City Manger To Execute Said Contract.
- d. Authorize A Redevelopment Budget Adjustment Of \$25,000.00 For Demolition Costs Of The Remaining Structures At Howard B. Hill Park Site.
- e. Authorize A Redevelopment Budget Adjustment Of \$18,000.00 For Removal And Replacement Of The Sidewalk And Parkway Strip On "R" Street Fronting The FDES Hall.

11. Items From District Five Stanislaus County Supervisor

12. Items From The City Manager And Staff.

13. Items From City Council Members.

14. Adjournment.

Calendar of Events

April 13 - Baseball Board Meeting - 6:00 P.M.

April 14 - City Council - 7:00 P.M.

April 15 - Mayors Meeting - 6:00 P.M. - Riverbank

April 15 - 16 - League Of California Cities Legislative Action Days - Sacramento

April 16 - Planning Commission - 7:00 P.M.

April 21 - Budget Workshop - 6:30 P.M.

April 27 - Two On Two Meeting With The School Board - 4:30 P.M.

April 28 - City Council - 7:00 P.M.

May 11 - Baseball Board Meeting - 6:00 P.M.

May 12 - City Council - 7:00 P.M.

May 14 - Recreation Commission - 7:00 P.M.

May 20 - Mayors Meeting - 6:00 P.M. - Turlock

May 21 - Planning Commission - 7:00 P.M.

May 26 - City Council - 7:00 P.M.

May 27-30 - League Of California Cities Mayors & Council Members - Executive Forum &
Advanced Academy Workshop - San Diego

Proclamation

of the Mayor of the City of Newman

WHEREAS, a literate society is essential to the health of our community;
and,

WHEREAS, reading is a basic key to achieving personal success in school, in business and in life; and,

WHEREAS, librarians are leaders in promoting literacy and are actively engaged in numerous efforts to encourage people of all ages to read; and,

WHEREAS, libraries ensure equal access to knowledge and information and offer valuable reading resources and services; and,

WHEREAS, librarians are actively building partnerships in the community and making special efforts to reach out to parents, children and low-literate adults; and,

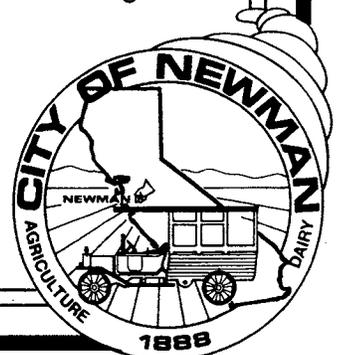
WHEREAS, librarians and libraries are actively involved in providing equitable access to the Internet and other computer technologies; and,

WHEREAS, libraries provide free resources such as employment searches and computer training classes that are particularly important during difficult economic times; and

WHEREAS, libraries offer pre-school Story Times and summer reading programs to encourage children to begin a habit of reading that will serve to benefit their personal and professional lives,

NOW, THEREFORE, I, Ed Katen, Mayor of the City of Newman do hereby proclaim April 12-18, 2009, National Library Week in the City of Newman and urge everyone to visit libraries and to thank a librarian for making these unique and wonderful institutions possible.

Signed _____



Date.: Mar 31, 2009
Time.: 12:22 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 1
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
30511	03/27/09	-43.00	OPERATING ENGINEERS/	Ck# 030511 Reversed
035593	03/20/09	65.00	GVCSC C/O TONY PASCOAL	TRAFFIC CONTROL/FLAGGER CERT REGISTRATION/MCWATERS
035594	03/25/09	1000.00	RESERVE ACCOUNT	RE-SET POSTAGE METER
035595	03/27/09	9263.00	BIGELOW CHEVROLET, INC	2002 CHEVY SILVERADO/PW
035596	03/27/09	206.00	STANISLAUS COUNTY	GENERATOR/CESQG/HAZARDOUS MATERIALS PLAN/CUPA GEN
035597	03/27/09	279.02	BUSINESS CARD	MEALS/Frames/TASER COURSE FEES/CARWASHES/SANDISK
035598	03/27/09	545.02	CITY OF NEWMAN-PETTY CASH	POSTAGE/MEALS/TRUCK REGISTER/PICTURES/RED BOWS
Sub-Total:		11315.04		
Grn-Total:		11315.04		
Count:		7		

Date.: Apr 9, 2009
Time.: 11:37 am
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Ck #	Check Date	CK Amount	Vendor Name	Description
035599	04/02/09	283.37	RADDISON CULVER CITY	LODGING/SLI TRNG/4-6 THRU 4-8-09/RICHARDSON
035600	04/02/09	200.00	RANDY RICHARDSON (NT)	PER DIEM/SLI TRNG 4-6 THRU 4-8-09/RICHARDSON
035601	04/09/09	371.13	ABBOTT & KINDERMANN, LLP	GENERAL ADVICE/PROFESSIONAL SERVICES
035602	04/09/09	16014.50	AECOM USA, INC	PROFFESIONAL SERVICES/SPECS AND STANDARDS
035603	04/09/09	65.65	AT&T/MCI	MONTHLY TELEPHONE CHARGES 3/1/09 TO 3/31/09
035604	04/09/09	27.39	AT&T LONG DISTANCE	LONG DISTANCE CHARGES/FEB 2009
035605	04/09/09	249.14	AT&T	MONTHLY STATEMENT/2/13/09 TO 3/12/09/PD
035605	04/09/09	427.27	AT&T	MONTHLY STATEMENT 2/20/09 TO 3/19/09/PD
035605	04/09/09	219.89	AT&T	MONTHLY STATEMENT/2/20/09 TO 3/19/09 EMERGENCY LIN
035606	04/09/09	504.19	BASIC CHEMICAL SOL./INC.	190 GALS SODIUM HYPOCHLORITE/WELLS
035607	04/09/09	49238.68	BERTOLOTTI DISPOSAL	GARBAGE SERVICE FOR MARCH 2009
035608	04/09/09	1103.85	BERTOLOTTI DISPOSAL	LANDFILL FEES/MARCH 2009
035609	04/09/09	4935.75	W.H. BRESHEARS, INC.	GAS AND DIESEL PURCHASES/MARCH 2009
035610	04/09/09	20.40	BURTON'S FIRE, INC	RECEPTACLE 15A 120 VOLT/FD
035611	04/09/09	5250.00	BUSH,ACKLEY,MILICH,HALLIN	LEGAL RETAINER FEES FEB THRU APRIL 2009/HALLINAN
035612	04/09/09	27.00	CALIF BUILDING STANDARDS COMMI	SB 1473 FEES COLLECTED JAN-MARCH 2009
035613	04/09/09	100.00	JEFF CARTER	PARKING LOT RENT/APRIL 2009
035614	04/09/09	240.50	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/APRIL 2009
035615	04/09/09	473.58	CENTRAL SANITARY SUPPLY	PAPER TOWELS/FACIAL TISSUE/TP
035616	04/09/09	29.12	CHEVRON	GASOLINE PURCHASE/PD
035617	04/09/09	162.87	CIT TECHNOLOGY FIN SERV, INC	MS GSSA OFFICE PRO PLUS/APRIL 2009
035618	04/09/09	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/APRIL 2009
035619	04/09/09	82.21	ELAINE COLLISON (NT)	REIMBURSE COFFEE/SUPPLIES FOR DEPT MTG/PD
035620	04/09/09	94.90	COMCAST CABLE	HIGH SPEED INTERNET 3/22/09 TO 4/21/09

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Ck #	Check Date	CK Amount	Vendor Name	Description
035622	04/09/09	570.01	CRESCENT SUPPLY CO. #1	UNIFORM SUPPLIES FOR VOLUNTEERS/PD
035623	04/09/09	3114.08	CROP PRODUCTION SERVICES	WARRIOR/DIMETHOATE/ACIDIPHACTANT/WWTP
035624	04/09/09	31983.00	CSJVRMA	4TH QUARTER WORKERS COMP 08/09/LIABILLITY INS
035625	04/09/09	2612.00	DAVE SILVEIRA CONSTRUCTION	TRACK LIGHTING AND SECURITY DOOR AS PER CONTRACT
035626	04/09/09	164.77	DONALD DeGRAFF	REFUND OF OVERPAYMENT SB1473/SMOT FEE/WATER METER
035627	04/09/09	78.28	DESIGN,COMMUNITY,ENVIRONM	GENERAL PLAN EIR NOTICE OF DETERMINATION/FEB 09
035628	04/09/09	188.28	EMBASSY SUITES	LODGING/TASER RECERTIFICATION/VILLALOBOS
035629	04/09/09	4912.71	EMPLOYMENT DEV DEPT/SUI	UNEMPLOYMENT INS 10/1/08 TO 12/31/08
035630	04/09/09	524.00	ENERPOWER	ELECTRIC ENERGY SERVICES 1/7/09 TO 2/05/09
035631	04/09/09	200.00	SARA ESQUIVEZ	CANCELLED MEM BLD/REFUND DEPOSIT/S. ESQUIVEZ
035632	04/09/09	1064.00	E.T. ABATEMENT, INC.	PO #09-65
035633	04/09/09	324.28	FERGUSON ENTERPRISES, INC	4" WATER METER/OHS
035634	04/09/09	4629.00	FGL ENVIRONMENTAL, INC	BACTI ANALYSIS/INORGANICS/ORGANICS/WWTP
035634	04/09/09	618.00	FGL ENVIRONMENTAL, INC	WATER SUPPLY BACTI/INORGANICS/ORGANICS/SUB CONTR
035634	04/09/09	590.00	FGL ENVIRONMENTAL, INC	INORGANIC/ORGANIC/SUB CONTR/SUPPORT ANALYSES/INFLU
035635	04/09/09	34.95	FIREtoWIRE, INC	WEB HOSTING 4/17/09 TO 5/17/09
035636	04/09/09	25.00	FLEX ONE/AFLAC	UNREIMBURSED MEDICAL EXPENSE ADMIN FEE/MARCH 2009
035637	04/09/09	162.32	GARTON TRACTOR	FILTERS TO SERVICE FORD TRACTOR AND COMM LAWN MOWE
035637	04/09/09	57.45	GARTON TRACTOR	HITCH PINS, QUICK COUPLERS/WWTP
035637	04/09/09	107.60	GARTON TRACTOR	CHANGED THROTTLE CABLE AND REPAIR WIRING HARNESS
035637	04/09/09	228.78	GARTON TRACTOR	SERVICED KAWASAKI, REPAIRED OIL LEAK
035638	04/09/09	24.60	GEMPLERS ACCT #5224757	PESTICIDE LABEL CONTAINER/WWTP
035639	04/09/09	950.00	CITY OF GUSTINE	ANIMAL CONTROL SERVICES/MAR 2009
035640	04/09/09	156.77	HARD DRIVE GRAPHICS	8 COLOR DECALS/2 DOOR MAGNETS CITY LOGO
035641	04/09/09	139.67	TERRI HEIBERGER (NT)	REIMBURSE TEEN SNACK BAR SUPPLIES/T. HEIBERGER

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035641	04/09/09	40.77	TERRI HEIBERGER (NT)	REIMBURSE T HEIBERGER/TEEN CENTER SNACK BAR SUPPL
035642	04/09/09	585.77	HEWLETT-PACKARD FINANCIAL SERV	HARDWARE LEASE/PD/4/18/09 TO 5/17/09
035643	04/09/09	3259.60	HOGUE, FENTON, JONES & APPEL, I	PROFESSIONAL SERVICES FOR FEB 2009
035644	04/09/09	289.16	HUB INTERNATIONAL OF CA INS SE	LIABILITY INSURANCE/LOREDO/DELGADO/MARCH 2009
035645	04/09/09	318.90	IKON OFFICE SOLUTIONS	COPIER LEASE 3/10/09 TO 4/09/09/CITY HALL
035645	04/09/09	348.12	IKON OFFICE SOLUTIONS	COPIER LEASE 3/25/09 TO 4/24/09/PD
035646	04/09/09	1789.66	INFOSEND, INC	UTILITY BILL & LATE NOTICE MAILINGS/MARCH 2009
035647	04/09/09	3722.50	JOE'S LANDSCAPING &	CLEAN-UP AND HAUL AWAY SERVICES/1211 GERANIUM LN
035647	04/09/09	1685.00	JOE'S LANDSCAPING &	CLEAN-UP AND HAUL AWAY/534 FLOUR MILL
035647	04/09/09	1285.00	JOE'S LANDSCAPING &	CLEAN-UP AND HAUL AWAY SERVICES/1106 BARRINGTON
035647	04/09/09	9230.00	JOE'S LANDSCAPING &	LIGHTING & LANDSCAPE DISTRICT SERVICES/MARCH 2009
035648	04/09/09	623.00	KAISER PERMANENTE	HEALTH INSURANCE PREMIUM/MAY 2009
035649	04/09/09	45.00	JORGE LEON	REFUND PARK RENTAL FEES/CANCELLED/LEON
035650	04/09/09	75.00	LOCAL GOV. COMMISSION	MEMBERSHIP RENEWAL APRIL 09-APRIL 2010
035651	04/09/09	60.00	MIKE MAIER (NT)	REIMBURSE NOTARY CLASS SUPPLIES/PARKING/MEALS/MAIE
035652	04/09/09	544.69	MALLARD EXPRESS AUTO	RADIATOR LEAK REPAIR/THERMOSTAT REPLACE/ANTIFREEZE
035653	04/09/09	173.48	FRANK B. MARKS & SON, INC	CONCRETE SAND/GRAVEL/PW
035654	04/09/09	39.37	MCAULEY FORD (NT)	LUBE/OIL AND SERVICE 2007 CROWN VICTORIA/PD
035655	04/09/09	500.00	MODESTO AREA CRIMESTOPPERS	CRIMESTOPPERS PARTICIPATION FEE FOR REWARD FUNDS
035656	04/09/09	2179.46	NBS	ADMIN FEES/LMD ADMINISTRATION/4/1/09 TO 6/30/09
035657	04/09/09	685.86	NEWMAN ACE HARDWARE/JACT, INC	BROOM/OUTLET/GAS CAN/PHONE CASE/TURF BUILDER/BRUSH
035658	04/09/09	1837.60	NEXTEL COMMUNICATIONS	CELL PHONE SERVICE/MARCH 2009
035659	04/09/09	31.54	NOB HILL	SUPPLIES FOR ENTERPRISE ZONE MEETING
035660	04/09/09	77.33	NORMAC, INC.	SPRINKLER PARTS FOR BARRINGTON PARK
035661	04/09/09	115.31	STEPHANIE OCASIO (NT)	MILEAGE REIMBURSEMENT/FEMA AFG WORKSHOP/OCASIO

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Ck #	Check Date	CK Amount	Vendor Name	Description
035662	04/09/09	1329.00	OPERATING ENGINEERS/	HEALTH INSURANCE PREMIUM/MAY 2009
035663	04/09/09	70.00	PAPA	PESTICIDE CLASS REGISTRATION/PERRY
035664	04/09/09	500.00	CITY OF PATTERSON	FIRE DATA REPORTING/JAN & FEB 2009
035665	04/09/09	156.77	PATTERSON RENTALS	1 YARD CEMENT HAULED
035666	04/09/09	31583.84	P G & E	GAS AND ELECTRIC USE/02/05/09 TO 03/18/09
035667	04/09/09	7.03	PIONEER DRUG	SUPPLIES FOR EZ MTG/CUPS
035668	04/09/09	2641.27	PRECISION INSPECTION, INC	Bldg Reg Inspec BLDG REGU
035669	04/09/09	606.13	R-SAFE SPECIALTY	PO #09-61
035670	04/09/09	39.19	RICHARD & CHAMBERS	CREDIT CARD MACHINE TAPE/CASH REGISTER TAPE
035671	04/09/09	60451.61	RRM DESIGN GROUP, INC.	PROFESSIONAL SERVICES/DOWNTOWN PLAZA
035672	04/09/09	112.75	BRETT SHORT (NT)	MILEAGE REIMBURSEMENT/CRITICAL INCIDENT TRNG/SHORT
035673	04/09/09	151.00	STANISLAUS COUNTY	HAZARDOUS MATERIALS BUSINESS PLAN/CUPA GENERAL
035674	04/09/09	287.00	STATE OF CALIFORNIA	FINGERPRINTS APPS/FBI CHECKS/CHILD ABUSE INDEX
035675	04/09/09	40201.00	STANISLAUS COUNTY	EMERGENCY DISPATCH JAN-MARCH 2009
035676	04/09/09	284.12	STAPLES CREDIT PLAN	RIBBON/TONER/BATTERIES/FOLDERS/PAPER
035677	04/09/09	2498.68	STOCKTON BLUE	PO #09-063
035678	04/09/09	86.96	T.H.E. OFFICE CITY	DRY ERASE MARKERS/BOARD/LABELS
035679	04/09/09	165.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/MARCH 2009
035680	04/09/09	580.63	UNIFIRST CORPORATION	UNIFORM CLEANING/TOWELS/MAT RENTALS/MOP HEADS
035681	04/09/09	98.98	VALLEY PARTS SERVICE	BATTERY/HOSE CLAMP/DRIVING LIGHT/TRAILER PLUG/
035682	04/09/09	50.00	GEORGE VARGAS	VEH OPERATION FIRE/APRIL 2009
035683	04/09/09	300.00	VIKING, INC	REFUND HYDRANT PERMIT DEPOSIT/VIKING, INC
035684	04/09/09	100.00	MIGUEL VILLALOBOS (NT)	PER DIEM/TASER RECERTIFICATION/VILLALOBOS
035685	04/09/09	173.81	WECO INDUSTRIES	FOOTAGE COUNTER/ROTARY 4 DIGIT
035686	04/09/09	2980.26	WESTSIDE THEATER FOUNDATI	REIMBURSEMENT FOR BUILDING IMPROVEMENT/THEATER

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Ck #	Check Date	CK Amount	Vendor Name	Description
035687	04/09/09	2805.00	WEST SIDE AERIAL APPLICAT	AERIAL APPLICATION OF WARRIOR FOR WEEVILS/WWTP
035688	04/09/09	7.66	YANCEY LUMBER COMPANY	DOUBLE-SIDED AND SINGLE SIDED KEY
035689	04/09/09	10.95	LAMANTIA, DAWN	MQ CUSTOMER REFUND FOR LAM0002
035690	04/09/09	42.18	NEW DESTINY REALTORS,	MQ CUSTOMER REFUND FOR NEW0050
035691	04/09/09	16.59	PEREZ, SARA	MQ CUSTOMER REFUND FOR PER0076
035692	04/09/09	59.70	PMZ REAL ESTATE,	MQ CUSTOMER REFUND FOR PMZ0016
035693	04/09/09	3.13	VALDEZ, ANTONIO	MQ CUSTOMER REFUND FOR VAL0006
Sub-Total:		312351.68		
Grn-Total:		312351.68		
Count:	107			

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING MARCH 24, 2009
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** - Mayor Katen 7:04 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation**- Council Member Candea.
4. **Roll Call PRESENT:** Kelly, Davis, Candea, Martina And Mayor Katen
ABSENT: None
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters** - None
7. **Items from the Public - Non-Agenda Items**

Pat Masetti, President Of The Gustine-Newman Soroptimist Club, Spoke To The Council About Placing A Bench Dedicated To Janet Carlsen's Memory At Her Namesake Park And That The Soroptimists Would Also Like To Refurbish The Sign At Carlsen Park. Masetti Mentioned That She Fell Over One Of The Concrete Parking Stops In The Memorial Building Parking Lot And Asked The Council For Permission To Paint The Stops And Make Them More Visible. She Expressed Concern That A Group In Town Had Been Attacking Local Citizens And That Three People Came To Her Regarding These Attacks But Are Scared To Come Forward And Notify The Police Department. Masetti Asked The Council To Do What Is Necessary To Catch These People.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The March 10, 2009 Regular Meeting.

ACTION: On Motion By Martina Seconded By Kelly And Unanimously Carried, The Consent Calendar Was Approved.

9. Public Hearings

- a. Adopt Resolution No. 2009-17, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:19 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:20 P.M.

ACTION: On Motion By Kelly Seconded By Davis And Unanimously Carried, Resolution No. 2009-17, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

- b. Approval Of The Proposed CDBG Project List For The Stanislaus County Annual Action Plan (FY 09-10) And Close 30 Day Public Comment Period.

Mayor Katen Opened The Public Hearing At 7:22 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:23 P.M.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, The Council Approved The Proposed CDBG Project List For The Stanislaus County Annual Action Plan (FY 09-10) And Closed 30 Day Public Comment Period.

- c. Consider For Approval The Draft Stanislaus County Annual Action Plan (FY 09-10).

Mayor Katen Opened The Public Hearing At 7:23 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:24 P.M.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, The Council Approved The Draft Stanislaus County Annual Action Plan (FY 09-10).

- d. Second Reading And Adoption Of Ordinance No. 2009-3, Amending Chapter 11.09.170 Of Title 11 Public Ways And Property Of The Newman City Code.

Mayor Katen Opened The Public Hearing At 7:26 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:27 P.M.

ACTION: Ordinance No. 2009-3, Had Its Second Reading By Title Only. A Motion By Davis Seconded By Kelly Dispensed With Further Reading Of Said Ordinance. Ordinance Was Unanimously Adopted Upon Roll Call Vote And Staff Was Authorized To Prepare And Publish A Summary Of Said Ordinance.

10. Regular Business

- a. Adopt Resolution No. 2009-18, Awarding A Contract For Capital Facilities Fees Update And Authorize City Manger To Execute A Contract For Services.

ACTION: On Motion By Kelly Seconded Martina By And Unanimously Carried, Resolution No. 2009-18, A Awarding A Contract Form Capital Facilities Fees Update To PMC & Associates In An Amount Not To Exceed \$45,000.00 And Authorizing City Manger To Execute A Contract For Services Was Adopted.

- b. Adopt Resolution No. 2009-19, Awarding A Bid For Pioneer Park Rehabilitation Phase II Part A And Authorize City Manger To Execute A Contract For Services.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2009-19, A Resolution Awarding A Bid For Pioneer Park Rehabilitation Phase II Part To BC Construction In The Amount of \$139,384 And Authorizing City Manger To Execute A Contract For Services Was Adopted

- c. Adopt Resolution No. 2009-20, Approving The Disadvantaged Business Enterprise (DBE) Program And Implementation Agreement For Race-Conscious Clauses And Requirements For The City of Newman.

ACTION: On Motion By Davis Seconded By Kelly And Unanimously Carried, Resolution No. 2009-20, A Resolution Approving The Disadvantaged Business Enterprise (DBE) Program And Implementation Agreement For Race-Conscious Clauses And Other Requirements For The City of Newman Was Adopted.

- d. Authorize A Budget Adjustment For The Purchase Of A Public Works Department Pickup.

ACTION: On Motion By Candea Seconded By Kelly And Unanimously Carried, The Council Authorized A Budget Adjustment In The Amount of \$9263.00 For The Purchase Of A Public Works Department Pickup.

- e. Adopt Resolution No. 2009-21, A Resolution Authorizing The Terms Of A Redevelopment Business Loan Agreement With Jose Reynoso And Directing The Chief Executive Officer To Draft And Execute The Necessary Documentation.

ACTION: On Motion By Kelly Seconded By Candea And Unanimously Carried, Resolution No. 2009-21, A Resolution Authorizing The Terms Of A Redevelopment Business Loan Agreement With Jose Reynoso And Directing The Chief Executive Officer To Draft And Execute The Necessary Documentation Was Adopted.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Reminded Everyone That The Next Economic Development Action Committee Meeting Would Be Held On Thursday, March 28, 2009 At 6:00 P.M. To Discuss Job Creation And Regional Projects.

12. Items From The City Manager And Staff.

City Manager Holland Informed The Council That They Needed To Appoint An Alternate Member To The Air Board Before The Next Board Meeting. He Mentioned That He Would Like To Schedule The Next Two-On-Two Meeting With The Newman Crows Landing Unified School District For April 27th At 4:30 P.M. Holland Informed Everyone That The Computer Training Schedule For Next Year Is Currently Being Finalized And That He Had Received A Request From Congressman Cardoza's Office For A List Of Stimulus Projects For The City.

Chief McGill Commented On The Remarks That Were Brought To The Council's Attention At The Start Of The Meeting And Expressed That If Violent Crimes Are Not Reported, The Police Department Has No Way Of Intervening; He Encouraged Residents To Report Violent Crimes And

To Take Precautionary Measures To Prevent Thefts. He Invited The Community To A Town Hall Meeting At The West Side Theatre To Discuss Graffiti And Gangs On April 15th At 7:00 P.M.

Public Works Director Reynolds Explained To The Council That The City Had Received Bids For Street Sweeping Service And Side Walk Repair Projects. Reynolds Mentioned That The Storage Basin Project Is Currently Out To Bid And The Street Resurfacing Project Is Moving Forward.

13. Items From City Council Members.

Council Member Kelly Mentioned That He Had Recently Participated In The High School Senior Portfolio Interviews; Kelly Stated That The Students Were Wonderful And Encouraged Everyone To Participate In The Process.

Council Member Davis Mentioned That Added Visibility Of The Police Department Has Been Great.

14. Adjourn To Closed Session 8:27 P.M.

- a. Conference With Labor Negotiator – All Bargaining Groups- G.C. 54957.6.
- b. Conference With Legal Council - Potential Litigation – Two Cases - G.C. 54956.9.
- c. Return To Open Session 9:02 P.M.

15. Adjournment.

ACTION: On Motion By Martina Seconded By Kelly And Unanimously Carried, The Meeting Was Adjourned At 9:04 P.M.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **8.d.**
City Council Meeting
of April 14, 2009

**ADOPT RESOLUTION NO. 2009- , APPROVING THE SANITARY SEWER LINE
REPLACEMENT PROJECT AND AUTHORIZING ED KATEN AS MAYOR, AND
MICHAEL E. HOLLAND AS CITY CLERK TO RECORD A NOTICE OF COMPLETION**

RECOMMENDATION:

It is recommended that the Newman City Council approve Resolution No. 2009- , authorizing Ed Katen as Mayor, and Michael Holland as City Clerk to record a notice of completion.

BACKGROUND:

States participating in the CDBG Program award grants to units of general local government that carry out development activities. The City of Newman is continuing to take advantage of the Community Development Block Grant monies that are being made available for rehabilitation and restoration projects. At the regular council meeting of November 18, 2008 approved and awarded the Sanitary Sewer Line Replacement Project to Lawrence Backhoe Services of Atwater for \$124,899.90. This project increased by 9.2% due to adjustments for actual quantities installed and three change orders, for a final construction cost of \$137,524.33.

ANALYSIS:

A final walk-thru inspection of the project was performed by our city public works staff members. Everything has been completed and is in compliance with plans and specifications. Attached to this report, please find a memo from the Public Works Superintendent recommending that the project be accepted and that a Notice of Completion be executed and filed.

FISCAL IMPACT:

Total Project Cost - \$137,524.33

CONCLUSION:

The Sanitary Sewer Line Replacement Project, constructed by Lawrence Backhoe, has been completed in compliance with the plans and specifications. The final construction cost is \$137,524.33. It is recommended that the City Council approve the Sanitary Sewer Replacement Project Resolution.

Respectfully submitted,



Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

Memorandum

To: Garner R. Reynolds, Director of Public Works
From: Doug Mutoza, Public Works Superintendent
Date: 3/18/2009
Re: Sanitary Sewer Line Replacement Project

A Final walk-thru was performed by me today. I inspected the Paving, Concrete Work, and Grading of Alleys. I found all work was completed per City specifications and plans. It is my recommendation that you request a final approval and a Notice of Completion for this project from the City Council to be executed and filed.

Respectfully Submitted,

RESOLUTION NO. 2009-

**A RESOLUTION APPROVING THE SANITARY SEWER LINE REPLACEMENT PROJECT
AND AUTHORIZING ED KATEN AS MAYOR, AND MICHAEL E. HOLLAND AS CITY
CLERK TO RECORD A NOTICE OF COMPLETION**

WHEREAS, on the 2nd day of December, 2008, agreements were entered into between the CITY OF NEWMAN, herein after referred to as "CITY" and Lawrence Backhoe Services, herein after referred to as "CONTRACTOR" for the making of certain improvements in the City of Newman, County of Stanislaus, State of California, known as the SANITARY SEWER LINE REPLACEMENT PROJECT; and

WHEREAS, the improvement security referred to in said agreement was duly executed and filed by Contractor;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman as follows:

1. That the improvements referred to in said agreement and the maps and other matters referred to therein be, and the same hereby are, approved and accepted.

2. That Ed Katen, as Mayor and Michael E. Holland as City Clerk, are hereby authorized and directed to execute and record a Notice of Completion of said improvements.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of April, 2009 by Council Member _____, who moved its adoption which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Ed Katen, Mayor

ATTEST:

Michael E. Holland, City Clerk

I hereby certify that the foregoing is a full, correct and true copy of a resolution passed by the City Council of the City of Newman, a municipal corporation of the County of Stanislaus, State of California, at a regular meeting held on April 14, 2009, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED: _____, 2009.

City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.a.**
City Council Meeting
of April 14, 2009

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2009- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

BACKGROUND:

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Tuesday, March 10, 2009. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

FISCAL IMPACT:

None

CONCLUSION:

This staff report is submitted for City Council consideration and possible future action.

Respectfully submitted,



Adam Mc Gill
Chief of Police

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2009-

**A RESOLUTION DECLARING THE EXISTENCE OF A PUBLIC NUISANCE UNDER
ORDINANCE NO. 95-4**

WHEREAS, the Chief of Police has reported a nuisance as outlined in Section 8-2-2 of the Newman Municipal Code located and existing upon property in the City of Newman in violation of Ordinance No. 95-4 of the City of Newman, a description of said property being attached hereto and made a part of this resolution by this reference; and,

WHEREAS, the Chief of Police caused notice to be mailed to the respective owners of the subject properties as in said Ordinance provided, said notice giving notice to abate said nuisance and setting a time and place for hearing objections to the proposed abatement; and,

WHEREAS, said hearing was held on April 14, 2009, at 7:00 p.m., as in said notice provided; and,

WHEREAS, no objections to the proposed abatement were received at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that said City Council of the City of Newman finds that a condition exists with regard to the properties in said City which is dangerous to life, limb and property, and to the public health, safety and morals, in that weeds, rubbish, dirt and rank growth are growing, located and existing upon said property in violation of the provisions of Ordinance No. 95-4 of the City of Newman, which endangers and may injure neighboring property and endangers and injures the welfare of residents in the vicinity of said property, and which is a fire hazard; that a description of said properties is attached hereto and made a part of this resolution by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 10th day of March 2009 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor

Deputy City Clerk

City of Newman
Abatement list

1. 1268 Duckblind Circle (UNOCCUPIED)

Tall grass and weeds throughout front and backyard of property.

2. 2230 Canyon Brook Lane (UNOCCUPIED)

Tall grass and weeds throughout the front and backyard of property. Unkempt pool in backyard.

3. 783 Hagerman Peak (UNOCCUPIED)

Tall weeds throughout front and backyard of property..

4. 728 Banff Dr. (OCCUPIED)

Tall grass and weeds in front yard of property.

5. 1103 Balsam Dr. (OCCUPIED)

Tall grass and weeds throughout side yard of property.

6. 1233 Amy Dr. (OCCUPIED)

Unightly materials, junk and garbage throughout front yard of property.

7. 1214 Geranium Lane. (UNOCCUPIED)

Tall grass and weeds throughout the front and backyard of property, downed tree limbs in the front yard

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 9.a.
City Council Meeting
of April 14, 2009

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2009- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

BACKGROUND:

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Tuesday, April 14, 2009. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

FISCAL IMPACT:

None

CONCLUSION:

This staff report is submitted for City Council consideration and possible future action.

Respectfully submitted,

Adam Mc Gill
Chief of Police

REVIEWED/CONCUR:

Michael E. Holland
City Manager

RESOLUTION NO. 2009-23

**A RESOLUTION DECLARING THE EXISTENCE OF A PUBLIC NUISANCE UNDER
ORDINANCE NO. 95-4**

WHEREAS, the Chief of Police has reported a nuisance as outlined in Section 8-2-2 of the Newman Municipal Code located and existing upon property in the City of Newman in violation of Ordinance No. 95-4 of the City of Newman, a description of said property being attached hereto and made a part of this resolution by this reference; and,

WHEREAS, the Chief of Police caused notice to be mailed to the respective owners of the subject properties as in said Ordinance provided, said notice giving notice to abate said nuisance and setting a time and place for hearing objections to the proposed abatement; and,

WHEREAS, said hearing was held on April 14, 2009, at 7:00 p.m., as in said notice provided; and,

WHEREAS, no objections to the proposed abatement were received at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that said City Council of the City of Newman finds that a condition exists with regard to the properties in said City which is dangerous to life, limb and property, and to the public health, safety and morals, in that weeds, rubbish, dirt and rank growth are growing, located and existing upon said property in violation of the provisions of Ordinance No. 95-4 of the City of Newman, which endangers and may injure neighboring property and endangers and injures the welfare of residents in the vicinity of said property, and which is a fire hazard; that a description of said properties is attached hereto and made a part of this resolution by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of April 2009 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor

Deputy City Clerk

City of Newman
Abatement list

1. ~~1268 Duvall Road Circle~~ (UNOCCUPIED)

Tall grass and weeds throughout front and backyard of property.

2. 2230 Canyon Brook Lane (UNOCCUPIED)

Tall grass and weeds throughout the front and backyard of property. Unkempt pool in backyard.

3. 783 Hagerman Peak (UNOCCUPIED)

Tall weeds throughout front and backyard of property..

4. 728 Banff Dr. (OCCUPIED)

Tall grass and weeds in front yard of property.

5. ~~1100 Duvall Road~~ (OCCUPIED)

Tall grass and weeds throughout side yard of property.

6. 1233 Amy Dr. (OCCUPIED)

Unightly materials, junk and garbage throughout front yard of property.

7. 1214 Geranium Lane. (UNOCCUPIED)

Tall grass and weeds throughout the front and backyard of property, downed tree limbs in the front yard

1ST 3-16-09
2ND 3-26-09

Assessment Roll General Information		PREVIOUS ABATEMENT	
Assessment	026-047-063-000	Parcel Number	026-047-063-000
Current Document	2007R0027031	Current Document Date	03/02/2007
Acres / Sq Ft	.14	Tax Rate Area (TRA)	003-012
Taxability	800 -- PROP 8 REDUCTION		
Land Use	111 -- SINGLE FAMILY W/POOL/SPA		
Assessment Description			
Roll Values as of: January 1st, 2008			
Land	\$38,000	Personal Property	\$0
Structure(s)	\$114,000	Personal Property (MH)	\$0
Fixtures	\$0	Exemption	\$0
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$152,000	Net Assessment	\$152,000
Assessee			
SOVEREIGN BANK			
Address			
ONE SOVEREIGN WAY EAST PROVIDENCE RI 02915			

Ownership					
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code
SOVEREIGN BANK	100.00%	Y	2007R0027031		

Situs		
Street Address	City	State Zip
2230 CANYON BROOK LN	Newman	CA 95360

Parcel Description	
Assessment	Description
026-047-063-000	

Sovereign Bank
One Sovereign Way
East Providence, Ri 02915

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 2230 Canyon Brook Ln, Newman, Ca 95360 APN No. 026-047-063, Tall grass and weeds throughout front and backyard of property and unkempt Pool, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 24, 2009 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: March 16, 2009

William Davis
Community Service Officer

Sovereign Bank
One Sovereign Way.
East Providence, Ri 02915

SECOND NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance

at: **2230 Canyon Brook Ln. Newman, Ca 95360. APN No. 026-054-010-000**

Tall grass and weeds throughout front and backyard of property and unkempt pool. which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

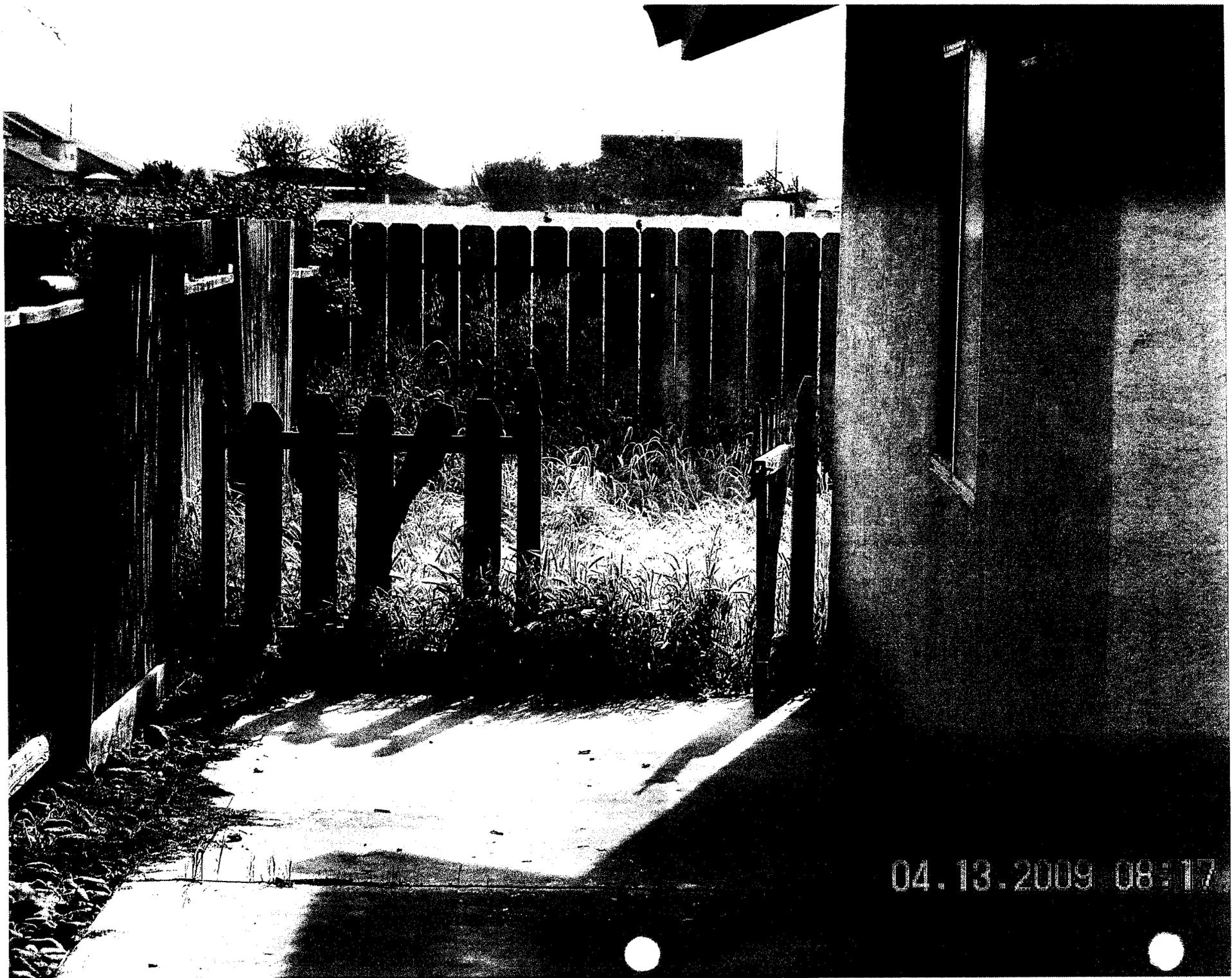
All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **April 14, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: March 26, 2009

William Davis
Community Service Officer





1ST 3-17-09
2ND 3-26-09

PREVIOUS ABATEMENT

Assessment Roll			
General Information			
Assessment	026-062-008-000	Parcel Number	026-062-008-000
Current Document	2005R0115239	Current Document Date	06/30/2005
Acres / Sq Ft	.00	Tax Rate Area (TRA)	003-048
Taxability	800 -- PROP 8 REDUCTION		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description	HEARTHSTONE RANCH #1 (41M26) LOT 38		
Roll Values as of: January 1st, 2008			
Land	\$57,500	Personal Property	\$0
Structure(s)	\$172,500	Personal Property (MH)	\$0
Fixtures	\$0	Exemption	\$0
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$230,000	Net Assessment	\$230,000
Assessee			
TO THI			
Address			
783 HAGERMAN PEAK DR NEWMAN CA 95360			

Ownership					
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code
TO THI	100.00%	Y	2005R0115239		

Situs	
Street Address	City State Zip
783 HAGERMAN PEAK DR	Newman CA 95360

Parcel Description	
Assessment	Description
No parcel description found	

Thi To
783 Hagerman Peak
Newman, Ca 95360

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **783 Hagerman Peak, Newman, Ca., APN No. 026-062-008,** **Tall grass and weeds throughout sideyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **March 23, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: March 17, 2009

William Davis
Community Service Officer

Thi To
783 Hagerman Peak
Newman, Ca 95360

SECOND NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 783 Hagerman Peak, Newman, Ca., APN No. 026-062-008, Tall grass and weeds throughout sideyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 23, 2009 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: March 17, 2009

William Davis
Community Service Officer

Thi To
783 Hagerman Peak
Newman, Ca 95360

FINAL NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 783 Hagerman Peak, Newman, Ca., APN No. 026-062-008, Tall grass and weeds throughout sideyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on April 14, 2009 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: April 1, 2009

William Davis
Community Service Officer

Adam McGill
Chief of Police



04.13.2009 08:27



04.18.2009 08:28

1ST 3-17-09
 2ND 3-26-09
 3RD 4-6-09

Assessment Roll			
General Information			
Assessment	026-063-023-000	Parcel Number	026-063-023-000
Current Document	2005R0116125	Current Document Date	06/30/2005
Acres / Sq Ft	.00	Tax Rate Area (TRA)	003-048
Taxability	800 -- PROP 8 REDUCTION		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description	HEARTHSTONE RANCH #1 (41M26) LOT 49		
Roll Values as of: January 1st, 2008			
Land	\$91,000	Personal Property	\$0
Structure(s)	\$273,000	Personal Property (MH)	\$0
Fixtures	\$0	Exemption	\$0
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$364,000	Net Assessment	\$364,000
Assessee			
CURIEL SARA			
Address			
728 BANFF DR NEWMAN CA 95360			

Ownership					
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code
CURIEL SARA	100.00%	Y	2005R0116125		

Situs	
Street Address	City State Zip
728 BANFF DR	Newman CA 95360

Parcel Description	
Assessment	Description
No parcel description found	

NEXT TO DRIVEWAY
 4-6-09

Sara Curiel
728 Banff
Newman, Ca 95360

SECOND NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 728 Banff, Newman, Ca., APN No. 026-063-023,
Tall grass and weeds throughout sideyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on April 14, 2009 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: March 26, 2009

William Davis
Community Service Officer

Sara Curiel
728 Banff
Newman, Ca 95360

FINAL NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 728 Banff, Newman, Ca., APN No. 026-063-023, Tall grass and weeds throughout sideyard next to driveway of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on April 14, 2009 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: April 6, 2009

William Davis
Community Service Officer

Adam McGill
Chief of Police



RECYCLABLES ONLY

40 198422

04.

