



AGENDA
NEWMAN CITY COUNCIL
SPECIAL MEETING JUNE 14, 2016
CITY COUNCIL CHAMBERS, 5:30 P.M., 938 FRESNO STREET

1. Call To Order.
2. Roll Call.
3. Items from the Public - Non-Agenda Items.
4. Workshop - Review 2016/2017 Fiscal Year Budget. . [\(View Report\)](#)
[\(View Preliminary Budget\)](#)
5. Adjournment.



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING JUNE 14, 2016
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO 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 – Disability Awareness Month. ([View Proclamation](#))
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. . ([View Warrant Register](#))
 - c. Approval Of Minutes Of The May 24, 2016 Meeting. ([View Minutes](#))
 - d. Approval Of The HOME Sub-Recipient Agreement For Fiscal Year 2016-2017. ([View Report](#))
 - e. Adopt Resolution No. 2016- , A Resolution Requesting That The Board Of Supervisors Of Stanislaus County Consolidate The November 8, 2016 City Of Newman Municipal Election With The Presidential General Election To Be Held On The Same Date. ([View Report](#))
 - f. Approve Request For Subsidy From County Of Stanislaus Board Of Supervisors For Fire Dispatch Services For Year 2016-2017. ([View Report](#))
 - g. Adopt Resolution No. 2016- , Authorizing The City Manager, Or His Designee To Apply For Funding From The California Beverage Container Grant Payment Program And To Execute All Necessary Documents. ([View Report](#))
 - h. Approve Letter Of Support For Countywide Marijuana Measure. ([View Report](#))
 - i. Adopt Resolution No. 2016- , Approving The Fiscal Year 2016-2017 CDBG Subrecipient Agreement With Stanislaus County. ([View Report](#))
9. **Public Hearings**
 - a. Adopt Resolution No. 2016- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4. ([View Report](#))
 - b. Adopt Resolution No. 2016- , A Resolution Of The City Council Of The City Of Newman, California, Establishing The Formation Of A Community Facilities District - City Of Newman Community Facilities District No. 2016-1 (Community Pool). ([View Report](#))

- c. Adopt Resolution No. 2016- , A Resolution Of The City Council Of The City Of Newman, California Determining Necessity To Incur Bonded Indebtedness City Of Newman Community Facilities District No. 2016-1 (Community Pool). ([View Report](#))
- d. First Reading And Introduction Of Ordinance No. 2016- , An Ordinance Approving The Third Amendment To The Sherman Development Agreement. ([View Report](#))

10. Regular Business

- a. Report On 2016 Fall Festival. ([View Report](#))
- b. Approve Fiscal Year 2016-2017 Annual Budget As Presented In The Preliminary Budget Document ([View Report](#))
 - I. Adopt Resolution No. 2016- , A Resolution Adopting The Budget For Fiscal Year 2016-2017.
 - II. Adopt Resolution No. 2016- , A Resolution Establishing The Appropriations Limit For Fiscal Year 2016-2017.
- c. Adopt Resolution No. 2016- , A Resolution Of The City Council Of The City Of Newman, California Calling A Special Election To Be Held On November 8, 2016, With The Presidential General Election To Be Held On The Same Date Pursuant To §10403 Of The Elections Code - City Of Newman Community Facilities District No. 2016-1 (Community Pool). ([View Report](#))
- d. Adopt Resolution No. 2016- , Approving The Stanislaus County Transportation Expenditure Plan. ([View Report](#))

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

June 11 - Outdoor Movie Night - *Finding Nemo* - Sherman Park - 8:00 P.M.

June 14 - City Council Budget Workshop - 5:30 P.M.

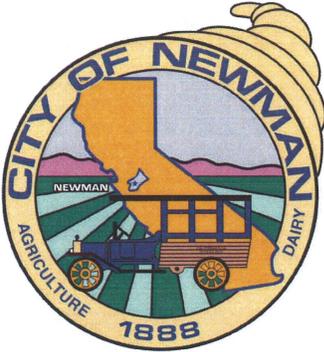
June 14 - City Council - 7:00 P.M.

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

June 19 - Father's Day.

June 26 - Comforting Kids Car Show - Pioneer Park - 9:00 A.M. - 4:00 P.M.

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



**City of Newman
City Manager's Office
Memorandum**

Date: June 8, 2016

To: Mayor and City Council

From: Michael E. Holland

Subject: Special Budget Workshop @ 5:30 p.m.

A workshop has been scheduled for 5:30 p.m. so that staff can present the City's 2016/2017 budget. Staff is preparing a PowerPoint presentation outlining projected revenues and the anticipated expenditures. The preliminary budget was handed out to the Council on May 24th and approval of this item has been placed on the agenda for Council consideration. Should the Council elect to modify the budget, approval can be moved to the June 28th regularly scheduled Council Meeting. ([View Preliminary Budget](#))

Proclamation

of the Mayor of the City of Newman

WHEREAS, the City Council of the City of Newman have recognized healthy communities as a priority; and

WHEREAS, disabilities can affect all people, regardless of race, age, gender, or social status and the essence of life is not embodied by physical or mental perfection, but is an integral part of the human spirit; and

WHEREAS, increasing public awareness about diverse abilities is vital to fighting the stigma and discrimination that often serve as a barrier to employment, socialization, and individual well-being; and

WHEREAS, there are an estimated 4,050,631 people with disabilities in the State of California, and over 68,840 people over the age of 5 with disabilities in Stanislaus County; and

WHEREAS, within the next year, at least one out of eight Californians will experience a disability personally or through a family member; and

WHEREAS, the City of Newman wants to celebrate and recognize people with different abilities; and,

WHEREAS, people with different abilities are independent, productive, and part of the community; and,

WHEREAS, education, understanding, access engagement, and relationships are important components of a connected, livable, and healthy community; and,

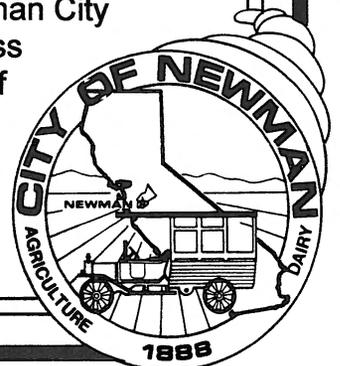
WHEREAS, communities thrive when residents appreciate the unique gifts inside people of all abilities; and,

WHEREAS, by developing relationships with our neighbors, we make our community a place where everyone participates and is a valued member; and,

WHEREAS, the Society for Disabilities will commemorate June 2016, and each June hereafter, as *Disability Awareness Month*.