U 1823902

L3 BANFF

1ST 3-17-09
 2ND 3-26-09
 3RD 4-6-09

Assessment Roll			
General Information			
Assessment	128-054-051-000	Parcel Number	128-054-051-000
Current Document		Current Document Date	
Acres / Sq Ft	.13	Tax Rate Area (TRA)	003-027
Taxability	000 -- NORMAL OWNERSHIP		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description			
Roll Values as of: January 1st, 2008			
Land	\$5,582	Personal Property	\$0
Structure(s)	\$25,187	Personal Property (MH)	\$0
Fixtures	\$0	Exemption E01	\$7,000
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$30,769	Net Assessment	\$23,769
Assessee			
KNIGHT ROGER D			
Address			
1233 AMY DR NEWMAN CA 95360-0000			
Ownership			
Owner Name	Own %	Pri	Granting Doc No. Title Type RT Code
KNIGHT ROGER D	100.00%	Y	2003 Convert
Situs			
Street Address	City State Zip		
1233 AMY DR	Newman CA 95360		
Parcel Description			
Assessment	Description		
128-054-051-000			

UNSIGTTLY MATERIALS
 JUNK 4-6-09

Roger Knight
1233 Amy Dr
Newman, Ca 95360

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **1233 Amy Dr, Newman, Ca., APN No. 128-054-051,** **Tall grass and weeds throughout frontyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **March 23, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: March 17, 2009

William Davis
Community Service Officer

Roger Knight
1233 Amy Dr
Newman, Ca 95360

SECOND NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 1233 Amy Dr, Newman, Ca., APN No. 128-054-051, **Tall grass and weeds throughout frontyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **April 14, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: March 26, 2009

William Davis
Community Service Officer

Roger Knight
1233 Amy Dr
Newman, Ca 95360

FINAL NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF RUBBISH.

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **1233 Amy Dr, Newman, Ca., APN No. 128-054-051,** **Rubbish, Junk and Garbage throughout frontyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **April 14, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: April 6, 2009

William Davis
Community Service Officer

Adam McGill
Chief of Police



04.06.2009 09:07





1st 3-17-09
 2nd 3-26-09
 3rd 4-6-09

Assessment Roll			
General Information			
Assessment	026-051-060-000	Parcel Number	026-051-060-000
Current Document	2002R0146952	Current Document Date	11/08/2002
Acres / Sq Ft	.24	Tax Rate Area (TRA)	003-021
Taxability	000 -- NORMAL OWNERSHIP		
Land Use	111 -- SINGLE FAMILY W/POOL/SPA		
Assessment Description			
Roll Values as of: January 1st, 2008			
Land	\$66,156	Personal Property	\$0
Structure(s)	\$135,623	Personal Property (MH)	\$0
Fixtures	\$0	Exemption	\$0
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$201,779	Net Assessment	\$201,779
Assessee			
ALMANZA CARLOS & ALMANZA MERCEDES			
Address			
1214 GERANIUM LN NEWMAN CA 95360-0000			
Ownership			
Owner Name	Own %	Pri	Granting Doc No. Title Type RT Code
ALMANZA CARLOS	100.00%	Y	2003IConvert
ALMANZA MERCEDES	100.00%	Y	2003IConvert
Situs			
Street Address		City State Zip	
1214 GERANIUM LN		Newman CA 95360	
Parcel Description			
Assessment	Description		
026-051-060-000			

Carlos Almanza
1214 Geranium Ln
Newman, Ca 95360

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 1214 Geranium Ln, Newman, Ca., APN No. 026-051-060,
Tall grass and weeds throughout front and backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 23, 2009 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: March 17, 2009

William Davis
Community Service Officer

Carlos Almanza
1214 Geranium Ln
Newman, Ca 95360

SECOND NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS, DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **1214 Geranium Ln. Newman, Ca 95360. APN No. 026-051-060-000** **Tall grass and weeds throughout front and backyard of property.** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **April 14, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: March 26, 2009

William Davis
Community Service Officer

Carlos Almanza
1214 Geranium Ln
Newman, Ca 95360

FINAL NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **1214 Geranium Ln, Newman, Ca 95360 APN No. 026-051-060,** **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **April 14, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: April 6, 2009

William Davis
Community Service Officer

Adam McGill
Chief of Police



04.13.2009 08:23



04.13.2009 08:23



04.13.2009 08:24

Honorable Mayor and Members
of the Newman City Council

PROVIDE PUBLIC HEARING AND AUTHORIZATION TO APPLY TO THE U.S. DEPARTMENT OF JUSTICE FOR RECOVERY ACT: EDWARD BYRNE MEMBORIAL JUSTICE ASSISTANCE GRANT: LOCAL SOLICITATION

RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 2009- , authorizing the Police Chief to apply to the United States Department of Justice for the Edward Byrne Justice Assistance Grant in the amount of \$11,252.

BACKGROUND:

As part of the American Recovery and Reinvestment Act of 2009 (Recovery Act) the Department of Justice was authorized to grant funds to local law enforcement across the country. DOJ used a formula based upon California's population in comparison to the nation's population and the state's share of the country's Part 1 crime statistics. Once the state funding was calculated, 60% of the allocation will be awarded to the state and 40% to local governments. The final amount awarded to the local government is based upon our share of the state's Part 1 crimes. The minimum award to each local government is \$10,000. Newman's allocated amount is \$11,252. The grant is non-competitive and the application alone will likely lead to the award.

ANALYSIS:

The Byrne JAG funds are authorized to support a broad range of activities to prevent and control crime based on the local agencies needs and conditions. Local government is authorized to prioritize and place justice funds where they are needed most. Funds may be used on local initiatives such as technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities that will improve or enhance law enforcement programs. These grant funds are "one-time" funds and are not guaranteed to reoccur.

The Police Department has identified the most appropriate use of these funds to be used in the area of technology. The department has made significant technology improvements that have led to great efficiency in our services. As part of our standard replacement cycle the department is in need of two new mobile data computers for use in patrol cars. The two MDC's in need of replacement are outside their warranty and are in frequent need of servicing reducing the operational time of the units as well as the increase in staff time to support the machines. Additionally, with the expanded use of our community service officer that position's efficiency is compromised because he does not have a MDC in his vehicle. This requires him to return to the station frequently for research and/or the completion of reports. The three new MDC's identified above are needed and were already requested to be included in the 09/10 FY budget. Utilizing these grant funds will eliminate the city's need to fully budget for these MDC's in 09/10.

FISCAL IMPACT:

There is not impact to the General Fund as a result of the approval of this grant application. If the City of Newman is fully funded in the amount of \$11,252 as expected, an additional \$1000 would be requested as part of the 09/10 FY Budget that is still pending. Each MDC is \$4000 making the total expense for three (3) units at \$12,000. The additional \$252 would be used for unexpected costs associated with this purchase installation and/or shipping costs.

ATTACHMENTS:

- Attachment A -- Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation program description/outline
- Attachment B -- Proposed Resolution

CONCLUSION:

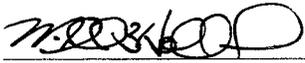
This grant opportunity will provide some budget assistance to the Police Department allowing the department to make essential purchases without utilizing General Fund dollars. Staff recommends the City Council authorize the Police Chief to apply for this grant.

Respectfully submitted,



Adam McGill
Chief of Police

REVIEWED/CONCUR:



Michael Holland
City Manager

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



RECOVERY ACT



The U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) is pleased to announce that it is seeking applications for funding under the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

On February 17, 2009, President Obama signed into law the landmark American Recovery and Reinvestment Act of 2009 (the "Recovery Act"). As one of its many elements, the Recovery Act provides the U.S. Department of Justice (DOJ) with funding for grants to assist state, local, and tribal law enforcement (including support for hiring), to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth mentoring. DOJ is committed to working with our national, state, local and tribal partners to ensure this funding invests in the American workforce.

Specifically, under this solicitation, BJA will be making awards to assist local and tribal efforts to prevent or reduce crime and violence.

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation

Eligibility

Applicants are limited to units of local government listed in the [Recovery Act JAG allocation list](#) for JAG funds.
(See "Eligibility," page 2)

Deadline

Registration with OJP's Grants Management System is required prior to application submission.
Applicants must obtain a DUNS number from Dun and Bradstreet prior to application submission. Applicants, including those applying through GMS, must register with the Central Contractor Registration (CCR) database.
(See "Deadline: Registration," page 1)

All applications are due by 8:00 p.m. Eastern Time. on May 18, 2009.
(See "Deadline: Applications," page 2)

Important Note to Prospective Applicants

This solicitation is issued pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), which was signed into law by President Obama on February 17, 2009. As of the date this solicitation is issued, government-wide guidance is still forthcoming on various aspects of the Act.

Applicants are strongly advised to check the appropriate web site and www.ojp.usdoj.gov/recovery/solicitationrequirements.htm periodically (including before submitting an application) for updates to this solicitation and its associated requirements. Additional information may become available that could affect project proposal narratives, timelines, budget requests, certifications, and other matters related to applications.

Award recipients will be required to follow any applicable provisions of government-wide guidance that may be issued pursuant to the Recovery Act.

Contact Information

For assistance with the requirements of this solicitation, contact: BJA toll-free at 1-866-268-0079 or e-mail JAGRecovery@usdoj.gov. This e-mail account will be checked hourly. A response will be provided within one business day. You may also contact your BJA State Policy Advisor at www.ojp.usdoj.gov/BJA/resource/stcont.htm, or Eileen M. Garry, Deputy Director for Programs, at 202-307-6226 or eileen.garry@usdoj.gov.

This application must be submitted through OJP's Grants Management System (GMS). For technical assistance with submitting the application, call the GMS Support Hotline at 1-888-549-9901, option 3. The GMS Support Hotline hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. e.t. For step-by-step GMS guidance, please utilize OJP's online Grants Management System training tool: www.ojp.usdoj.gov/gmscbt/.

Release date: March 6, 2009

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**Recovery Act: Edward Byrne Memorial Justice Assistance Grant
(JAG) Formula Program: Local Solicitation
CDFA #16.804**

Overview of the Edward Byrne Memorial Justice Assistance Grant Program

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a).

The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases.

The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars. Among other things, it creates a new Recovery Accountability and Transparency Board and a new website – Recovery.gov – to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Deadline: Registration

Registering with OJP's Grants Management System (GMS)

Applications must be submitted through OJP's online Grants Management System (GMS). To access the system, go to <https://grants.ojp.usdoj.gov>. Applicants should begin the process immediately to meet the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. The registration process for organizations includes: (1) Obtaining a Data Universal Numbering System (DUNS) number; (2) Registering your organization with the Central Contractor Registration (CCR) database; and (3) Registering with GMS prior to applying.

The deadline to register is 8:00 p.m. Eastern Time on May 18, 2009.

A DUNS number is required. All applicants under this solicitation must include a DUNS (Data Universal Numbering System) number in their application. Applications without a DUNS number are incomplete.

A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for

tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling 1-866-705-5711 or by applying online at <http://fedgov.dnb.com/webform/displayHomePage.do>.

Central Contractor Registration (CCR) is required. In addition to the DUNS number requirement, OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about registration procedures can be accessed at www.ccr.gov.

Deadline: Applications

The due date for applying for funding under this announcement is 8:00 p.m. Eastern Time on May 18, 2009.

Eligibility

Applicants are limited to units of local government appearing on the [Recovery Act JAG allocation list](#). For JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; or, it may also be a federally recognized Indian tribe or Alaskan Native organization that performs law enforcement functions as determined by the Secretary of the Interior. In Louisiana, a unit of local government means the office of a district attorney or a parish sheriff.

Additional Requirements Related to the Recovery Act (including certification requirements):

Reporting on the Use of Funds. In order to be eligible to receive funds under this solicitation, applicants must certify that they will satisfy the reporting requirements of section 1512(c) of the Recovery Act, which requires detailed reporting (including reporting on subawards) not later than **ten calendar days after the end of each calendar quarter**. Detailed information on section 1512(c) appears below, under "Accountability and Transparency under the Recovery Act." A template for the certification is included in the appendix. Applicants may expect that a standard form and/or standard reporting mechanism will be made available at a future date.

Certification regarding Infrastructure Investments. Pursuant to section 1511 of the Recovery Act, a State or local government (including a federally-recognized Indian tribal government) may not receive funds for an infrastructure investment (for example, construction or major renovation of a correctional facility) unless the Governor, mayor, or other chief executive, as appropriate, certifies that the infrastructure investment has received the full vetting required by law and that the chief executive accepts responsibility that the infrastructure is an appropriate use of taxpayer dollars. The certification must include a description of the infrastructure investment, the estimated total cost, and the amount of Recovery Act funds to be used, and must be posted on

a web site that is linked to Recovery.gov. (Refer to the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm for the text of section 1511.)

Consistent with section 1511, all applicants under this solicitation must complete a "General Certification as to Requirements for Receipt of Funds for Infrastructure Investments," a template for which is included in the appendix. Recipients that are awarded funds for one or more infrastructure investment projects must also submit and post a certification that satisfies section 1511 as to each such specific project prior to obligating, expending, or drawing down funds for such a project. Applicants or recipients that intend to prepare a section 1511 certification should consult the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. If a standard form becomes available, OJP will include a notice in the appropriate section of the web page.

American Indian Tribes and Alaska Native Tribes and/or Tribal Organizations: If a grant application is being submitted on behalf of a tribe or tribal organization, a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable government entity authorizing the inclusion of the tribe or tribal organization named in the application must be included with the application.

JAG Program-Specific Information

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. Applicants also should anticipate that awards under the Recovery Act will be one-time awards and accordingly should propose project activities and deliverables that can be accomplished without additional DOJ funding.

Established to streamline justice funding and grant administration, the JAG Program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most.

Formula

The Bureau of Justice Statistics (BJS) calculates, for each *state and territory*, a minimum base allocation which, based on the statutory JAG formula, can be enhanced by (1) the state's share of the national population and (2) the state's share of the country's Part 1 violent crime statistics. Once the state funding is calculated, 60 percent of the allocation is awarded to the state and 40 percent to eligible units of local government. States also have a variable percentage of the allocation that is required to "pass through" to units of local government. This amount, also calculated by BJS, is based on each state's crime expenditures. Additionally, the formula calculates direct allocations for local governments within each state, based on their share of the total violent crime reported within the state. Local governments that are entitled to at least \$10,000 awards may apply directly to BJA for Local JAG grants.

NOTE: Beginning in 2009, the formula calculation for the local portion of the JAG statute has changed significantly as a result of final implementation of the JAG statute. The statute, 42 U.S.C. 3755(d)(2)(B), specifies that for Fiscal Years 2005 through 2008, allocations to units of local government would follow the Local Law Enforcement Block Grant (LLEBG) formula. Pursuant to the statute, however, calculations for FY 2009 (and subsequent JAG calculations)

require that units of local government must have submitted to the FBI at least three years of Uniform Crime Report (UCR) data during the most-recent ten-year period for which UCR data are available (here, 1998 -2007) in order to be eligible. As a result of this statutory requirement, several local governments that were eligible in prior years for JAG formula funding are ineligible this year due to a lack of compliant UCR data reporting.

Award Amount

The JAG allocation list established by the Bureau of Justice Statistics (BJS), and indicates the amount for which each unit of local government is eligible to apply. For a listing of eligible units of local government and eligible amounts, go to www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

Purpose Areas

JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities that will improve or enhance:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

Responsibilities

The Chief Executive Officer (CEO) of an eligible unit of local government or a local agency designated by the CEO must submit the application for JAG funds. A unit of local government receiving a JAG award will be responsible for the administration of the funds including: distributing the funds; monitoring the award; submitting reports including performance measures and program assessment data; and providing ongoing oversight and assistance to any subrecipients of the funds.

Administrative Funds

A unit of local government may use up to 10 percent of the award for costs associated with administering JAG funds.

Disparate Certification

A disparate allocation occurs when a city or municipality is scheduled to receive one and one-half times (150 percent) more than a county with concurrent jurisdiction, while that county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crime. Multiple disparate allocations occur when multiple cities or municipalities are collectively eligible to receive four times (400 percent) more than the county.

JAG disparate jurisdictions are certified by the Director of the Bureau of Justice Assistance (BJA), based in part on input from the state's Attorney General. For a listing of disparate jurisdictions, go to www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

- ★ Jurisdictions certified as disparate must identify a fiscal agent that will submit a **joint application** for the total eligible allocation. The joint application must specify the award distribution to each unit of local government and the purposes for which the funds will be

used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds, must be completed, and signed by the Authorized Representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to www.ojp.usdoj.gov/BJA/recoveryJAG/JAGrecoveryMOU.pdf.

Governing Body Review

The applicant agency (fiscal agent) must make the grant application available for review by its governing body (or to the organization designated by that governing body) not fewer than 30 days before the application is submitted to BJA.

Public Comment

The Local JAG application must include a statement that the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and neighborhood or community organizations.

Length of Awards

Awards are made in the first fiscal year of the appropriation and may be expended during the following 3 years, for a total of 4 grant period years.

Trust Fund

Each unit of local government may draw down any or all JAG funds after acceptance of the award. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds.

Recipients of funds, however, should be aware that the authority to retain such advance funding may be withdrawn should the recipient persistently remain delinquent in applicable reporting required by the Recovery Act. Specific information relating to this will be detailed in grant award documents.

Prohibited Uses

No JAG funds may be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Nor may JAG funds be used directly or indirectly to provide for any of the following matters unless BJA certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters).
- Luxury items.
- Real estate.
- Construction projects (other than penal or correctional institutions).
- Any similar matters.

Non-Supplanting

Federal funds must be used to supplement existing state and local funds for program activities and must not replace those funds that have been appropriated for the same purpose. See the OJP Financial Guide ([Part II, Chapter 3](#)). Additional information appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Buy American

All applicants that propose to use grant funds to construct, alter, maintain, or repair a public building or public work should be aware that the Recovery Act (in section 1605) contains a "Buy American" provision that applies to iron, steel, and manufactured goods, subject to certain exceptions. The provision is to be applied in a manner consistent with United States obligations under international agreements. Government-wide guidance on this provision is not yet available, but is expected. For the text of section 1605, please refer to the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Wage Rate Requirements

All applicants should be aware that the Recovery Act contains a provision on wage rate requirements that concerns projects funded or assisted by Recovery Act funds that employ laborers and mechanics. See section 1606 of the Recovery Act, the text of which appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. Government-wide guidance on this provision is not yet available, but is expected.

Recovery Act: Preference for Quick-Start Activities

Pursuant to section 1602 of the Recovery Act, recipient of funds under this solicitation for infrastructure investment are to give preference to activities that can be started and completed expeditiously, and also are expected to use grant funds in a manner that maximizes job creation and economic benefit. For the details of this requirement, please refer to the text of section 1602, which appears on the "OJP's Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Contracts

Generally speaking, the Recovery Act places special emphasis on the use of fixed-price contracts awarded through competitive procedures. As information becomes available, OJP will provide guidance to applicants as to what, if any, particular procurement requirements or procedures may apply to contracts awarded with Recovery Act grant funds, apart from those that appear in 28 C.F.R. Part 66 and 28 C.F.R. Part 70.

Recovery Act: Limit on Funds

The Recovery Act specifically provides that funds may not be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

Recovery Act: Use of Funds in Conjunction with Funds from Other Sources.

Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate, to meet the reporting and other requirements of the Recovery Act and other applicable law. There can be no commingling of funds. (See "Accountability and Transparency under the Recovery Act," below.)

Accountability and Transparency under the Recovery Act**Separate Tracking and Reporting of Recovery Act Funds and Outcomes**

Consistent with the special purposes and goals of the Recovery Act, and its strong emphasis on accountability and transparency, it is essential that all funds from a Recovery Act grant be tracked, accounted for, and reported on separately from all other funds (including DOJ grant

funds from non-Recovery Act grants awarded for the same or similar purposes or programs). Recipients must also be prepared to track and report on the specific outcomes and benefits attributable to use of Recovery Act funds.

The accounting systems of all recipients and subrecipients must ensure that funds from any award under this Recovery Act solicitation are not commingled with funds from any other source.

Misuse of grant funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under a grant, and civil and/or criminal penalties.

Quarterly Financial and Programmatic Reporting

Consistent with the Recovery Act emphasis on accountability and transparency, reporting requirements under Recovery Act grant programs will differ from and expand upon OJP's standard reporting requirements for grants. In particular, section 1512(c) of the Recovery Act sets out detailed requirements for quarterly reports that must be submitted within 10 days of the end of each calendar quarter. Receipt of funds will be contingent on meeting the Recovery Act reporting requirements.

Under this Recovery Act program, quarterly financial and programmatic reporting will be required, and will be **due within 10 calendar days after the end of each calendar quarter**, starting July 10, 2009.

Programmatic and Financial Reporting Periods	Due Dates
October- December	January 10
January- March	April 10
April-June	July 10
July-September	October 10

The information from grantee reports will be posted on a public website. To the extent that grant funds are available to pay a grantee's administrative expenses, those funds may be used to assist the grantee in meeting the accelerated time-frame and extensive reporting requirements of the Recovery Act.

Recovery Act grant recipients may expect that the information posted by OJP will identify grantees that are delinquent in their reporting. In addition, in keeping with standard OJP practice, grant recipients who do not submit required reports by the due date will not be permitted to draw down funds thereafter, during the pendency of the delinquency, and may be subject to other appropriate actions by OJP, including, but not limited to, restrictions on eligibility for future OJP awards, restrictions on draw-down on other OJP awards, and suspension or termination of the Recovery Act award.

Funding recipients may expect that a standard form and/or reporting mechanism may be available. Additional instructions and guidance regarding the required reporting will be provided as they become available. For planning purposes, however, all applicants should be aware that the Recovery Act section 1512(c) provides as follows:

Recipient Reports: Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains—

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--
 - (A) the name of the project or activity;
 - (B) a description of the project or activity;
 - (C) an evaluation of the completion status of the project or activity;
 - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

Subawards under Recovery Act Grants

Reporting: DUNS and CCR. As indicated above, quarterly reporting requirements for Recovery Act awards include reporting with respect to subawards. In order to facilitate that reporting, award recipients must work with their first-tier subawardees (if any) to ensure that, no later than the due date of the award recipient's first quarterly report after a subaward is made, the subawardee has a DUNS numbers and is registered with the Central Contractor Registration (CCR) database. See "Deadline: Registration," above, for more information on CCR and DUNS numbers.

Monitoring of subawards. All applicants should bear in mind that any recipient of an award under this solicitation will be responsible for monitoring of subawards under the grant in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide. Primary recipients will be responsible for oversight of subawardee spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds.

Reporting Fraud, Waste, Error, and Abuse

Each grantee or subgrantee awarded funds made available under the Recovery Act is to promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has submitted false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds.

You may report potential fraud, waste, abuse, or misconduct to the U.S. Department of Justice, Office of the Inspector General (OIG) by —

mail: Office of the Inspector General
 U.S. Department of Justice
 Investigations Division
 950 Pennsylvania Avenue, N.W.
 Room 4706
 Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG web site at www.usdoj.gov/oig/.

The Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act.

Performance Measures

To assist in fulfilling the accountability objectives of the Recovery Act, as well as the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. In addition, applicants must discuss their data collection methods in the application. The following are **required** measures for awards made under the Recovery Act:

Objective	Performance Measures	Data the grantee provides for 3-month reporting period	Description (Plain language explanation of what exactly is being provided)
Recovery Act: Preserving jobs	Number of jobs saved (by type) due to Recovery Act funding.	a) How many jobs were prevented from being eliminated with the Recovery Act funding during this reporting period? b) How many jobs that were eliminated within the last 12 months were reinstated with Recovery Act funding?	An unduplicated number of jobs that would have been eliminated if not for the Recovery Act funding during the three-month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.
Recovery Act: Creating jobs	Number of jobs created (by type) due to Recovery Act funding.	How many jobs were created with Recovery Act funding this reporting period?	An unduplicated number of jobs created due to Recovery Act funding during the three month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.

In addition, new performance measures specific to the JAG Program have been developed by BJA with input from criminal justice members in the field (including SAAs). The performance measures can be found at: www.ojp.usdoj.gov/BJA/grant/JAG_Measures.pdf.

How to Apply

Grants Management System Instructions. Applications must be submitted through OJP's online Grants Management System (GMS). To access the system, go to <https://grants.ojp.usdoj.gov>. Applicants should begin the process a few weeks prior to the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. For a step-by-step guide, visit <http://www.ojp.gov/gmscbt/> and refer to the section entitled "External Overview: Locating & Applying for Funding Opportunities." For additional assistance, call the GMS Support Hotline at 1-888-549-9901 from 7:00 a.m. to 9:00 p.m. Eastern Time.

Note: OJP will not review any application whose attachments are in Microsoft Vista or Microsoft 2007 format. Applications submitted via GMS must be in the following formats: Microsoft Word (*.doc), Word Perfect (*.wpd), Microsoft Excel (*.xls), PDF files (*.pdf), or Text Documents (*.txt). GMS is not yet compatible with Vista and cannot yet process Microsoft Word 2007 documents saved in the new default format with the extension ".docx." Please ensure that any Word documents you are submitting are saved using "Word 97-2003 Document (*.doc)" format. Additionally, GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

Recovery Act CFDA Number: The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.804, titled "Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program/Grants to Units of Local Territories."

What an Application Must Include

Standard Form 424

Program Narrative (Attachment 1)

Applicants must submit a program narrative that describes the proposed program activities for the 4-year grant period. The narrative must outline the type of programs to be funded by the JAG award and provide a brief analysis of the need for the programs. Narratives must also identify anticipated coordination efforts involving JAG and related justice funds. Certified disparate jurisdictions submitting a **joint application** must specify the funding distribution to each disparate unit of local government and the purposes for which the funds will be used.

The program narrative must include:

- Project objectives that are linked to meaningful and measurable outcomes consistent with the goals of the Recovery Act, and the likelihood of achieving such outcomes, such as job creation and preservation.
- Organization capabilities and competencies, including a description of how the organization will track all drawdowns and grant expenditures separately from other federal funding.
- Activities that can be started and completed expeditiously, and in a manner that maximizes job creation and economic benefits.
- Timeline or project plan identifying when the goals and objectives will be completed.

- Performance measures established by the organization to assess whether grant objectives are being met.

Budget and Budget Narrative (Attachment 2)

Applicants must submit a budget and budget narrative outlining how JAG funds, including administrative funds if applicable, will be used to support and implement the program. A sample budget form may be found at www.ojp.usdoj.gov/funding/forms/budget_detail.pdf.

Review Narrative (Attachment 3)

Applicants must include in this attachment documentation regarding the following requirements:

- Include the date that the JAG application was made available for review by the applicant's governing body. This governing body notification must occur no less than 30 days before submission to BJA.
- Include a statement that the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and neighborhood or community organizations.
- If the applicant is part of a disparate jurisdiction, include the Memorandum of Understanding (MOU), which has been executed and signed by each jurisdiction's Authorized Representative, outlining each jurisdiction's allocation and indicating which jurisdiction is serving as the applicant/fiscal agent for the joint funds.

Abstract (Attachment 4)

Applicants must provide an abstract which includes the applicant's name, title of the project, the goals of the project, a description of the strategies to be used, major deliverables, and coordination plans. The abstract must not exceed one-half page, or 400-500 words.

Certifications (Attachment 5)

See the Appendix.

Review Process

OJP is committed to ensuring a standardized process for awarding grants. The Bureau of Justice Assistance reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with program or legislative requirements as stated in the solicitation.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the OJP Assistant Attorney General (AAG).

Additional Requirements

Successful applicants selected for awards under this Recovery Act solicitation must agree to comply with additional applicable requirements prior to receiving grant funding. We strongly encourage you to review the list below pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

- Civil Rights Compliance

- Funding to Faith-Based Organizations
- Confidentiality and Human Subjects Protection
- Anti-Lobbying Act
- Financial and Government Audit Requirements, includes Single Audit Act Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards
- Single Point of Contact Review
- Non-Supplanting of State and Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of Justice Programs *Financial Guide*
- Suspension or Termination of Funding
- Non-Profit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Recovery Act Reporting Requirements; Section 1512(c) of the Recovery Act
- Section 1511 of the Recovery Act: Certifications
- Section 1602 of the Recovery Act: Preference for Quick-Start Activities
- Section 1604 of the Recovery Act: Limit on Funds
- Section 1605 of the Recovery Act: Buy American
- Section 1606 of the Recovery Act: Wage Rate Requirements
- Section 1607 of the Recovery Act: Additional Funding Distribution and Assurance of Appropriate Use of Funds
- Section 1609 of the Recovery Act: Relating to National Environmental Policy Act

Appendix. Templates for Required Certifications

Instructions: Scan signed certifications and submit image files electronically as part of your application package.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

Certification as to Recovery Act Reporting Requirements

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Accountability and Transparency under the Recovery Act" in the program announcement for the Recovery Act grant program identified above. I have also read and reviewed section 1512(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), concerning reporting requirements for grants. I agree that the applicant will comply with the reporting requirements set forth therein with respect to any grant the applicant may receive under the Recovery Act grant program identified above.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Full Name of Applicant Entity

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

On behalf of the applicant State or unit of local government (including tribal government) named below, I certify the following to the Office of Justice Programs ("OJP"), U.S. Department of Justice:

I have personally read and reviewed the section entitled "Eligibility" in the program announcement for the Recovery Act grant program named above. I also have personally read and reviewed section 1511 of the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), which requires a specific certification prior to receipt of Recovery Act funds for infrastructure investments.

Initial the statement that applies:

_____ The applicant identified below **does not intend to use** any portion of any funds received under this Recovery Act grant program for any infrastructure investment. Should this intention change, the applicant will promptly notify OJP, and (except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law) will not draw down, obligate, or expend any funds received under this Recovery Act program for any infrastructure investment project until section 1511 of the Recovery Act has been satisfied, and an adequate project-specific certification has been executed, posted, and submitted to OJP.

_____ The applicant identified below **does intend to use** some or all of any funds received under this Recovery Act grant program for one or more infrastructure investment projects. Except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law, I agree that the applicant entity will execute, post, and submit to OJP, prior to obligating, expending, or drawing down funds for such project, a project-specific certification that satisfies all of the requirements of section 1511 (including execution by the Governor, mayor, or other chief executive, as appropriate) for each such infrastructure investment project.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments _____

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant (that is, the governmental entity applying directly to the Office of Justice Programs).