NOW, THEREFORE, I Bob Martina, Mayor, on behalf of the Newman City Council, do hereby proclaim the month of June as Disability Awareness Month in the City of Newman and urge all citizens to become aware of the needs and capabilities of persons with disabilities.

Signed _____





Manual Check Register May 31, 2016

Vendor No	Vendor	Fund-Dept-Acct	Amount	Check Number	Check Date	Description
BUS05	BUSINESS CARD	10-45-6724	\$ 121.42	109424	5/31/2016	Supplies for Movie Night
BUS05	BUSINESS CARD	10-45-6739	\$ 449.07	109424	5/31/2016	Supplies for Teen Center snack bar
BUS05	BUSINESS CARD	10-45-6722	\$ 532.16	109424	5/31/2016	Supplies for summer youth programs
BUS05	BUSINESS CARD	10-07-7105	\$ 206.57	109424	5/31/2016	Supplies for teen center building maintenance
BUS05	BUSINESS CARD	10-06-6690	\$ 41.70	109424	5/31/2016	Meals-HUD survey day
BUS05	BUSINESS CARD	10-03-6690	\$ 4.00	109424	5/31/2016	Parking-Election training/Maier
BUS05	BUSINESS CARD	10-21-6200	\$ 10.00	109424	5/31/2016	ScheduleBase 4-19-16 to 5-19-16
BUS05	BUSINESS CARD	10-21-6530	\$ 753.18	109424	5/31/2016	Car washes/replaced throttle body assembly
BUS05	BUSINESS CARD	10-21-6620	\$ 431.35	109424	5/31/2016	Supplies for neighborhood barbeque
			\$ 2,549.45	109424 Total		
HOM01	Home Depot USA, Inc Store 1001	17-44-7521	\$ 552.64	109410	5/20/2016	Lumber/weed preventor/stain/cement for dog park
			\$ 552.64	109410 Total		
RAB01	Rabobank	63-56-6120	\$ 1,500.00	109411	5/20/2016	2nd half of HSA Deposit/Rory Rocha
			\$ 1,500.00	109411 Total		
			\$ 4,602.09	Grand Total		



ACH Register for Council May 31, 2016

Vendor	Account No	Invoice No.	Description	Amount	Check date	ACH Check
SJVA	SJV01	Jun-16	Health insurance premium/June 2016	\$ 16,445.57	5/31/2016	TRUE
				\$ 16,445.57	5/31/2016 Total	
				\$ 16,445.57	Grand Total	



Void Check Register

June 01, 2016

Verndor No	Vendor Name	Account	Invoice	Description	Amount	Check Number	Check Date	Selected for Void
HOL03	Holiday Inn Express	10-21-6695	05-04-16	Lodging/SAC training/Short	\$ 525.63	109309	5/6/2016	TRUE
					\$ 525.63	109309 Total		
SOU01	South Bay Regional PSTC	10-21-6695	05-01-16	Registration POST FTO-Sacramento/Short	\$ 75.00	109252	4/22/2016	TRUE
					\$ 75.00	109252 Total		
					\$ 600.63	Grand Total		