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Full Name of Applicant Government Entity

Date

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
CA	ALAMEDA COUNTY	County	\$274,653	
CA	OAKLAND CITY	Municipal	\$3,311,680	
CA	ALAMEDA CITY	Municipal	\$104,282	
CA	ALBANY CITY	Municipal	\$24,407	
CA	BERKELEY CITY	Municipal	\$293,988	
CA	EMERYVILLE CITY	Municipal	\$52,458	
CA	FREMONT CITY	Municipal	\$268,789	
CA	HAYWARD CITY	Municipal	\$364,196	
CA	LIVERMORE CITY	Municipal	\$72,427	
CA	NEWARK CITY	Municipal	\$96,675	
CA	PLEASANTON CITY	Municipal	\$35,976	
CA	SAN LEANDRO CITY	Municipal	\$263,400	
CA	UNION CITY	Municipal	\$207,455	
CA	DUBLIN CITY	Municipal	\$38,036	\$5,408,422
CA	BUTTE COUNTY	County	\$96,041	
CA	CHICO CITY	Municipal	\$154,522	\$250,563
CA	CONTRA COSTA COUNTY	County	\$299,535	
CA	ANTIOCH CITY	Municipal	\$328,062	
CA	BRENTWOOD CITY	Municipal	\$54,994	
CA	CONCORD CITY	Municipal	\$240,896	
CA	EL CERRITO CITY	Municipal	\$87,166	
CA	HERCULES CITY	Municipal	\$23,614	
CA	MARTINEZ CITY	Municipal	\$53,092	
CA	PINOLE CITY	Municipal	\$58,322	
CA	PITTSBURG CITY	Municipal	\$113,474	
CA	RICHMOND CITY	Municipal	\$573,395	
CA	SAN PABLO CITY	Municipal	\$155,314	
CA	WALNUT CREEK CITY	Municipal	\$52,775	
CA	OAKLEY CITY	Municipal	\$45,009	
CA	DANVILLE TOWN	Municipal	\$15,214	
CA	SAN RAMON CITY	Municipal	\$29,161	
CA	PLEASANT HILL CITY	Municipal	\$61,492	
CA	LAFAYETTE CITY	Municipal	\$12,203	\$2,203,718
CA	FRESNO COUNTY	County	\$333,133	
CA	FRESNO CITY	Municipal	\$1,658,376	
CA	CLOVIS CITY	Municipal	\$68,465	
CA	COALINGA CITY	Municipal	\$26,625	
CA	HURON CITY	Municipal	\$25,991	
CA	KERMAN CITY	Municipal	\$14,897	
CA	PARLIER CITY	Municipal	\$46,119	
CA	REEDLEY CITY	Municipal	\$66,088	
CA	SANGER CITY	Municipal	\$48,972	
CA	SELMA CITY	Municipal	\$45,009	\$2,333,675
CA	GLENN COUNTY	County	*	
CA	ORLAND CITY	Municipal	\$14,739	
CA	WILLOWS CITY	Municipal	\$15,056	\$29,795
CA	HUMBOLDT COUNTY	County	\$59,748	
CA	EUREKA CITY	Municipal	\$94,298	\$154,046
CA	IMPERIAL COUNTY	County	\$69,891	
CA	EL CENTRO CITY	Municipal	\$149,292	\$219,183
CA	LOS ANGELES COUNTY	County	\$3,571,118	
CA	LOS ANGELES CITY	Municipal	\$14,279,243	

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
CA	ALHAMBRA CITY	Municipal	\$143,111	
CA	ARCADIA CITY	Municipal	\$71,159	
CA	AVALON CITY	Municipal	\$13,630	
CA	AZUSA CITY	Municipal	\$93,347	
CA	BALDWIN PARK CITY	Municipal	\$151,669	
CA	BELL CITY	Municipal	\$79,717	
CA	BEVERLY HILLS CITY	Municipal	\$67,514	
CA	BURBANK CITY	Municipal	\$122,350	
CA	CLAREMONT CITY	Municipal	\$37,244	
CA	COMPTON CITY	Municipal	\$796,540	
CA	COVINA CITY	Municipal	\$95,090	
CA	CULVER CITY	Municipal	\$90,336	
CA	CERRITOS CITY	Municipal	\$76,865	
CA	EL MONTE CITY	Municipal	\$320,930	
CA	EL SEGUNDO CITY	Municipal	\$16,799	
CA	GARDENA CITY	Municipal	\$229,802	
CA	GLENDALE CITY	Municipal	\$173,223	
CA	GLENDORA CITY	Municipal	\$33,599	
CA	HAWTHORNE CITY	Municipal	\$302,387	
CA	HERMOSA BEACH CITY	Municipal	\$28,527	
CA	HUNTINGTON PARK CITY	Municipal	\$274,811	
CA	INGLEWOOD CITY	Municipal	\$498,273	
CA	LAKEWOOD CITY	Municipal	\$195,728	
CA	LA PUENTE CITY	Municipal	\$113,158	
CA	LA VERNE CITY	Municipal	\$33,123	
CA	LONG BEACH CITY	Municipal	\$1,623,668	
CA	LYNWOOD CITY	Municipal	\$331,231	
CA	MANHATTAN BEACH CITY	Municipal	\$27,576	
CA	MAYWOOD CITY	Municipal	\$75,597	
CA	MONROVIA CITY	Municipal	\$64,503	
CA	MONTEBELLO CITY	Municipal	\$127,104	
CA	MONTEREY PARK CITY	Municipal	\$80,668	
CA	PASADENA CITY	Municipal	\$342,008	
CA	POMONA CITY	Municipal	\$590,353	
CA	REDONDO BEACH CITY	Municipal	\$97,785	
CA	SAN FERNANDO CITY	Municipal	\$58,164	
CA	SAN GABRIEL CITY	Municipal	\$98,260	
CA	SANTA MONICA CITY	Municipal	\$275,287	
CA	SIGNAL HILL CITY	Municipal	\$30,587	
CA	SOUTH GATE CITY	Municipal	\$255,159	
CA	SOUTH PASADENA CITY	Municipal	\$19,018	
CA	TORRANCE CITY	Municipal	\$161,178	
CA	VERNON CITY	Municipal	\$23,297	
CA	WEST COVINA CITY	Municipal	\$184,000	
CA	WHITTIER CITY	Municipal	\$152,145	
CA	DOWNEY CITY	Municipal	\$224,255	
CA	MALIBU CITY	Municipal	\$11,411	
CA	WEST HOLLYWOOD CITY	Municipal	\$156,741	
CA	SANTA CLARITA CITY	Municipal	\$174,332	
CA	DIAMOND BAR CITY	Municipal	\$55,152	
CA	BELLFLOWER CITY	Municipal	\$240,579	
CA	DUARTE CITY	Municipal	\$45,009	
CA	INDUSTRY CITY	Municipal	\$59,590	
CA	IRWINDALE CITY	Municipal	\$10,618	
CA	NORWALK CITY	Municipal	\$261,023	
CA	PARAMOUNT CITY	Municipal	\$208,882	
CA	PICO RIVERA CITY	Municipal	\$148,182	
CA	SANTA FE SPRINGS CITY	Municipal	\$68,782	
CA	SOUTH EL MONTE CITY	Municipal	\$64,344	

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
CA	WALNUT CITY	Municipal	\$23,297	
CA	ARTESIA CITY	Municipal	\$47,387	
CA	COMMERCE CITY	Municipal	\$65,454	
CA	LAWNDALE CITY	Municipal	\$104,124	
CA	BELL GARDENS CITY	Municipal	\$124,093	
CA	CUDAHY CITY	Municipal	\$61,175	
CA	LA MIRADA CITY	Municipal	\$55,152	
CA	SAN DIMAS CITY	Municipal	\$39,621	
CA	TEMPLE CITY	Municipal	\$36,610	
CA	ROSEMEAD CITY	Municipal	\$113,633	
CA	LANCASTER CITY	Municipal	\$597,643	
CA	AGOURA HILLS CITY	Municipal	\$21,712	
CA	HAWAIIAN GARDENS CITY	Municipal	\$71,318	
CA	LOMITA CITY	Municipal	\$50,873	
CA	PALMDALE CITY	Municipal	\$487,180	
CA	CARSON CITY	Municipal	\$327,745	
CA	RANCHO PALOS VERDES CITY	Municipal	\$19,969	
CA	LA CANADA FLINTRIDGE CITY	Municipal	\$11,411	\$30,514,178
CA	MONO COUNTY	County	*	
CA	MAMMOTH LAKES TOWN	Municipal	\$16,958	\$16,958
CA	MONTEREY COUNTY	County	\$104,441	
CA	GONZALES CITY	Municipal	\$19,652	
CA	SEASIDE CITY	Municipal	\$91,604	
CA	SOLEDAD CITY	Municipal	\$26,784	
CA	MARINA CITY	Municipal	\$32,489	
CA	SALINAS CITY	Municipal	\$523,314	
CA	GREENFIELD CITY	Municipal	\$33,757	
CA	KING CITY	Municipal	\$26,308	
CA	MONTEREY CITY	Municipal	\$82,253	\$940,602
CA	NAPA COUNTY	County	\$25,991	
CA	NAPA CITY	Municipal	\$159,752	
CA	AMERICAN CANYON CITY	Municipal	\$17,592	\$203,335
CA	ORANGE COUNTY	County	\$105,233	
CA	ANAHEIM CITY	Municipal	\$723,162	
CA	BREA CITY	Municipal	\$38,195	
CA	BUENA PARK CITY	Municipal	\$142,160	
CA	COSTA MESA CITY	Municipal	\$137,881	
CA	LA PALMA CITY	Municipal	\$14,264	
CA	FULLERTON CITY	Municipal	\$210,150	
CA	GARDEN GROVE CITY	Municipal	\$330,439	
CA	HUNTINGTON BEACH CITY	Municipal	\$197,946	
CA	LAGUNA BEACH CITY	Municipal	\$22,505	
CA	LA HABRA CITY	Municipal	\$92,079	
CA	NEWPORT BEACH CITY	Municipal	\$67,197	
CA	ORANGE CITY	Municipal	\$125,044	
CA	PLACENTIA CITY	Municipal	\$50,556	
CA	SAN CLEMENTE CITY	Municipal	\$39,779	
CA	SANTA ANA CITY	Municipal	\$917,622	
CA	SEAL BEACH CITY	Municipal	\$19,177	
CA	STANTON CITY	Municipal	\$74,012	
CA	TUSTIN CITY	Municipal	\$82,412	
CA	LAKE FOREST CITY	Municipal	\$49,288	

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
CA	LAGUNA HILLS CITY	Municipal	\$24,565	
CA	RANCHO SANTA MARGARITA CITY	Municipal	\$15,373	
CA	ALISO VIEJO CITY	Municipal	\$16,007	
CA	MISSION VIEJO CITY	Municipal	\$41,523	
CA	DANA POINT CITY	Municipal	\$24,723	
CA	LAGUNA NIGUEL CITY	Municipal	\$25,833	
CA	FOUNTAIN VALLEY CITY	Municipal	\$44,217	
CA	CYPRESS CITY	Municipal	\$36,451	
CA	LOS ALAMITOS CITY	Municipal	\$13,313	
CA	WESTMINSTER CITY	Municipal	\$161,654	
CA	SAN JUAN CAPISTRANO CITY	Municipal	\$27,735	
CA	YORBA LINDA CITY	Municipal	\$22,822	
CA	IRVINE CITY	Municipal	\$66,563	\$3,959,880
CA	PLACER COUNTY	County	\$97,626	
CA	ROSEVILLE CITY	Municipal	\$178,770	\$276,396
CA	SAN BENITO COUNTY	County	\$21,554	
CA	HOLLISTER CITY	Municipal	\$75,280	\$96,834
CA	SAN BERNARDINO COUNTY	County	\$541,857	
CA	BARSTOW CITY	Municipal	\$145,330	
CA	CHINO CITY	Municipal	\$106,184	
CA	COLTON CITY	Municipal	\$135,662	
CA	FONTANA CITY	Municipal	\$395,100	
CA	NEEDLES CITY	Municipal	\$21,237	
CA	ONTARIO CITY	Municipal	\$432,820	
CA	REDLANDS CITY	Municipal	\$157,216	
CA	RIALTO CITY	Municipal	\$358,015	
CA	SAN BERNARDINO CITY	Municipal	\$1,058,197	
CA	UPLAND CITY	Municipal	\$133,602	
CA	CHINO HILLS CITY	Municipal	\$47,704	
CA	YUCCA VALLEY CITY	Municipal	\$39,779	
CA	TWENTYNINE PALMS CITY	Municipal	\$45,009	
CA	HESPERIA CITY	Municipal	\$124,568	
CA	HIGHLAND CITY	Municipal	\$120,289	
CA	APPLE VALLEY TOWN	Municipal	\$121,874	
CA	YUCAIPA CITY	Municipal	\$34,074	
CA	MONTCLAIR CITY	Municipal	\$112,841	
CA	RANCHO CUCAMONGA CITY	Municipal	\$175,917	
CA	GRAND TERRACE CITY	Municipal	\$10,143	
CA	BIG BEAR LAKE CITY	Municipal	\$22,505	
CA	VICTORVILLE CITY	Municipal	\$262,291	
CA	ADELANTO CITY	Municipal	\$61,492	
CA	LOMA LINDA CITY	Municipal	\$13,313	\$4,677,019
CA	SAN DIEGO COUNTY	County	\$743,448	
CA	SAN DIEGO CITY	Municipal	\$3,062,860	
CA	CARLSBAD CITY	Municipal	\$143,111	
CA	CHULA VISTA CITY	Municipal	\$442,963	
CA	CORONADO CITY	Municipal	\$11,252	
CA	EL CAJON CITY	Municipal	\$235,349	
CA	ESCONDIDO CITY	Municipal	\$326,794	
CA	IMPERIAL BEACH CITY	Municipal	\$72,427	

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
CA	LA MESA CITY	Municipal	\$106,818	
CA	NATIONAL CITY	Municipal	\$222,511	
CA	OCEANSIDE CITY	Municipal	\$448,351	
CA	SOLANA BEACH CITY	Municipal	\$12,045	
CA	ENCINITAS CITY	Municipal	\$78,133	
CA	POWAY CITY	Municipal	\$47,545	
CA	SANTEE CITY	Municipal	\$73,061	
CA	SAN MARCOS CITY	Municipal	\$128,372	
CA	VISTA CITY	Municipal	\$238,043	
CA	LEMON GROVE CITY	Municipal	\$76,865	\$6,469,948
CA	SAN JOAQUIN COUNTY	County	\$468,320	
CA	STOCKTON CITY	Municipal	\$2,013,697	
CA	LODI CITY	Municipal	\$116,486	
CA	MANTECA CITY	Municipal	\$119,814	
CA	RIPON CITY	Municipal	\$12,362	
CA	TRACY CITY	Municipal	\$66,405	
CA	ESCALON CITY	Municipal	\$12,679	\$2,809,763
CA	SAN MATEO COUNTY	County	\$108,086	
CA	BURLINGAME CITY	Municipal	\$31,697	
CA	DALY CITY	Municipal	\$137,564	
CA	MENLO PARK CITY	Municipal	\$37,561	
CA	MILLBRAE CITY	Municipal	\$17,750	
CA	REDWOOD CITY	Municipal	\$162,288	
CA	SAN BRUNO CITY	Municipal	\$59,907	
CA	SAN CARLOS CITY	Municipal	\$13,788	
CA	SAN MATEO CITY	Municipal	\$163,872	
CA	SOUTH SAN FRANCISCO CITY	Municipal	\$92,238	
CA	PACIFICA CITY	Municipal	\$33,123	
CA	EAST PALO ALTO CITY	Municipal	\$155,790	
CA	FOSTER CITY	Municipal	\$12,837	\$1,026,501
CA	SANTA BARBARA COUNTY	County	\$86,215	
CA	LOMPOC CITY	Municipal	\$116,486	
CA	SANTA BARBARA CITY	Municipal	\$231,862	
CA	SANTA MARIA CITY	Municipal	\$308,568	
CA	GOLETA CITY	Municipal	\$21,554	
CA	CARPINTERIA CITY	Municipal	\$12,520	\$777,205
CA	SANTA CLARA COUNTY	County	\$166,091	
CA	CAMPBELL CITY	Municipal	\$39,462	
CA	CUPERTINO CITY	Municipal	\$34,549	
CA	GILROY CITY	Municipal	\$108,878	
CA	LOS GATOS TOWN	Municipal	\$16,958	
CA	MILPITAS CITY	Municipal	\$88,117	
CA	MORGAN HILL CITY	Municipal	\$32,331	
CA	MOUNTAIN VIEW CITY	Municipal	\$133,126	
CA	PALO ALTO CITY	Municipal	\$34,391	
CA	SAN JOSE CITY	Municipal	\$1,713,528	
CA	SANTA CLARA CITY	Municipal	\$95,249	
CA	SUNNYVALE CITY	Municipal	\$90,336	
CA	SARATOGA CITY	Municipal	\$12,045	\$2,565,061
CA	SANTA CRUZ COUNTY	County	\$137,723	
CA	SANTA CRUZ CITY	Municipal	\$219,183	\$356,906

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
CA	SHASTA COUNTY	County	\$127,421	
CA	REDDING CITY	Municipal	\$220,768	\$348,189
CA	SOLANO COUNTY	County	\$76,072	
CA	BENICIA CITY	Municipal	\$27,893	
CA	DIXON CITY	Municipal	\$35,183	
CA	FAIRFIELD CITY	Municipal	\$296,523	
CA	SUISUN CITY	Municipal	\$60,382	
CA	VACAVILLE CITY	Municipal	\$127,580	
CA	VALLEJO CITY	Municipal	\$391,297	\$1,014,930
CA	SONOMA COUNTY	County	\$279,090	
CA	SANTA ROSA CITY	Municipal	\$425,212	\$704,302
CA	STANISLAUS COUNTY	County	\$413,009	
CA	MODESTO CITY	Municipal	\$669,436	\$1,082,445
CA	SUTTER COUNTY	County	\$69,574	
CA	YUBA CITY	Municipal	\$108,245	\$177,819
CA	TULARE COUNTY	County	\$238,677	
CA	VISALIA CITY	Municipal	\$410,949	
CA	DINUBA CITY	Municipal	\$79,876	
CA	EXETER CITY	Municipal	\$20,920	
CA	LINDSAY CITY	Municipal	\$38,036	
CA	PORTERVILLE CITY	Municipal	\$126,153	
CA	TULARE CITY	Municipal	\$214,587	
CA	WOODLAKE CITY	Municipal	\$18,067	
CA	FARMERSVILLE CITY	Municipal	\$23,614	\$1,170,879
CA	VENTURA COUNTY	County	\$91,604	
CA	FILLMORE CITY	Municipal	\$27,893	
CA	OXNARD CITY	Municipal	\$398,746	
CA	PORT HUENEME CITY	Municipal	\$48,021	
CA	SAN BUENAVENTURA CITY	Municipal	\$158,484	
CA	SANTA PAULA CITY	Municipal	\$46,753	
CA	MOORPARK CITY	Municipal	\$20,761	
CA	CAMARILLO CITY	Municipal	\$47,862	
CA	THOUSAND OAKS CITY	Municipal	\$79,559	
CA	SIMI VALLEY CITY	Municipal	\$87,483	\$1,007,166
CA	YOLO COUNTY	County	\$15,373	
CA	DAVIS CITY	Municipal	\$96,675	
CA	WOODLAND CITY	Municipal	\$67,197	
CA	WEST SACRAMENTO CITY	Municipal	\$183,841	\$363,086
CA	AMADOR COUNTY	County	\$36,927	
CA	ANDERSON CITY	Municipal	\$22,346	
CA	ARCATA CITY	Municipal	\$24,407	
CA	ARROYO GRANDE CITY	Municipal	\$18,543	
CA	ARVIN CITY	Municipal	\$34,391	
CA	ATASCADERO CITY	Municipal	\$46,119	
CA	ATWATER CITY	Municipal	\$48,655	
CA	AUBURN CITY	Municipal	\$26,784	
CA	AVENAL CITY	Municipal	\$22,663	
CA	BAKERSFIELD CITY	Municipal	\$830,773	
CA	BANNING CITY	Municipal	\$95,724	

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
CA	BEAUMONT CITY	Municipal	\$30,112	
CA	BISHOP CITY	Municipal	\$10,777	
CA	BLYTHE CITY	Municipal	\$58,322	
CA	BRAWLEY CITY	Municipal	\$33,440	
CA	CALAVERAS COUNTY	County	\$35,659	
CA	CALEXICO CITY	Municipal	\$55,311	
CA	CALIFORNIA CITY	Municipal	\$25,516	
CA	CAPITOLA CITY	Municipal	\$34,233	
CA	CATHEDRAL CITY	Municipal	\$109,195	
CA	CERES CITY	Municipal	\$85,898	
CA	CHOWCHILLA CITY	Municipal	\$14,897	
CA	CLEARLAKE CITY	Municipal	\$30,746	
CA	CLOVERDALE CITY	Municipal	\$14,739	
CA	COACHELLA CITY	Municipal	\$112,841	
CA	COLUSA COUNTY	County	\$16,482	
CA	CORCORAN CITY	Municipal	\$26,625	
CA	CORNING CITY	Municipal	\$24,090	
CA	CORONA CITY	Municipal	\$156,741	
CA	COTATI CITY	Municipal	\$21,237	
CA	CRESCENT CITY	Municipal	\$17,433	
CA	DEL NORTE COUNTY	County	\$30,112	
CA	DELANO CITY	Municipal	\$131,225	
CA	DESERT HOT SPRINGS CITY	Municipal	\$131,383	
CA	DOS PALOS CITY	Municipal	\$18,384	
CA	EL DORADO COUNTY	County	\$153,888	
CA	EL PASO DE ROBLES CITY	Municipal	\$48,338	
CA	FOLSOM CITY	Municipal	\$45,009	
CA	FORT BRAGG CITY	Municipal	\$19,969	
CA	FORTUNA CITY	Municipal	\$10,777	
CA	GALT CITY	Municipal	\$38,512	
CA	GRASS VALLEY CITY	Municipal	\$34,866	
CA	GRIDLEY CITY	Municipal	\$28,527	
CA	GROVER BEACH CITY	Municipal	\$26,150	
CA	GUSTINE CITY	Municipal	\$11,252	
CA	HANFORD CITY	Municipal	\$83,521	
CA	HEMET CITY	Municipal	\$218,708	
CA	INDIO CITY	Municipal	\$163,872	
CA	INYO COUNTY	County	\$35,659	
CA	JACKSON CITY	Municipal	\$17,275	
CA	KERN COUNTY	County	\$875,465	
CA	KINGS COUNTY	County	\$64,028	
CA	LA QUINTA CITY	Municipal	\$69,416	
CA	LAKE COUNTY	County	\$89,385	
CA	LAKE ELSINORE CITY	Municipal	\$88,276	
CA	LASSEN COUNTY	County	\$20,127	
CA	LEMOORE CITY	Municipal	\$39,304	
CA	LINCOLN CITY	Municipal	\$25,040	
CA	LIVINGSTON CITY	Municipal	\$37,085	
CA	LOS BANOS CITY	Municipal	\$100,479	
CA	MADERA CITY	Municipal	\$197,946	
CA	MADERA COUNTY	County	\$144,220	
CA	MARIN COUNTY	County	\$75,755	
CA	MARIPOSA COUNTY	County	\$24,565	
CA	MARYSVILLE CITY	Municipal	\$65,137	
CA	MENDOCINO COUNTY	County	\$151,511	
CA	MERCED CITY	Municipal	\$283,052	
CA	MERCED COUNTY	County	\$225,364	

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
	Grand total for California		\$225,354,622	

RESOLUTION NO. 2009-

AUTHORIZATION TO APPLY TO THE U.S. DEPARTMENT OF JUSTICE FOR RECOVERY ACT:
EDWARD BYRNE MEMBORIAL JUSTICE ASSISTANCE GRANT: LOCAL SOLICITATION

WHEREAS, the Police Chief of the City of Newman has recommended that the City Council authorize the Police Chief to apply for the Edward Byrne Justice Assistance Grant: Local Solicitation on behalf of the City of Newman; and

WHEREAS, the Police Chief recommends the potential awarded funds of \$11,252 be used toward the purchase of three (3) mobile data computers; and

WHEREAS, the Police Chief has determined the mobile date computers will enhance efficiency and the delivery of police service for the residents of Newman; and

WHEREAS, the application was made public and an opportunity to comment was provided to citizens and neighborhood or community organizations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby authorizes the Police Chief to apply for the Byrne Justice Assistance Grant in the amount of \$11,252 and that the funds be used toward the purchase of three (3) mobile data computers.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of April 2009 by Council Member _____, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.a.**
City Council Meeting
of April 14, 2009

INTRODUCTION AND DISTRIBUTION OF DRAFT HOUSING ELEMENT UPDATE

RECOMMENDATION:

Introduce and distribute draft Housing Element update for review and comment.

BACKGROUND:

State law requires each city and county to adopt a general plan containing at least seven elements including housing. Housing elements have been mandatory portions of general plans since 1969. In December 2003, the City of Newman adopted an updated Housing Element and in April 2007 the City adopted its updated general plan. Unlike the other mandatory general plan elements, the housing element is required to be updated every five years.

The City of Newman must adopt an updated housing element by August 31, 2009; in preparation for that deadline, staff has begun the review and update of the City's current Housing Element. In 2008, the City Council awarded a contract for housing element services to Coastplans.

As part of the public involvement process, a stakeholder meeting and public workshop were held on January 20, 2009. Over 10 representatives from different agencies and jurisdictions were invited to attend; both meetings were well attended.

ANALYSIS:

Attached is a draft Housing Element update for your review and comment. In order to allow enough time for revisions, please have any and all comments submitted to staff by Tuesday April 28, 2009. The revised document will be presented to the Planning Commission and City Council meetings on May 21, 2009 and on May 26, 2009 respectively, for conceptual approval (for HCD review and submittal purposes).

FISCAL IMPACT:

None

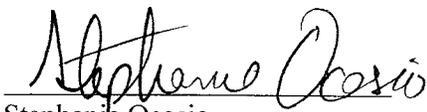
CONCLUSION:

Staff recommends that the Council introduce and distribute the draft Housing Element update for review and comment.

ATTACHMENTS:

1. Exhibit A – Draft Housing Element Update

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

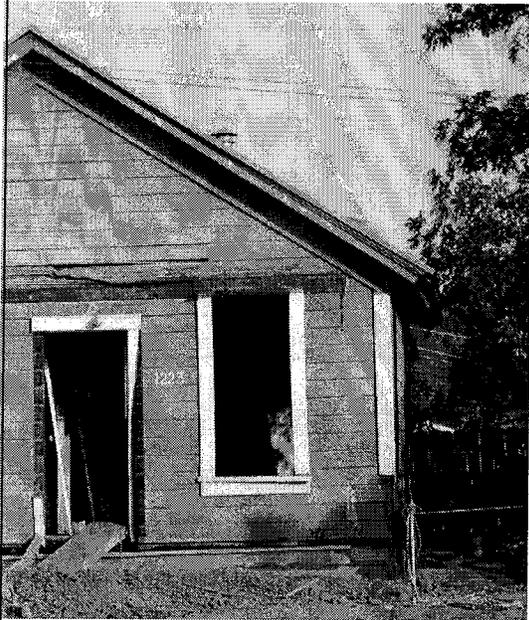
REVIEWED/CONCUR



Michael Holland
City Manager

Newman 2030 General Plan Housing Element

Public Review Draft



City of Newman | March 2009



COAST PLANS

Coastal Plans
Land Use and Housing Plans
Transportation Plans
Environmental Reports

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Introduction

Under the requirements of state law, every city and county in California must prepare a housing element as part of its general plan. The housing element must document in detail existing conditions and projected needs. It must also contain goals, policies, programs, and quantified objectives that address housing needs over the planning period. Progress made by the City of Newman in implementing its 2003 Housing Element and a summary of the extraordinary market conditions that exist today in 2009 are discussed below.

PROGRESS SINCE 2003

The City of Newman made substantial progress in implementing its 2003 Housing Element. Numerous affordable housing projects have been completed or are under construction, including:

- In 2004, the purchase/conservation of the Valley Manor Apartments by the Stanislaus County Housing Authority, which contained 48 affordable housing units at risk of conversion.
- In 2005, construction of Rolling Hills, a 52-unit Section 8 project developed by Self-Help Enterprises;
- In 2007, construction of Park Villas, a 144-unit high-density project (condo-style, pull-apart), which are currently selling in the \$125,000 to \$165,000 range;
- In 2008, construction of Valley Oaks Apartments, a 23-unit high-density project with three price restricted units; and
- In 2008, approval of Newman Family Apartments, a 72-unit tax credit project. This project was made possible when the City successfully re-designated 4.003 acres of land from

Medium Density Residential (MDR) to High Density Residential (HDR) and collaborated with the Corporation for Better Housing (Sherman Oaks).

These projects demonstrate Newman's commitment to affordable housing and its ability to follow through on critical program commitments with a small yet dedicated staff. A complete analysis of progress made in implementing the 2003 Housing Element is presented in Appendix A.

2009 ECONOMIC CRISIS

This Housing Element has been prepared and adopted in a time of unprecedented economic, financial and credit market challenges in California and across the country. The economy has been in the throes of a severe recession with collapsing stock market prices and extensive job losses. Newman and all of California have been experiencing a sharp downward trend in housing prices stoked by a wave of foreclosures. Housing construction has essentially ground to a halt. Financing has been often unavailable, and the banking sector has been paralyzed by insolvencies.

Because of the present conditions and future uncertainty as to how and when the economy and housing sector will recover, this is not a time of "business-as-usual" for communities and for Housing Elements. Clearly, housing policy and programs may need to change in response to conditions. While predicting exactly how trends will play out is impossible, it is safe to say that in light of the present crisis, Newman will need to be prepared to modify and adapt its housing strategies and policies during the period of the 2007-2014 Housing Element.

At the time of publication, the following conditions and trends are noted for the purpose of establishing a starting point for future monitoring, analysis and adaptation of policy on the part of the City.

Affordability

In theory at least, the housing market collapse has improved affordability. Lower median prices have made more housing available and affordable to more people in the short-term, assuming that mortgage financing is available. More market-rate housing has been in reach of low and moderate income households, essentially putting past assumptions about housing assistance programs and approaches in limbo.

Demand

In the short-term, demand for housing has weakened despite gains in affordability. In the longer term, however, if regional population continues to grow without concurrent increases in housing supply, demand will once again increase, possibly wiping out much of the improvement in affordability. At the same time, persistently high unemployment could exacerbate homelessness and increase the need for emergency and/or short term housing.

Homeownership

The credit crisis in combination with extensive foreclosures could hamper home ownership recovery and lead to a shift in tenure toward rental demand. Nonetheless, people who once owned but had to shift to renting may retain a strong desire to return to home ownership status. There will be a need to rebuild confidence among homebuyers, and households will have to improve their financial fitness in order to obtain credit for home purchases.

Housing Viability and Product

New construction will be extremely limited and largely deferred until prices rebound to a point of profitability. With lower housing prices come lower-to-nonexistent profit margins in new housing development. Construction costs, while lower, have not dropped to the same extent. Lower prices also mean that new construction will be less able to carry costs of infrastructure and/or high amenity levels and fees. In response, new construction is likely to be geared toward smaller homes, reversing the decades' long trend toward ever-larger homes. The standard for new single family homes can be expected to revert more towards the 1,200-1,800 square feet range, and away from the 2,500-3,000 square foot home standard. Even more to the point, new housing projects will need to feature a greater diversity of housing products and types, moving away from the homogeneous single family subdivision.

Aging Population

Overall the housing market will need to increasingly adapt to the reality of an aging population. Implications include a greater need for improved accessibility in housing, and more single story homes or "universal design" features such as putting master suites on the ground floor of two story housing. Neighborhood zoning will need to be more accommodating of facilities for aging populations. This could mean allowing more health care facilities and service commercial within residential areas, along with congregate housing and retiree-oriented housing and assisted living projects.

Commercial Re-Use

Bankruptcies and retrenchments by major retailers are having the effect of leaving many commercial shopping centers with high vacancy rates and/or facing complete shut-down conditions. Failed or struggling suburban-style shopping areas may rely on housing to recover, thus leading to complete makeovers and re-use with mixed uses including housing. Auto-oriented shopping centers may see parts of their parking areas replaced with pedestrian scale streets and housing.

Summary of 2009 Economic Crisis

The current crisis signals an acceleration of change in housing. Cities that are most responsive and flexible in their housing policies and land use planning will fare better in successfully navigating the evolving conditions. Newman can be well-served by monitoring conditions and working closely with other governments, and with housing producers in the private and non-profit sectors to understand emerging trends and adjust policy accordingly.

Population Profile

This section summarizes information about Newman's current and future population. The information in this section comes from the U.S. Census Bureau (Census 2000), the California Department of Finance (DOF), and the Stanislaus County Council of Governments (StanCOG).

HISTORIC POPULATION GROWTH

Newman is a small community that is experiencing a relatively high rate of growth. Since the last Housing Element Update adopted in 2003, Newman added 907 housing units. During the same period, Newman's population grew at an annual average rate of growth of 6.4 percent, adding 2,823 persons. Since the last Housing Element Update, Newman's person per household rate decreased from 3.448 to 3.395. Table II-1 shows historical population and housing growth in Newman.

Table II-1
Historical Population Growth
1980 to 2008

Annual Average Growth Rate (2003 to 2008) = 6.4 Percent

	Population			Housing Units		Persons per Household
	Total	Households	Group Quarters	Total	Occupied	
1980	2,785	2,785	0	1,049	1,007	2.700
1990	4,158	4,158	0	1,523	1,347	3.087
1998	5,849	5,849	0	1,968	1,741	3.360
2000	7,093	7,027	66	2,176	2,079	3.380
2003	7,763	7,697	66	2,336	2,232	3.448
2005	9,108	9,042	66	2,756	2,634	3.433
2008	10,586	10,520	66	3,243	3,099	3.395

Source: California Department of Finance

RECENT ARRIVALS

Of course, adding approximately 2,800 persons in the last five years means that Newman has a lot of newcomers. According to the U. S. Census Bureau, almost a third of Newman's residents moved to the city since 1995. This is higher than Stanislaus County as a whole and represents a modest increase in newcomers in Newman since 1990. Table II-2 summarizes information on recent arrivals in Stanislaus County and Newman.

Table II-2
Recent Arrivals in Stanislaus County and Newman
1990 and 2000

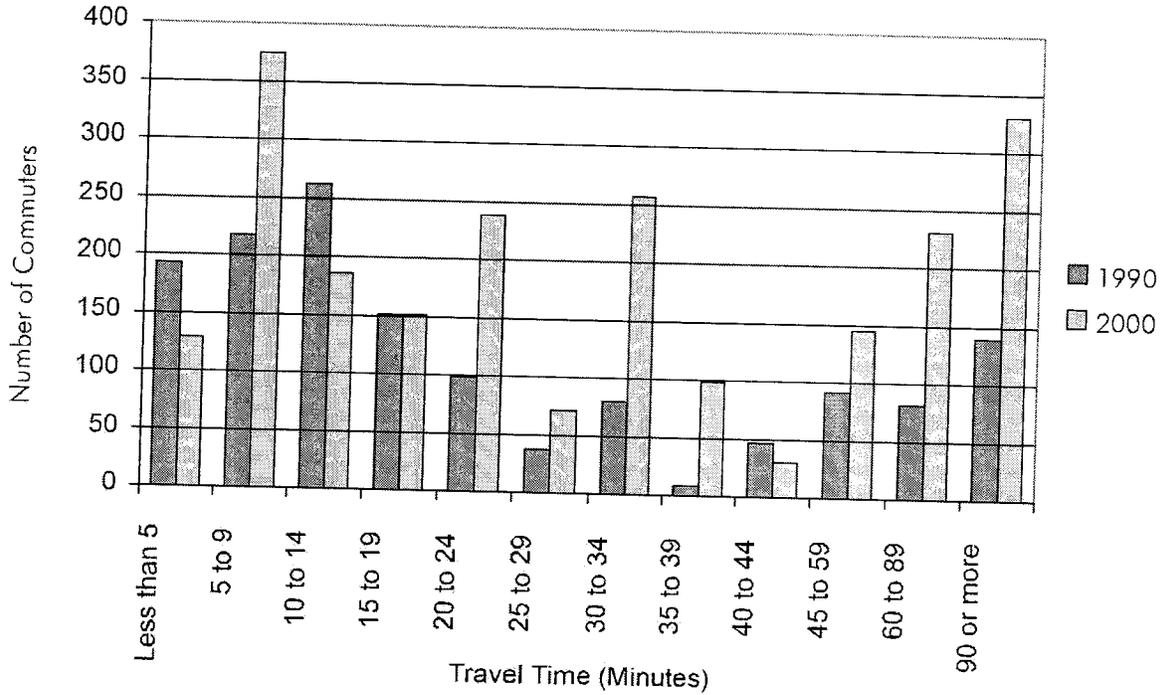
	1990		2000	
	Stanislaus County	Newman	Stanislaus County	Newman
Total (Residents Over 5 Years in Age)	336,746	3,764	411,833	6,425
Lived in Same Place 5 Years Ago	140,708	1,867	280,503	4,127
Lived Elsewhere 5 Years Ago	91,333	1,127	120,324	2,156
Percent Who Lived Elsewhere	27.1%	29.9%	29.2%	33.6%

Source: U.S. Census Bureau; Coastplans

COMMUTER PATTERNS

Many Newman residents are traveling longer distances to get to work. According to an analysis of travel time to work using 1990 and 2000 Census data, approximately half of Newman's workforce was traveling more than 15 minutes to work in 1990. In 2000, this percentage increased to approximately 70 percent. Much of the increased travel time to work is attributable to employment opportunities within Stanislaus or Merced Counties (less than one hour to work). But there is also evidence of significant increases in travel to more distant employment centers, probably Santa Clara Valley (greater than one hour to work). Figure II-1 shows the change in travel time to work by Newman residents.

Figure II-1
Changes in Travel Time
1990 and 2000



RACE AND ETHNICITY

According to the U.S. Census Bureau, slightly more than half (51.4 percent) of Newman's population was Latino in 2000, up from 42.4 percent in 1990. This is significantly more than the percent of total population for Stanislaus County, which was 31.7 percent Latino in 2000, up from 21.6 percent in 1990. Table II-3 shows the racial and ethnic composition of Newman and Stanislaus County in 2000.

Table II-3
Racial Composition in 2000
City of Newman and Stanislaus County

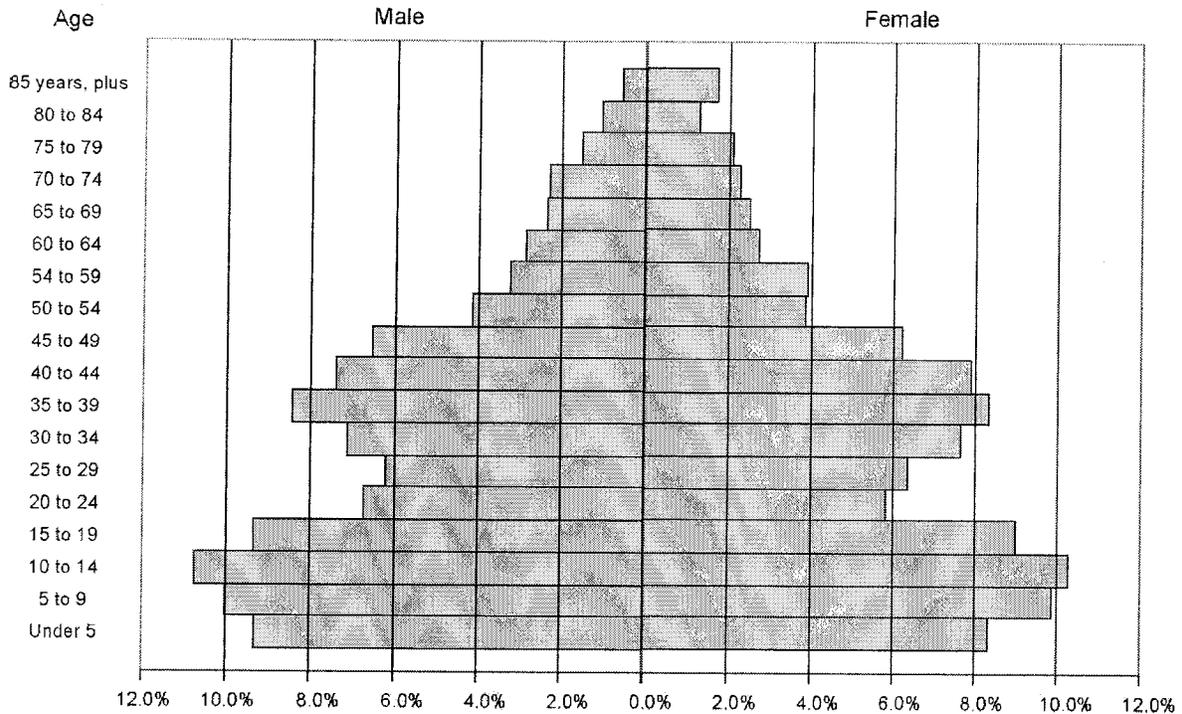
	City of Newman		Stanislaus County	
	Number	Percent	Number	Percent
White	4,310	60.76%	309,901	69.33%
Black	89	1.25%	11,521	2.58%
American Indian	94	1.33%	5,676	1.27%
Asian	131	1.85%	18,848	4.22%
Pacific Islander	5	0.07%	1,529	0.34%
Other Single Race	2,051	28.92%	75,187	16.82%
Two or More Races	413	5.82%	24,335	5.44%
Total	7,093	100.0%	446,997	100.0%
Hispanic (of any race)	3,648	51.4%	141,871	31.7%
Non Hispanic	3,445	48.6%	305,126	68.3%

Source: U.S. Census Bureau, Coastplans

POPULATION AGE STRUCTURE

Another interesting aspect of Newman's changing population is the out-migration of an increasingly broad segment of Newman's young people. According to the U.S. Census, there has been a noticeable reduction in population in the age cohorts of 25 to 29 and 30 to 34. Approximately 10 percent of Newman's population was in these age cohorts in 1990, but by 2000, this percentage had dropped to approximately seven percent. This reduction added to an already constricted population in the age cohort 20 to 25 years that was evident in 1990. Figure II-2 shows the population pyramid for Newman in 2000.

Figure II-2
Newman Population Pyramid
2000



Source: U.S. Census Bureau; Coastplans

PROJECTED POPULATION GROWTH

According to the *Newman 2030 General Plan* (October 2006), Newman expects to add 8,773 new housing units at buildout. StanCOG estimates Newman’s 2030 population to be 38,582 persons, growing at a 5.7 percent annual average growth rate. Newman’s actual growth rate since the last Housing Element update (i.e., 2003 to 2008) was 6.4 percent.

HOUSEHOLD COMPOSITION

Newman is a traditional family city. According to the U.S. Census Bureau, approximately 63 percent of all households in Newman are headed by a married couple. This compares to 57 percent for Stanislaus County as a whole. Newman also has a lower percentage of single-parent

households and persons living alone than Stanislaus County as a whole. Table II-4 shows household composition for Newman and Stanislaus County.

Table II-4
Household Composition
Stanislaus County and Newman
2000

	Newman		Stanislaus County	
	Number	Percent	Number	Percent
Family households				
Married-couple family	1,323	63.3%	82,930	57.1%
Other family				
Male householder, no wife present	110	5.3%	8,201	5.7%
Female householder, no husband present	242	11.6%	18,982	13.1%
Non-family households				
Male householder				
Living alone	122	5.8%	11,465	7.9%
Not living alone	63	3.0%	4,194	2.9%
Female householder				
Living alone	189	9.0%	16,723	11.5%
Not living alone	41	2.0%	2,651	1.8%
Total	2,090	100.0%	145,146	100.0%

Source: U.S. Census Bureau; Coastplans

Housing Stock Characteristics

This section describes Newman's housing stock characteristics, with comparisons to surrounding cities and Stanislaus County. The information in this section comes primarily from the U.S. Census Bureau, the California Department of Finance, and StanCOG, and the City of Newman.

HOUSING STOCK GROWTH AND COMPOSITION

Newman's housing stock is predominantly single family, with approximately 11 percent of all housing stock being multi-family (down from 14 percent in 2003). Newman's growth in dwelling units since the 2003 Housing Element Update (908 dwelling units) represents a 39 percent increase in the number of dwelling units in the city (an annual average rate of growth of 6.8 percent). During this time, the proportion of single family dwellings increased to 88 percent (from 86 percent in 2003).

When compared to other Stanislaus County jurisdictions, Newman's housing stock has a larger proportion of single family housing than the county as a whole (88 percent v. 79 percent) and a corresponding lower proportion of multi-family housing (11 percent v. 16 percent). When compared with California as a whole, the slight disparity widens for single family housing (88 percent v. 64 percent) and for multi-family housing (11 percent v. 31 percent). Table II-5 compares Newman's housing stock to that of other Stanislaus County jurisdictions and to California.

Table II-5
Comparison of Housing Stock Composition
Stanislaus County Jurisdictions
2008

Jurisdiction	Total	Single Family		Multiple Family		Mobile Homes	Percent of Total
		Single Family	Percent of Total	Multi Family	Percent of Total		
Ceres	13,279	10,753	81.0%	1,814	13.7%	712	5.4%
Hughson	1,937	1,641	84.7%	207	10.7%	89	4.6%
Modesto	74,700	56,795	76.0%	15,854	21.2%	2,051	2.7%
Newman	3,243	2,853	88.0%	364	11.2%	26	0.8%
Oakdale	7,227	5,776	79.9%	1,208	16.7%	243	3.4%
Patterson	5,999	5,656	94.3%	214	3.6%	129	2.2%
Riverbank	6,447	5,792	89.8%	366	5.7%	289	4.5%
Turlock	23,993	17,575	73.3%	5,814	24.2%	604	2.5%
Waterford	2,623	2,245	85.6%	349	13.3%	29	1.1%
Unincorporated	37,174	30,626	82.4%	1,389	3.7%	5,159	13.9%
Incorporated	139,448	109,086	78.2%	26,190	18.8%	4,172	3.0%
County Total	176,622	139,712	79.1%	27,579	15.6%	9,331	5.3%

Source: California Department of Finance, Coastplans

If the single family dwelling category is broken down into attached and detached units and compared with other jurisdictions, it becomes evident that Newman has developed proportionately fewer of the more affordable forms of attached single family housing, such as the halfplex and other types of zero-lot-line development, than any of its neighboring Stanislaus County cities. On average, 5.5 percent of the single family housing stock in incorporated communities in Stanislaus County is attached housing. Table II-6 compares attached and detached housing in Stanislaus County jurisdictions.

Table II-6
Attached and Detached Single Family Dwelling Units
Stanislaus County Jurisdictions
2008

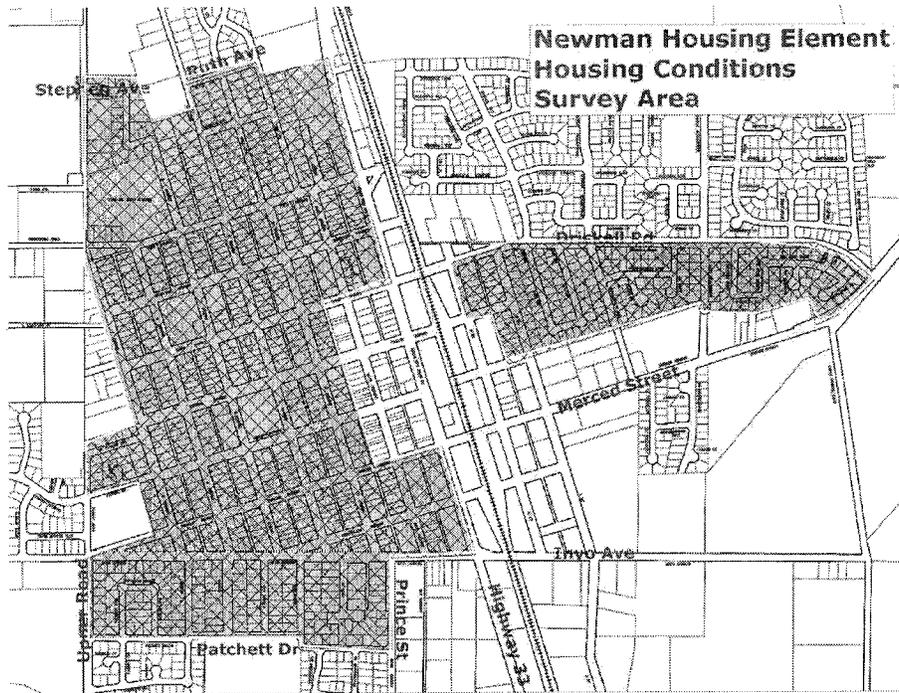
Jurisdiction	Total SFD	Detached	Percent of Total	Attached	Percent of Total
Ceres	10,753	10,406	96.8%	347	3.2%
Hughson	1,641	1,576	96.0%	65	4.0%
Modesto	56,795	52,785	92.9%	4,010	7.1%
Newman	2,853	2,777	97.3%	76	2.7%
Oakdale	5,776	5,520	95.6%	256	4.4%
Patterson	5,656	5,466	96.6%	190	3.4%
Riverbank	5,792	5,605	96.8%	187	3.2%
Turlock	17,575	16,614	94.5%	961	5.5%
Waterford	2,245	2,181	97.1%	64	2.9%
Unincorporated	30,626	29,029	94.8%	1,597	5.2%
Incorporated	109,086	102,930	94.4%	6,156	5.6%
County Total	139,712	131,959	94.5%	7,753	5.5%

Source: California Department of Finance, Coastplans

AGE AND CONDITION OF HOUSING STOCK

Newman's housing stock is relatively new and in good condition. A windshield survey was conducted in those neighborhoods of Newman identified in the *Newman 2030 General Plan* as "mature residential neighborhoods" constructed primarily in the 1940s through the 1970s. The survey area contained 952 housing units—most of the pre-1980 housing stock in the city—which represents approximately 30 percent of the total housing stock in the city. Figure II-3 shows the neighborhoods surveyed.

Figure II-3
Surveyed Neighborhoods



Source: Coastplans; City of Newman

Survey Results

Each of the 952 houses in the survey area were inspected from the street, and where any one of four categories of problems was detected—foundation, roofing, siding/stucco, and windows—a survey form was completed for the property. In all, 47 survey forms were completed (see “Newman 2030 General Plan Housing Element, Housing Conditions Survey).” Table II-7 summarizes the results of the survey.

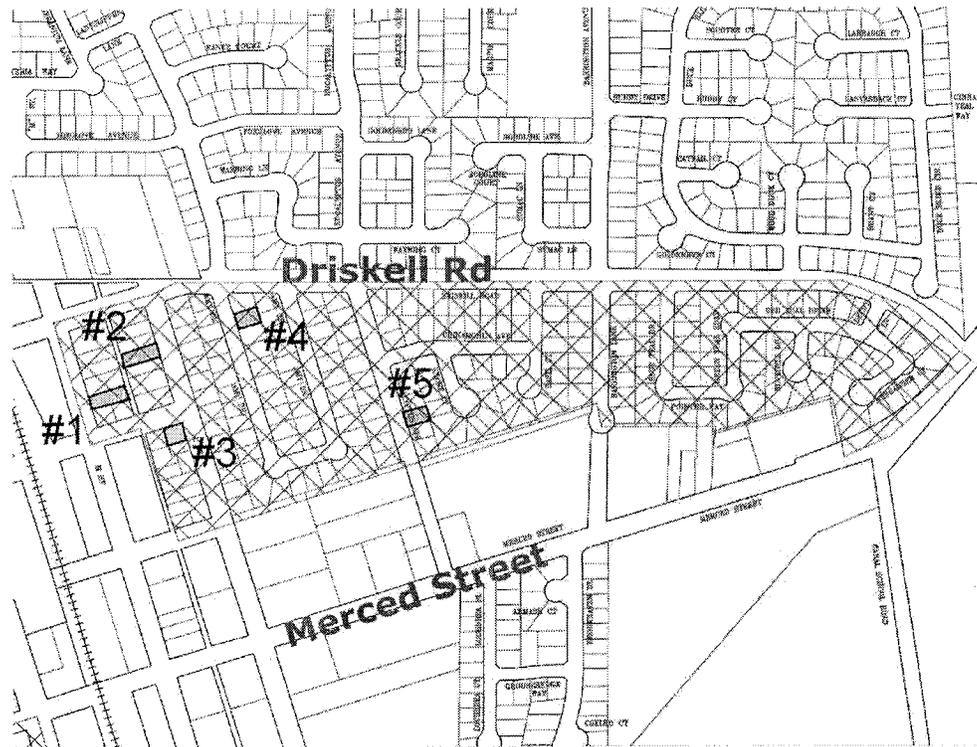
Table II-7
Housing Conditions Survey Results

Number of Units	Numerical Score	Condition
930 Units	9 or less	Sound
905 Units	[No form completed]	Sound w/ no detectable problems
25 Units	[Form completed]	Sound w/ detectable problems
11 Units	10 to 15 points	Minor problems
7 Units	16 to 39 points	Moderate problems
3 Units	40 to 55 points	Substantial problems
1 Units	56 and over points	Dilapidated

Source: *Coastplans, 2008*

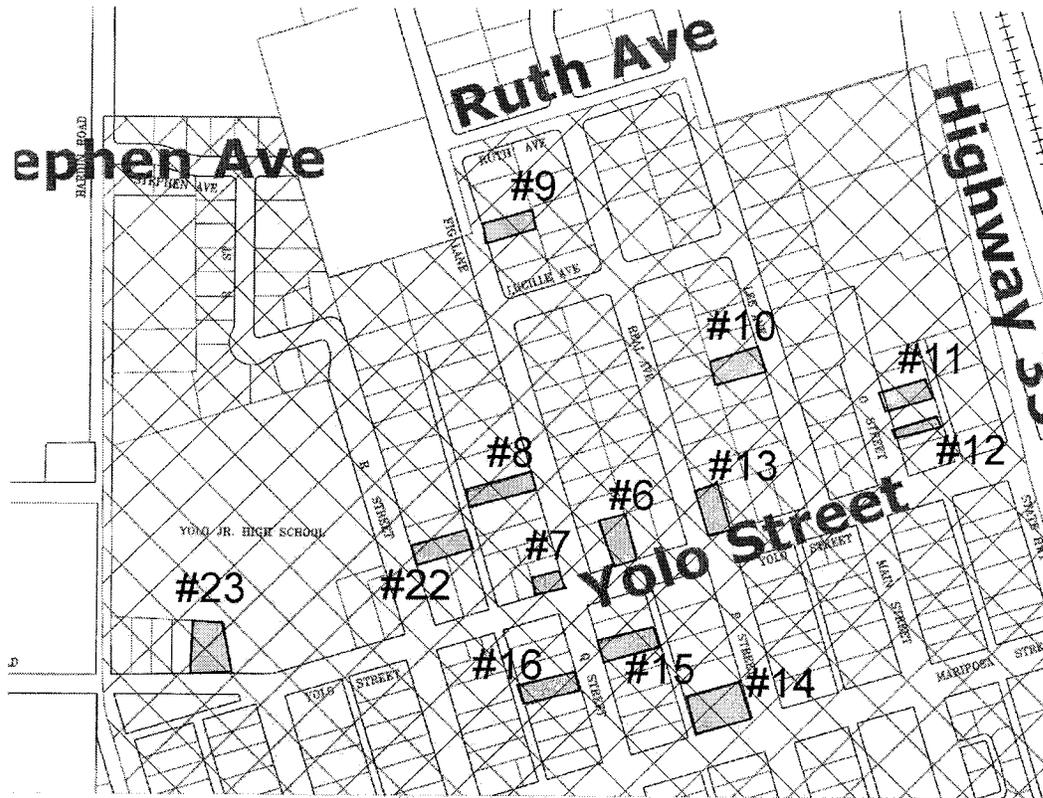
Figures II-4 through II-7 show more detailed maps of the survey area and indicates which properties had units for which a survey form was completed (the numbers on the map correspond to the survey sheet numbers). In general, problems were scattered throughout the survey area, with no pronounced cluster of problem houses.

Figure II-4
East of Highway 33



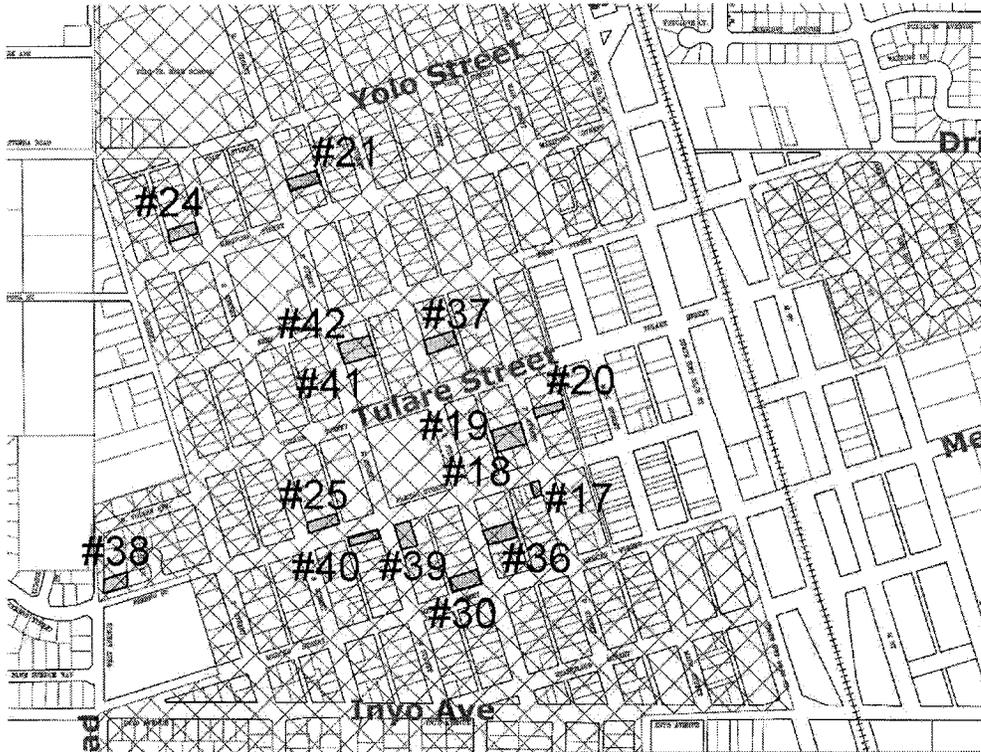
Source: Coastplans, 2008

Figure II-5
Yolo Street Area



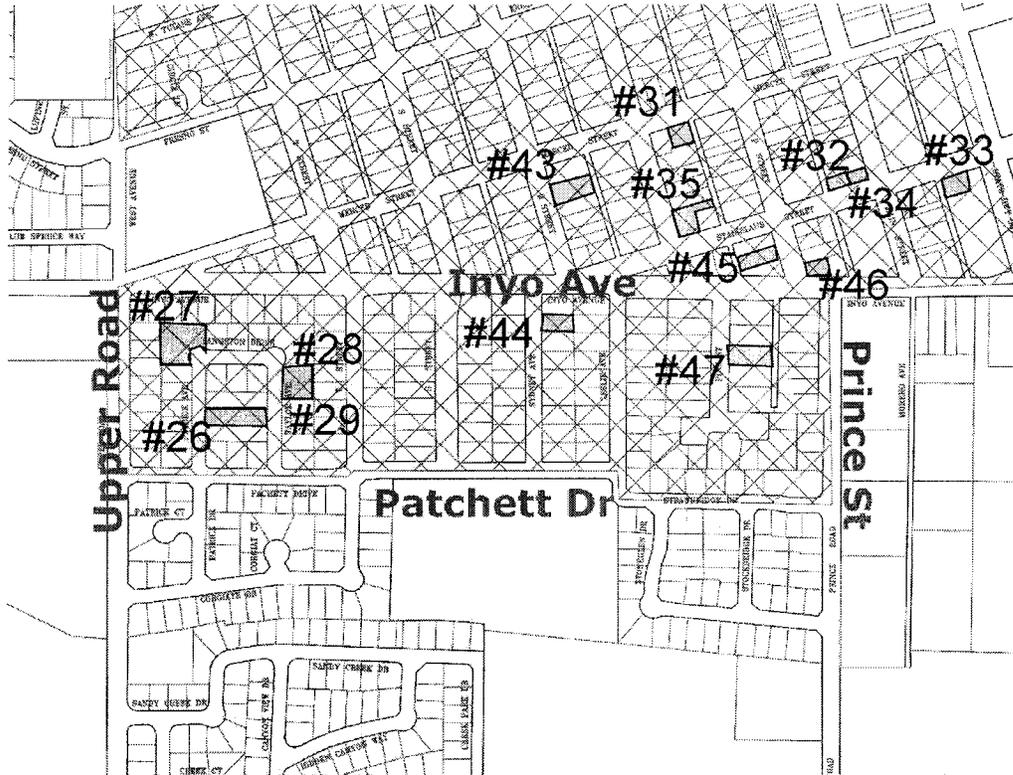
Source: Coastplans, 2008

Figure II-6
West of Downtown



Source: Coastplans, 2008

Figure II-7
Inyo Avenue Area



Source: Coastplans, 2008

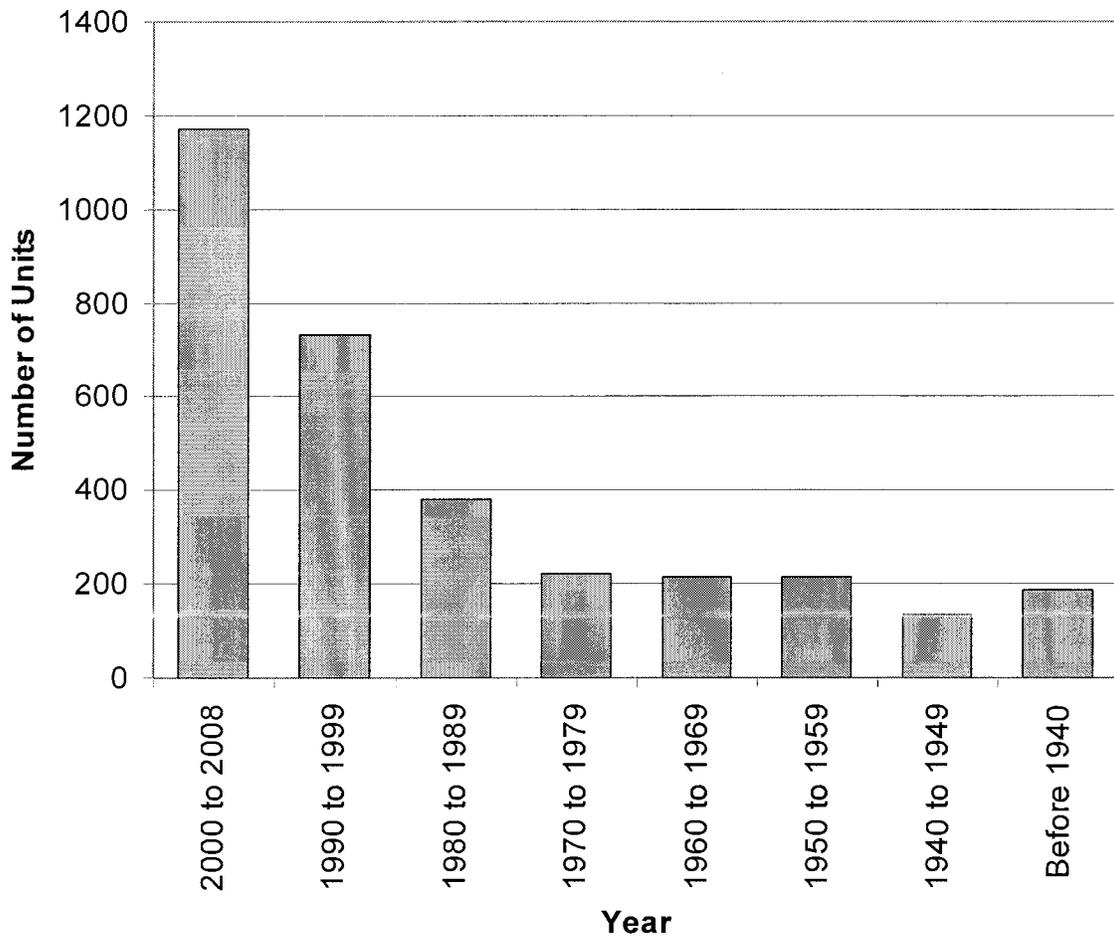
Finally as noted below, vacancy rates in Newman have remained essentially constant between 2003 and 2008 indicating that the higher demand for housing noted in 2003 has continued. As occupied units are more likely to be regularly maintained, this trend reinforces the data on housing rehabilitation activity and suggests that housing conditions continue to improve in Newman.

According to the U.S. Census Bureau, in 2000 the median year in which Newman's housing stock was constructed was 1983. A decade ago, the median year built for Newman's housing was

1969. This data was updated using California Department of Finance housing data for the years 2000 through 2008. With this new data factored in, the median year is now approximately 1990. Figure II-8 summarizes information on the age of Newman’s housing stock.

Figure II-8
Year Structure Built
City of Newman
2008

Median Year Built \approx 1990



Source: Coastplans; California Department of Finance; U.S. Census Bureau

HOUSING TENURE

Newman has a high percentage of homeownership. Approximately 28 percent (595 units) of Newman's housing units were occupied by renters in 2000. This is down from approximately 33 percent in 1990 and is significantly less than Stanislaus County's 2000 housing stock as a whole, 38 percent of which is occupied by renters. Table II-8 shows tenure by housing type for Newman.

Table II-8
Housing Tenure by Type
City of Newman
2000

Type of Unit	Total Occupied Units	Owner Occupied	Renter Occupied	Percent Renter Occupied
SFD Detached	1,757	1,409	348	19.8%
SFD Attached	77	55	22	28.6%
2	40	0	40	100.0%
3 or 4	81	13	68	84.0%
5	44	0	44	100.0%
10 to 19	21	0	21	100.0%
20 to 49	24	0	24	100.0%
50 plus	20	0	20	100.0%
Mobile Home/Other	26	18	8	30.8%
Total	2,090	1,495	595	28.5%

Source: Census 2000; Coastplans

VACANCY RATES

While vacancy rates in Newman dropped significantly between 1990 and 2003 (from 11.56 to 4.45 percent), they have remained essentially constant between 2003 and 2008 (from 4.45 to 4.44 percent) indicating that the higher demand for housing noted in 2003 has continued. A community's vacancy rate provides a quantified measure of the health of the local housing market. A high vacancy rate indicates an overabundance of housing stock, which is often in need of rehabilitation; a low vacancy rate indicates a tight housing market with few choices and high rents. As a rule of thumb, a vacancy rate of 4.5 to 5.0 percent indicates a market reasonably well balanced between supply and demand. Newman's vacancy rate is higher than other Stanislaus County jurisdictions, except the unincorporated county. Table II-9 shows vacancy rates for Stanislaus County jurisdictions from 1990 through 2008.

Table II-9
Comparative Vacancy Rates
Stanislaus County Cities
1990 to 2008

	1990	1995	2000	2003	2005	2008
Ceres	5.44	5.43	3.14	3.13	3.14	3.13
Hughson	5.33	5.33	2.32	2.37	2.34	2.37
Modesto	4.80	4.80	3.30	3.30	3.31	3.30
Newman	11.56	11.54	4.46	4.45	4.43	4.44
Oakdale	4.01	4.00	3.36	3.35	3.35	3.35
Patterson	5.07	5.07	3.56	3.57	3.57	3.60
Riverbank	3.95	3.96	3.28	3.26	3.26	3.26
Turlock	4.62	4.61	3.60	3.59	3.60	3.60
Waterford	3.02	3.04	4.33	4.34	4.33	4.31
Unincorporated	5.59	5.59	5.03	5.03	5.03	5.03
Incorporated	4.86	4.86	3.38	3.38	3.38	3.38
County Total	5.04	5.03	3.75	3.74	3.74	3.73

Source: California Department of Finance, Table E5 and E5a

LACK OF OVERCROWDING

Newman does not suffer from overcrowding. An overcrowded dwelling unit is defined as one in which more than 1.01 persons per room resides (excluding kitchen and bath). According to U.S. Census Bureau, approximately 18 percent of all dwelling units in Newman were overcrowded in 2000. This is only slightly more than the rate of overcrowding in Stanislaus County and California as a whole. This finding is consistent with the healthy vacancy rates discussed above and the relatively normal persons per household rate (3.448 persons per household) shown in Table II-1. Table II-10 summarizes data on overcrowding in 2000.

Table II-10
Overcrowding
Newman, Stanislaus County and California
2000

	Total Occupied Units	Overcrowded (Owner Occupied)	Overcrowded (Renter Occupied)	Total Overcrowded	Percent of Total
Newman	2,090	237	137	374	17.89%
Stanislaus County	145,146	8,202	11,918	20,120	13.86%
California	11,502,870	562,016	1,186,336	1,748,352	15.20%

Source: U.S. Census Bureau; Coastplans

Employment and Income

UNEMPLOYMENT

Like many communities located in agricultural areas, Newman suffers from a high unemployment rate. According to the California Economic Development Department (EDD), Newman's unemployment rate was slightly less than Stanislaus County as a whole but considerably higher than California's in 2008 (15.1 percent and 7.6 percent, respectively). Table II-11 shows employment statistics for selected Stanislaus County places in 2008.

Table II-11
Annual Average Employment and Unemployment
Stanislaus County Jurisdictions
2008

Area Name	Labor Force	Employment	Unemployment	
			Number	Rate
Stanislaus County	243,500	217,800	25,700	10.6%
Ceres	18,900	16,400	2,500	13.3%
Denair (CDP)	2,100	2,000	100	5.1%
Hughson	2,200	1,900	300	12.8%
Keyes (CDP)	2,000	1,600	400	17.8%
Modesto	105,500	95,900	9,600	9.1%
Newman	3,400	2,900	500	15.1%
Oakdale	9,000	8,200	800	9.3%
Patterson	6,200	5,300	900	14.5%
Riverbank	8,900	7,500	1,400	15.6%
Salida (CDP)	7,000	6,500	500	7.2%
Turlock	30,000	27,600	2,400	7.9%
Waterford	3,700	3,300	400	9.7%

Source: California Economic Development Department (Preliminary 2008) <http://www.labormarketinfo.edd.ca.gov>.

HUD INCOME LIMITS AND NEWMAN'S MEDIAN FAMILY INCOME

Each year the California Department of Housing and Community Development (HCD) publishes income limits (based on data from U.S. Department of Housing and Urban Development) to be used in conjunction with state and federal housing programs. State housing law requires housing developers to use these income limits when defining income for various housing programs (Health and Safety Code § 50079.5). The median family income for a family of four in Stanislaus County was \$56,500 in 2008. Since the 2003 Housing Element, the California Department of Housing

and Community Development (HCD) has added an income category called: "Extremely Low Income," which represents 30 percent of area median income. Table II-12 shows HCD income limits for Stanislaus County in 2008.

Table II-12
2008 Income Limits
Stanislaus County

Median Family Income = \$56,500

	1 Person	2 Person	3 Person	4 Person
Extremely Low Income (up to 30% of Median)	\$11,850	\$13,550	\$15,250	\$16,950
Very Low Income (30% to 50% of median)	19,800	22,600	25,450	28,250
Lower Income (50% to 80% of median)	31,650	36,150	40,700	45,200
Median (80% to 100% of median)	39,600	45,200	50,900	56,500
Moderate (100% to 120% of median)	\$47,500	\$54,200	\$61,000	\$67,800

Source: Department of Housing and Community Development

In 2003, Newman's median family income (\$44,703) was approximately 93 percent of that of Stanislaus County (\$48,000). With the influx of new home owners, Newman's median family income has probably risen to be approximately the same as Stanislaus County as a whole. Therefore, the price established by HCD for a dwelling unit affordable to any particular income group (say very low income families) should generally be affordable for families in Newman.

Affordability, Housing Costs, and Overpayment

The following section reviews affordability, housing costs, and overpayment.

RENTAL AFFORDABILITY AND COSTS

Rental housing in Newman is generally affordable. According to classified advertisements in the West Side Index, Newman's weekly newspaper (<http://www.westsideconnect.com/>), rents for

three-bedroom, two-bath houses ranged from \$900 to \$1,200 per month in October 2008. Two-bedroom apartments were \$600 to \$800 per month. The family earning the County median family income of \$56,500 and spending 30 percent of its income on housing could afford approximately \$1,400 in monthly rent. Table II-13 shows rental affordability for all income groups in Newman.

Table II-13
Rental Affordability
Stanislaus County

	HCD Annual Income Limit ¹	Affordable Monthly Rent ²
Extremely Low Income (up to 30%)	\$16,950	\$423
Very Low Income (Up to 50%)	28,250	706
Low Income (50% to 80%)	45,200	1,129
Median (80% to 100%)	56,500	1,412
Moderate (100% to 120%)	67,800	1,695
Above Moderate (120% plus)	\$67,800+	\$1,695+

Notes: ¹Income limit for a four-person family as defined by HCD in 2008

²Assumes 30 percent of monthly income

Sources: Coastplans; California Department of Housing and Community Development

OWNERSHIP AFFORDABILITY AND COSTS

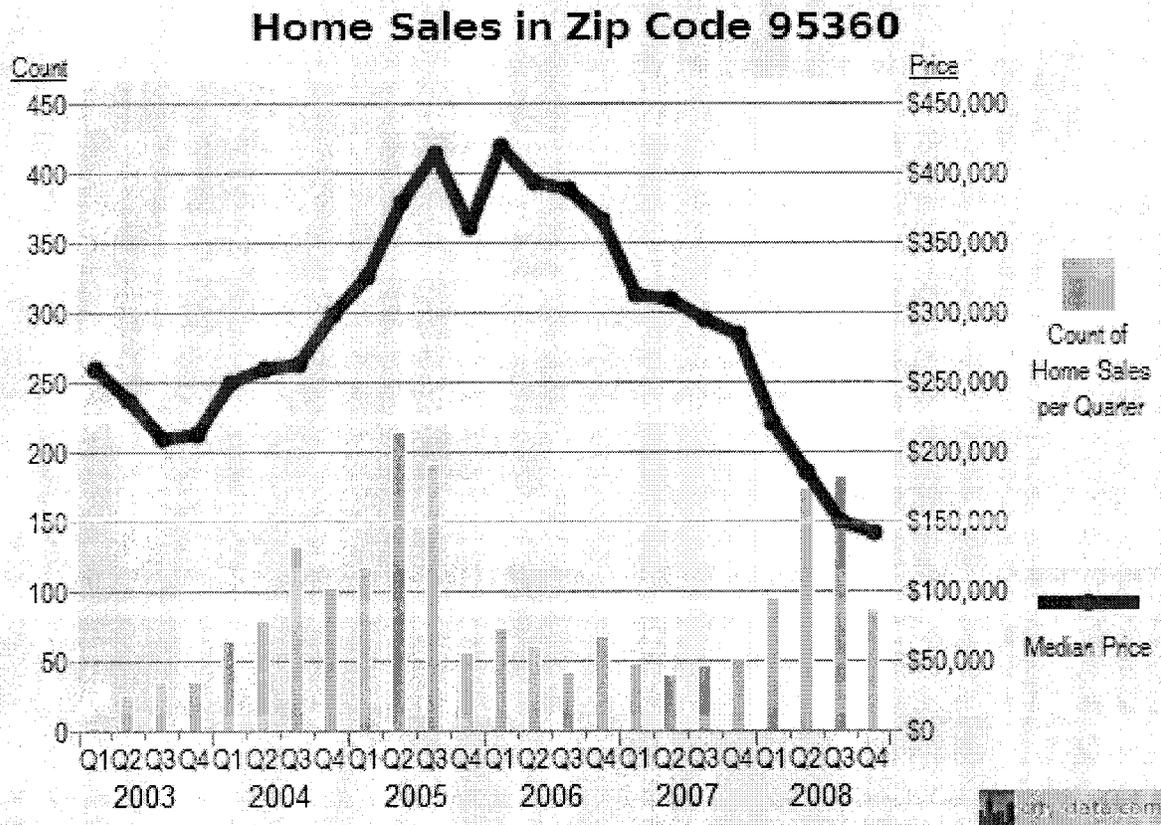
The upheaval in the housing market that began in early 2008 and the financial crisis that the country is currently embroiled in has injected a high degree of uncertainty into the local housing markets. Housing prices have come down dramatically—from a high \$420,000 in 2005 to the current low of approximately \$140,000 (March 2009)¹—but a high number of foreclosures has resulted in a tight credit market and wary consumers. According to Realtytrac (<http://www.realtytrac.com>), there were 343 houses in some state of foreclosure in Newman as of

¹ According to City-data.com (<http://www.city-data.com/real-estate/NEWMAN-CA-95360.html>), the median sales price for a house in the 95360 zip code area was approximately \$190,000 in the second quarter 2008.

March 18, 2009. So while housing is more affordable than it has been in years, qualifying for a mortgage can be very challenging. A new house in one of Newman’s developing subdivisions start at \$125,000 in Park Villa.

The family earning the County median family income of \$56,500 and spending 30 percent of its income on housing can afford a \$261,770 house. Figure II-9 shows the median price of homes sales in the Newman Area between 2003 and 2008. Table II-14 shows ownership affordability for Newman.

Figure II-9
Median Sales Price
Zip Code 95360



Source: City-Data.com

Table II-14
Ownership Affordability
Stanislaus County

Median Housing Price (2009) = \$140,000

	HCD Annual Income Limit¹	Mortgage²	Monthly Payment	Price of Affordable House³
Very Low Income (Up to 50%)	\$28,250	\$117,797	\$706	\$130,885
Lower Income (50% to 80%)	45,200	\$188,475	\$1,130	\$209,416
Median (80% to 100%)	56,500	\$235,593	\$1,413	\$261,770
Moderate (100% to 120%)	67,800	\$282,712	\$1,695	\$314,124
Above Moderate (120% plus)	\$67,800+	\$282,712+	\$1,695+	\$314,124+

Notes: ¹Income limit for a four-person family as defined by HCD in 2008

²Assumes 30 percent of income for house expense, 6.00 percent interest rate, 30-year fixed-rate mortgage

³Assumes a 10 percent down payment

Sources: City-Data.com; California Department of Housing and Community Development; Coastplans

The 2003 Housing Element reported that housing prices ranged from \$175,000 to \$235,000 with new houses ranging from an entry level of \$220,000 to an upscale \$300,000. Housing prices in 2008 have collapsed to 2003 levels and lower. Again, uncertainty in the financial markets and low consumer confidence has brought much of the housing market to a standstill, so at least for the foreseeable future, consumers will not benefit from the lower prices.

OVERPAYMENT FOR HOUSING

There is a lower incidence of overpayment for housing in Newman than in Stanislaus County as a whole. As a rule of thumb, housing is considered affordable if less than 30 percent of household income is spent on rent or mortgage. According to the U.S. Census Bureau, approximately 55 percent of Newman's lower-income owner households and 50 percent of lower-income renter households paid more than 30 percent of their income in 2000. This compares to Stanislaus County as a whole with 56 percent lower-income owner households and 61 percent of lower-

income renter households, overpaying for housing. Table II-15 compares overpayment for housing between Newman and Stanislaus County.

Table II-15
Overpayment for Housing
Low-Income Households Paying More Than 30% of Income on Housing
Stanislaus County and Newman

	Lower-Income Households		Lower-Income Households Overpaying			
	Owners	Renters	Owners	Renters	Percent Owners	Percent Renters
Newman	615	379	340	189	55.3%	49.9%
Stanislaus County	25,164	36,622	14,021	22,425	55.7%	61.2%

Sources: U.S. Census Bureau; California Department of Housing and Community Development; Coastplans

Housing Needs

This section describes Newman's housing needs, with comparisons to surrounding cities and Stanislaus County. The information in this section comes primarily from StanCOG, the California Department of Housing and Community Development, the California Department of Finance, the U.S. Census Bureau, the Stanislaus County Housing Authority, social service providers, and the City of Newman.

SUMMARY OF DEMOGRAPHIC AND HOUSING RESEARCH

The results of demographic and housing research, which are presented in the sections above, paint a picture of a small Central Valley town increasingly influenced by the Bay Area economy.

- ✓ Newman is experiencing a relatively high rate of growth. Since the last Housing Element Update adopted in 2003, Newman's population grew at an annual average rate of growth of 6.4 percent, adding approximately 2,800 persons.
- ✓ Most of this new population was attracted by the availability of new housing.

- ✓ Almost a third of Newman's residents moved to the city since 1995.
- ✓ Newman has been hit hard by the collapse of the housing market; there were approximately 343 houses in some stage of foreclosure in 2009.
- ✓ Many Newman residents are traveling longer distances to get to work. Approximately half of Newman's workforce was traveling more than 15 minutes to work in 1990; this percentage increased to approximately 70 percent in 2000.
- ✓ Newman is experiencing the out-migration of an increasingly broad segment of its young people. When analyzing changes in Newman's age structure between 1990 and 2000, there is a noticeable reduction in population in the age cohorts of 25 to 29 and 30 to 34.
- ✓ Newman is a traditional family city. Approximately 63 percent of all households in Newman are headed by a married couple compared to 57 percent for Stanislaus County as a whole. Newman also has a lower percentage of single-parent households and persons living alone than Stanislaus County as a whole.
- ✓ Newman's housing stock is predominantly single family, with approximately 11 percent of all housing stock being multi-family.
- ✓ Newman's housing stock is relatively new and in good condition. A recent survey found only 11 units with moderate to substantial rehabilitation needs. One unit was dilapidated.
- ✓ Newman has an increasing percentage of homeownership. Approximately 28 percent (595 units) of Newman's housing units were occupied by renters in 2000. This is down from approximately 33 percent in 1990 and is significantly less than Stanislaus County's 2000 housing stock as a whole, 38 percent of which is occupied by renters.
- ✓ Newman's vacancy rate remained about the same since 2003 at a healthy 4.44 percent.
- ✓ Like many communities located in agricultural areas, Newman suffers from a high unemployment rate. Newman's unemployment rate was slightly less than Stanislaus County as a whole but considerably higher than California's in 2008 (15.1 percent and 7.6 percent, respectively).
- ✓ Newman's median family income is comparable to that of Stanislaus County, so the price for an affordable dwelling unit suggested by HUD income limits should generally be affordable for families in Newman.

- ✓ Rental housing in Newman is generally affordable. Rents for three-bedroom, two-bath units ranged from \$900 to \$1,200 per month between January and June 2008. Smaller two-bedroom units ranged from \$600 to \$800 per month. The median income family can afford approximately \$1,400 in monthly rent.
- ✓ For-sale housing in Newman is generally affordable. While the median sales price rose as high as \$420,000 in 2005, since then prices have collapsed to 2003 levels and lower. The median income family can afford a \$261,000 house.
- ✓ There is a lower incidence of overpayment for housing in Newman than in Stanislaus County as a whole.

NEWMAN'S SHARE OF REGIONAL HOUSING NEEDS

Newman's share of regional housing needs originates with the California Department of Housing and Community Development (HCD). HCD first estimates a statewide need for housing, which is broken down into regions, each of which then has an assigned share of estimated housing needs. The Stanislaus County Council of Governments (StanCOG) is the local agency mandated by California Government Code §65554(a) to distribute the "Fair Share Allocation" of the regional housing need to each jurisdiction in Stanislaus County. The "Fair Share Allocation" of housing is a specific number of residential units, in different price ranges, assigned to each local jurisdiction including Newman.