AP Check Register June 10, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
Advanced Building Cleaners, Inc.	10-33-6200	\$ 3,634.02	109438	6/10/2016	Power sweeping service/
		\$ 3,634.02	109438 Total		
ALLIANCE	10-01-6620	\$ 100.00	109439	6/10/2016	Retail Lease Trac renewal 2016
		\$ 100.00	109439 Total		
AT&T	10-07-6665	\$ 18.03	109440	6/10/2016	Landline phones 4-13-16 to 5-12-16
AT&T	10-14-6420	\$ 6.62	109440	6/10/2016	Analog line @ city hall for fire alarm 4-13-16 to 5-12-16
AT&T	10-14-6420	\$ 55.48	109440	6/10/2016	Landline phones 4-13-16 to 5-12-16
AT&T	10-21-6200	\$ 208.47	109440	6/10/2016	Circuit line between 1125 Fresno and Oakdale/4-20-16 to 5-19-16
AT&T	10-21-6420	\$ 208.47	109440	6/10/2016	Circuit line @ 1125 Fresno St to Oakdale 3-20-16 to 4-19-16
AT&T	10-21-6420	\$ 19.86	109440	6/10/2016	Landline phones 4-13-16 to 5-12-16
AT&T	60-50-6420	\$ 6.62	109440	6/10/2016	Analog line @ city hall for fire alarm 4-13-16 to 5-12-16
AT&T	60-50-6420	\$ 19.26	109440	6/10/2016	Landline phones 4-13-16 to 5-12-16
AT&T	63-56-6420	\$ 6.63	109440	6/10/2016	Analog line @ city hall for fire alarm 4-13-16 to 5-12-16
AT&T	63-56-6420	\$ 54.41	109440	6/10/2016	Landline phones 4-13-16 to 5-12-16
		\$ 603.85	109440 Total		
AutoZone	60-50-6530	\$ 7.91	109441	6/10/2016	Windshield wash/microfiber cloths
AutoZone	63-56-6530	\$ 7.90	109441	6/10/2016	Windshield wash/microfiber cloths
		\$ 15.81	109441 Total		
Ayala Richard	10-00-5434	\$ 140.00	109442	6/10/2016	Refund of neuter voucher/Richard Ayala
		\$ 140.00	109442 Total		
Baker Supplies and Repairs	10-07-6200	\$ 48.94	109443	6/10/2016	Fuel change/adjust carburetor/serviced unit
Baker Supplies and Repairs	10-33-6300	\$ 399.28	109443	6/10/2016	Pressure washer
Baker Supplies and Repairs	10-44-6200	\$ 66.54	109443	6/10/2016	Blower service kit
Baker Supplies and Repairs	10-44-6200	\$ 48.94	109443	6/10/2016	Fuel change/adjust carburetor/serviced unit
Baker Supplies and Repairs	10-44-6300	\$ 342.25	109443	6/10/2016	Pressure washer
Baker Supplies and Repairs	69-47-6200	\$ 48.95	109443	6/10/2016	Fuel change/adjust carburetor/serviced unit
Baker Supplies and Repairs	69-47-6300	\$ 399.28	109443	6/10/2016	Pressure washer
		\$ 1,354.18	109443 Total		
Bertolotti Newman Disposal, Inc	10-00-5080	\$ (11,725.89)	109444	6/10/2016	Garbage franchise fees/May 2016
Bertolotti Newman Disposal, Inc	10-00-5730	\$ 15,913.71	109444	6/10/2016	Reclass street sweeping fees/May 2016
Bertolotti Newman Disposal, Inc	10-00-5733	\$ (4,187.82)	109444	6/10/2016	Street sweeping fees/May 2016
Bertolotti Newman Disposal, Inc	10-41-6200	\$ 62,817.29	109444	6/10/2016	Garbage contract service/May 2016
		\$ 62,817.29	109444 Total		
Bertolotti Newman Disposal	10-33-6220	\$ 1,043.18	109445	6/10/2016	40 Yard bin dumping @ corp yard/May 2016
		\$ 1,043.18	109445 Total		
Brent Souza Custom Big Bales	60-50-6230	\$ 3,266.00	109446	6/10/2016	Big baling @ WWTP/McPike Ranch 1
		\$ 3,266.00	109446 Total		
CALIFORNIA CONSULTING, LL	10-02-6200	\$ 1,000.00	109447	6/10/2016	Grant writing/Lobbying



AP Check Register June 10, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
CALIFORNIA CONSULTING, LL	60-50-6200	\$ 1,000.00	109447	6/10/2016	Grant writing/Lobbying
CALIFORNIA CONSULTING, LL	63-56-6200	\$ 1,000.00	109447	6/10/2016	Grant writing/Lobbying
		\$ 3,000.00	109447 Total		
Canon Solutions America, Inc.	10-14-6200	\$ 89.71	109448	6/10/2016	Copier maintenance and copy charges 5-1-16 to 5-31-16
Canon Solutions America, Inc.	60-50-6200	\$ 24.93	109448	6/10/2016	Copier maintenance and copy charges 5-1-16 to 5-31-16
Canon Solutions America, Inc.	60-50-6200	\$ 89.70	109448	6/10/2016	Copier maintenance and copy charges 5-1-16 to 5-31-16
Canon Solutions America, Inc.	63-56-6200	\$ 24.93	109448	6/10/2016	Copier maintenance and copy charges 5-1-16 to 5-31-16
Canon Solutions America, Inc.	63-56-6200	\$ 89.70	109448	6/10/2016	Copier maintenance and copy charges 5-1-16 to 5-31-16
		\$ 318.97	109448 Total		
Canon Financial Services, Inc.	10-14-6200	\$ 106.06	109449	6/10/2016	Monthly lease payment on copiers 6-1-16 to 6-30-16
Canon Financial Services, Inc.	10-21-6200	\$ 196.96	109449	6/10/2016	Monthly lease payment on copiers 6-1-16 to 6-30-16
Canon Financial Services, Inc.	60-50-6200	\$ 86.71	109449	6/10/2016	Monthly lease payment on copiers 6-1-16 to 6-30-16
Canon Financial Services, Inc.	60-50-6200	\$ 106.06	109449	6/10/2016	Monthly lease payment on copiers 6-1-16 to 6-30-16
Canon Financial Services, Inc.	63-56-6200	\$ 86.70	109449	6/10/2016	Monthly lease payment on copiers 6-1-16 to 6-30-16
Canon Financial Services, Inc.	63-56-6200	\$ 106.06	109449	6/10/2016	Monthly lease payment on copiers 6-1-16 to 6-30-16
		\$ 688.55	109449 Total		
Candea Nicholas	10-01-6690	\$ 46.17	109450	6/10/2016	Mileage reimbursement/STANCOG meeting/Candea
		\$ 46.17	109450 Total		
CARTER JEFF	68-68-7722	\$ 100.00	109451	6/10/2016	
		\$ 100.00	109451 Total		
CBA (CALIFORNIA BENEFITS)	10-00-1110	\$ 10,000.00	109452	6/10/2016	Dental-vision pre-paid deposit
		\$ 10,000.00	109452 Total		
CBA (ADMIN FEES)	10-00-2261	\$ 247.00	109453	6/10/2016	Dental-vision admin fees/June 2016
		\$ 247.00	109453 Total		
CDW GOVERNMENT, INC	60-50-7105	\$ 475.00	109454	6/10/2016	3 year Barracuda
CDW GOVERNMENT, INC	63-56-7105	\$ 475.00	109454	6/10/2016	3 year Barracuda
		\$ 950.00	109454 Total		
CENTRAL SANITARY SUPPLY	10-07-6300	\$ 19.34	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-07-6300	\$ 21.04	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-07-6300	\$ 8.86	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-07-6665	\$ 9.67	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-07-6665	\$ 10.52	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-07-6665	\$ 4.44	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-21-6300	\$ 19.33	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-21-6300	\$ 21.03	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-21-6300	\$ 8.86	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-22-6300	\$ 9.67	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-22-6300	\$ 10.52	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-22-6300	\$ 4.43	109455	6/10/2016	