Because this allocation applies to the period starting on January 1, 2007, dwelling units built in Newman since that time must be deducted from the total to determine the number of units needed for the balance of the planning period. Table ii-16 shows the official StanCOG allocation and the number of units built since January 1, 2007.

Table II-16
Newman's Housing Needs Allocation
StanCOG
2007-2014

	Total Units	Very Low Income	Low Income	Moderate Income	Above Moderate Income
Percent	100.0%	23.2%	16.3%	19.2%	41.2%
StanCOG	422	98	69	81	174
Units Built Since Jan 2007	83	0	0	0	83
Remaining Need (StanCOG)	339	98	69	81	91

Source: Stanislaus County Council of Governments; Coastplans

SPECIAL HOUSING NEEDS

An assessment of the housing needs of individuals that may have special needs within the community is a required part of a Housing Element as mandated by State HCD. Special Need individuals are defined in the following categories:

- ✓ Elderly persons over 65 years of age,
- ✓ Persons with disabilities,
- ✓ Families with female heads of households,
- ✓ Large families,
- ✓ Families or persons in need of emergency shelter or transitional housing; and
- ✓ Farmworkers.

Based on US Census Bureau 2000 data, the total number of persons in Newman within each of the Special Needs categories is shown in Table II-17.

Table II-17
Summary of Special Needs Housing
2000

Special Needs Category	Number
Households with Elderly (65+ years) Living Alone	151
Households with Elderly (65+ years) Living with Someone	275
Persons Living in Institutional Care (Nursing Home)	66
Large Households (6+ persons) Living in Owner-Occupied Unit	210
Large Households (6+ persons) Living in Renter-Occupied Unit	36
Female Householder (no husband present)	242
Male Householder (no wife present)	110
Families Living Below Poverty Level	166
Persons Visibly Living in Street Locations	15
Disabled Persons (mobility or self-care limitation)	1,160
Persons in Agriculture Industries	333

Source: U.S. Census Bureau

Disabled Persons

The term "disabled" refers to a disability (physical, mental, or sensory) which prevents or precludes a person from doing work either in or outside of the home. The number of disabled persons in a community has important implications for providing certain social services, in the removal of barriers to facilities, and in developing housing which has specialized access for disabled residents.

According to the 2000 Census, 733 of Newman's residents aged 16 to 64 had work disabilities. This represented 11.5 percent of the work force. A person with a work disability may have a health condition which limits the kind or amount of work which he or she can do or which prevents working at a job or business altogether. A work disability may also be defined as a health

condition which limits the choice of jobs. Table II-18 shows work disability information for Newman, Stanislaus County, and California according to the 2000 Census.

Table II-18
Work Disability Status Ages 16 to 64
Newman, Stanislaus County and California
2000

	Newman		Stanislaus County		California	
	No.	Percent	No.	Percent	No.	Percent
5 to 15 years:	1,638	25.8%	89,270	21.9%	5,813,105	18.8%
With a disability	75	1.2%	5,138	1.3%	277,503	0.9%
No disability	1,563	24.6%	84,132	20.6%	5,535,602	17.9%
16 to 64 years:	4,122	64.8%	274,326	67.2%	21,570,148	69.9%
With a disability:	733	11.5%	61,605	15.1%	4,180,265	13.5%
Employed	258	4.1%	28,814	7.1%	2,250,371	7.3%
Not employed	475	7.5%	32,791	8.0%	1,929,894	6.3%
No disability:	3,389	53.3%	212,721	52.1%	17,389,883	56.4%
Employed	1,990	31.3%	140,625	34.4%	12,020,189	39.0%
Not employed	1,399	22.0%	72,096	17.7%	5,369,694	17.4%
65 years and over:	599	9.4%	44,639	10.9%	3,469,810	11.2%
With a disability	352	5.5%	20,948	5.1%	1,465,593	4.8%
No disability	247	3.9%	23,691	5.8%	2,004,217	6.5%
Total	6,359		408,235		30,853,063	

Source: U.S. Bureau of the Census, 2000

The Census also identified those residents with mobility and self-care limitation disabilities. As Table II-19 indicates, 20.1 percent of Newman's residents aged 16 and over (476 persons) had a go-outside-home disability in 2000.

Table II-19
 Disability Type by Age Group
 Newman, Stanislaus County, and California
 2000

	Newman		Stanislaus County		California	
	No.	Percent	No.	Percent	No.	Percent
Total disabilities	2,360	100.0%	159,757	100.0%	10,592,411	100.0%
Total disabilities 5 to 15 years	93	3.9%	6,647	4.2%	373,407	3.5%
Sensory disability	20	0.8%	963	0.6%	51,855	0.5%
Physical disability	7	0.3%	890	0.6%	54,991	0.5%
Mental disability	48	2.0%	4,065	2.5%	205,676	1.9%
Self-care disability	18	0.8%	729	0.5%	60,885	0.6%
Total disabilities 16 to 64 years	1,454	61.6%	111,007	69.5%	7,241,881	68.4%
Sensory disability	93	3.9%	7,488	4.7%	430,965	4.1%
Physical disability	282	11.9%	22,267	13.9%	1,183,313	11.2%
Mental disability	202	8.6%	14,264	8.9%	777,304	7.3%
Self-care disability	108	4.6%	6,109	3.8%	361,699	3.4%
Go-outside-home disability	298	12.6%	22,472	14.1%	1,718,472	16.2%
Employment disability	471	20.0%	38,407	24.0%	2,770,128	26.2%
Total disabilities 65 years and over	813	34.4%	42,103	26.4%	2,977,123	28.1%
Sensory disability	169	7.2%	7,009	4.4%	501,450	4.7%
Physical disability	226	9.6%	13,970	8.7%	985,115	9.3%
Mental disability	135	5.7%	5,858	3.7%	423,518	4.0%
Self-care disability	105	4.4%	5,013	3.1%	345,113	3.3%
Go-outside-home disability	178	7.5%	10,253	6.4%	721,927	6.8%

Source: U.S. Bureau of the Census, 2000

Special needs of disabled persons vary depending upon the particular disability of the person. For example, the needs of a blind person differ greatly from those of persons confined to wheelchairs. Special facilities such as ramps, elevators, or specially designed restrooms necessary for wheelchair access are architectural features needed to make dwellings suitable for wheelchairs. Special features needed by ambulatory persons constrained by other disabilities may not be

architectural. Instead, these might be simple alterations to conventional dwelling units for furnishing and appliances which make ordinary tasks of housekeeping and home life simpler. In families, the needs of the disabled person, in terms of special features, are fewer than those of a single person. Nevertheless, a disabled person in a family does have special needs. Special architectural features could be valuable in giving this person a greater independence, dignity, and quality of life.

Elderly

The percentage of senior citizens in Newman fell between 1990 and 2000, so that while Newman had a slightly higher percentage of senior citizens in 1990 than Stanislaus County or California as a whole, it now has a significantly lower percentage. The 2000 Census indicated that 11.6 percent of the city's population was 60 years and older, the 1990 Census indicated the percentage was 14.7 percent. These percentages are now lower than for Stanislaus County, where 13.7 percent of the population (14.4 percent in 1990) was over 60. They are also lower than statewide, where 14.0 percent of the population (14.2 percent in 1990) was at least 60.

While older residents are still drawn to Newman because of the city's overall low cost of living, the stability of the area, and its warm year-round climate, an influx of younger newcomers has lowered the overall percentage of senior citizens in the community. Nonetheless, many of the senior citizens that live in Newman have mobility limitations which restrict their access to other services, such as public transportation, shopping facilities, and senior citizens. Although the West Side Dial-a-Ride will arrange door-to-door pickup, the service provides only limited service to Modesto. Limited shopping facilities in Newman also create difficulties for seniors with transportation difficulties. Gustine, which is just four miles south of Newman, has a medical facility that serves the Newman community.

Large Households

Household size is an important consideration when it comes to planning for housing. Very simply, areas which have large concentrations of small households (i.e., less than five persons) or single-person households need to plan for smaller units, and areas with concentrations of large households (i.e., five persons or more) need to assure that units large enough to accommodate such households are available.

The number of large households in Newman increased between 1990 and 2000, and this influx of large households is weighted toward owner-occupied housing units. The 2000 Census indicated that 24.5 percent of households in Newman were large families, compared with only 20 percent

in 1990. Twenty-seven percent of owner-occupied housing (20 percent in 1990) was occupied by large households, and 18 percent of renter-occupied housing (20 percent in 1990) was occupied by large households. The fact that the housing construction industry has favored large houses in recent years and has moved away from constructing multi-family housing in many market areas has probably influenced this trend.

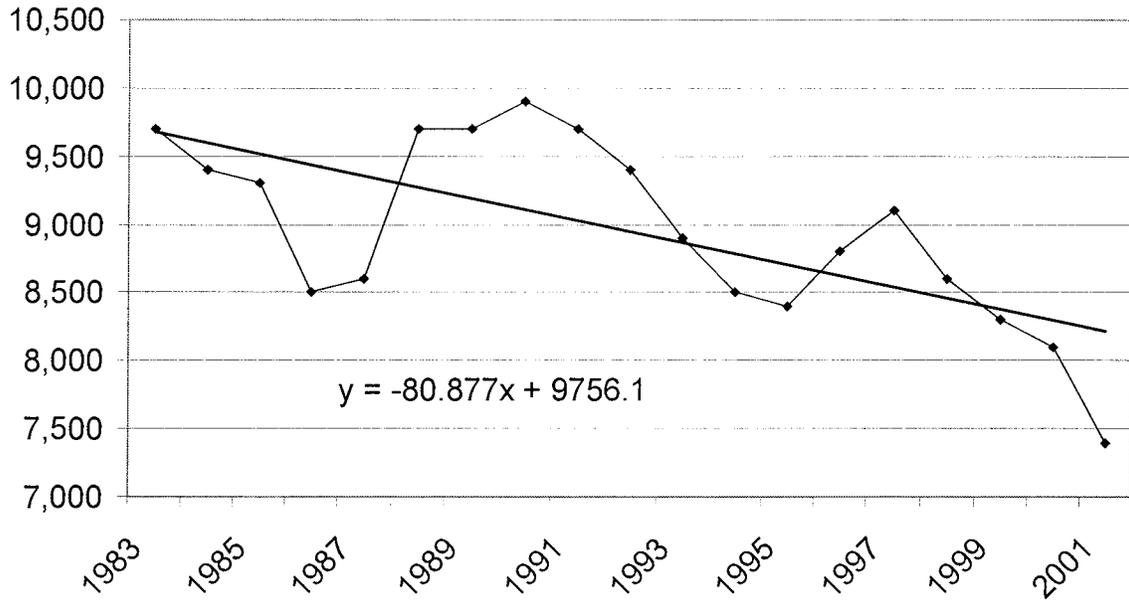
Farmworkers

As in the case for most low-income households, housing needs of farm workers far exceeds government's ability to provide assistance. The Farmer's Home Administration (FmHA) is the most important provider of permanent housing for farm workers, but FmHA assistance suffers from its own income qualifying standards and a shortage of staff and funds. The State HCD and Office of Migrant Services also supplies housing assistance for farm workers. Because farm workers are usually low-income and their employment status is often tenuous, they are unable to compete for housing on the open market. The housing that is available is often of substandard condition and located in areas of the community lacking adequate services. In relation to their low incomes, farm workers often overpay for substandard housing and live in crowded conditions.

Throughout Stanislaus County, farm workers are housed predominately in farm labor camps owned and operated by the Stanislaus County Housing Authority and camps privately owned in the unincorporated areas. Housing in these camps consists of both permanent residential buildings and mobile homes. Within areas in the county, permits are issued with the stipulation that the occupant be employed on a full-time basis in conjunction with the farming operation. Both mobile homes and farm labor camps provide important housing for seasonal or year round workers who may otherwise have a difficult time obtaining housing at an affordable price and within close proximity to their jobs. Within the City of Newman, permanent housing for agricultural workers is a permitted use in all residential zoning districts, and short-term rooming or boarding houses are allowed as a conditional use in the R-2 and R-3 Zoning Districts.

While in the past there was evidence that housing shortages existed during peak seasonal labor periods, StanCOG reports a general trend toward a decreasing number of farm laborers in the county. Figure II-4 shows farm labor trends in Stanislaus County between 1983 and 2001.

Figure II-4
Farm Labor
Stanislaus County
1983 to 2001



Source: StanCOG, 2003

The Stanislaus County Housing Authority maintains an inventory of farm labor and migrant housing, and this inventory is summarized in Table II-20 below.

Table II-20
Farm Labor and Migrant Housing
Stanislaus County Housing Authority Inventory
2003

Location of Farm Labor Housing	Number of Units	Percent of Units
Westley – FmHA Units	85	22.61%
Westley – Mobile Homes/Trailers	20	5.32%
Ceres	104	27.66%
Modesto	91	24.20%
Patterson	76	20.21%
Total	376	100.00%

Source: Stanislaus County Housing Authority

Families Headed by Single Females

The incidence of families headed by single females with children under the age of 18 fell between 1990 and 2000 and is below that of Stanislaus County as a whole. The 2000 Census indicated that 7.9 percent of Newman's families were headed by single females with children under 18, compared to 11.0 percent in 1990. The California Department of Housing and Community Development identifies the following distinguishing characteristics for female householder families:

- ✓ Low homeownership rate
- ✓ Younger householder
- ✓ Children present
- ✓ Low incomes and a high poverty rate

- ✓ Overcrowded
- ✓ High percentage of household income spent for housing

The incidence of poverty in families headed by single females with children under 18 also fell between 1990 and 2000. The 2000 Census indicated that 25.3 percent of female-headed households with children were below poverty, compared to 50.0 percent in 1990. Countywide, 8.4 percent of households were headed by single female parents (10.8 percent in 1990), and 38.6 percent of these households were below poverty (37.4 percent in 1990).

Persons Needing Emergency Shelter and Transitional Housing

Throughout California, homelessness has become a major concern. Factors contributing to the increase in homeless persons and families, and those in need of transitional housing, include:

- ✓ The lack of housing affordable to very-low- and low-income persons
- ✓ Increases in unemployment or underemployment
- ✓ Reductions in government subsidies
- ✓ Deinstitutionalization of the mentally ill
- ✓ Domestic violence
- ✓ Drug addiction
- ✓ Dysfunctional families

According to Chief Adam McGill, at the Newman Police Department, there are from 15 homeless persons currently living in Newman. Some of these persons work on a part-time basis, and most have drug or alcohol problems but are generally not visible on the street. The Police Department receives a few complaint calls periodically but the problem is minor.

As with all communities, Newman has youth that for one reason or another have chosen to runaway from home. According to Valrie Thompson at Hutton House, a youth shelter located in Modesto, there were approximately 40 youth from Newman sheltered at Hutton House in 2007

and about the same number in 2006. The numbers vary widely from year to year, however, with as few three runaways from Newman in 2003.

The City of Newman posts notices (in English and Spanish) in city hall of shelter services offered by Community Housing and Shelter Services on the first and third Wednesdays in nearby Patterson at the Westside Resource Center.

Agencies Offering Emergency Housing Assistance

Salvation Army, Social Services Program: Under this program, energy bill assistance, as well as housing information and referral are provided to low-income families. In conjunction with the Salvation Army, the Newman Police Department offers limited emergency assistance to very-low to low income residents.

Stanislaus County Housing Authority: The Stanislaus County Housing Authority is located at 1701 Robertson Road, Modesto. The Housing Authority develops and operates subsidized housing facilities in Stanislaus County (with the exception of Riverbank, which has its own Housing Authority), for very low and low-income families, including the elderly, handicapped and disabled families. The Authority also operates housing rehabilitation programs and offers counseling for rent delinquency and mortgage delinquency at no charge, under license from the U.S. Department of Housing and Urban Development.

Emergency and Transitional Shelter Needs: The housing needs of those seeking emergency shelter and/or transitional shelter have dramatically increased in the last ten years. The fastest growing population in need of shelter is families with children. The reason for this increase can be partially attributed to rising unemployment and the decline in affordable housing. A large percentage of mentally ill persons are homeless due to the relaxing of guidelines for state mental health care institutions. Others in need are homeless persons with drug and alcohol problems, battered women and children, teenage runaways, and evicted tenants.

Agencies Providing Emergency Shelter

The following programs offer cash or vouchers to homeless individuals and families for securing temporary shelter:

Santa Fe Project (Inter-Faith Ministries): Located at 120 Kerr Avenue, Modesto, this 109 beds facility, which opened in December 2008, provides emergency winter shelter to homeless families with minor children. The project is open from December 1, through March 31. Families will work with a case manager to work towards the goal of moving into permanent housing.

Community Housing and Shelter Services: Since 1981, the Community Housing and Shelter Services (CHSS) has provided services for those seeking shelter. CHSS provides temporary shelter to those with immediate need. CHSS assists families with dependent children and mentally ill homeless. Stay is temporary, in motels or shelters, until more permanent shelter can be found. CHSS contracts with the Stanislaus County Department of Social Services to find temporary shelter for AFDC Homeless Assistance Program. CHSS receives block grant funding to find shelter for the Mentally Ill Homeless Program. The Program is administered by the Stanislaus County Mental Health Department. The Program provides shelter for stays of three to seven days, based on need and then many individuals are placed in board and care facilities.

The Modesto Men's Gospel Mission and Women's Mission: The Men's Gospel Mission, located at 1400 Yosemite Street, Modesto, is Stanislaus County's primary emergency shelter. The Women's Mission, also located at 1400 Yosemite Boulevard, provides temporary shelter to house single women and women with children for a maximum stay of fourteen days. Over 15,000 meals are served each month, and more than 2,500 men, women, boys and girls are given shelter each year.

In 1997 the Mission completed a \$3 million expansion campaign that brought churches, civic organizations, businesses, foundations and individuals together to address a problem facing communities across America. The new facilities are at 1400 Yosemite Blvd, in one of Stanislaus County's most disadvantaged neighborhoods. A father and children's shelter opened in 2000, and a medical clinic in 2001.

Both Missions require that those seeking shelter participate in religious activities, (this requirement also exempts the Missions from receiving any Federal or State funding assistance.) Thus, the missions must rely strictly on donations from local churches and the community. In addition to the basic needs of food, clothing and shelter, the Mission offers New Life Programs, Education and Employment Programs, Children's Safe Zone, Medical and Dental Programs, Addiction Recovery, Resource Counseling and Referral, Spiritual Counseling, and a hand of love to everyone who comes for help.

Hutton House: The Hutton House, which is located at 201 Jennie Street, Modesto, provides temporary shelter for up to six teenagers that may be involved in a family crisis or a conflict situation. Hutton House also provides individual, family and group counseling to its clients. The facility is currently (June 2003) being upgraded to serve a total of eight kids. According to Bonnie Romero, counselor at Hutton House, the facility serves between 20 and 30 kids each month, with a maximum stay of 14 days. Hutton House served three or four kids from the Gustine/Newman area last year.

Agencies Providing Transitional Housing

The Stanislaus County Affordable Housing Corporation (STANCO): STANCO has 40 homes within Stanislaus County utilized for families and individuals with special needs. These include eleven family houses, one house for four unrelated mentally ill homeless adults, one house for two battered women households and their children, and one house for unrelated persons with HIV/AIDS. STANCO is responsible for the program and property management and case management to these families and individuals.

Agencies Providing Shelter and/or Services and/or Meals

The Salvation Army: The Salvation Army, located at 625 I Street, Modesto, serves lunches to about 200 to 220 people per day. Currently, the Salvation Army is seeing an increase of people needing food and clothing. According to the commanding officer for the Modesto Corps, the recent economic downturn, coupled with high unemployment rates and higher energy bills, has increased demand Salvation Army services.

Adult Protective Services: This is a function of the County's Welfare Department and they provide information and act as a referral agency for those in need of help for emergency housing, money, food, mental problems and alcoholism. Their primary function is to access a person's immediate problems and link that person with the appropriate agency for further help.

Mentally Ill Homeless: The Sunshine Place administered by the Stanislaus County Department of Social Services is a drop-in center that provides recreation and socialization for the mentally ill homeless. This center is open five days a week and provides an adult outreach team to work with the mentally ill homeless population. The Sunshine Place is also open two days a week to the general adult homeless population. On the average day, 240 people visit the Sunshine Place. The Department of Social Services also contracts with

the Community Housing and Shelter Services to provide emergency shelter and transportation. As noted above, the STANCO also provides one transitional house to four unrelated adult mentally ill homeless.

Homeless Veterans: In 1996, after a large turnout of homeless veterans in Stanislaus County for the annual Stand Down program; a planning group supported the expansion of the Central Valley Homeless Veteran's program, under the direction of Marvis Hood, Executive Director, to provide transitional housing for homeless veterans. The Central Valley Homeless Veterans, Inc. provides the only annual Stand Down program where homeless veterans within Stanislaus County receive medical, dental, mental health, clothing, nutrition, hygiene, employment, non felonious criminal justice issues assistance and housing placement services on site during the three day "Stand Down".

The Stanislaus County Department of Aging and Veteran's Services: The Mental Health Adult Outreach Team and the Homeless Health Project Outreach Worker refer homeless veterans to the shelter providers and services available within the County. Stanislaus Department of Veterans Services also provides Benefit Counseling and the Medi/Van Program to transport veterans and their families to medical appointments, VA Hospitals, and other hospitals in the Bay Area.

Local Assistance to Homeless Persons

Newman Family Resource Center: The Newman Family Resource Center, which is located at 1300 Patchett Drive, in Newman, provides clothing, food referrals, referrals for social service agencies, immunization clinics, and other family services. Healthy Start acts as an extension service for the Salvation Army, whose main office is located in Modesto.

Newman Police Department: The Police Department is allocated funds through the Salvation Army to assist indigent and homeless persons. Typically, these funds are used to pay for food or gas for persons who become stranded in the Newman area. Local churches also provide clothing and assistance if needed. The Police Department will also arrange transportation for homeless persons to shelters in Modesto, where the Stanislaus County Housing Authority provides temporary shelter (overnight). Motels in western Stanislaus County that offer weekly and monthly rates also serve as a source of transitional housing.

Availability of Services and Land

This section evaluates the availability of public services and facilities and the potential for residential development in Newman.

PUBLIC SERVICES

The City of Newman provides water service to areas within the City through a system of municipal wells, water treatment, above-ground storage, and distribution pipes, which provide water to all areas of the city. According to the Community Development Director, the City is currently at capacity for water services. The City of Newman also maintains a sanitary sewer system that includes a sewer treatment plant and collection system. The City of Newman is currently permitted to treat up to 1.69 MGD and has sufficient capacity to serve areas within the existing city limits. According to the Public Works Director, the City is expected to have expanded water and sewer capacity within five years.

VACANT AND UNDERUTILIZED RESIDENTIAL SITES

According to a survey completed by Coastplans in March 2009, Newman has approximately 218 acres of vacant and underutilized land currently zoned for residential use which can accommodate approximately 1,285 units. Vacant sites for extremely low-, very low-, and low-income units are in each case an actual approved project, and the assigned development densities reflect approved project plans. Vacant sites for moderate-income units has been broken down into two categories—1) sites that are currently zoned to accommodate moderate-income housing and 2) sites that require rezoning to accommodate moderate-income housing. Assigned development densities for the first group represent actual approved project plans, and densities for the latter category represent the low end of what these types of project have historically achieved in Newman (i.e., 12 dwelling units per gross acre). The Newman Zoning Ordinance allows development up to 23 dwelling units per gross acre (i.e., 29 dwelling units per net acre) in the R-3 Zoning District and 12 dwelling units per gross acre (15 dwelling units per net acre).

For the purpose of this analysis, residential sites that are designated HDR in the *Newman 2030 General Plan* were categorized for extremely low-, very low- or low-income housing. MDR sites and selected mixed-use sites (i.e., D and CR land use designations) were categorized as potential sites for moderate income housing. LDR sites and the balance of the mixed use sites were categorized as potential sites for market rate housing.

Of the 218 acres, approximately 15 acres are available for extremely low-, very low-, and low-income housing; approximately 39 acres are available for moderate-income housing without any action required on the part of the City to rezone or redesignate the sites; another approximately 34 acres are available for moderate-income housing with some rezoning or redesignation required; and approximately 130 acres are available for market-rate housing. The development potential for these sites is shown in Table II-21, which lists Newman's vacant and underutilized housing sites. Figure II-5 shows the location of each vacant or underutilized site in Newman.

Table II-21
Vacant and Available Sites
2009

Map No.	APN	Size (Acres)	Zoning	GP	Density	Units	Comments
Require Action to Provide Adequate Sites for 2003 RHNA¹							
1	128-060-010	1.580	R-1	HDR	20	25	Needs action
2	026-041-004	2.500	R-1	HDR	20	40	Needs action
3	026-041-058	2.530	R-1	HDR	20	40	Needs action
Extremely low, Very Low, and Low Income							
4	049-040-008	10.000	R-3	HDR	20	144	Park Villas built starting Feb 2007
5	128-020-003	0.468	R-3	HDR	18	72	Newman Family Apartments 2008
	128-020-002	2.010	R-3	HDR	--	--	Part of Site #5
	128-020-001	1.525	R-3	HDR	--	--	Part of Site #5
6	128-022-016	0.800	R-3	HDR	16	12	Vacant; senior housing to north
7	026-041-060	--	PD	MDR	12	3	Townhomes built in 2008 -- 3 income restricted \$732 (1 VL, 2 L)
Subtotal		14.803				231	
Moderate Income -- No Action Required							
	026-041-060	1.573	PD	MDR	12	20	Part of Site #7; Townhomes built in 2008
8	049-059-006	10.590	R-2	MDR	6.5	69	Heritage Collection; approved project (includes other APNs)
9	26-016-049 Part	13.873	R-2	MDR	12	106	Mattos Ranch; approved project

10	049-041-016	4.259	R-2	MDR	12	22	6 permits issued in 2007; 16 remain to be issued
11	026-0410-46	9.000	PD	MDR	12	40	Undeveloped -- approved PD for 40 starter homes
Subtotal		39.295				257	
Moderate Income -- Action Required or Small Size							
12	128-008-021	0.258	R-3	CR	12	3	Vacant; small size limits potential
13	128-009-024	0.131	C-1	D	12	1	Mixed use upper floor only
14	128-009-073	0.086	C-1	D	12	1	Mixed use upper floor only
15	128-022-010	1.680	I	MDR	12	20	Requires rezoning
16	128-050-016	0.189	R-1	MDR	12	2	Vacant; requires rezoning
17	128-060-011	0.880	R-1	MDR	12	10	Underutilized; requires rezoning
18	128-060-021	0.870	R-1	MDR	12	10	Vacant (City owned); adjacent to senior and low income apartments; requires rezoning
19	049-050-044	1.930	R-1	MDR	12	23	Underutilized; requires rezoning
20	049-050-045	0.750	R-1	MDR	12	9	Vacant; requires rezoning
21	026-015-014	4.000	--	MDR	12	48	Requires annexation
22	026-015-013	15.709	--	MDR	12	188	Requires annexation
23	026-040-007	2.520	--	MDR	12	30	Underutilized; requires annexation
24	026-040-008	5.000	--	MDR	12	60	Underutilized; requires annexation
Subtotal		34.003				405	
Total Moderate Income		73.298				662	

Market Rate Units							
25	049-040-010	106.000	R-1	PMR	²	235	Underutilized; also includes 049-040-008 and 049-041-017
26	026-056-058	4.970	R-1	LDR	5	24	Underutilized
27	026-059-070	2.020	R-2	LDR	5	10	Underutilized
28	049-042-001	12.800	R-3	LDR	8	104	Underutilized
29	128-003-031	0.258	R-1	CR	5	1	Vacant
30	128-003-033	0.234	R-1	CR	5	1	Vacant
31	128-006-047	0.172	R-1	CR	5	1	Vacant
32	128-006-066	0.259	R-1	CR	5	1	Vacant
33	128-013-017	0.185	R-1	CR	5	1	Vacant
34	128-013-018	0.185	R-1	CR	5	1	Vacant
35	128-013-019	0.167	R-1	CR	5	1	Vacant
36	026-043-019	2.750	R-1	LDR	5	13	Underutilized; odd shaped; poor access; next to RR tracks
Subtotal		130.001				393	
Total All Unit Types		218.102				1,286	

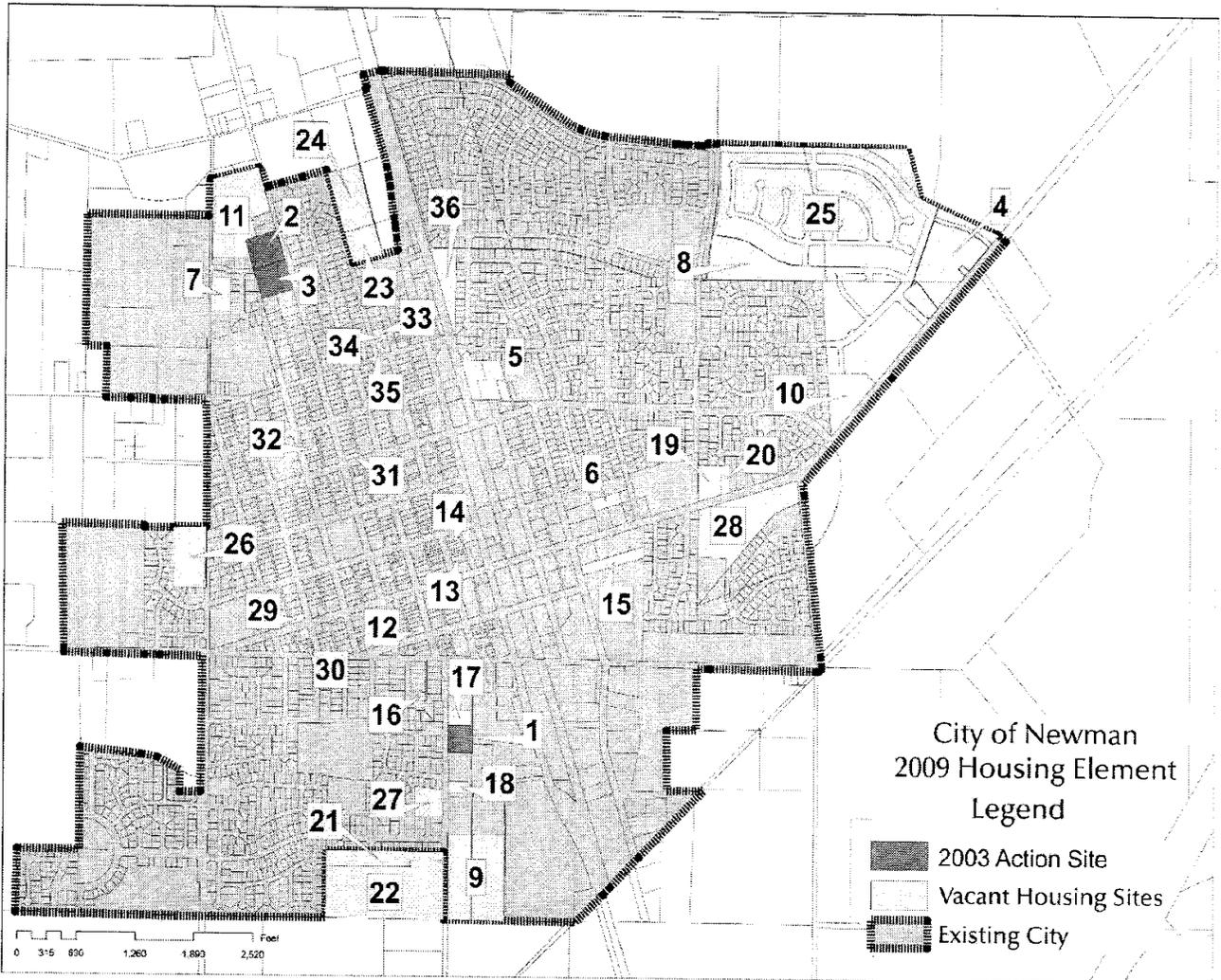
Note: ¹These sites were identified in 2003 as available for low and very low-income housing with rezoning; action now required per AB1233 (2005).

²This site needs rezoning to R-3 and re-designation to HDR

³This density represents average density to be obtained in the area designated PMR in the Newman General Plan (8,773 units ÷ 1,835 ac); (see GP page 4.11-7 and Figure LU-4)

Sources: Coastplans, City of Newman, County of Stanislaus Assessor

Figure 11-5
Vacant and Underutilized Residential Sites
City of Newman



VACANT RESIDENTIAL SITES BY INCOME CATEGORY

In addition to listing all vacant and underutilized sites by qualifying income category, a summary of sites within each category has been compared to the City RHNA to determine if the City of Newman has adequate sites for all income categories.

As demonstrated in Table II-21, the City currently has vacant, available, and appropriately zoned/designated sites to accommodate its Regional Housing Needs Allocation (RHNA) set by StanCOG. In addition, the City has other sites (listed in the moderate-income category) that with some action by the City would be available for moderate-income housing.

While the City has adequate sites to meet its RHNA for the 2007-2014 period, the City has a residual obligation from its 2003 Housing Element to provide adequate very low- and low-income sites. As set forth in AB 1233 (Jones 2005), which is now codified in Government Code §65584.09, the City failed to implement its adequate sites program to make sites available within the 2000-2007 planning period. The City was responsible for providing ___ acres with a potential for ___ very low- and low-income housing units. The City failed, however, to rezone three sites totaling 6.610 acres. This shortfall is the subject of a new housing program (set forth below in the section entitled: Goals, Policies, and Programs, and Objectives).

Table II-22 summarizes the vacant land inventory by qualifying income category.

Table II-22
Summary Table of Vacant and Underutilized Land
By Qualifying Income Category

	Number of Sites	Number of Acres	Housing Potential	Adjusted HCD Allocation	Surplus
Extremely Low, Very Low and Low	4	14.803	231	167	64
Moderate (no action needed)	5	39.295	257	81	176
Moderate (action needed)	13	34.003	405	--	405
Market Rate	12	130.001	393	174	219
Total	34	218.102	1,286	422	864

Source: Coastplans; City of Newman

FUTURE GROWTH AREAS

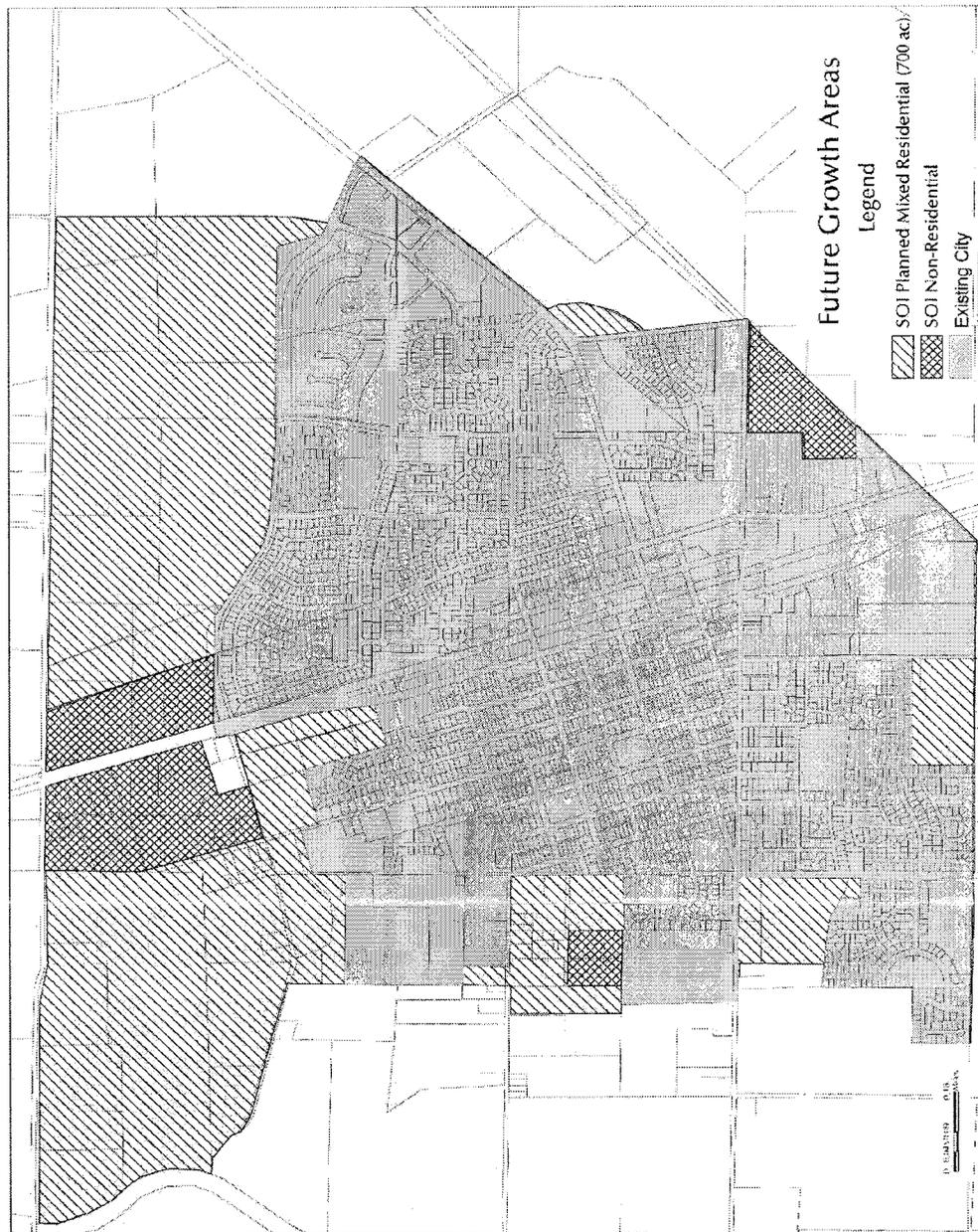
In addition to sites that are vacant (or underutilized) and available for residential development, the City of Newman has 693 acres of land outside its city limits but within its LAFCO primary sphere of influence that is designated Planned Mixed Residential (PMR) and available for residential development upon annexation. The *Newman 2030 General Plan* requires that no more than 75 percent of units developed in the PMR designation develop at densities less than six dwelling units per gross acre and that at least 10 percent be developed at a density of at least 12 units per gross acre. In addition, at least 10 percent of the units built at six dwelling units an acre or less must have at least two dwelling units per lot (either as a duplex or as a house with a second unit). Using these parameters as guidance, Table II-23 presents one possible scenario that would result in the minimum number of higher density units being built. The future growth area (primary sphere of influence only) is shown in Figure II-6.

Table II-23
Housing Potential in Future Growth Area
Primary Sphere of Influence Only

	Acres	Density ¹	Units	% of Total
Planned Mixed Residential				
Low Density	566	4	2,266	68%
Low Density 2 nd Units	28	8	227	7%
Medium Density	70	7	489	15%
High Density	28	12	340	10%
Subtotal	693		3,321	100%

Notes: ¹These are sample densities that fit within the parameters set forth in Newman 2030 General Plan
Sources: Newman 2030 General Plan; Coastplans

Figure II-6
Additional Residential Land Available for Annexation
2009



Governmental Constraints

While local governments have little influence on such market factors as interest rates, their policies and regulations can affect both the amount of residential development that takes place and the affordability of housing. Since governmental actions can constrain development and affordability of housing, state law requires the housing element to "address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (*Government Code § 65583(c)(3)*). The City's primary regulations affecting residential development and housing affordability include the *Land Use Element of its General Plan*, the *Zoning Ordinance*, and the City's processing procedures, standards, and fees related to development.