AP Check Register June 10, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
CENTRAL SANITARY SUPPLY	10-44-6300	\$ 9.66	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-44-6300	\$ 10.51	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-44-6300	\$ 4.43	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-44-6660	\$ 77.34	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-44-6660	\$ 84.14	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-44-6660	\$ 35.45	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-44-6670	\$ 38.67	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-44-6670	\$ 42.06	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-44-6670	\$ 17.73	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-46-6300	\$ 9.67	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-46-6300	\$ 10.52	109455	6/10/2016	
CENTRAL SANITARY SUPPLY	10-46-6300	\$ 4.43	109455	6/10/2016	
		\$ 492.32	109455 Total		
Churchwell White, LLP	10-15-6200	\$ 1,616.40	109456	6/10/2016	Contract services for Professional Services/April 2016
		\$ 1,616.40	109456 Total		
COELHO CARL J. (CHUCK)	10-22-6690	\$ 50.00	109457	6/10/2016	
		\$ 50.00	109457 Total		
Comcast	10-21-6420	\$ 150.81	109458	6/10/2016	High speed internet at Oakdale/5-21-16 to 6-20-16
		\$ 150.81	109458 Total		
CROP PRODUCTION SERVICES	10-33-6270	\$ 121.75	109459	6/10/2016	25 pair Tyvec coveralls
CROP PRODUCTION SERVICES	60-50-6300	\$ 121.75	109459	6/10/2016	25 pair Tyvec coveralls
CROP PRODUCTION SERVICES	60-50-6300	\$ 1,300.84	109459	6/10/2016	30 gallons Gly Star Plus/20 gallons Amine/4 gallons Activator/WW
		\$ 1,544.34	109459 Total		
CSG Consultants, Inc	10-23-6215	\$ 10,759.76	109460	6/10/2016	Building permit issuances/May 2016
CSG Consultants, Inc	10-23-6215	\$ 3,936.11	109460	6/10/2016	Plan check services/May 2016
CSG Consultants, Inc	10-23-6215	\$ 180.00	109460	6/10/2016	Real estate inspects-2237 Grand Canyon-610 Sweetgum/May 2016
CSG Consultants, Inc	10-23-6243	\$ 25.00	109460	6/10/2016	Business License inspection fee-Nails by Keri/May 2016
		\$ 14,900.87	109460 Total		
Dave's Drain Cleaning & Plumbing	10-07-6200	\$ 85.00	109461	6/10/2016	Repairs to water supply line @ kitchen faucet @ City Hall
Dave's Drain Cleaning & Plumbing	10-07-6200	\$ 125.00	109461	6/10/2016	Worked on backflow at library
		\$ 210.00	109461 Total		
Dust Control by Dennis, LLC	60-50-6200	\$ 2,475.90	109462	6/10/2016	Dust off application @ WWTP
		\$ 2,475.90	109462 Total		
E&M ELECTRIC, INC.	10-33-6300	\$ 68.47	109463	6/10/2016	Sylvania lamps
E&M ELECTRIC, INC.	60-50-6225	\$ 169.83	109463	6/10/2016	APC back-up/Prince Lift Station
E&M ELECTRIC, INC.	60-50-6225	\$ 169.83	109463	6/10/2016	APC back-up/Sherman Ranch Lift Station
E&M ELECTRIC, INC.	60-50-6225	\$ 170.09	109463	6/10/2016	2 FRS fuses
E&M ELECTRIC, INC.	69-47-6200	\$ 346.10	109463	6/10/2016	Prep of mounting of new light poles install @ Sherman Prkwy
		\$ 924.32	109463 Total		



AP Check Register June 10, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
ENVIRO SIGNS, LTD	17-41-6300	\$ 2,550.62	109464	6/10/2016	50% deposit on 5 new enviro poly signs
		\$ 2,550.62	109464 Total		
ENVIRONMENTAL TECHNIQUES	60-50-6300	\$ 3,540.00	109465	6/10/2016	60 ProOxidizer for WWTP
		\$ 3,540.00	109465 Total		
Estrada Magdaleno	10-22-6690	\$ 295.00	109466	6/10/2016	Tuition reimbursement/Leno Estrada/FIRE Prevention 1
		\$ 295.00	109466 Total		
FERGUSON ENTERPRISES, INC 1423	63-56-6300	\$ 73.70	109467	6/10/2016	Seat ring kit for backflow repairs
FERGUSON ENTERPRISES, INC 1423	63-56-6300	\$ 48.90	109467	6/10/2016	100 rubber meter gaskets
FERGUSON ENTERPRISES, INC 1423	63-56-6300	\$ 925.43	109467	6/10/2016	6 FIP ball curb stops/meter resetters
		\$ 1,048.03	109467 Total		
GEORGE W. LOWRY, INC	60-50-6300	\$ 375.44	109468	6/10/2016	55 gallon Exxon hydraulic oil
		\$ 375.44	109468 Total		
Gouveia Engineering, Inc	10-31-6200	\$ 1,258.75	109469	6/10/2016	CNG sweeper professional services
Gouveia Engineering, Inc	10-31-6200	\$ 70.88	109469	6/10/2016	Public Works professional services
Gouveia Engineering, Inc	18-32-7739	\$ 682.50	109469	6/10/2016	Hwy 33/Inyo intersection professional services
Gouveia Engineering, Inc	24-32-7766	\$ 2,008.75	109469	6/10/2016	CNG Fast Fill fueling station professional services
Gouveia Engineering, Inc	42-36-6675	\$ 1,980.00	109469	6/10/2016	Storm Water General Permit professional services
Gouveia Engineering, Inc	60-50-7306	\$ 1,918.22	109469	6/10/2016	M St water & sewer line replacement professional services
Gouveia Engineering, Inc	64-56-6201	\$ 4,419.90	109469	6/10/2016	Urban Water Management Plan professional services
Gouveia Engineering, Inc	64-56-7523	\$ 1,918.22	109469	6/10/2016	M St water & sewer line replacement professional services
		\$ 14,257.22	109469 Total		
Guerrero's Tire and Auto Repair, LLC	10-33-6530	\$ 364.00	109470	6/10/2016	4 new tires for flatbed truck
Guerrero's Tire and Auto Repair, LLC	10-44-6530	\$ 29.00	109470	6/10/2016	1 new inner tube for mower #2
Guerrero's Tire and Auto Repair, LLC	10-44-6530	\$ 182.00	109470	6/10/2016	4 new tires for flatbed truck
Guerrero's Tire and Auto Repair, LLC	63-56-6530	\$ 182.00	109470	6/10/2016	4 new tires for flatbed truck
		\$ 757.00	109470 Total		
Hansford Economic Consulting	60-50-6200	\$ 2,056.25	109471	6/10/2016	Sewer Rate Study/May 2016
		\$ 2,056.25	109471 Total		
HINDERLITER, dELLAMAS & A	10-14-6200	\$ 171.72	109472	6/10/2016	Sales tax audit services/4th quarter 2015
		\$ 171.72	109472 Total		
HUB INTERNATIONAL OF CA I	10-00-2845	\$ 434.70	109473	6/10/2016	Liability insurance payable/May 2016
		\$ 434.70	109473 Total		
IEH-JL Analytical	60-50-6200	\$ 114.00	109474	6/10/2016	Waste water aeration basin testing 5-18-16
IEH-JL Analytical	60-50-6200	\$ 72.00	109474	6/10/2016	Waste water aeration basin testing 5-11-16
		\$ 186.00	109474 Total		
IDEXX LABORATORIES, INC.	63-56-6300	\$ 359.36	109475	6/10/2016	Supplies for water sampling
		\$ 359.36	109475 Total		
INFOSEND, INC	60-50-6200	\$ 938.95	109476	6/10/2016	Utility bill and late notice mailing/April 2016
INFOSEND, INC	60-50-6200	\$ 946.46	109476	6/10/2016	Utility bill and late notice mailing/May 2016



AP Check Register June 10, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
INFOSEND, INC	63-56-6200	\$ 938.95	109476	6/10/2016	Utility bill and late notice mailing/April 2016
INFOSEND, INC	63-56-6200	\$ 946.46	109476	6/10/2016	Utility bill and late notice mailing/May 2016
		\$ 3,770.82	109476 Total		
IRRIGATION DESIGN & CONST	63-56-6300	\$ 35.18	109477	6/10/2016	3 reducer bushings
		\$ 35.18	109477 Total		
JOE'S LANDSCAPING & CONCR	10-33-6270	\$ 185.00	109478	6/10/2016	Weed abatement at 734 Foxglove Ave
JOE'S LANDSCAPING & CONCR	10-33-6270	\$ 875.00	109478	6/10/2016	Weed abatement at 1563 P Street
JOE'S LANDSCAPING & CONCR	10-33-6300	\$ 27.34	109478	6/10/2016	8 risers/4bubblers/4 couplings/4 irrigation part
JOE'S LANDSCAPING & CONCR	17-44-7521	\$ 307.73	109478	6/10/2016	Lawn seed/fertilizer/Rain Bird rotors/Dog park supplies
JOE'S LANDSCAPING & CONCR	24-32-7727	\$ 149.60	109478	6/10/2016	1/2 yard concrete
JOE'S LANDSCAPING & CONCR	69-47-6200	\$ 8,045.00	109478	6/10/2016	Lighting and Landscape District landscape services/May 2016
		\$ 9,589.67	109478 Total		
KAISER PERMANENTE	10-00-2260	\$ 3,307.72	109479	6/10/2016	Health insurance premium/July 2016
		\$ 3,307.72	109479 Total		
Landeros Megan	10-45-6722	\$ 24.88	109480	6/10/2016	Computer Printer fabric/Fit Kids/reimbursed
		\$ 24.88	109480 Total		
M&M Construction	71-21-7505	\$ 14,124.40	109481	6/10/2016	10) 4X8 ft multiple pro kennels
		\$ 14,124.40	109481 Total		
MAYS LANA	10-21-6300	\$ 13.52	109482	6/10/2016	Reimbursement for plastic bags purchased/Mays
		\$ 13.52	109482 Total		
Newman Fall Festival	42-36-6300	\$ 12.50	109483	6/10/2016	2016 Fall Festival booth rent fees
Newman Fall Festival	63-56-6300	\$ 12.50	109483	6/10/2016	2016 Fall Festival booth rent fees
		\$ 25.00	109483 Total		
NEWMAN SMOG AND LUBE	10-21-6530	\$ 60.51	109484	6/10/2016	Lube, oil and oil filter change/2015 Ford Explorer
NEWMAN SMOG AND LUBE	10-21-6530	\$ 51.63	109484	6/10/2016	Lube, oil and oil filter change/2013 Dodge Charger
		\$ 112.14	109484 Total		
NEWMAN ACE HARDWARE/JACT,	10-07-6300	\$ 82.01	109485	6/10/2016	Bleach/dustpan/keys/padlock/flourscent bulbs
NEWMAN ACE HARDWARE/JACT,	10-21-6300	\$ 5.68	109485	6/10/2016	Dish soap/screw hooks
NEWMAN ACE HARDWARE/JACT,	10-21-6308	\$ 9.68	109485	6/10/2016	Johnny cat litter
NEWMAN ACE HARDWARE/JACT,	10-33-6300	\$ 96.85	109485	6/10/2016	Poly tubing/scraper/ear plugs/compression coupler/duct tape
NEWMAN ACE HARDWARE/JACT,	10-44-6300	\$ 177.83	109485	6/10/2016	Drill/wrench/spray head/trimmer line/keys/turf builder/paint rol
NEWMAN ACE HARDWARE/JACT,	10-44-6660	\$ 11.06	109485	6/10/2016	Outdoor bleach/softsoap
NEWMAN ACE HARDWARE/JACT,	10-46-6300	\$ 8.06	109485	6/10/2016	Label tape/corp yard
NEWMAN ACE HARDWARE/JACT,	60-50-6300	\$ 30.14	109485	6/10/2016	Compact drill
NEWMAN ACE HARDWARE/JACT,	63-56-6300	\$ 77.63	109485	6/10/2016	Drill/red safety spray/carwash/misc fastners/bleach/lubricant
NEWMAN ACE HARDWARE/JACT,	69-47-6300	\$ 85.26	109485	6/10/2016	Gloves/flag markers/batteries/primer/coupling
		\$ 584.20	109485 Total		
NFPA	10-22-6300	\$ 124.32	109486	6/10/2016	Fire Safety/hidden hazards/smoke alarm/home fire extinguisher br
		\$ 124.32	109486 Total		