GENERAL PLAN

Discretionary control over land use in Newman is currently exercised by the Planning Commission, City Council, and the City's Planning Department through the *Newman 2030 General Plan*, *Zoning Ordinance*, and other implementing ordinances. These documents and ordinances are described in Chapter I, Land Use.

The City of Newman's development standards for new residential development are meant to ensure compatibility between land uses and to maintain the livability and safety of its neighborhoods. The City has included policies and programs in its zoning regulations and development standards that address the community's interest in preserving and expanding its affordable housing stock. Development standards include parking standards, building setback requirements, and construction of certain on-site and off site improvements such as curbs, gutters, and sidewalks. These standards are considered the minimum standards designed to protect the public health, ensure compatibility between adjacent land uses, and to maintain as well as to enhance the livability of Newman's neighborhoods. Further, the density bonus provisions provide the opportunity for flexibility in the development standards when units of affordable housing are being included in a plan. This allows for evaluation of alternatives and reduces constraints that may otherwise exist for the development of housing.

As mentioned above, the *Newman 2030 General Plan* requires that no more than 75 percent of units developed in the Primary Sphere of Influence (designated as Planned Mixed Residential or PMR) develop at densities less than six dwelling units per gross acre and that at least 10 percent be developed at a density of at least 12 units per gross acre. In addition, at least 10 percent of the

units built at six dwelling units an acre or less must have at least two dwelling units per lot (either as a duplex or as a house with a second unit).

Newman has defined a community identity in its older areas and its desire to maintain the character of the historic districts. The community design element defines the importance of new and rehabilitated structures which are compatible with existing neighborhood scale and character. These provisions provide guidance to developers and contractors at the preliminary planning stage of their projects so that design features reflect the scale and character of adjacent uses. The design review is incorporated into the standard project review process to avoid delays in the expeditious processing of projects. Limitations on architectural style are central to the maintenance of the fabric and character of the neighborhood which make it an asset to the community and a desirable living environment.

As with the issue of compatibility of new units in older neighborhoods, the community has also defined value in the appearance of its gateways and circulation corridors. Landscaping is proposed to enhance these areas and the overall appearance of the community with potential provision of a citywide maintenance district to maintain the areas. These amenities may serve as a constraint on the development of affordable housing, depending on the extent of the improvements and cost to maintain them. The plan does identify means to minimize maintenance costs through the selection of materials and irrigation systems. The zoning ordinance affords opportunity for developers to have density bonuses and other incentives which can off set the cost of the amenity improvements.

ZONING

In accordance with state law, cities and counties have broad latitude in establishing zoning standards and procedures. Outside of a general requirement for open space zoning and several specific requirements governing residential zoning, state law establishes only broadly the scope of zoning regulations and sets minimum standards for its adoption and administration.

Base Residential Districts

Newman's Zoning Ordinance has four base residential zoning districts, which allow up to a maximum of 29 dwelling units per net acre. Table II-24 summarizes residential development regulations contained in the Newman Zoning Ordinance.

Table II-24
Synopsis of Regulations for Base Residential Districts
March 2009

Item	R-1 Single-Family Residential District	R-2 Duplex Residential District	R-3 Multiple- Residential District	R-M Mobile Home Park (Combining) District
Maximum Allowable Density (Units/Net Acre)	7 du/net ac	15 du/net ac	29 du/net ac	18 du/net ac
Minimum Area/Unit	6,000 sq. ft.	3,000 sq. ft.	1,500 sq. ft.	2,400 sq. ft.
Permitted Residential Uses	Single Family Dwellings	Single Family Dwellings, Duplex and Halfplex	Apartment, Duplex, Halfplex, Single Family Dwelling, and Triplex	Residential Manufacturing Housing
Conditionally Permitted Residential Uses	Duplex, Halfplex, Guesthouse, and Accessory Dwelling Unit*	Triplex, Condominium, Apartment, Dwelling Group, Boardinghouse, Guesthouse, and Accessory Dwelling Unit	Dwelling Group, Rooming, and Boardinghouse	Conditional uses allowed in base district
Front Yard Setback	20 ft.	15 ft.	15 ft.	25 ft.
Side Yard Setback	5 ft.	5 ft.	5 ft.	5 ft.
Rear Yard Setback	10 ft.	15 ft.	15 ft.	15 ft.
Lot Coverage	40 percent	60 percent	80 percent	60 percent
Building Height	30 ft.	35 ft.	35 ft.	30 ft.
Parking				
SFDs	2 spaces	2 spaces	2 spaces	2 spaces
MFDs •2	n/a	2 spaces	2 spaces	2 spaces
MFDs •3	n/a	2 plus 1 per 5 units	2 plus 1 per 5 units	2 plus 1 per 5 units
Architectural Review	Yes	Yes	Yes	No

Notes: *Duplex and Halfplex units require 3,000 square feet of lot per dwelling unit

Source: City of Newman Zoning Ordinance

Emergency Shelters and Transitional Housing

The Newman Zoning Ordinance allows emergency shelters, transitional housing, and short-term farmworker housing as conditional uses in the R-3 Zoning District. The ordinance contains no

special conditions for these uses but allows the imposition of any of the following conditions to ensure that required findings can be made in favor of the project:

- ✓ Special setbacks, landscape buffers, screening, fences and/or walls
- ✓ Lighting
- ✓ Regulation of hours
- ✓ Regulation of points of ingress and egress
- ✓ Regulation of displays, noise, vibration, and/or odors
- ✓ Provision of public improvements, easements, and/or dedications
- ✓ Any other such conditions as will facilitate the orderly and efficient development in conformity with the intent and purposes set forth in this title and the General Plan.

Residential Uses in "Non-Residential" Districts

In addition to the base residential zoning districts described above, the Newman Zoning Ordinance allows limited residential use in the following "non-residential" zones:

C-1, Retail Business District	Residential uses that are compatible with the district such as residential uses in buildings previously used for residential purposes and owner-occupied residential uses located at the rear of buildings or above the ground floor.
C-2, General and Service Commercial District	Residential uses in accordance with the standards of the R-3, Multiple-Family Residential District
M, Light Industrial/Business Park District	Residential, as listed in, and in accordance with, the standards of the Multi-Family Residential Zoning District
I, Controlled Manufacturing District	Residential uses only when accessory to a permitted or conditional use

Planned Development District

The Newman Zoning Ordinance contains a floating Planned Development (PD) District that can be applied to any property in the city of two acres or greater. The PD District, which requires the submittal of a development plan, allows design flexibility and a mix of densities and/or uses within the parameters of the General Plan. The PD designation and development plan must be adopted by the Newman Planning Commission.

Historical/Cultural Resource District

The Newman Zoning Ordinance contains a combining Historical/Cultural Resource (H-C) District designed to maintain the character of Newman's historic neighborhoods. The H-C District requires review of development plans by the Architectural Review Committee to ensure the project will not adversely affect the historical value of an existing structure or create an incompatibility with surrounding historic properties.

Density Bonus Overlay District

The Newman Zoning Ordinance contains a Density Bonus Overlay (DBO) District, which implements state law regarding density bonus incentives for affordable housing. The DBO District provides a density bonus for projects with at least 20 percent lower-income housing units, ten percent very-low-income housing units, or 50 percent senior-citizen units.

BUILDING AND HOUSING CODES

Building and housing codes establish minimum standards and specifications for structural soundness, safety, and occupancy. The State Housing Law requires cities and counties to adopt minimum housing standards based on model industry codes.

Code enforcement and inspection services within Newman are contracted out by the City. The City relies on the following uniform codes: the *Uniform Building Code*, *Mechanical Code*, *Uniform Plumbing Code*, and *Code for Abatement of Dangerous Buildings*, and *National Electrical Code*. The City has not adopted amendments to these uniform codes that operate as a significant constraint on the production of housing.

Code enforcement for existing buildings focuses primarily on nuisance abatement and condemnation of unsafe structures. Cities and counties pursue code enforcement in several ways, including:

Complaint-Response: The City may inspect buildings for deficiencies only upon receipt of complaints by neighbors or tenants.

Change of Occupancy for Rental Properties: A city may issue occupancy permits that require inspection and code compliance at time of turnover.

Systematic: Code enforcement on a systematic basis with provision for financial assistance is especially appropriate in areas where strong and supportive neighborhood groups exist, the majority of homes are owner-occupied, housing is relatively sound, and income levels are moderate-income or above.

Pre-Sale and "Truth in Sale": Pre-sale enforcement would require code inspection and violation abatement prior to sale of a home. A "truth in sale" ordinance would require information concerning code violations, zoning status, and property taxes to be provided to the buyer.

Concentrated Code Enforcement: Code inspections may be conducted on a systematic basis through certain areas or for specific properties (such as rental or multi-unit residences).

The City's enforcement activities are divided among three responsibility groups: new construction, maintenance, and nuisance abatement. New construction enforcement, as its name implies, applies to new buildings or construction projects for which building permits are required. Maintenance enforcement applies primarily to commercial and industrial projects and is conducted in conjunction with the granting of business licenses. Nuisance abatement is generally conducted on a "complaint-response" basis and typically concerns such problems as unsanitary conditions and unsafe structures. Primarily because of the lack of adequate replacement housing, the City has not been aggressive in its efforts to enforce housing-related codes as they apply to existing buildings.

PLANNING AND DEVELOPMENT FEES

Residential developers in Newman are required to pay permit processing fees charged by the City of Newman and impact/development fees charged by both the City of Newman and Stanislaus County. Each of these is discussed below.

Local Permit Processing Fees

State law requires that permit processing fees charged by local governments not exceed the estimated actual cost of processing the permits. Table II-25 lists the fees charged by the City of Newman for processing various land use permits. These fees have not changed since 2003.

Table II-25
City of Newman Planning Fees
2008

Planning Item	Cost
General Plan Amendment	\$510
Specific Plan	Actual cost
Rezone	\$550
Rezone to Planned Development (PD)	\$825 ¹
Tentative Subdivision Map	\$590 ²
Final Subdivision Map	\$375
Tentative Parcel Map	\$275
Final Parcel Map	\$75
Lot Line Adjustment	\$175
Certificate of Compliance	\$190
Use Permit	\$185
Variance	\$340
Environmental Review	\$75
Neg. Dec/Environmental Impact Report	Actual cost
Annexation and Pre-Zone	\$850
Site Plan Review	\$340

Source: City of Newman, Ordinance No. 89-18

Notes: ¹\$275 refunded if project is completed. Otherwise will be used to zone property back to original zoning designation

²Plus actual cost by City Engineer

City and County Development Fees

In addition to the fees that the City assesses to process planning related permits, it also charges various fees related to actual development of projects. Development fees in 2008/09 are approximately 20 percent higher than fees in 2003/04. School fees (as set by the State Allocation Board) have increased approximately 45 percent (from \$2.05 to \$2.97/sf) since 2003. Table II-26 lists Newman's development fees.

Table II-26
City of Newman Development Fees, plus School Fees
2008 – 2009

	March 2008 thru Feb 2009			Vesting Maps as of March 2009		
	Low Density	Med Density	High Density	Low Density	Med Density	High Density
Water	\$959.86	\$468.60	\$292.88	\$959.86	\$453.63	n/a
Traffic	\$3,480.92	\$3,100.97	\$2,448.14	\$2,063.42	\$1,680.82	n/a
Storm	\$1,595.67	\$779.03	\$486.89	\$1,036.12	\$505.84	n/a
Sewer	\$652.07	\$318.35	\$198.97	\$652.07	\$318.35	n/a
Park	\$4,479.69	\$4,425.61	\$4,023.29	\$2,404.57	\$1,923.65	n/a
Municipal	\$2,422.62	\$2,389.41	\$2,171.23	\$2,079.69	\$1,871.33	n/a
TOTAL	\$13,590.83	\$11,481.97	\$9,621.40	\$9,195.73	\$6,753.62	n/a
School	--- \$2.97/sf ---					n/a

Source: City of Newman; Coastplans

In addition to City development fees, Stanislaus County levies development fees on residential and non-residential development on a countywide basis, including development that takes place in incorporated cities. Countywide fees fund roads, jails and courts, library, parks, public health, and other costs. These fees have increased by approximately 5 percent since 2003. Table II-27 lists the countywide development fees for residential uses.

Table II-27
Countywide Development Fees
City of Newman
2008

Fee	Single Family	Multi-Family	Senior Housing
Intercity Roads	\$2,030.31	\$1,360.31	\$812.12
Jails	875.65	875.65	268.99
Justice	80.64	80.64	25.51
Library	281.16	281.16	92.79
Parks Fee	932.24	932.24	307.67
Public Health	275.76	275.76	91.02
Emergency Services	17.06	17.06	5.63
Animal Services	40.72	40.72	13.44
BHRS	233.01	233.01	76.90
Other Facility	796.95	796.95	263.02
Admin. Fee	139.09	122.34	49.45
Total Fee	\$5,702.61	\$5,015.86	\$2,027.65

Source: County of Stanislaus, as of February 14, 2005

Summary of Fees on New Residential Development

In the City of Newman, planning, development, and school district fees amount to \$25,632 per SFD unit (up 20 percent from \$21,270 in 2003) and \$17,782 per MFD unit (up 18 percent from \$15,037 in 2003). Table II-28 summarizes fees for single family and multi-family residential development in Newman.

Table II-28
Summary of Fees
Typical Single Family and Multi-Family
Residential Development
(Per Unit)

	25-Unit Single Family Subdivision	45-Unit Multi-Family Development
Planning Fees	\$400	\$175
City Development Fees	\$13,590	\$9,621
County Development Fees	\$5,702	\$5,016
School District Fees*	\$5,940	\$2,970
Total	\$25,632	\$17,782

Note: *This assumes a 2,000 square foot SFD and a 1,000 square foot MFD, each at \$2.97 per square foot
Source: City of Newman; Coastplans; State Allocation Board

PERMIT PROCESSING PROCEDURES AND TIMES

The planning and building permit process for a large single family subdivision typically takes six months to a year to process and involves preparation of a negative declaration or environmental impact report, approval of tentative and final subdivision maps, and issuance of building permits and certificates of occupancy for each dwelling unit. This length of time involved in completing this process varies widely, depending on the degree to which plan submittals conform to city standards and the complexity of environment issues that are present on a particular site. These processing times are typical for Central Valley cities. Infill projects are simpler and quicker because they typically require only a tentative parcel map (or no subdivision at all) and may be exempt from the California Environmental Quality Act. The planning and building permit process for multi-family projects typically less than a single family subdivision requiring three to six months. This is because multi-family development does not typically require subdivision or parcel maps, which eliminates the need for Planning Commission review and City Council approval.

The time lines with which the City processes the various permits and applications necessary for residential development can affect the overall cost of housing. The minimum processing time for residential development project applications in Newman is determined by state requirements for

environmental review and public notice and by the meeting schedules of the Planning Commission and the City Council. The maximum time for processing residential development permits is set by state law (California Government Code §65929 et seq). The statutory time limit for completion of environmental review and approval or denial of a permit application starts when an application is accepted by the lead agency (i.e., the City) as complete. The lead agency then has one year in which to approve or disapprove a project for which an EIR will be prepared or six months for projects for which no EIR is prepared.

The City currently processes residential development applications in the shortest possible time, given requirements for environmental review, public notice, and the schedules of the Planning Commission and City Council. Table II-29 summarizes permit processing times in the City of Newman.

Table II-29
City of Newman Permit Processing Times
2008

Planning Item	Processing Time
General Plan Amendment	3 months
Specific Plan	6 months to 1 year
Rezone	3 months
Rezone to Planned Development (PD)	3 to 6 months
Zoning Ordinance Amendment	3 months
Tentative Subdivision Map	6 months to 1 year
Final Subdivision Map	1 month
Tentative Parcel Map	3 months
Final Parcel Map	1 month
Lot Line Adjustment	2 months
Certificate of Compliance	2 weeks
Use Permit	3 months
Home Occupation Use Permit	2 weeks
Variance	3 months
Environmental Review	2 weeks
Neg Dec/Environmental Impact Report	2 months to 1 year
Time Extension	n/a
Appeal	1 month
Annexation and Pre-zone	1 to 3 years

Source: City of Newman

ON- AND OFF-SITE IMPROVEMENTS

Like all cities, the City of Newman requires new development to provide a variety of on- and off-site improvements. Improvements required by the City of Newman are standard for California

cities and do not pose an extraordinary constraint to residential development. Table II-30 summarizes typical improvements for residential development.

Table II-30
Required Improvements for Residential Development
2008

Subject	Project-Related Improvements and Fees
Street Improvements	<ul style="list-style-type: none"> ✓ Provide all on-site streets, curbs, gutters, sidewalks, fire hydrants, and street lighting. The typical city street has a 50- to 60-foot right-of-way with a 40-foot pavement area, a five-foot sidewalk with attached vertical curb, and on the 60-foot right-of-way, a five-foot utility corridor on each side. ✓ If existing street network does not provide adequate access or circulation to accommodate project, provide necessary off-site streets, curbs, gutters, sidewalks, and street lighting consistent with the design standards and standard specifications adopted by the City of Newman to adequately accommodate project.
Parks	<ul style="list-style-type: none"> ✓ Provide five acres of park space for every 1,000 residents ✓ Dedication of land, dedication of improvements, in-lieu fees, or a combination of these, as determined acceptable by the City
Landscaping	<ul style="list-style-type: none"> ✓ New subdivisions are required to install street trees. The City requires 15-gallon trees one per house (40' intervals on corner lots). ✓ All sections of a lot not devoted to buildings, decks, patios, sidewalks, lighting, signing, trash collection, parking, and/or driveway improvements shall be landscaped
Public Services	<ul style="list-style-type: none"> ✓ Provide all on-site water, sewer, and storm drain infrastructure improvements to accommodate project. ✓ If existing infrastructure system does not have capacity to serve project, provide necessary off-site water, sewer, and storm drain infrastructure to adequately accommodate project
Miscellaneous	<ul style="list-style-type: none"> ✓ Sound walls are required for new development when an environmental analysis has determined that there is a significant noise impact that could be mitigated by the construction of a sound wall. ✓ The City does not require public art.

Source: City of Newman

LOCAL EFFORTS TO ACCOMMODATE DISABLED PERSONS

State housing law requires a Housing Element to contain an analysis that demonstrates local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need and from meeting the need for housing for persons with disabilities. This requirement came about in 2001 legislative session (SB 520) and supplements the provisions of the Federal Fair Housing Amendments Act of 1988.

The 2003 Housing Element identified a few shortcomings in the Newman Zoning Ordinance and set forth three programs III-12 (Offering Optional Design), III-13 (Analyze Development Regulations), and III-14 (Reasonable Accommodation Ordinance), to bring the City into compliance. While projects that benefit from CDBG funds must comply with ADA requirements, the City has not completed its efforts to provide reasonable accommodation.

CONCLUSION

Much of the regulation and fees that accompany the development of housing act to increase the cost of housing and constrain the availability of affordable housing. Yet these regulations and fees are needed to protect city residents from the otherwise externalized effects and costs of development. With the exception of procedures for making reasonable accommodations for disabled persons, the City's regulations do not pose any unnecessary constraints to the production of affordable housing. Regarding reasonable accommodations for disabled persons, the City should redouble its efforts to provide reasonable accommodation and ensure that it is in compliance with the Fair Housing Act and the Americans with Disabilities Act.

Nongovernmental Constraints

The availability of housing is strongly influenced by market factors over which local government has little or no control. State law requires that the housing element contain a general assessment of these constraints. This assessment can serve as the basis for actions which local governments might take to offset the effects of such constraints. The primary market constraints to the development of new housing are the costs of constructing and purchasing new housing. These costs can be broken down into four categories: materials, labor, land, and financing. Newman can be considered as part of a very broad general housing market that includes the Central Valley area. For the most part, housing cost components in Newman are comparable to those in other parts of

the general market area. The following paragraphs briefly summarize these components vis-à-vis the local market and the statewide market.

MATERIAL COSTS

A major component of the cost of housing is the cost of building materials, such as wood and wood-based products, cement, asphalt, roofing materials, and plastic pipe. Prices for these goods are affected primarily by the availability and demand for such materials.

Because the Central Valley is served by such a well-developed regional transportation network and because many of the materials needed for construction are produced in the region, availability of materials is excellent. The demand for building materials is also very high because there is so much housing development occurring in the area. The result of the combination of excellent supply and high demand is a very competitive market and, therefore, relatively low prices. In addition, the land in Newman which is most likely to be developed in the future for housing is well-suited for the kind of large projects which allow developers to realize economy-of-scale savings on materials.

The cost of building materials in the Central Valley in general and in Newman in particular is relatively low and therefore does not constitute a constraint to the development of affordable housing.

COST OF LABOR

Another major cost component of new housing is labor. Inflated labor costs due to high wage rates significantly increase the overall cost of housing in some markets. The cost of labor in Newman is, however, relatively low for a number of reasons. Overall, the Central Valley's cost of living is relatively low; wage scales in the area, therefore, tend to be somewhat lower than in markets with higher living costs, such as the San Francisco Bay Area. Also labor is generally less costly because the area is predominantly non-union. Labor in highly unionized markets is typically more expensive.

LAND COSTS

Costs associated with the acquisition of land include the market price of raw land and the cost of holding land throughout the development process. These costs can account for as much as half of

the final sales prices of new homes in very small developments or in areas where land is scarce. Among the variables affecting the cost of land are its location, its amenities, the availability of public services, and the financing arrangement made between the buyer and seller. According Stephens & Borrelli Real Estate, the cost for improved land in Newman has declined from \$40,000 to \$50,000 per typical 6,000 square foot lot in 2006 to something in the \$25,000 to \$30,000 range (or less) in 2009.

COST AND AVAILABILITY OF FINANCING

The cost and availability of capital financing affect the overall cost of housing in two ways: first, when the developer uses capital for initial site preparation and construction and, second, when the homebuyer uses capital to purchase housing.

The capital used by the developer is borrowed for the short-term at commercial rates, which are considerably higher than standard mortgage rates. Commercial rates nonetheless drop when the overall market rates decrease, so low interest rates have a positive effect on the housing construction market. According to the Newman Community Development Director, construction financing for single family homes is readily available to developers building in Newman. Construction financing for multi-family construction is also available, but affordable housing developers typically rely on government financing or tax credit deals. In general, the high demand for housing in the Central Valley has generated a robust market for construction financing.

The typical homebuyer uses capital financing in the form of long-term mortgage loans, and the ability to obtain this kind of financing is very sensitive to interest rates. While interest rates are currently (October 2002) at an historic low, interest rates can fluctuate significantly during the course of the Housing Element planning period, and as interest rates go, buyer power decreases. Table II-32 shows the price of a house affordable to the moderate-income family in Newman at various interest rates.

Table II-32
 Fluctuation in Buying Power
 Price of House Affordable to the Median-Income Family
 By Interest Rate

Median Income for a Four-Person Family = \$56,500¹

Interest Rate	Mortgage	Down Payment	Buying Power
5.00%	\$263,123	\$29,236	\$292,359
5.50%	\$248,772	\$27,641	\$276,413
6.00%	\$235,593	\$26,177	\$261,770
7.50%	\$202,012	\$22,446	\$224,458
8.00%	\$192,500	\$21,389	\$213,889
8.50%	\$183,701	\$20,411	\$204,112

Notes: ¹Up to 100 percent of median family income

²Assumes a 30-year fixed-rate mortgage term

³Assumes down payment is 10 percent of price

Source: Coastplans; California Department of Housing and Community Development

Interest rates are currently (February 2009) at 5.00 percent for a 30-year fixed-rate mortgage and 5.25 percent for a 15-year fixed-rate mortgage. The effective rate for adjustable rate mortgages is approximately 5 percent. At these interest rates, the moderate-income family of four with an annual income of \$56,500 can afford a house priced over \$290,000. Should interest rates increase during the next few years, however, buying power will decrease significantly. As shown in the table above, an increase in mortgage interest rates from 5.5 percent to 8.5 percent decreases the buying power of a moderate-income family by over 25 percent. It is currently hard to get home financing, except for the most credit worthy customers. Also, while the County median income provides substantial buying power, it's likely that incomes in Newman are significantly lower than the median, making it even less likely that Newman residents can qualify for a home loan. This problem is further exacerbated by large debt loads that make it difficult to achieve the required debt-to-income ratios.

Potential homebuyers must also meet other financial requirements in order to purchase of home, including a down payment, insurance, and taxes. Down payment requirements can limit the ability of first-time homebuyers to purchase a home, even with an adequate annual income.

Table II-33
Typical Housing Costs
(\$200,000)

Item	Cost
Sales Price	\$200,000
Down Payment (10%)	\$20,000
Approximate Closing Costs	\$4,500
Total Up-Front Cash Layout	\$24,500
Mortgage Balance (w/o closing costs included)	\$180,000
Annual Principal and Interest (5%; 30 years)	\$12,884
Approximate Insurance	\$780
Approximate Taxes	\$2,500
Total Annual Carrying Costs	\$16,164
Required Annual Income @ 30% of Gross	\$53,879

Source: *Coastplans*

Regarding evidence of income groups that may be under-served by financial institutions, discussions with city staff indicate that there is no evidence of redlining in any of Newman's neighborhoods.

Housing Programs in Newman

Programs to support the development and provision of affordable housing in Newman are generally sponsored by the Stanislaus County Housing Authority and through state Community Development Block Grants.

STANISLAUS COUNTY HOUSING AUTHORITY

The Stanislaus County Housing Authority administers the Section 8 Rental Subsidy program in Stanislaus County. In February 2009, there were 42 Section 8 Voucher program participants in Newman out of a total of 3,928 Vouchers countywide. Total program capacity is 3,995 vouchers. The Stanislaus County Housing Authority also owns and operates two projects in Newman—16 conventional low-income housing units on Merced Street and 48 project-based Section 8 units on Driskell Avenue. This latter project, called Valley Manor Apartments, was privately-owned affordable housing that was due to convert to conventional housing. The Housing Authority purchased the units in 2004 to preserve affordability.

HUD NEIGHBORHOOD STABILIZATION PROGRAM

The Neighborhood Stabilization Program (NSP) provides grants to every state and certain local communities to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop in order to stabilize neighborhoods and stem the decline of house values of neighboring homes.

Background

Funded under the Housing and Economic Recovery Act, 2008 (HERA). HERA provides \$3.92 billion to assist states & localities in redevelopment efforts. Funds are considered a special allocation of 2008 Community Development Block Grant (CDBG) funds.

HUD Allocations

Allocation based on number and percent of the following:

- Home foreclosures in each state or unit of local government (ULG)
- Homes financed by a sub-prime-mortgage-related loan in each state or ULG
- Homes in default or delinquency in each state or ULG

Table II-34 shows the allocation of NSP funds in Stanislaus County.

Table II-34
Neighborhood Stabilization Program Allocations
Stanislaus County

Jurisdiction	Allocation
County of Stanislaus	\$3,764,000
City of Ceres:	\$1,126,500
City of Newman:	\$1,002,000
City of Oakdale:	\$ 841,000
City of Patterson:	\$1,608,500
City of Waterford:	\$1,144,000
Weed & seed/mod pockets	\$ 258,482
Total	\$9,744,482

Source: Draft Neighborhood Stabilization Program, Stanislaus County, November 2008

Eligible uses for NSP funds include:

- Establishment of financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, combined with the purchase and rehabilitation of homes/residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop;
- Establishment of land banks for homes that have been foreclosed upon;
- Demolition of blighted structures; and
- Redevelopment of demolished or vacant properties

STANISLAUS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT CONSORTIUM

In 2002, Stanislaus County formed the Stanislaus County Community Development Block Consortium. The Consortium, which consists of the Cities of Ceres, Newman, Oakdale, Patterson, Waterford and the unincorporated areas of Stanislaus County, annually receives entitlement

Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) Funds from the United States Department of Housing and Urban Development (HUD).

The main objective of the CDBG program is to develop viable communities by providing decent housing and a suitable living environment and by expanding opportunities for persons of low and moderate-income. A portion of the Consortium's CDBG entitlement allocation is designated under the "Public Service" category. The Public Service program provides funds to non-profit organizations, through a competitive application process, to provide essential public service programs throughout the participating CDBG Consortium jurisdictions. The Emergency Shelter Grant Program is part of the public Service program.

The remaining funds are distributed among the Consortia jurisdictions, via a formula that represents poverty and population census data, to address community infrastructure needs. These needs may include, but are not limited to, sidewalks and storm drainage to community facilities. CDBG funds are used to address infrastructure improvement needs, which in turn improve the quality of life promoting safe and healthy communities.

Emergency Shelter Grant Program

The Emergency Shelter Grants (ESG) program is designed to be the first step in a continuum of assistance to prevent homelessness and to enable homeless individuals and families to move toward independent living. ESG is a formula-funded program that uses the CDBG formula as the basis for allocating funds to eligible jurisdictions, including states, territories, and qualified metropolitan cities and urban counties for:

- Rehabilitation/Renovation/Conversion
- Essential Services
- Operational Costs
- Homeless Prevention Activities
- Administrative Costs

The ESG Program is to supplement State, local and private efforts to improve the quality and number of emergency shelters and transitional facilities for homeless people. The purpose is to help operate these facilities, to provide essential support services to residents, and to help prevent

at-risk families or individuals from becoming homeless. Four (4) nonprofit homeless service provider agencies were awarded \$104,215 to address homeless needs. Over 1,500 individuals were assisted with these funds.

Redevelopment Agency Funds

The City of Newman created a Redevelopment Agency to assist in the elimination of blighting conditions in Newman and to ensure that the City's economic base would grow through the provision of public improvements, commercial and economic development, and affordable housing. The City created its sole Redevelopment Project Area in 1992, which consists of 610 acres. Under state law, the Newman Redevelopment Agency is required to set aside 20 percent of gross tax increment revenues to establish a Low and Moderate-Income Housing Fund (Housing Fund). Table II-35 summarizes RDA revenues since FY 03-04.

Table II-35
RDA Housing Fund Revenues
FY 03/04 through FY 07/08

Fiscal Year	Gross Tax Increment ¹	Housing Fund (20%)	Other Income	Total Housing Fund	Unencumbered Balance
FY03/04	607,962	121,592	2,141	123,733	253,616
FY04/05	739,680	147,936	2,081	150,017	289,359
FY05/06	812,615	162,523	6,942	169,465	411,639
FY06/07	1,031,230	206,246	23,736	229,982	539,585
FY07/08	891,320	\$178,264	20,974	199,238	622,739

Source: Newman RDA Annual Reports to HCD, Schedules A and C

Analysis of Existing Assisted Housing

Pursuant to Government Code § 65583, an analysis of assisted housing was conducted for Newman to determine which, if any, assisted housing projects are eligible to change from low-

income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

There are three assisted projects in Newman – Valley Manor Apartments, Westside Village Senior Apartments, and Merced Street Apartments.

- Valley Manor Apartments, which contains 48 assisted housing units, was completed in March 1982 with FHA 221 (D)(4) and Section 8 program assistance. The Stanislaus County Housing Authority purchased the property in 2004, and the units will be held as assisted units for the life of the project.
- Westside Village Senior Apartments, which contains 40 assisted senior apartments, was completed in 2001 under a tax credit contract, which requires 55 years of income restrictions. One and two-bedroom apartments are available with prices ranging from \$295 to \$455 per month. Termination of subsidies cannot occur until 2056.
- The Merced Street Apartments, which contains 16 low-income units, is owned by the Stanislaus County Housing Authority and will be held as assisted units for the life of the project.

Publicly-Owned Surplus Land

According to state law, all public agencies intending to dispose of surplus land must first send a written *offer* to any local agencies within whose jurisdiction the land lies offering to sell or lease the land for the following purposes: recreation or open-space uses; enterprise zone uses; schools; or development of low- and moderate-income housing. In the event that the agency disposing of the land receives more than one offer, it shall give first priority to the entity which agrees to use the site for development of low- or moderate-income housing, unless the land is already being used for park or recreation uses, in which case the entity offering to continue these uses shall receive priority (*California Government Code §54220 et seq*). There is no publicly-owned surplus land in Newman suitable for residential development.

Opportunities for Energy Conservation

As mandated by Government Code §65583(a)(7), each housing element must include an analysis of energy conservation opportunities in residential development. Such analysis must include a

discussion of the subsidies and incentives that are available from public and private sources for energy conservation. An assessment of any changes that could be made to local building codes to increase energy conservation is also required while not placing undue constraints on affordable housing in the form of increased costs associated with building code changes.

EXISTING RESIDENTIAL ENERGY USE IN NEWMAN

According to 2000 US Census Bureau statistics, the predominant method for household heating fuel in Newman is natural gas, with 77.5 percent of the households reporting use of this method. Electricity was the second most common type of heating fuel used in Newman with 20.0 percent of the population reporting.

In comparison to the State-wide level, Newman's predominant use of gas and electricity as home heating fuel nearly mimics that of on the statewide level with 70 percent of statewide residents using utility gas and 22 percent using electricity.

IMPLICATIONS OF ENERGY USE

Growing concern about climate change due to greenhouse gas emissions has placed energy use and conservation at the forefront of this General Plan. Residential heating, cooling and water consumption account for a significant portion of the nation's energy consumption and greenhouse gas emissions. Therefore the need to understand fuel consumption and the opportunities for energy conservation are never more pressing.

To place home fuel consumption in perspective, the Local Government Commission (LGC) a non-profit organization promoting sustainable and livable communities recently noted that the average California household's annual use of electricity produces the same amount of smog as the average car when driven across the country from Los Angeles to New York. In addition, the LGC notes that most electricity in the U.S is produced from coal, nuclear or natural gas plants. Production of electricity from these sources generates approximately two-thirds of the nations emissions associated with global warming, one-third of the pollution that causes acid rain and smog, and one-half of the nuclear waste in this country.

With the high number of households in Newman using both gas and electricity as fuel for their homes, and with electricity use on the rise, it is important to note several approaches available to the residents of Newman to reduce energy costs and consumption. Among the opportunities for

energy conservation are subsidies and incentive programs offered on the state level, as well as implementation of ordinance revisions to encourage energy efficiency within new residential developments in Newman.

THE CALIFORNIA SOLAR INITIATIVE

The following description is from the Go Solar California webpage at <http://www.gosolarcalifornia.org/csi/index.html>.

The California Solar Initiative is part of the Go Solar California campaign and builds on 10 years of state solar rebates offered to customers in California's investor-owned utility territories: Pacific Gas & Electric (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric (SDG&E). The California Solar Initiative is overseen by the California Public Utilities Commission.

Since 1998, rebates for small solar energy systems were managed under the Emerging Renewables Program (ERP) at the California Energy Commission. In 2001, a second program that covered rebates for larger systems—over 30 kW—was assigned to the California Public Utilities Commission (CPUC) through the Self-Generation Incentive Program (SGIP). In August 2004, Governor Schwarzenegger affirmed his support for solar energy, and announced the Million Solar Roofs program. In January 2006, the CPUC collaborated with the Energy Commission to develop the framework of the California Solar Initiative Program through 2016.

In January 2007, the State of California launched Go Solar California, which included two new solar incentive programs, with slightly modified program requirements compared to the older programs. The Energy Commission provides incentives to energy efficient new home construction under the New Solar Homes Partnership (NSHP). The NSHP provides financial incentives and other support to home builders, encouraging the construction of new, energy efficient solar homes that save homeowners money on their electric bills and protect the environment.

The new framework also included a major shift in the way solar incentives were calculated – away from a system that funded solar incentives based only on nameplate capacity and towards one where incentive levels are based on performance factors such as installation angle, tilt, and location. This performance framework ensures that California is generating clean solar energy and rewarding systems that can provide maximum solar generation.

The CPUC developed the program rules for the California Solar Initiative through a public rulemaking process. Among the major policy decisions made by the CPUC's rulemaking were

how to organize and adjust the incentive levels, how to provide performance based incentives, how to require metering, and how to develop program rules in the form of a Program Handbook. The rulemaking also decided issues related to low income solar program development, marketing and outreach, research, development and demonstration (RD&D), program measurement and evaluation, and the Self Generation Incentive Program, which provides incentives to wind and fuel cells.

THE U.S. DEPARTMENT OF ENERGY (DOE)

DOE has a program oriented towards assisting low income persons with energy efficiency. Under the Low Income Heating Energy Assistance (CAL-LIHEAP) program, there are three separate programs including the Weatherization Program that provides assistance to qualifying households to replace inefficient appliances such as refrigerators, electrical water heaters, microwaves with efficient appliances. The program also assists with attic insulation, weather stripping and home repairs to make a home more energy efficient.

ENERGY CONSERVATION DESIGN FOR NEW RESIDENTIAL DEVELOPMENTS

There are several relatively simple and yet proven community design techniques that can significantly improve not only the energy efficiency of a home but can contribute to the livability of a home and neighborhood. Such design techniques should be implemented through ordinance revisions or as required design guidelines for specific plan areas. Those design techniques include the following:

Street and Subdivision Patterns for Maximum Solar Access

Residential streets laid-out to maximize southern exposure can increase the exposure to solar radiation and provide warmth for the home in the winter months. Such an orientation also provides a better opportunity to create a "grid" of streets that, in turn, help to interconnect a community, making it more pedestrian and neighbor friendly.

Home Design

There are many home design techniques that can significantly enhance residential energy efficiency. These include:

- Incorporating passive solar design techniques, such as maximizing the area of south-facing windows for solar gain in the winter, combined with the addition of large roof overhangs, such as broad porches to provide much needed cooling shade in the summer, into home design. Proper placement of operable windows and skylights for cross-ventilation and natural lighting, and the use of light-colored roofing material to deflect summer heat-gain, can similarly make homes more comfortable and reduce the need for mechanical cooling and lighting.
- Use of energy efficient materials and construction techniques, such as enhanced insulation in walls, floors and ceilings, installation of energy efficient windows, and tightly sealing openings for doors, windows, ducts and electrical systems to reduce infiltration.
- Use of building materials which have been produced in an energy efficient and sustainable manner, such as recycled building materials, materials with recycled content, or materials that are derived from sustainable or rapidly renewable sources.
- Installation of efficient home heating and cooling systems, water heaters, appliances and lighting, as well as water conserving plumbing fixtures.
- Installation of solar panels for renewable energy production

While some of these techniques for increasing home energy efficiency may have higher front-end costs, they will result in cost savings over the long-term through reduced energy costs.

Sustainable Landscape Design

Use of drought-tolerant and native plants and efficient irrigation systems can significantly reduce water and energy use associated with landscape maintenance. In addition, careful placement of deciduous trees to provide summer shading can dramatically cool the residence by as much as 10 to 15 degrees. In the winter, when deciduous trees are dormant and leafless, maximum solar access is provided to the home.

Energy Efficiency beyond the Residence

In addition to the simple residential design techniques for energy efficiency, Newman can broaden energy conservation and livability goals by requiring the placement of new homes in close, walkable proximity to schools, parks and commercial land uses, thus reducing dependence on air-polluting autos for short-distance vehicle trips.