AP Check Register June 10, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
Nino's Auto Repair	10-44-6530	\$ 90.51	109487	6/10/2016	Oil change
Nino's Auto Repair	60-50-6530	\$ 30.17	109487	6/10/2016	Oil change
Nino's Auto Repair	60-50-6530	\$ 31.14	109487	6/10/2016	Oil change/02 Chevy Silverado
Nino's Auto Repair	69-47-6530	\$ 31.15	109487	6/10/2016	Oil change/02 Chevy Silverado
		\$ 182.97	109487 Total		
North Star Engineering Group, Inc	18-32-7739	\$ 1,530.00	109488	6/10/2016	Professional services thru 5-31-16/Inyo & Hwy 33
		\$ 1,530.00	109488 Total		
NORMAC, INC.	10-07-6300	\$ 143.55	109489	6/10/2016	Hunter controller node
NORMAC, INC.	69-47-6300	\$ 26.10	109489	6/10/2016	Hunter controller node
NORMAC, INC.	69-47-6300	\$ 117.45	109489	6/10/2016	Hunter controller node
		\$ 287.10	109489 Total		
O'Dell Engineering	17-44-7521	\$ 1,190.70	109490	6/10/2016	Professional service 4-4-16 to 5-01-16/Newman Skate Park
		\$ 1,190.70	109490 Total		
Office Depot, Inc	60-50-6300	\$ 45.19	109491	6/10/2016	Battery module
		\$ 45.19	109491 Total		
Operating Engineers Public & Misc Employees	10-00-2260	\$ 749.00	109492	6/10/2016	Health insurance premium/July 2016
		\$ 749.00	109492 Total		
OSNER GEORGE	40-06-6245	\$ 588.00	109493	6/10/2016	Invoice for planning services/April 2016/Master Plan Area #3
		\$ 588.00	109493 Total		
OTTMAN FARMS, INC	60-50-6230	\$ 2,487.50	109494	6/10/2016	Alfalfa spraying @ WWTP
		\$ 2,487.50	109494 Total		
Packet Fusion	60-50-6200	\$ 358.96	109495	6/10/2016	Phone/extension & mailbox/3 year contract
		\$ 358.96	109495 Total		
PACIFIC WATER RESOURCES	60-50-6225	\$ 1,196.27	109496	6/10/2016	Vacuum pump/ dome assembly/drain valves/float check valves
		\$ 1,196.27	109496 Total		
CITY OF PATTERSON	10-03-6200	\$ 660.00	109497	6/10/2016	Council meeting video reimbursement/May 2016
		\$ 660.00	109497 Total		
Pete's Auto Repair	10-44-6530	\$ 12.80	109498	6/10/2016	Change engine oil filter/05 Chevy Silverado
Pete's Auto Repair	60-50-6530	\$ 19.20	109498	6/10/2016	Change engine oil filter/05 Chevy Silverado
		\$ 32.00	109498 Total		
P G & E	10-07-6410	\$ 1,530.01	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	10-07-6665	\$ 92.69	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	10-21-6510	\$ 22.45	109499	6/10/2016	Natural gas pumped @ CNG fueling station
P G & E	10-22-6410	\$ 440.62	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	10-33-6410	\$ 5,117.04	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	10-33-6510	\$ 67.32	109499	6/10/2016	Natural gas pumped @ CNG fueling station
P G & E	10-44-6410	\$ 924.26	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	10-44-6510	\$ 44.88	109499	6/10/2016	Natural gas pumped @ CNG fueling station
P G & E	10-44-6660	\$ 325.37	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16



AP Check Register June 10, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
P G & E	10-44-6670	\$ 219.30	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	10-45-6410	\$ 458.65	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	10-46-6410	\$ 291.51	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	60-50-6410	\$ 9,599.50	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	60-50-6510	\$ 22.45	109499	6/10/2016	Natural gas pumped @ CNG fueling station
P G & E	62-60-6411	\$ 377.68	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	62-60-6412	\$ 1,072.25	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	63-56-6410	\$ 12,005.99	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
P G & E	63-56-6510	\$ 22.45	109499	6/10/2016	Natural gas pumped @ CNG fueling station
P G & E	69-47-6410	\$ 3,579.58	109499	6/10/2016	Gas and electric 4-15-16 to 5-15-16
		\$ 36,214.00	109499 Total		
PIONEER DRUG	10-46-6300	\$ 7.84	109500	6/10/2016	Batteries for corp yard
		\$ 7.84	109500 Total		
Quintero Irma	10-00-2840	\$ 300.00	109501	6/10/2016	Partial refund of Memorial Bldg deposit/Quintero
Quintero Irma	10-00-5510	\$ (81.78)	109501	6/10/2016	Partial refund of Memorial Bldg deposit/Quintero
		\$ 218.22	109501 Total		
R-SAFE SPECIALTY	60-50-6300	\$ 104.13	109502	6/10/2016	Over glass specs/nitrile gloves
		\$ 104.13	109502 Total		
Richards Mirna	10-00-2840	\$ 300.00	109503	6/10/2016	Partial refund of Memorial Bldg deposit/Richards
Richards Mirna	10-00-5510	\$ (225.00)	109503	6/10/2016	Partial refund of Memorial Bldg deposit/Richards
		\$ 75.00	109503 Total		
Richter Fence, Inc	63-56-7505	\$ 12,400.00	109504	6/10/2016	Installation of new chain link fence @ 1125 Fresno St
		\$ 12,400.00	109504 Total		
ROCHA BACKHOE SERVICE, IN	10-33-6300	\$ 135.00	109505	6/10/2016	12.35 tons gravel delivered
ROCHA BACKHOE SERVICE, IN	10-33-6300	\$ 700.00	109505	6/10/2016	12.52 tons cold patch blacktop
ROCHA BACKHOE SERVICE, IN	63-56-6300	\$ 135.00	109505	6/10/2016	12.35 tons gravel delivered
ROCHA BACKHOE SERVICE, IN	63-56-6300	\$ 700.00	109505	6/10/2016	12.52 tons cold patch blacktop
		\$ 1,670.00	109505 Total		
SJVAPCD	60-50-6675	\$ 194.00	109506	6/10/2016	Permit to operate 500-gallon gas tank @ WWTP FY 16-17
		\$ 194.00	109506 Total		
Dave Silveira Construction	10-07-6200	\$ 1,875.00	109507	6/10/2016	Repairs to damaged eve @ 938 Fresno St
		\$ 1,875.00	109507 Total		
Solar Integrated Fund III	60-50-6410	\$ 13,447.40	109508	6/10/2016	Solar production period 4-01-16 to 4-30-16
		\$ 13,447.40	109508 Total		
Stanislaus Council of Governments	10-33-6200	\$ 3,015.00	109509	6/10/2016	2015-16 Transportation Expenditure Plan Expense distribution
		\$ 3,015.00	109509 Total		
STAN CNTY CLERK RECORDER	10-00-2630	\$ 15.00	109510	6/10/2016	Release of lien/625 Sweetgum Lane
		\$ 15.00	109510 Total		
STAPLES ADVANTAGE	10-06-6300	\$ 44.90	109511	6/10/2016	Ink cartridges



AP Check Register June 10, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
STAPLES ADVANTAGE	10-06-6300	\$ 17.22	109511	6/10/2016	HP ink cartridge/Magenta
STAPLES ADVANTAGE	60-50-6300	\$ 202.03	109511	6/10/2016	Ink cartridges
STAPLES ADVANTAGE	60-50-6300	\$ 77.49	109511	6/10/2016	HP ink cartridge/Magenta
STAPLES ADVANTAGE	63-56-6300	\$ 202.03	109511	6/10/2016	Ink cartridges
STAPLES ADVANTAGE	63-56-6300	\$ 21.49	109511	6/10/2016	Glade plugins
STAPLES ADVANTAGE	63-56-6300	\$ 77.48	109511	6/10/2016	HP ink cartridge/Magenta
		\$ 642.64	109511 Total		
STANTEC CONSULTING SERVICE, Inc	60-50-6200	\$ 196.00	109512	6/10/2016	Ground Water monitoring/4th quarter 2015
STANTEC CONSULTING SERVICE, Inc	60-50-6200	\$ 1,862.00	109512	6/10/2016	Ground Water monitoring/1st quarter 2016
		\$ 2,058.00	109512 Total		
Sun Valley Portables	69-47-6200	\$ 155.76	109513	6/10/2016	Portable restroom rental-service
		\$ 155.76	109513 Total		
Swank Motion Pictures, Inc	10-45-6724	\$ 528.00	109514	6/10/2016	Movie rental "Finding Nemo" for 6-11-16
		\$ 528.00	109514 Total		
TelePacific Communications	10-14-6420	\$ 85.82	109515	6/10/2016	Telephone service 6-1-16 to 6-30-16/long distance/May 2016
TelePacific Communications	10-21-6420	\$ 169.07	109515	6/10/2016	Telephone service 6-1-16 to 6-30-16/long distance/May 2016
TelePacific Communications	10-45-6420	\$ 85.82	109515	6/10/2016	Telephone service 6-1-16 to 6-30-16/long distance/May 2016
TelePacific Communications	60-50-6420	\$ 85.82	109515	6/10/2016	Telephone service 6-1-16 to 6-30-16/long distance/May 2016
TelePacific Communications	63-56-6420	\$ 85.81	109515	6/10/2016	Telephone service 6-1-16 to 6-30-16/long distance/May 2016
		\$ 512.34	109515 Total		
TOSTA BARBARA J.	10-45-6725	\$ 150.00	109516	6/10/2016	Young @ Heart instructor/May 2016
		\$ 150.00	109516 Total		
True Blue Veterinary Group	10-21-6208	\$ 1,446.37	109517	6/10/2016	Monthly animal contract services/neuters/vaccines/hysterectomy/g
		\$ 1,446.37	109517 Total		
GUTIERREZ FRANK	63-00-2010	\$ 138.20	109518	6/10/2016	Refund Check
		\$ 138.20	109518 Total		
NAVARRO DAN	63-00-2010	\$ 49.99	109519	6/10/2016	Refund Check
		\$ 49.99	109519 Total		
GONZALEZ FERNANDO/LETTY	63-00-2010	\$ 28.76	109520	6/10/2016	Refund Check
		\$ 28.76	109520 Total		
NAVARRO DAN	63-00-2010	\$ 78.38	109521	6/10/2016	Refund Check
		\$ 78.38	109521 Total		
TERRY CANDICE	63-00-2010	\$ 92.34	109522	6/10/2016	Refund Check
		\$ 92.34	109522 Total		
UNIVAR USA, INC	63-56-6300	\$ 180.89	109523	6/10/2016	70 gals sodium hypochlorite delivered well #6
UNIVAR USA, INC	63-56-6300	\$ 708.48	109523	6/10/2016	245 gals sodium hypochlorite delivered well #8
		\$ 889.37	109523 Total		
USA BLUEBOOK	63-56-6300	\$ 288.70	109524	6/10/2016	Replacement P10 SS Probe/cable
		\$ 288.70	109524 Total		