General Plan Consistency

The 2009 Housing Element includes goals, policies, programs, and objectives that are consistent with the *Newman 2030 General Plan*. The provision of vacant and available sites neither requires expansion of the Primary Sphere of Influence nor changes the location or timing of new development envisioned in the *Newman 2030 General Plan*.

Public Participation and Contacts

Pursuant to Government Code § 65583(c), the City of Newman must make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element. Newman's public participation strategy involved extensive contacts with social service agencies, contacts with City officials, contacts with non-profit housing providers, and conversations with members of the public. In a many instances, the advice of the people contacted became the basis for new housing policies and implementation measures.

TELEPHONE CONTACTS

- ✓ William Fagen, Executive Director of the Stanislaus County Housing Authority
- ✓ Gabe Juarez, Housing Director, Stanislaus County Housing Authority
- ✓ Linh Luong, Finance Director, Stanislaus County Housing Authority
- ✓ Vince Harris, Executive Director of STANCOG
- ✓ Michael Holland, City Manager, City of Newman
- ✓ Stephanie Ocasio, Associate Planner, City of Newman
- ✓ Chief Adam McGill, Newman Police Department
- ✓ Karen Cosner, Executive Director, Community Housing and Shelter Services of Stanislaus County
- ✓ Vern Deatherage, D. Min., Executive Director, Modesto Gospel Mission

- ✓ Barbara Deatherage, PhD, Administrator and Director of Programs, Modesto Gospel Mission
- ✓ Valrie Thompson, Program Manager, Hutton House
- ✓ Major Darvin A. Carpenter, Salvation Army
- ✓ Denise Fletcher, Program Director, Self-Help Enterprises
- ✓ Susan Atkins, Assistant Program Director, Self-Help Enterprises
- ✓ Anita Hellam, Executive Director, Habitat for Humanity

PUBLIC WORKSHOP AND HEARINGS

In January 2009, the City of Newman held two public meetings on the Housing Element update. The first meeting was a Housing Stakeholders Roundtable discussion held on the afternoon of January 20, 2009. The roundtable discussion was attended by eight persons. The second was an evening workshop on the same day that was attended by five community members. In April 2009, the Newman Planning Commission held a noticed public hearing and recommended adoption of the Housing Element to the Newman City Council. Also in April 2009, the Newman City Council gave conceptual approval to the Housing Element for the purpose of HCD and public review. In _____ 2009, the Newman City Council held a noticed public hearing and adopted the Housing Element.

Housing Goals, Policies, Programs, and Objectives

This section sets forth updated goals, policies, programs, and quantified objectives for housing in the City of Newman for the period between adoption and the next housing element update (expected in 2014). Appendix A contains a review of the 2003 Housing Element and its effectiveness in implementing Newman's housing programs.

GOALS AND POLICIES

HOUSING

Goal III.A: To promote development of a balanced range and mix of housing types for all economic segments of the community.

Policies:

- III.A.1 The City shall promote the provision of housing for all economic segments of the community and while doing so, seek to ensure the highest quality in all new residential development.
- III.A.2 The City shall endeavor to maintain an adequate supply of residential land in appropriate land use designations and zoning categories to accommodate Newman's fair share of projected regional growth, maintain normal residential vacancy rates, and keep downward pressure on residential land costs.
- III.A.3 The City shall seek to maintain an overall mix of 75 percent single family and 25 percent multi-family units in its housing stock.
- III.A.4 The City shall actively promote residential use in and adjacent to Downtown as a means of reinforcing Newman's Downtown Revitalization Program.
- ~~III.A.5 The City shall require development of a mix of housing types in order to increase residential choices. In addition to requiring multi-family housing, the City shall require promote the development of attached single family housing, including halfplexes and other forms of zero-lot-line development. The City shall also encourage the construction of affordable rental units with three or more bedrooms to accommodate large households.~~
- III.A.5 Housing affordable to very low-, low- and moderate-income families shall be dispersed throughout the community and incorporated into new development to promote social and economic integration. Where possible, the City shall promote homeownership in new housing constructed for low- and moderate income households.

- III.A.6 The City shall pursue all available state and federal funding assistance that is appropriate to Newman's needs to develop housing that is affordable to low- and moderate-income households. As appropriate, the City shall work with other local jurisdictions and agencies to take advantage of state and federal funding programs.
- III.A.7 Consistent with other City objectives, the City shall ensure that its policies, regulations, and procedures do not add unnecessarily to the costs of producing housing.
- III.A.8 The City shall provide for the development of secondary residential units, as required by state law, while protecting the single-family character of neighborhoods. Development of secondary residential units fronting on alleys shall be encouraged.
- III.A.9 Where single family residential units that are required to sell or rent at below-market-rates are included within a housing development, such units shall be interspersed within the development, and to the extent reasonable, shall be visually indistinguishable from market-rate units.
- III.A.10 The City shall work with the Stanislaus County Housing Authority, local nonprofit housing agencies, and the California Housing Partnership, in accordance with the Low Income Housing Preservation and Resident Homeownership Act of 1990, to preserve lower income housing units threatened with conversion to market-rate housing through prepayment of subsidized mortgages.

Goal III.B: To promote the maintenance, improvement, and rehabilitation of the city's existing housing stock and residential neighborhoods.

Policies:

- III.B.1 The City shall promote private reinvestment in older residential neighborhoods and private rehabilitation of housing.
- III.B.2 The City shall pursue ~~all~~ available state and federal funding assistance that is appropriate to Newman's needs to rehabilitate housing. Housing rehabilitation efforts targeted to ensure that foreclosed properties do not fall into disrepair shall be given ~~high~~ priority ~~in the use of CDBG funds~~.

- III.B.3 The City shall support the revitalization of older neighborhoods by keeping streets and other municipal systems in good repair.
- III.B.4 The City shall promote the continued upkeep of existing mobilehomes.
- III.B.5 The City shall require abatement of unsafe structures, giving property owners ample opportunities to correct deficiencies.
- III.B.6 Existing housing occupied by very-low- or low-income households shall not be demolished without assurance of the availability of suitable alternative housing.
- III.B.7 The City shall promote the preservation of architecturally- and historically-significant residential structures.

Goal III.C: To encourage energy efficiency in both new and existing housing.

Policies:

- III.C.1 As required by state law, the City shall require the use of energy conservation features in the design of all new residential structures. The City shall also promote incorporation of energy conservation and weatherization features in existing homes.

Goal III.D: To ensure the provision of adequate services to support existing and future residential development.

Policies:

- III.D.1 The City shall work with the Newman-Crows Landing Unified School District to ensure the availability of adequate school facilities to meet the needs of projected households in Newman.
- III.D.2 The City shall support the use of CDBG funds for upgrading streets, sidewalks, and other public improvements.
- III.D.3 The City shall ensure that new residential development pays its fair share in financing public facilities and services.

III.D.4 Through the *Citywide Services Master Plan*, the City shall strive to ensure that necessary public facilities and services are available prior to occupancy of residential projects.

Goal III.E: To promote equal opportunity to secure safe, sanitary, and affordable housing for all members of the community regardless of race, religion, sex, marital status, national origin, or color.

Policies:

- III.E.1 The City shall give special attention in affordable housing programs to the needs of special groups, including the physically and mentally disabled, large families, farm-workers, the elderly, and families with lower incomes.
- III.E.2 The City shall make available to the public information on the enforcement activities of the State Fair Employment and Housing Commission.
- III.E.3 The City shall continue to work with the County and surrounding jurisdictions to address the needs of the homeless on a regional basis.
- III.E.4 The City shall cooperate with community-based organizations which provide services or information regarding the availability of services to the homeless.

HOUSING PROGRAMS

~~III-1 The City shall amend its General Plan Land Use Diagram to re-designate approximately 4.003 acres of land (identified as sites 9, 10, and 11 in Figure II-5) from Medium Density Residential (MDR) to High Density Residential (HDR) in order to accommodate housing for persons of all income categories as prescribed by the 2002 StanCOG fair share housing allocation.~~

~~Time Frame: FY 03-04~~

~~III-2 The City shall amend its Zoning Map to rezone sites as specified in Figure II-5 to achieve consistency between the Zoning Map and General Plan Land Use Diagram and provide adequate housing sites for persons of all income categories.~~

~~Time Frame: FY 03-04~~

~~III-3 — The City shall, in cooperation with the Stanislaus County Housing Authority, place a measure on the local ballot that, if passed, would authorize public agencies such as the Housing Authority to develop low-rent housing projects in the City of Newman (referred to as an Article 34 vote). The ballot measure shall limit the size of any single low-rent housing project to 50 units or less, and in no case shall such low-rent housing constitute more than one percent of the total housing units existing in the city on January 1 of the year in which the housing is to be built (as reported by the California Department of Finance).~~

~~Time Frame: FY 04-05~~

~~III-5 — The City shall include in all specific plans and neighborhood plans adopted after January 1, 2004, provisions that, in addition to meeting the requirements to include a range of density types as specified in the General Plan Land Use Element, require that 6.4 percent of the single family units be attached single family housing.~~

~~Time Frame: FY03-04 through FY 08-09~~

~~III-6 — The City of Newman shall include in all specific plans and neighborhood plans adopted after January 1, 2004, provisions that ensure that all multi-family housing prescribed by the plan is constructed concurrently with any single family housing being constructed in the plan area. The specific plan shall also contain a provision requiring property owners to tender an irrevocable offer to sell the multi-family property to the Stanislaus County Housing Authority at 50 percent of appraised value in the event that the subject property owner is unable or unwilling to construct the multi-family housing concurrently with other housing. For the purpose of this program, "concurrently" shall mean: "within one year of filing the first final map for any housing project in the plan area."~~

~~Time Frame: FY 03-04 through FY 08-09~~

~~III-8 — The City shall amend its second unit provisions contained in Section 5.23.040, Second Residential Units, of the Newman Zoning Ordinance to make them consistent with new state law (AB1866-2002) that governs processing of permits for second housing units. The revised sections shall make approval of second units a ministerial act.~~

~~Timeframe: FY 03-04~~

~~III-10—The City shall apply for Community Development Block Grant funds to analyze City development regulations for compliance with the Fair Housing Act and the Americans with Disabilities Act and for consistency with any proposed City ordinance setting forth procedures for requesting reasonable accommodations for disabled persons.~~

~~Timeframe: FY 04-05~~

~~III-13—The City shall continue to support Self-Help Enterprises' housing rehabilitation program with local, state, and federal funding sources as available for the rehabilitation of housing for very low and low income households.~~

~~Time Frame: FY 03-04 through FY 08-09~~

~~III-18—The City shall provide information to developers to help them become aware of the 2007-14 Regional Housing Needs Allocation in Newman and to encourage the provision of housing affordable for lower income households and in particular, units for large families. The information shall include a summary of adopted density bonus provisions which assists in increasing densities and development incentives available when affordable units are provided. In addition, the City shall revise its density bonus ordinance (Chapter 5.14 NMC) to offer an additional five percent density bonus (from 25% to 30%) for qualified housing projects where 25 percent of the required affordable units have three or more bedrooms.~~

~~Time Frame: FY 03-04 through FY 08-09~~

~~III-19—In conjunction with the Stanislaus County Affordable Housing Corporation (STANCO) and local lenders, City of Newman Redevelopment Agency shall continue to support the Down Payment Assistance Program that has been established to assist very low, low and moderate income households in purchasing a home within the City of Newman.~~

~~Time Frame: FY 03-04 through FY 08-09~~

~~III-20—The Newman Redevelopment Agency shall offer relocation assistance to assist in the development of underutilized high density residential sites that receive Redevelopment Agency assistance.~~

~~Time Frame: FY 03-04 through FY 08-09~~

~~III-21 The City of Newman shall work with the Housing Authority and Non-Profit housing developers to obtain funding for farmworker housing through the Joe Serna Jr. Farmworker Housing Grant Program.~~

~~Time Frame: FY 03-04 through FY 08-09~~

III-1 The City shall amend its Zoning Map to rezone identified sites (Sites #1, 2, and 3 as specified in Figure II-5) to R-3 for low- and very low-income housing consistent with the 2003 RHNA, per the requirements of Government Code §65584.09.

Time Frame: Within one (1) year of Housing Element certification (FY 09-10)

III-2 The City shall forward the certified Housing Element to public utilities providing gas, electricity and telephone and cable services and to the Newman Unified School District, to ensure that public utilities and school facilities are made available to meet the expected housing growth in those areas where development is planned.

Time Frame: Immediately upon Housing Element certification (FY 09-10)

III-3 The City shall adopt an ordinance that establishes specific procedures to grant priority service to housing with units affordable to lower-income households whenever capacity is limited.

Time Frame: Within one (1) year of Housing Element certification (FY 09-10)

III-4 The City shall ~~undertake an inventory of~~ create an incentive program to encourage the development of upper story housing on suitable Downtown sites ~~that are suitable for townhouse-style and/or second-story housing~~. Such housing should be consistent with the historical character of neighborhoods adjacent to Downtown and reinforce Newman's Downtown Revitalization Program.

Time Frame: Within three (3) years of Housing Element certification (FY 11-12)

III-5 The City shall, when applicable, include in all subdivision approvals after January 1, 2004, a notice as part of the conditions, covenants and restrictions (CC&Rs) that multi-family housing is planned for adjacent property. [formerly III-7]

Time Frame: Ongoing

- III-6 ~~In approving subdivision plans, the City shall require developers to offer an optional design to homebuyers whose household has one or more disabled person. The City shall promote the use of "Universal Design" in new housing to better accommodate persons with disabilities and the elderly. [formerly III-9]~~

Time Frame: Ongoing

- III-7 The City shall amend its Municipal Code to create a procedure wherein persons with disabilities seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures. [formerly III-11]

Timeframe: Within three (3) years of Housing Element certification (FY 11-12)

- III-8 The City shall work with local nonprofit housing developers to prepare development programs for affordable housing on vacant sites identified in this Housing Element and to provide technical assistance. ~~In August 2004, the City shall assist in the preparation of an application for state funds from the Multifamily Housing Program, which has increased funds available due to the passage of Proposition 46.~~ [formerly III-12]

Time Frame: Ongoing

- III-9 The City shall continue to post and distribute information on currently available weatherization and energy conservation programs. [formerly III-14]

Time Frame: Ongoing

- III-10 ~~The City shall continue to enforce state requirements, including Title 24 requirements, for energy conservation in new residential projects. The City shall adopt the California Green Building Standards Code, whose provisions will be mandatory in January 2010. The standards include a 50 percent increase in landscape water conservation and a 15 percent reduction in energy use compared to current standards. [formerly III-15]~~

Time Frame: FY 10-11

- III-11 The City shall monitor the status of subsidized housing projects at risk of conversion to market-rate housing. If a Notice of Intent or Plan of Action pursuant to the Low Income Housing Preservation and Resident Homeownership Act of 1990 is filed, the City shall actively participate in obtaining financial assistance to preserve such units. [formerly III-16]

Time Frame: Ongoing

- III-12 ~~The City shall continue to promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, or color. To this end, The City shall continue to disseminate information on fair housing, whereby the City publicizes the complaint referral process through the local media, schools, libraries, post office, housing advocacy groups, or other appropriate institutions and organizations. This information shall be provided in both Spanish and English. [formerly III-17]~~

Time Frame: Ongoing

- III-13 Provide information sheets at City Hall about the new 211 phone system, which provides phone assistance to persons in need of emergency shelter.

Time Frame: Ongoing

- III-14 The City shall adopt standards for the design, maintenance, and operation of multi-family housing to ensure that a basic level of quality is achieved and sustained for this important type of housing. Such standards shall be drafted to be non-discretionary (e.g., to ensure that they cannot become the basis for disapproving a multi-family housing project).

Time Frame: Within three (3) years of Housing Element certification (FY 11-12)

- III-15 The City shall collaborate with fair housing advocates to promote first-time homebuyer education and help protect homebuyers from unwise lending practices.

Time Frame: Within one (1) year of Housing Element certification (FY09-10) and then ongoing

- III-16 The City shall develop a program to use Federal Neighborhood Stabilization Program funds to do one or more of the following:

- Establishment of financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, combined with the purchase and rehabilitation

of homes/residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop;

- Establishment of land banks for homes that have been foreclosed upon;
- Demolition of blighted structures; and/or
- Redevelopment of demolished or vacant properties

Time Frame: Within one (1) year of Housing Element certification and then ongoing

- III-17 Amend the Newman Zoning Ordinance to add emergency shelters as an allowed use by right at least one zoning district within the City.

Time Frame: Within three (3) years of Housing Element certification (FY 11-12)

- III-18 The City shall, as staffing resources allow, participate in the annual census of homeless persons in collaborate with Stanislaus County Housing Authority.

Time Frame: Annually

QUANTIFIED OBJECTIVES

As explained in the introduction to this Housing Element, this plan has been prepared and adopted in a time of unprecedented economic, financial challenges. The economy has been in the throes of a severe recession with collapsing stock market prices and extensive job losses. Newman and all of California have been experiencing a sharp downward trend in housing prices stoked by a wave of foreclosures. Housing construction has essentially ground to a halt. Financing has been often unavailable, and the banking sector has been paralyzed by insolvencies.

Due to these current conditions, quantitative objectives depend on very modest housing construction activity in the coming period. On the up side, the substantial drop in housing prices and the number of houses in foreclosure has created a unique opportunity for low-income households to purchase their first home. Currently the median price is below \$190,000, which is affordable to low-income families. In effect, a portion of the city's market-rate housing, which now serves as a new supply of lower-income housing. This new low-income housing is not represented in the table below, but is nonetheless a tangible addition to the city's affordable housing stock.

These objectives represent a reasonable expectation for the construction of new housing units and the rehabilitation of existing housing units based on the policies and programs set forth in this General Plan Housing Element, the General Plan Land Use Element, and general market conditions. Table II-36 presents the quantified objectives for the City of Newman for the period 2007 through 2014.

Table II-36
Quantified Objectives for Housing
2007 to 2014

Item	Adjusted Regional Housing Needs Allocation ¹	New Construction	Rehabilitation	Conservation/Preservation ⁷
Extremely Low	49	36 ²	0	0
Very Low	49	37 ³	0	0
Low	69	146 ⁴	0	0
Moderate	81	257 ⁵	0	0
Above Moderate	174	0	0	0
Total	422	476	0	0

Notes: ¹The planning period for the Housing Element is January 1, 2007 through January 1, 2014.
²This represents half of the Newman Family Apartments project currently being constructed by the Corporation for Better Housing.
³This represents the other half of the Newman Family Apartments, plus one unit from Site #7
⁴This represents the 144 units from Park Villas, plus two units from Site #7.
⁵This represents all of the moderate-income units identified in Table II-21 that require no action. All have been approved, and some are under construction.

Appendix A: Analysis of 2003 Housing Element

The goal of the 2003 housing element was to provide an adequate supply of sound, affordable housing in a safe and satisfying environment for all residents of the City of Newman. This goal was supported by housing objectives, policies, and implementation programs. This section reviews the effectiveness of the 2003 housing element in accomplishing its implementation programs.

- 2003-III-1. The City shall amend its General Plan Land Use Diagram to re-designate approximately 4.003 acres of land (identified as sites 9, 10, and 11 in Figure II-5) from Medium Density Residential (MDR) to High Density Residential (HDR) in order to accommodate housing for persons of all income categories as prescribed by the 2002 StanCOG fair share housing allocation. (Time Frame: FY 03-04).

Status: Completed. The City of Newman re-designated the identified sites as High Density Residential as part of its General Plan update program completed in 2007.

- 2003-III-2. The City shall amend its Zoning Map to rezone sites as specified in Figure II-5 to achieve consistency between the Zoning Map and General Plan Land Use Diagram and provide adequate housing sites for persons of all income categories. (Time Frame: FY 03-04).

Status: Partially Completed. The City of Newman rezoned sites identified as 9, 10, and 11 in Figure II-5 from R-1 to R-3 on February 12, 2008 (Zoning Change 07-02). This zoning change (and the corresponding General Plan re-designation referenced in Program III-1) was required in the 2003 Housing Element to provide an addition 4.003 acres of land for very low and low-income housing, thereby providing sufficient sites for this income category. As a result of these actions, a new multi-family project entitled: "Newman Family Apartments" is now being developed on these parcels.

Three other properties (1, 3, and 4) totaling 6.610 acres, which were already designated for High Density Residential in the General Plan but which needed rezoning from R-1 to R-3, have not been rezoned. The recent General Plan update continued the High Density Residential designation on these sites. The net result of this activity was to leave the

City short 6.610 acres of the available sites needed for very low and low-income housing during the planning period.

With regard to sites for moderate-income housing, the City rezoned two sites (19 and 20) totaling 22.873 acres to PD to accommodate medium density housing. Site 19 was rezoned from no zone designation to PD on June 13, 2006 (Zoning Change 04-01), and site 20 was rezoned from R-1 to PD on October 14, 2003 (Zoning Change 03-02). Six other sites (12, 13, 14, 15, 17, and 22) totaling 4.841 acres, which needed rezoning to from R-1 to R-2, have not been rezoned. Also, site 16, which is 2.697 acres, was re-designated to Downtown Commercial in the recent General Plan update and therefore lost as a possible site for moderate-income housing.

The net result of this activity was to provide 31.09 acres of available sites for moderate-income housing, which has the capacity to accommodate approximately 298 new housing units. As the City regional fair share housing allocation for this income group was 189 units, the City provided more than was needed during the planning period.

No rezoning was required for the above moderate-income group.

- 2003-III-3. The City shall, in cooperation with the Stanislaus County Housing Authority, place a measure on the local ballot that, if passed, would authorize public agencies such as the Housing Authority to develop low-rent housing projects in the City of Newman (referred to as an Article 34 vote). The ballot measure shall limit the size of any single low-rent housing project to 50 units or less, and in no case shall such low-rent housing constitute more than one percent of the total housing units existing in the city on January 1 of the year in which the housing is to be built (as reported by the California Department of Finance) (Time Frame: FY 04-05).

Status: Not Completed

- 2003-III-4. The City shall undertake an inventory of Downtown sites that are suitable for townhouse-style and/or second-story housing. Such housing should be consistent with the historical character of neighborhoods adjacent to Downtown and reinforce Newman's Downtown Revitalization Program (Time Frame: FY 03-04 through FY 08-09).

Status: Not Completed

- 2003-III-5. The City shall include in all specific plans and neighborhood plans adopted after January 1, 2004, provisions that, in addition to meeting the requirements to include a range of density types as specified in the General Plan Land Use Element, require that 6.4 percent of the single family units be attached single family housing (Time Frame: FY03-04 through FY 08-09).

Status: Policy in effect; no specific plans have been adopted since 1-1-04

- 2003-III-6. The City of Newman shall include in all specific plans and neighborhood plans adopted after January 1, 2004, provisions that ensure that all multi-family housing prescribed by the plan is constructed concurrently with any single family housing being constructed in the plan area. The specific plan shall also contain a provision requiring property owners to tender an irrevocable offer to sell the multi-family property to the Stanislaus County Housing Authority at 50 percent of appraised value in the event that the subject property owner is unable or unwilling to construct the multi-family housing concurrently with other housing. For the purpose of this program, "concurrently" shall mean: "within one year of filing the first final map for any housing project in the plan area" (Time Frame: FY 03-04 through FY 08-09).

Status: No specific plans have been adopted since 1-1-04

- 2003-III-7. The City shall, when applicable, include in all subdivision approvals after January 1, 2004, a notice as part of the conditions, covenants and restrictions (CC&Rs) that multi-family housing is planned for adjacent property (Time Frame: FY 03-04 through FY 08-09).

Status: Policy in effect, not yet been applicable

- 2003-III-8. The City shall amend its second unit provisions contained in Section 5.23.040, Second Residential Units, of the Newman Zoning Ordinance to make them consistent with new state law (AB1866 2002) that governs processing of permits for second housing units. The revised sections shall make approval of second units a ministerial act (Time Frame: FY 03-04).

Status: Not completed, currently under review for revisions.

- 2003-III-9. In approving subdivision plans, the City shall require developers to offer an optional design to homebuyers whose household has one or more disabled person (Time Frame: FY 03-04 through FY 08-09).

Status: Not completed

- 2003-III-10. The City shall apply for Community Development Block Grant funds to analyze City development regulations for compliance with the Fair Housing Act and the Americans with Disabilities Act and for consistency with any proposed City ordinance setting forth procedures for requesting reasonable accommodations for disabled persons (Time Frame: FY 04-05).

Status: The City currently receives CDBG funding through the Stanislaus County CDBG Consortium and requires that CDBG funded projects follow all ADA requirements.

- 2003-III-11. The City shall amend its Municipal Code to create a procedure wherein persons with disabilities seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies and procedures (Time Frame: FY 03-04 through FY 08-09).

Status: Not Completed

- 2003-III-12. The City shall work with local nonprofit housing developers to prepare development programs for affordable housing on vacant sites identified in this Housing Element and to provide technical assistance. In August 2004, the City shall assist in the preparation of an application for state funds from the Multifamily Housing Program, which has increased funds available due to the passage of Proposition 46. (Time Frame: FY 04-05).

Status: In 2008, the City of Newman facilitated the development of Newman Family Apartments, a 72-unit affordable housing project being developed by the Corporation for Better Housing (Sherman Oaks)

- 2003-III-13. The City shall continue to support Self-Help Enterprises' housing rehabilitation program with local, state, and federal funding sources as available for the rehabilitation of housing for very-low and low income households. [see III-13, III-14, and III-15] (Time Frame: FY 03-04 through FY 08-09).

Status: Completed, funding through/for Self-Help Enterprises ended in FY 06/07.

- 2003-III-14. The City shall continue to post and distribute information on currently available weatherization and energy conservation programs (Time Frame: FY 03-04 through FY 08-09).

Status: Policy is in effect, any information that the City receives will be made available to the public.

- 2003-III-15. The City shall continue to enforce state requirements, including Title 24 requirements, for energy conservation in new residential projects (Time Frame: FY 03-04 through FY 08-09).

Status: Completed, the Newman 2030 General Plan identifies this requirement.

- 2003-III-16. The City shall monitor the status of subsidized housing projects at risk of conversion to market-rate housing. If a Notice of Intent or Plan of Action pursuant to the Low Income Housing Preservation and Resident Homeownership Act of 1990 is filed, the City shall actively participate in obtaining financial assistance to preserve such units (Time Frame: FY 03-04 through FY 08-09).

Status: Policy is in effect, no activities have triggered City action.

- 2003-III-17. The City shall continue to promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, or color. To this end, the City shall continue to disseminate information on fair housing, whereby the City publicizes the complaint referral process through the local media, schools, libraries, post office, housing advocacy groups, or other appropriate institutions and organizations. This information shall be provided in both Spanish and English. (Time Frame: FY 03-04 through FY 08-09).

Status: The City shall continue to promote fair housing

- 2003-III-18. The City shall provide information to developers to help them become aware of the 2001-08 Fair Share Housing Allocation in Newman and to encourage the provision of housing affordable for lower-income households and in particular, units for large families. The information shall include a summary of adopted density bonus provisions which assists in increasing densities and development incentives

available when affordable units are provided. In addition, the City shall revise its density bonus ordinance (Chapter 5.14 NMC) to offer an additional five percent density bonus (from 25% to 30%) for qualified housing projects where 25 percent of the required affordable units have three or more bedrooms (Time Frame: FY 03-04 through FY 08-09).

Status: Incentive information is available to developers; however, the NMC has not been revised.

- 2003-III-19. In conjunction with the Stanislaus County Affordable Housing Corporation (STANCO) and local lenders, City of Newman Redevelopment Agency shall continue to support the Down Payment Assistance Program that has been established to assist very low, low and moderate income households in purchasing a home within the City of Newman (Time Frame: FY 03-04 through FY 08-09).

Status: As applicable funding is available, the City shall continue providing a down payment assistance program.

- 2003-III-20. The Newman Redevelopment Agency shall offer relocation assistance to assist in the development of underutilized high-density residential sites that receive Redevelopment Agency assistance (Time Frame: FY 03-04 through FY 08-09).

Status: This policy is in effect, but there have been no applicable projects since 2003.

- 2003-III-21. The City of Newman shall work with the Housing Authority and Non-Profit housing developers to obtain funding for farmworker housing through the Joe Serna Jr. Farmworker Housing Grant Program (Time Frame: FY 03-04 through FY 08-09).

Status: Not Completed

Appendix B: Special Housing Requirements

In addition to requiring each city and county adopt a housing element, the California Legislature has enacted some very specific requirements to ensure that local regulatory procedures do not constrain housing development. This chapter summarizes these special housing mandates.

Second Units and Density Bonuses (§ 65583.1 and § 65852.2 – AB 1866 of 2002)

The Planning and Zoning Law permits the Department of Housing and Community Development to allow a city or county to identify adequate sites by a variety of methods. This new law authorized HCD to also allow a city or county to identify sites for 2nd units based upon relevant factors, including the number of 2nd units developed in the prior housing element planning period.

The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of 2nd units on parcels zoned for a primary single-family and multifamily residence, as prescribed. This new law requires, when a local agency receives its first application on or after July 1, 2003, that the application shall be considered ministerially without discretionary review or hearing, notwithstanding other laws that regulate the issuance of variances or special use permits. The new law also authorizes a local agency to charge a fee to reimburse the agency for costs it incurs as a result of these provisions.

The Planning and Zoning Law also requires, when a developer of housing proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with incentives or concessions for the production of lower income housing units within the development if the developer meets specified requirements. Existing law requires the local government to establish procedures for carrying out these provisions. This new law revises those provisions to refer to an applicant who proposes a housing development and would recast them to, among other things, revise criteria for making written findings that a concession or incentive is not required, add criteria for continued affordability of housing in a condominium project, authorize an applicant to request a meeting on its proposal for a specific density bonus, incentive, or concession or for the waiver or reduction of development standards, and exempt developments meeting certain affordability criteria from specified laws. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

The new law also authorizes an applicant to initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession in violation of

these provisions, and would require the court to award the plaintiff reasonable attorney's fees and costs of suit. It would authorize a local agency to charge a fee to reimburse it for costs that it incurs as a result of these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This new law provides that no reimbursement is required by this act for a specified reason.

Provisions to Provide Flexibility in Identifying Adequate Sites

Housing element law requires an identification of sites to facilitate the development of housing commensurate with the jurisdiction's share of the regional housing need for all income levels. Where sufficient sites have not been identified, the element must include a program to provide the necessary sites. Chapter 796, by adding Government Code §65583.1(c), provides alternative program options to address the adequate sites requirement. Specifically, local governments may meet up to 25 percent of their site requirement by substituting existing units which will be made available or preserved through the provision of committed assistance to low and very-low-income households at affordable housing costs or affordable rents. To use this provision of the law, the housing element must include a program to do all of the following:

- Identify the specific, existing source of funds to be used to provide committed assistance and dedicate a portion of the funds for this purpose.
- Describe the number of units to be provided for low- and very low-income households and demonstrate that the amount of funds dedicated is sufficient to provide the units at affordable costs or rent.

Only units to be substantially rehabilitated, converted from non-affordable to affordable by acquisition of the units or the purchase of affordability covenants, or preserved at affordable housing costs by the acquisition of the units or purchase of affordability covenants are eligible, and must be identified in the program description.

Two recent changes in state law have significantly changed how jurisdictions must address adequate sites. In 2004, the State legislature passed AB 2348 (Mullin, 2004), which required more detailed inventory of sites to accommodate projected housing needs and provide greater development and housing element review certainty. The next year, the State legislature passed AB 1233 (Jones, 2005), which required local governments to zone or rezone to for adequate sites

within one-year of update (in addition to new projected need), if the prior element failed to identify or implement adequate sites.

Provision of Services to Affordable Housing Sites

In 2005, the State legislature passed SB 1087 (Flores, 2005), which required closer coordination between local jurisdictions and services providers. The new law:

- Required local governments to IMMEDIATELY forward adopted housing element to water and sewer providers
- Required water and sewer providers to establish specific procedures to grant priority service to housing with units affordable to lower-income households
- Prohibited water and sewer providers from denying or conditioning the approval of, or reducing the amount of service for an application for development that includes housing affordable to lower-income households unless specific written findings are made

Extremely Low Income Housing: (AB 2634 of 2006)

In 2006, the State legislature required quantification and analysis of existing and projected housing needs of extremely low-income households. This new law also required Housing Elements to identify zoning to encourage and facilitate supportive housing and single-room occupancy units.

General Plans and Residential Density: (AB 2292 of 2002)

The Planning and Zoning Law requires a city, county, or a city and county to adopt a general plan that consists of a statement of development policies and a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals, including a land use element that sets forth a statement of the standards of population density and building intensity recommended for districts and other territory covered by the plan. The act also requires that the maximum allowable residential density be consistent with the applicable zoning ordinance and the adopted general plan.

This new law prohibits a city, county, or a city and county, by administrative, quasi-judicial, or legislative action, from reducing, requiring, or permitting the reduction of the residential density for any parcel to a lower residential density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the city, county, or city and county makes written findings supported by

substantial evidence that the reduction is consistent with the adopted general plan, including the housing element, and the jurisdiction's share of the regional housing need, as specified.

The new law also requires, until January 1, 2007, a court to award attorney's fees and costs of suit to specified plaintiffs or petitioners if the court finds that an action of a city, county, or city and county is in violation of these provisions, except as specified.

Disapproval of Low- and Moderate-Income Housing Projects

A local agency shall not disapprove a housing development project affordable to low- or moderate-income households or condition approval in such a manner which renders the project infeasible unless it finds one of the following:

- The jurisdiction has an adopted housing element and the project is not needed to meet its share of the regional housing need for low-income housing;
- The project would have a specific, adverse impact upon the public health or safety which could not be mitigated without rendering the project unaffordable to low- and moderate-income households;
- The denial is required in order to comply with specific state or federal law
- The approval would increase the concentration of lower-income households in a neighborhood that already has a disproportionately high number of lower income households and there is no alternative site on which the project could be developed without rendering the project unaffordable to low- and moderate-income households;
- The project is proposed on land zoned for agriculture or resource preservation which is surrounded on at least two sides by land being used for agriculture or resource preservation;
- The development is inconsistent with the jurisdiction's general plan land use designation, and the jurisdiction has an adopted housing element.

(Government Code §65589.5)

In 2006, the State Legislature passed AB 2511 (Jones, 2006), which amended several sections of general plan and housing laws as follows:

Housing Element Reports

AB 2511 (Jones) put teeth into the obligation of local jurisdictions to annually report to HCD their progress in implementing their housing elements. The bill provided that the deadlines in the statute are mandatory and mandates courts to order jurisdictions that fail to comply to comply within 60 days, and it authorized the court to grant sanctions.

Permit Streamlining

The Permit Streamlining Act requires local approvals of certain affordable housing developments within 90 days rather than the 180 days required for other developments. The law, however, does not specify what constitutes affordable housing. AB 2511 (Jones) clarified that applicants are entitled to the shorter 90 day time period if at least 49 percent of the units are affordable to low and very low income households. In addition, some localities routinely ignore the deadlines in Permit Streamlining Law, and AB 2511 provided that the deadlines in the law are mandatory.

Downzonings

AB 2511 (Jones) made mostly technical, clarifying changes to existing law that required that localities make findings before reducing the density of a proposed development below the zoned density. The bill largely made the law consistent with housing element legislation enacted in 2004.

Discrimination in Planning

Government Code Section 65008 prohibits discrimination by local governments in their planning and zoning activities. AB 2511 (Jones) clarified that the discrimination prohibited by Government Code §65008 is not just discrimination pursuant to zoning and planning law but pursuant to any law.

Land Use Mediation

AB 2511 (Jones) removed the 2006 sunset date on current law providing for a voluntary mediation process for land use cases.

Index of Planning Laws

The Legislature has enacted a number of laws that are intended to streamline the affordable housing approval process and provide incentives for affordable housing production but those laws

are spread throughout the Planning and Zoning laws and may be overlooked by many local governments and other practitioners. AB 2511 (Jones) highlights those laws in one place in Planning and Zoning law, Government Code §65582.1.

Anti-Nimby Law

AB 2511 (Jones) renamed what is popularly known as state “Anti-Nimby” law, the “The Housing Accountability Act,” affirmatively emphasizing the accountability of local governments for their fair share of housing.

Allowing Multi-Family Housing By Right

Where a city's inventory of residential sites does not identify adequate sites to accommodate the need for groups of all household income levels, the Housing Element shall provide for sufficient sites with zoning that permits owner-occupied and rental multi-family residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (*Government Code §65583*).

Emergency Shelters

In 2007, the State legislature passed SB2 (Cedillo, 2007), which clarified and strengthened housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act.

Findings on Housing Limits

Any city or county adopting or amending its general plan in a manner that limits the number of units that may be constructed on an annual basis must make specified findings concerning the efforts it has made to implement its housing element and the public health, safety, and welfare considerations that justify reducing the housing opportunities of the region (*Government Code § 65302.8 and § 65863.6*).

Housing Disapprovals and Reductions

When a proposed housing development complies with applicable local policies and regulations in effect at the time the application is determined to be complete, the local agency may not disapprove the project or reduce its density unless it makes specified findings (*Government Code § 65589.5*).

Solar Energy Systems

Cities and counties may not enact zoning provisions that effectively prohibit or unnecessarily restrict the use of solar energy systems, except for the protection of public health or safety. Allowable "reasonable restrictions" include those that do not significantly increase the cost of the solar system or significantly decrease its efficiency and those that allow for an alternative system of comparable cost and efficiency (*Government Code § 65850.5*).

Secondary Residential Units

To encourage establishment of secondary units on existing developed lots, cities and counties are required to either (1) adopt an ordinance based on standards set out in the law authorizing creation of second units in residentially zoned areas; or (2) where no ordinance has been adopted, allow second units by use permit if they meet standards set out in the law. Local governments are precluded from totally prohibiting second units in residentially zoned areas unless they make specific findings (*Government Code § 65852.2*).

Mobilehomes in Single-Family Zones

Cities and counties shall allow the installation of mobilehomes on permanent foundations on lots zoned for conventional single-family dwellings. Cities and counties shall only subject mobilehomes to the same development standards that apply to single-family dwellings. Any architectural requirements, however, shall be limited to roof overhang, roofing material, and siding material and shall not exceed those which would be required of a single-family dwelling constructed on the same lot. Any area considered to be of special historical interest may be exempted from this provision (*Government Code § 65852.3*).

Mobilehome Parks

Health and Safety Code § 18300 preempts local authority to regulate mobilehome parks except in regards to a very limited set of powers, and vests the responsibility with the California Department of Housing and Community Development. Local authorities can assume responsibility for enforcement of regulations from the department upon 30 days written notice to the department. Whether or not the local authority assumes enforcement powers from the state, it retains the power to:

- Establish certain zones for mobilehome parks and to prohibit mobilehome parks from non-residential zones;

- Establish types of mobilehome uses including family mobilehome parks, adult mobilehome parks, mobilehome condominiums, mobilehome subdivisions, or mobilehome planned unit developments;
- Adopt rules and regulations prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking;
- Prohibit certain uses for mobilehome parks;
- Regulate the construction and use of equipment and facilities located outside of a mobilehome unit;
- Regulate the density of a mobilehome park provided the density is not less than that allowed for other residential uses within that zone;
- Require recreational facilities, recreational areas, etc., to the extent that such facilities or improvements are required for other types of residential developments containing a like number of residential units.