AP Check Register June 10, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
Valley Tire Sales	10-21-6530	\$ 1,484.27	109525	6/10/2016	8 Firestone GT Z Pursuit tires/4 Firestone Firehawk tires/PD
		\$ 1,484.27	109525 Total		
VALLEY PARTS SERVICE	10-21-6530	\$ 6.45	109526	6/10/2016	Combo wrench
		\$ 6.45	109526 Total		
VARGAS GEORGE	10-22-6690	\$ 50.00	109527	6/10/2016	Monthly fire stipend/June 2016
		\$ 50.00	109527 Total		
Verizon Wireless	10-21-6420	\$ 380.10	109528	6/10/2016	Mobile broadband 4-19-165 to 5-18-16/PD
		\$ 380.10	109528 Total		
MATTOS NEWSPAPERS, INC.	10-01-6620	\$ 75.00	109529	6/10/2016	Congratulations Sport ad/Spring sports
MATTOS NEWSPAPERS, INC.	10-06-6600	\$ 80.00	109529	6/10/2016	Notice 3rd Admendment to Sherman Ranch development agreement
MATTOS NEWSPAPERS, INC.	10-21-6600	\$ 60.00	109529	6/10/2016	Display ad/Thank you/K-9 Association
MATTOS NEWSPAPERS, INC.	10-22-6300	\$ 53.81	109529	6/10/2016	2 "Mission Statement Posters"/Fire dept
MATTOS NEWSPAPERS, INC.	10-33-6300	\$ 110.26	109529	6/10/2016	Display ad/Bike to Work
MATTOS NEWSPAPERS, INC.	10-33-6300	\$ 52.50	109529	6/10/2016	Display Ad/Bike to Work
MATTOS NEWSPAPERS, INC.	10-33-6300	\$ 105.00	109529	6/10/2016	Display Ad/Bike to Work
MATTOS NEWSPAPERS, INC.	10-45-6600	\$ 39.45	109529	6/10/2016	Display Ad/Movie Night
MATTOS NEWSPAPERS, INC.	63-56-6300	\$ 120.54	109529	6/10/2016	500 business card for Perfecto Millan
MATTOS NEWSPAPERS, INC.	63-56-6600	\$ 252.00	109529	6/10/2016	Display Ad/water conservation/watering schedule
MATTOS NEWSPAPERS, INC.	63-56-6600	\$ 49.00	109529	6/10/2016	2015 Urvan Water Management Plan notice
		\$ 997.56	109529 Total		
Westside Landscape & Concrete	10-33-6300	\$ 34.35	109530	6/10/2016	Tree stakes
Westside Landscape & Concrete	10-33-6300	\$ 72.49	109530	6/10/2016	Tree stakes
Westside Landscape & Concrete	69-47-6200	\$ 9,610.50	109530	6/10/2016	Removal of 13 Willow trees @ Sherman Parkway
		\$ 9,717.34	109530 Total		
WESTSIDE ANIMAL CLINIC	10-21-6208	\$ 97.02	109531	6/10/2016	Euthanasia
		\$ 97.02	109531 Total		
		\$ 266,768.04	Grand Total		



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING MAY 24, 2016
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Martina 7: 00 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Day.
4. **Roll Call - PRESENT:** Graham, Mayor Pro Tem Candea, Day And Mayor Martina.
ABSENT: Davis.
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters.**
 - a. Focus On Prevention Presentation.

Stanislaus County CEO Stan Risen Presented The Focus On Prevention Initiative To The Newman City Council. Risen Explained That The Focus On Prevention Initiative Was Not Only About Improving The Lives Of The Homeless And Trying To Prevent People From Becoming Homeless But Also About Improving The Quality Of Life For All Stanislaus County Residents.

7. **Items from the Public - Non-Agenda Items** – None.

8. **Consent Calendar**

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The May 10, 2016 Meeting.
- d. Adopt Resolution No. 2016-28, A Resolution Of The City Council Of The City Of Newman Approving The Calculation Of The Maximum Garbage Collection Rates Per Prior Contractual Agreement.
- e. Adopt Resolution No. 2016-29, Authorizing The City Manager, Or His Designee To Apply For Funding From The California Beverage Container Grant Payment Program And To Execute All Necessary Documents.

ACTION: On A Motion