A mobilehome park is deemed by state law to be a permitted use on all land general planned and zoned for residential use (*Government Code § 65852.7*).

Mobilehome Park Conversions

Any subdivider filing a tentative or parcel map to be created from the conversion of a mobilehome park to another use must prepare and file a report on the impact of the conversion on the displaced mobilehome park residents. The subdivider shall make a copy of the report available to each resident of the mobilehome park at least 15 days prior to the public hearing. The city or county with jurisdiction must consider the impact report at a public hearing and may require as a condition of approval of the conversion that the project sponsor mitigate the impacts of displacement. These provisions also apply when closure of a mobilehome park is the result of a decision by a local government entity or planning agency (*Government Code § 65863.7 and § 66427.4*).

Notification on Mobilehome Park Conversions

A city or county that has received an application for a mobilehome park conversion must notify the applicant at least 30 days prior to any hearing or action of state and local requirements for

applicant notification or mobilehome owners and park residents concerning the proposed change. No action may be taken on the application until the applicant has satisfactorily verified that mobilehome owners and park residents have been properly notified (*Government Code § 65863.8*).

Limitations on Development Permit Fees

Fees charged by local public agencies for zoning changes, variances, use permits, building inspections, building permits subdivision map processing, or other planning services may not exceed the estimated reasonable cost of providing the service for which the fee is charged. Fees may exceed this limit only with a two-thirds vote of the electorate (*Government Code § 54990 and § 65909.5*).

Residential Zoning

Cities and counties must zone a sufficient amount of vacant land for residential use to maintain a balance with land zoned for non-residential use (e.g., commercial and industrial) and to meet the community's projected housing needs as identified in the housing element of the general plan (*Government Code § 65913.1*).

Residential Subdivision Standards

Cities and counties may not impose standards for design and improvement for the purpose of making the development of housing for any and all economic segments of the community infeasible. Furthermore, it shall consider the effect of ordinances adopted and actions taken with respect to the housing needs of the region in which the local jurisdiction is situated (*Government Code § 65913.2*).

Coordinated Permit Processing

Each city and county must designate a single administrative entity to coordinate the review and decision making and provision of information regarding the status of all applications and permits for residential, commercial, and industrial developments (*Government Code § 65913.3*).

Density Bonuses

When a developer agrees to construct at least 20 percent of the total units in a housing development for lower income households, 10 percent of the total units for very low income households, or 50 percent of the total units for qualifying senior citizens, the city or county must

either grant a density bonus and at least one other concession or incentive, or provide other incentives of equivalent financial value. The developer must agree to ensure continued affordability for all lower income units for 30 years (10 years under particular circumstances). The density bonus must increase by at least 25 percent the other maximum allowable density specified by the zoning ordinance and the land use element of the general plan. Each city or county must set up procedures for carrying out these provisions (*Government Code § 65913.4 and § 65915*).

Density Bonuses for Condominium Conversions

When a developer proposing to convert apartments to condominiums agrees to provide at least 33 percent of the total units in the proposed condominium project for low or moderate income households, at least 15 percent of the total units for lower income households, the city or county must either grant a density bonus or provide other incentives of equivalent financial value. The density bonus must increase by at least 25 percent over the number of apartments to be provided within the existing structure proposed for conversion (*Government Code § 65915.5*).

CEQA and Density Reductions

Cities and counties may deny or reduce the density set forth by the general plan for a housing project only as a mitigation measure for a specific adverse impact upon public health or safety pursuant to the California Environmental Quality Act and only when there is no other feasible mitigation that would achieve comparable density results (*Public Resources Code § 21085*).

Residential Energy Conservation

Cities and counties are required to adopt energy conservation standards for new residential dwellings (excluding apartment houses with four or more stories and hotels); (*Public Resources Code § 25402.1*).

Redevelopment Replacement Housing

Every redevelopment plan must contain provisions that provide replacement housing on a "one-for-one" basis for low and moderate income persons displaced by redevelopment activity within four years of demolition (*Health and Safety Code § 33413(a)*).

Redevelopment Inclusionary Housing

Redevelopment agencies that develop affordable housing must develop at least 30 percent of all new or rehabilitated dwelling units to be affordable to low- and moderate-income families, at

least half of which must be for, and occupied by, very low-income households (*Health and Safety Code § 33413(b)(1)*).

Redevelopment agencies must ensure that at least 15 percent of all new or rehabilitated dwelling units privately developed in a redevelopment project area will be affordable to low- and moderate-income households, of which 40 percent must be for, and occupied by, very low-income households (*Health and Safety Code § 33413(b)(2)*).

Conservation of Affordable Housing in Redevelopment Project Areas

Redevelopment agencies must require all affordable units to remain affordable for "the longest feasible time, as determined by the agency, but not less than the period of the land use controls established in the redevelopment plan" (*Health and Safety Code § 33413(c)*).

Redevelopment Agency Funds for Housing

Redevelopment agencies must use at least 20 percent of tax increment revenues generated by a redevelopment project to increase and improve the community's supply of housing for persons of low and moderate income. Certain findings may be made by the agency to set aside less than 20 percent if no need exists for such housing, if less than 20 percent is required to meet the need, or if a substantial effort to meet the needs is being made (*Health and Safety Code § 33334.2*).

Community Care Facilities

A residential facility which serves six or fewer persons shall be considered a residential use of property, and the residents and operators of the facility shall be considered a family. No conditional use permit, zoning variance, or other zoning clearance shall be required which is not required of a family dwelling of the same type in the same zone (*Health and Safety Code § 1566.3 and § 1567.1*).

Community Care Facilities for the Elderly

A residential facility for the elderly which serves six or fewer persons shall be considered a residential use of property, and the residents and operators of the facility shall be considered a family. No conditional use permit, zoning variance, or other zoning clearance shall be required which is not required of a family dwelling of the same type in the same zone (*Health and Safety Code § 1569.84*).

Homes for Mentally Disordered, Handicapped Persons, or Dependent and Neglected Children

A state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered, or otherwise handicapped persons, or dependent and neglected children shall be considered a residential use of property. Such homes shall be a permitted use in all residential zones (*Welfare and Institutions Code § 5116*).

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.b.**
City Council Meeting
of April 14, 2009

**APPROVAL AND SUPPORT OF THE CITY'S APPLICATION FOR GRANT FUNDS UNDER
THE STATE-LEGISLATED SAFE ROUTES TO SCHOOL (SR2S) PROGRAM**

RECOMMENDATION:

Adopt Resolution #2009- Approving and Supporting the City Of Newman's Application for Grant Funds Under the State-Legislated Safe Routes to School (SR2S) Program

BACKGROUND:

With the goal of reducing injuries and fatalities to school children and to encourage increased walking and bicycling among students, the People of the State of California legislated a Safe Routes to School (SR2S) Program through the enactment of AB 1475 and AB 57 in 1999 and 2007 respectively.

The Streets and Highways Code calls for the Department of Transportation (CalTrans), in consultation with the California Highway Patrol (CHP), to make SR2S grants available to local governmental agencies through a statewide competition. This fiscal year, \$24.25 Million Dollars has been identified in the State budget for the SR2S Program.

The City of Newman received a notice announcing this year's funding cycle and has prepared (in conjunction with the School District) a proposed SR2S Project for improvements to the intersection area of Merced St, Inyo Ave, Hoyer and Upper Roads to provide a safe route to and from Yolo Middle School.

On Monday April 6, 2009, the Newman Crows Landing Unified School District School Board unanimously supported the City's grant application and adopted Resolution No. 08-09/22 (attached).

ANALYSIS:

The above-mentioned project area is approximately 800 feet east of Yolo Middle School, has no sidewalks, has poorly visible and non existent pedestrian crosswalks and is known to get very congested during school pick-up and drop-off times. Within the last year, one student was hit by a vehicle.

The City's goal is to make this area safe for pedestrians, bicyclists and motorists alike. To reach this goal, the City has conferred with its engineer and has found that a grant in the amount of \$225,000.00 (in addition to our required match of \$25,000.00) will provide for the construction of traffic calming and pedestrian improvements in that specific area.

FISCAL IMPACT:

Positive, Potential Grant Award of \$225,000.00

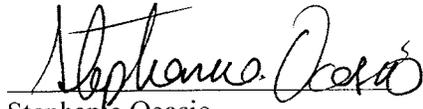
CONCLUSION:

Staff recommends approval and support of the City's 2009 Safe Routes to School Application through adoption of Resolution #2009- .

ATTACHMENTS:

1. Exhibit A – Resolution #2009-
2. Exhibit B - NCLUSD Board Resolution #08-09/22

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

RESOLUTION NO. 2009-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPROVING AND SUPPORTING THE CITY OF NEWMAN'S APPLICATION FOR GRANT FUNDS UNDER THE STATE-LEGISLATED SAFE ROUTES TO SCHOOL (SR2S) PROGRAM

WHEREAS, the People of the State of California have enacted AB 1475 and AB 57 with the goal of reducing injuries and fatalities to school children and to encourage increased walking and bicycling among students; and

WHEREAS, §2333.5 of the Streets and Highways Code calls for the Department of Transportation (CalTrans), in consultation with the California Highway Patrol (CHP), to make grants available to local governmental agencies under the program based upon the results of a statewide competition; and

WHEREAS, \$24.25 Million Dollars in SR2S funds were approved in the FY 2008/2009 State budget; and

WHEREAS, the City of Newman is desirous of obtaining \$225,000.00 in SR2S grant funding for improvements to the Intersection area of Merced St, Inyo Ave, Hoyer and Upper Roads to provide a safe route to and from Yolo Middle School; and

WHEREAS, it is the City's goal is to make the above-mentioned area safe for pedestrians, bicyclists and motorists alike.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves and Supports the City's filing of an application for Grant Funds Under The State-Legislated Safe Routes to School (SR2S) Program; and
2. Certifies that the Applicant has reviewed, understands and agrees to the Provisions contained in the Program Guidelines; and
3. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of April, 2009 by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk

RESOLUTION #08-09/22

A RESOLUTION OF THE NCLUSD SCHOOL BOARD SUPPORTING THE CITY OF NEWMAN'S APPLICATION FOR GRANT FUNDS UNDER THE STATE-LEGISLATED SAFE ROUTES TO SCHOOL (SR2S) PROGRAM

WHEREAS, the People of the State of California have enacted AB 1475 and AB 57 with the goal of reducing injuries and fatalities to school children and to encourage increased walking and bicycling among students; and

WHEREAS, §2333.5 of the Streets and Highways Code calls for the Department of Transportation (CalTrans), in consultation with the California Highway Patrol (CHP), to make grants available to local governmental agencies under the program based upon the results of a statewide competition; and

WHEREAS, \$24.25 Million Dollars in SR2S funds were approved in the FY 2008/2009 State budget; and

WHEREAS, the City of Newman is desirous of obtaining \$225,000.00 in SR2S grant funding for improvements to the Intersection area of Merced St, Inyo Ave, Hoyer and Upper Roads to provide a safe route to and from Yolo Middle School; and

WHEREAS, it is the City's goal is to make the above-mentioned area safe for pedestrians, bicyclists and motorists alike.

NOW, THEREFORE, BE IT RESOLVED that the NCLUSD School Board hereby supports the City's filing of an application for Grant Funds Under The State-Legislated Safe Routes to School (SR2S) Program; and

The foregoing resolution was introduced at a regular meeting of the NCLUSD School Board held on the 6th day of April, 2009 by Board Member Elkinton, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES: Alexander, Elkinton, Solano, Hurst, Conforti
NOES:
ABSENT:

APPROVED:

Rose Lee Hurst

ATTEST:

Rick Fauss

Rick Fauss, Ed.D, Superintendent

I hereby certify that the foregoing resolution is a full, correct and true copy of a resolution passed by the NCLUSD School Board, at a regular meeting held on April 6, 2009 and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED: 4-6-09

Rose Lee Hurst

Honorable Mayor and Members
of the Newman City Council

**ADOPT RESOLUTION #2009- APPROVING A NSP CONTRACT WITH THE STANISLAUS
COUNTY HOUSING AUTHORITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE
SAID CONTRACT**

RECOMMENDATION:

Approval of Resolution #2009- Approving a NSP Contract with the Stanislaus County Housing Authority and Authorizing the City Manager to Execute Said Contract.

BACKGROUND:

Stanislaus County is part of a six-member CDBG/ESG consortium that includes the City of Newman.

As funded under the 2008 Housing and Economic Recovery Act (HERA), the Neighborhood Stabilization Program provides grants to every state to purchase foreclosed/abandoned homes and to rehabilitate/resell/redevelop areas in order to stabilize neighborhoods and stem the decline of home values in these communities.

As a member of the Stanislaus County CDBG Consortia, the City of Newman has been allocated \$1,002,000 (this includes \$45,000 in administration) of NSP monies.

In order to better serve the region and to assist the Consortia as a whole, it has been agreed upon (by the Consortia) to utilize the Stanislaus County Housing Authority for assistance in the home acquisition and rehabilitation process. The scope of work identified in the contract is as follows: To administer the purchase, demolition, rehabilitation, and sale of foreclosed properties throughout the County under the regulations of the Neighborhood Stabilization Plan as approved by the Housing and Economic Recovery Act of 2008. As required by NSP guidelines, the City of Newman must enter into a NSP Contract with the Housing Authority to identify services that will be rendered with NSP monies.

ANALYSIS:

Approval of a NSP Contract with the Stanislaus County Housing Authority will allow the City to be prepared and ready for NSP funding. Upon receipt of said funding, having an authorized contract will assist in preventing delays in implementing Neighborhood Stabilization Act activities within the City.

FISCAL IMPACT:

Positive, the City of Newman is eligible to receive \$1,002,000.00.

CONCLUSION:

Staff recommends Council approval of the NSP Contract with the Stanislaus County Housing Authority.

ATTACHMENTS:

1. Exhibit A - Standard Agreement

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

STANDARD AGREEMENT

Agreement Number _____

1. This Agreement is entered into between the City of Newman and the following named Contractor:
The Housing Authority of Stanislaus County

(If other than an individual, state whether a corporation, partnership, etc.): Corporation

2. The term of this Agreement is: Eighteen Months: April 1st, 2009 until Oct. 31st, 2010

3. The maximum amount of payment based on ___ lump sum, or X time
(\$28,056.00 - billable to Stanislaus County + \$2,004.00 billable to Newman Administration)

4. The parties agree to comply with the terms and conditions of the following exhibits, which by this reference, are made a part of the Agreement:

- (a) Exhibit A -- Standard Contract Conditions (LF 4.01)
- (b) Exhibit B -- Scope of Work

IN WITNESS WHEREOF, the parties have executed this Agreement on

April , 2009
(Date)

CONTRACTOR

Contractor's Name
Housing Authority of Stanislaus County
By (Authorized Signature)

Printed Name and Title of Person Signing
William A. Fagan, Executive Director

94-6003023

Mailing Address
P.O. Box 581918
Modesto, CA 95358-0033

Taxpayer Identification/Social Security No.

CITY OF NEWMAN

By (Authorized Signature)

Printed Name and Title of Person Signing
Michael E. Holland, City Manager

Mailing Address
P.O. Box 787, Newman, CA 95360

Approved for Content:

N
Michael E. Holland, City Clerk

Approved for Form:

N
Tom Hallinan, City Attorney

N
Mike Maier, Deputy City Clerk

EXHIBIT A
STANDARD CONTRACT CONDITIONS
(Long Form 4/5/01)

1. Description of Work.

1.1 Work To Be Performed. The Contractor shall provide work or services as described in the Scope of Work and, if the Contractor has submitted a work proposal, the Contractor shall provide work or services in accordance with that proposal, which shall be attached to and, by this reference, made a part of the Agreement. In the event that any provision or description of work in the Contractor's proposal conflicts or is inconsistent with any similar provision or description of work described in the Scope of Work, the Scope of Work shall prevail, control or otherwise have precedence.

1.2 Contract Manager. Each party shall designate in writing a contract manager who shall be the day-to-day representative for administration of this agreement, and, except as otherwise specifically provided, shall have full authority to act on behalf of the respective party with respect to this Agreement. The City Department Head, or designee, or the City Council, may also perform any and all acts which could be performed by the contract manager under this Agreement.

1.3 Work Schedule. A work schedule for the hours and times for completion of said services and work shall be prepared and implemented by the Contractor; provided, however, that such schedule is subject to review by and concurrence of the City.

1.4 Work Product. All documents, drawings and written work product prepared or produced by the Contractor under this Agreement, including without limitation electronic data files, are the property of the Contractor; provided, however, the City shall have the right to reproduce, publish and use all such work, or any part thereof, in any manner and for any purposes whatsoever and to authorize others to do so. If any such work is copyrightable, the Contractor may copyright the same, except that, as to any work which is copyrighted by the Contractor, the City reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, and use such work, or any part thereof, and to authorize others to do so.

1.5 Compliance with Laws. Services and work provided by the Contractor will be performed in a timely manner in compliance with the requirements and standards established by applicable federal, state and local laws, ordinances, regulations and resolutions.

2. Compensation.

2.1 Lump Sum Payment. If the signature page of the Agreement indicates lump sum payment, then the Contractor shall be compensated for work performed or services provided under the Agreement on a lump sum basis for each task as described in the Scope of Work, or in any proposal submitted by the Contractor, that is attached to and made part of the Agreement, by making periodic or progress payments upon completion of each task or item of work. The City shall retain ten (10) percent of all periodic or progress payments made to the Contractor until completion and acceptance of all work tasks and payment of all subcontractors retained, hired or used by the Contractor

2.2 Time & Materials Payment. If the signature page of the Agreement indicates time and materials payment, then Contractor compensation shall be based on the hours worked by the Contractor and/or the Contractor's employees or subcontractors, multiplied by the applicable rate set forth in the Contractor's current, dated schedule of rates attached hereto and, by this reference, made a part hereof; provided, however, the Consultant will provide the City 30-days notice before any change in the rate schedule takes effect.

2.3 Expenses. In addition to the aforementioned fees, Contractor will be reimbursed for the following expenses, plus any expenses agreed to in writing by the parties, that are reasonable, necessary and actually incurred by the Contractor in connection with providing or performing the work or services under the Agreement.

- (a) Any filing fees, permit fees, or other fees paid or advanced by the Contractor.
- (b) Expenses, fees or charges for printing, reproduction or binding of documents at actual costs.
- (c) The cost of any subcontractors, consultants, experts or investigators retained by the Contractor, provided the City has agreed in writing to reimburse the Contractor for such costs.
- (d) Travel costs, including transportation, lodging and meals, provided the City has agreed in writing to reimburse the Contractor for such costs. Any reimbursement for travel costs shall be subject to and not exceed those amounts paid to the City's employees under the current City Travel Policy.

2.4 Invoices. The Contractor shall provide the City with a monthly or a quarterly statement, as services warrant, of fees earned and costs incurred for services provided during the billing period, which the City shall pay in full within 30 days of the date each invoice is approved by the City. The statement will generally describe the services performed, the applicable rate or rates, the basis for the calculation of fees, and a reasonable itemization of costs. All invoices for services provided shall be forwarded in the same manner and to the same person and address that is provided for service of notices herein.

2.5 Maximum Amount of Contract. The parties hereto acknowledge the maximum amount to be paid by the City for services provided and expenses shall not exceed the amount set forth in Paragraph 3 of the signature page of the Agreement, including, without limitation, the cost of any subcontractors, consultants, experts or investigators retained by the Contractor in the performance of work or services under the Agreement.

2.6 Other Compensation. Contractor shall not be entitled to nor receive compensation in the form of overtime, health insurance benefits, retirement benefits, disability retirement benefits, sick leave, vacation time, paid holidays or other paid leaves of absence of any type or kind whatsoever.

2.7 Taxes. City will not withhold any Federal or State income taxes or Social Security tax from any payments to Contractor. The Contractor, not the City, has the sole responsibility to promptly pay all taxes and other assessments levied on any payments made to the Contractor.

2.8 Payment to Subcontractors and Suppliers. Pursuant to Penal Code section 484b and to Business and Professions Code section 7108.5, the Contractor must apply all funds and progress payments received by the Contractor from the City for payment of services, labor, materials or equipment to pay for such services, labor, materials or equipment. Pursuant to Civil Code section 1479, the Contractor shall direct or otherwise manifest the Contractor's intention and desire that payments made by the Contractor to subcontractors, suppliers and materialmen shall be applied to retire and extinguish the debts or obligations resulting from the performance of this Agreement.

3. Termination. Either party may terminate this agreement upon 30 days prior written notice to the other party. Termination shall not affect the City's obligation to pay for all fees earned and reasonable costs necessarily incurred by the Contractor, subject to any applicable setoffs. This Agreement shall terminate automatically on the occurrence of (a) bankruptcy or insolvency of either party, (b) sale of Contractor's business, (c) cancellation of insurance required under the terms of this Agreement, and (d) if, for any reason, Contractor ceases to be licensed or otherwise authorized to do business in the State of California, and the Contractor fails to remedy such defect or defects within thirty (30) days of receipt of notice of such defect or defects.

4. Licenses, Certificates and Permits. Any licenses, certificates or permits required by the federal, state, county or municipal governments for Contractor to provide the services and work under the Agreement must be procured and maintained in full force and effect during the term of the Agreement at the Contractor's sole cost and expense.

5. Office Space, Supplies, Equipment, Etc. Unless otherwise provided in another exhibit to the Agreement, the Contractor shall provide at its sole cost and expense, all office space, supplies, equipment, vehicles, reference and other written materials, and telephone service as is necessary for Contractor to provide the services under the Agreement.

6. Insurance.

6.1 Required Insurance. Contractor shall take out, and maintain during the life of this Agreement, insurance policies with coverage at least as broad as follows:

(a) General Liability. Comprehensive general liability insurance covering bodily injury, personal injury, property damage, products and completed operations with limits of no less than One Million Dollars (\$1,000,000) per incident or occurrence. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to any act or omission by Contractor under this Agreement or the general aggregate limit shall be twice the required occurrence limit.

(b) Automobile Liability Insurance. If the Contractor or the Contractor's officers, employees, agents, representatives or subcontractors utilize a motor vehicle in performing any of the work or services under this Agreement, owned/non-owned automobile liability insurance providing combined single limits covering bodily injury, property damage and transportation related pollution liability with limits of no less than One Million Dollars (\$1,000,000) per incident or occurrence.

(c) Workers' Compensation Insurance. Workers' Compensation insurance as required by the California Labor Code. In signing this contract, the Contractor certifies under section 1861 of the Labor Code that the Contractor is aware of the provisions of section 3700 of the Labor Code which requires every employer to be insured against liability for workmen's compensation or to undertake self-insurance in accordance with the provisions of that code, and that the Contractor will comply with such provisions before commencing the performance of the work of this Agreement.

(d) Professional Liability Insurance. If professional services are provided under this Agreement, then Contractor shall also maintain professional errors and omissions (malpractice) liability insurance with limits of no less than One Million Dollars (\$1,000,000) aggregate. Such professional liability insurance shall be continued for a period of no less than one year following completion of the Consultant's work under this Agreement.

6.2 Deductibles. Any deductibles, self-insured retentions or named insureds must be declared in writing and approved by City. At the option of the City, either: (a) the insurer shall reduce or eliminate such deductibles, self-insured retentions or named insureds, or (b) the Contractor shall provide a bond, cash, letter of credit, guaranty or other security satisfactory to the City guaranteeing payment of the self-insured retention or deductible and payment of any and all costs, losses, related investigations, claim administration and defense expenses. The City, in its sole discretion, may waive the requirement to reduce or eliminate deductibles or self-insured retentions, in which case, the Contractor agrees that it will be responsible for and pay any self-insured retention or deductible and will pay any and all costs, losses, related investigations, claim administration and defense expenses related to or arising out of the Contractor's defense and indemnification obligations as set forth in this Agreement.

6.3 Additional Insured. The Contractor shall provide a specific endorsement to all required insurance policies, except Workers' Compensation insurance and Professional Liability insurance, if any, naming the City

and its officers, officials and employees as additional insureds regarding: (a) liability arising from or in connection with the performance or omission to perform any term or condition of this Agreement by or on behalf of the Contractor, including the insured's general supervision of the Contractor; (b) services, products and completed operations of the Contractor; (c) premises owned, occupied or used by the Contractor; and (d) automobiles owned, leased, hired or borrowed by the Contractor. The Workers' Compensation insurance carrier shall agree to waive all rights of subrogation against the City and its officers, officials and employees for losses arising from the performance of or the omission to perform any term or condition of this Agreement by the Contractor.

6.4 Primary & Separate Coverage. The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. The Contractor's insurance coverage shall be primary insurance regarding the City and its officers, officials and employees. Any insurance or self-insurance maintained by the City or its officers, officials and employees shall be excess of the Contractor's insurance and shall not contribute with Contractor's insurance.

6.5 Reporting. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City or its officers, officials, employees or volunteers.

6.6 Notice of Cancellation. Each insurance policy required by this section shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party except after thirty (30) days' prior written notice has been given to City. The Contractor shall promptly notify, or cause the insurance carrier to promptly notify, the City of any change in the insurance policy or policies required under this Agreement, including, without limitation, any reduction in coverage or in limits of the required policy or policies.

6.7 Rating. Insurance shall be placed with California admitted insurers (licensed to do business in California) with a current rating by Best's Key Rating Guide acceptable to the City; provided, however, that if no California admitted insurance company provides the required insurance, it is acceptable to provide the required insurance through a United States domiciled carrier that meets the required Best's rating and that is listed on the current List of Eligible Surplus Line Insurers maintained by the California Department of Insurance. A Best's rating of at least A-VII shall be acceptable to the City; lesser ratings must be approved in writing by the City.

6.8 Subcontractors. Contractor shall require all its subcontractors to comply with the insurance and indemnity requirements stated herein, or shall include subcontractors as additional insureds under its insurance policies.

6.9 Proof of Insurance. At least ten (10) days prior to the date the Contractor begins performance of its obligations under this Agreement, Contractor shall furnish City with certificates of insurance and with original endorsements establishing coverage required by this Agreement, including, without limitation, those effecting coverage for subcontractors of the Contractor. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements shall be received and, in City's sole and absolute discretion, approved by City. The City reserves the right to require complete copies of all required insurance policies and endorsements, at any time.

6.10 Insurance Limits. The limits of insurance described herein shall not limit the liability of the Contractor and Contractor's officers, employees, agents, representatives or subcontractors. Contractor's obligation to defend, indemnify and hold the City and its agents, officers and employees harmless under the provisions of this paragraph is not limited to or restricted by any requirement in this Agreement for Contractor to procure and maintain a policy of insurance.

7. Defense and Indemnification. To the fullest extent permitted by law, Contractor shall indemnify, hold harmless and defend the City and its agents, officers and employees from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorneys' fees, arising out of, resulting from, or in connection with the performance of this Agreement by the Contractor or Contractor's

officers, employees, agents, representatives or subcontractors and resulting in or attributable to personal injury, death, or damage or destruction to tangible or intangible property, including the loss of use. The Consultant's obligation to indemnify the City for any judgment, decree or arbitration award shall extend only to the percentage of negligence or responsibility of the Contractor in contributing to such damage or loss.

8. Status of Contractor. All acts of Contractor and its officers, employees, agents, representatives, subcontractors relating to the performance of the Agreement, shall be performed as independent contractors and not as agents, officers or employees of City. Except as otherwise expressly provided in the Agreement, Contractor has no authority to bind or incur any obligation on behalf of City or to exercise any rights or power vested in the City. No agent, officer or employee of the City is to be considered an employee of Contractor. It is understood by both Contractor and City that this Agreement shall not be construed or considered under any circumstances to create an employer-employee relationship or a joint venture.

9. Records and Audit. Contractor shall maintain and keep all writings, documents and records prepared or compiled in connection with the performance of this Agreement for a minimum of four (4) years after the termination or completion of this Agreement. Any authorized representative of City shall have access to any such records writings as defined above for the purposes of making audit, evaluation, examination, excerpts and transcripts during the period such records are to be maintained by Contractor.

10. Nondiscrimination. During the performance of this Agreement, Contractor and its officers, employees, agents, representatives or subcontractors shall not unlawfully discriminate in violation of any federal, state or local law, rule or regulation against any employee, applicant for employment or person receiving services under this Agreement because of race, religion, color, national origin, ancestry, physical or mental handicap, medical condition (including genetic characteristics), marital status, age, political affiliation or sex. Contractor and its subcontractors shall comply with all applicable Federal, State and local laws and regulations related to non-discrimination and equal opportunity, including without limitation the City's nondiscrimination policy; the Fair Employment and Housing Act (Government Code, § 12900 et seq.); California Labor Code sections 1101, 1102 and 1102.1; the Federal Civil Rights Act of 1964 (P.L. 88-352), as amended; and all applicable regulations promulgated in the California Code of Regulations or the Code of Federal Regulations.

11. Assignment. City has relied upon the skills, knowledge, experience and training of Contractor and the Contractor's firm, associates and employees as an inducement to enter into this Agreement. Contractor shall not assign or subcontract this Agreement without the express written consent of City. Further, Contractor shall not assign any monies due or to become due under this Agreement without the prior written consent of City.

12. Amendment and Modification. The Agreement may be amended by the mutual written consent of the parties; provided, however, the City may, at any time, without notice to any sureties, by written order designated or indicated to be a "contract modification," make any change in the work to be performed under this Agreement so long as the modified work is within the general scope of work called for by this Agreement, including but not limited to changes in the specifications or in the method, manner or time of performance of work. If the Contractor intends to dispute the change, the Contractor must, within ten (10) days after receipt of a written "contract modification," submit to the City a written statement setting forth the disagreement with the change.

13. Disputes. Any dispute arising under or relating to the terms of the Agreement, or related to performance under the Agreement, shall be decided in writing by the City contract manager. The Contractor shall be furnished a copy of the written decision and the decision shall be final and conclusive unless, within fifteen (15) calendar days from the date of receipt of such copy, the Contractor mails or delivers a written appeal to the Director of the City Department. The decision of the Director, or designee, shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary or so grossly erroneous as necessarily to imply bad faith, or not supported by any substantial evidence. Pending final decision on any dispute, the Contractor shall proceed diligently with the performance of work as directed by the contract manager unless the Contractor has received a notice of termination.

14. Waiver of Default. Waiver of any default by either party to this Agreement shall not be deemed to be waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach, and shall not be construed to be a modification of the terms of this Agreement unless this Agreement is modified as provided below.

15. Notice. Any notice or communication regarding Agreement that a party is required or may desire to make shall be in writing and may be personally served or sent by prepaid first class mail to the respective parties at the address set forth on the signature page of this Agreement. Notice is deemed received upon deposit in the mail.

16. Conflicts. Contractor agrees that it has no interest and shall not acquire any interest direct or indirect which would conflict in any manner or degree with the performance of the work and services under this Agreement.

17. Entire Agreement. The Agreement supersedes any and all other agreements, either oral or in writing, between any of the parties and contains all the agreements between the parties with respect to the subject matter of the Agreement. No other agreement, statement or promise not contained in this Agreement shall be valid or binding.

18. Advice of Attorney. Each party warrants and represents that in executing this Agreement, it has received independent legal advice from its attorneys or the opportunity to seek such advice.

19. Construction. Headings or captions to the provisions of this Agreement are solely for the convenience of the parties, are not part of this Agreement, and shall not be used to interpret or determine the validity of this Agreement. Any ambiguity in this Agreement shall not be construed against the drafter, but rather the terms and provisions hereof shall be given a reasonable interpretation as if both parties had in fact drafted this Agreement.

20. Governing Law and Venue. This Agreement shall be deemed to be made under, and shall be governed by and construed in accordance with, the laws of the State of California. Any action brought to enforce the terms or provisions of this Agreement shall have venue in the County of Stanislaus, State of California.

END OF STANDARD CONDITIONS (LONG FORM)

Exhibit "B"

City of Newman Neighborhood Stabilization Program

SCOPE OF WORK: To administer the purchase, demolition, rehabilitation, and sale of foreclosed properties throughout the City under the regulations of the Neighborhood Stabilization Plan (the "Plan") as approved by the Housing and Economic Recovery Act of 2008 (the "Act").

ALLOCATION:

\$1,002,000

Contractor Services

The Contractor shall provide the following services:

- Secure list of vacant family housing units ("housing units") owned by participating lending institutions as a result of foreclosure.
- Conduct on-site pre-acquisition Housing Quality Standard (HQS) inspections of housing units to assess physical condition and potential costs of rehabilitation costs necessary to restore housing units to saleable condition.
- Evaluate prospects for resale of housing units and make recommendations for acquisition of selected housing units to City.
- Negotiate with seller for the purchase of housing units.
- Provide or engage the services of a title company selected by Contractor to produce all documents, services and requirements necessary for the purchase and closing of selected housing units, with title to vest in Contractor.
- Obtain and maintain title and all risk liability insurance coverage for all acquired housing units until resale of housing units by the Contractor.
- Assess housing unit needs for upgrades and develop Scope-of-Work plans for rehabilitation or rebuilding housing units.
- Conduct contractor-bidding process for rehabilitation services.
- Award contracts and track project rehabilitation progress through completion.
- Determine, in the Contractor's sole and absolute discretion, which housing units acquired by the Contractor are suitable for retention as affordable rental units to be owned and operated by Contractor.
- Market housing units for resale to qualified buyers.
- Coordinate with City for the use of Down Payment Assistance funds, or any other funding available, to assist in qualifying buyers for the sale of housing units.
- Establish and maintain a list of interested buyers in the purchase of homes through the City programs
- Prepare and maintain files for all housing units acquired with Plan funds. These files shall include all documents and information relative to rehabilitation work to

the housing units. These files shall be current, complete records, including, but not limited to, contracts, source documents supporting accounting transactions, personnel and payroll records, cancelled checks and related documents and records to assure proper accounting of funds and performance of this contract in accordance with the Plan and/or City regulations.

- The Contractor will cooperate in the preparation of, and will furnish any and all information required for reports to be prepared as may be required by the Plan and/or City requirements including, but not limited to the Consolidated Plan, the annual performance report and any quarterly reports required by the City.
- The Contractor agrees to comply will all requirements which are now or which may hereafter be imposed by HUD for the Plan.
- The Contractor shall assist the City with conducting the environmental review of any projects assisted through this contract in compliance with the National Environmental Protection Act and 24 CFR 58. A copy of any such review shall be retained by the City for City's review, approval and formal acceptance.

COMPENSATION:

The Contractor shall be compensated in the total amount not to exceed \$30,060.00 (the maximum contract amount) for the services provided under this agreement as follows:

Contractor will receive 2.8% per contract for administration fees in an amount not to exceed \$28,056.00 of the maximum contract amount.

In addition the Contractor shall be compensated for marketing expenses and related cost associated with processing the acquisition, rehabilitation and resale of housing units in an amount not to exceed \$2,004.00. The Contractor shall request reimbursements of incidental expenditures and cost within fifteen (15) days of the expenditure. Allowable cost will be determined through City and Contractor agreement. In the case of a known large expense, the Contractor may request, in writing, from the City an advance of the necessary amount of the funds, which will be expended within three (3) days. The amount of each request shall be limited to the amount needed.

The Contractor shall be compensated at the rate of ten dollars (\$10.00) for each monthly loan payment processed.

The Contractor shall, no less than monthly, submit a written invoice identifying the name of the individual performing services, the date the services were performed, a description of the services, and the total cost of the services. Any requests for payment of reimbursable expenses shall be itemized on the invoice. The City shall pay the Contractor within thirty (30) days of the receipt of the invoice.

Honorable Chair and Members
of the Newman Redevelopment

**AUTHORIZE A BUDGET ADJUSTMENT OF \$25,000.00 FOR DEMOLITION
COSTS OF THE REMAINING STRUCTURES AT HOWARD B. HILL PARK SITE**

RECOMMENDATION:

It is recommended that the Redevelopment Agency authorize a budget adjustment of \$25,000.00 for demolition costs for the remaining structures at Howard B. Hill Park site.

BACKGROUND:

The City of Newman has started the first phase for the Howard B. Hill Park which is slated to begin construction this month. There are existing structures remaining on the site that need to be removed. These structures include an old farm house, pool, and associated accessory structures. The City has received a quote from Modesto Sand and Gravel for \$18,000.00 for demolition and removal of the remaining structures; and is estimating approximately \$7,000.00 necessary for permits, inspections for asbestos, and costs for removal of asbestos if found during inspection.

ANALYSIS:

A proposal has been submitted for demolition of the existing structures for \$18,000.00 from Modesto Sand and Gravel, and staff is estimating an additional cost of approximately \$7,000.00 for permits, inspections, and asbestos removal (if necessary) for a total estimated cost of \$25,000.00. The Public Works Director has reviewed the proposal and has found the proposal to be in proper order.

The City has \$25,000.00 available in the Redevelopment Agency Fund to move forward with this proposal.

FISCAL IMPACT:

Estimated cost \$25,000.00 08/09 budget amendment \$25,000.00

CONCLUSION:

The first phase of Howard B. Hill Park is underway. However, there are remaining structures on the site that need to be removed for the next phases. Public Works has received a proposal for \$18,000.00 for demolition of the structures, and estimates an addition cost of \$7,000.00 for permits, inspections, and asbestos removal (if necessary). Staff recommends a budget amendment from the Redevelopment Agency in the amount of \$25,000.00 to cover the costs for this project.

Respectfully submitted,



Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

Honorable Chair and Members
of the Newman Redevelopment

**AUTHORIZE A BUDGET ADJUSTMENT OF \$18,000.00 FOR REMOVAL AND
REPLACEMENT OF THE SIDEWALK AND PARKWAY STRIP ON "R" STREET**

RECOMMENDATION:

It is recommended that the Redevelopment Agency authorize a budget adjustment of \$18,000.00 for removal and replacement of the sidewalk and parkway strip on R Street fronting the FDES Hall.

BACKGROUND:

The FDES Hall located on the northwest corner of Fresno Street and R Street is currently being renovated and upgraded. For public health and safety it is recommended the sidewalk and parkway area fronting on R Street be removed and replaced due to a large number of people using the facility throughout the year. In addition, this project will enhance the neighborhood in connection with the renovation of the FDES Hall. The sidewalk and parkway fronting on Fresno Street is scheduled to be removed and replaced next fiscal year as part of the CDBG funding program. The sidewalk and parkway fronting the facility on R Street is not eligible this fiscal year or next through CDBG funding.

ANALYSIS:

The Public Works Department has secured bids for removal and replacement of sidewalk in various locations throughout the City. Based on the lowest bid, the estimate for this project is \$18,000.00. The low bidder for the sidewalk removal and replacement program is a local company – Westside Landscape.

The City has \$18,000.00 available in the Redevelopment Agency Fund to move forward with this proposal.

FISCAL IMPACT:

Estimated cost \$18,000.00 08/09 budget amendment \$18,000.00

CONCLUSION:

The FDES Hall is currently being renovated and upgraded. The sidewalk and parkway areas are in need of removal and replacement for public health and safety reasons. In addition, this project will enhance the neighborhood. Staff recommends a budget amendment from the Redevelopment Agency in the amount of \$18,000.00 to cover the costs for this project.

Respectfully submitted,



Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager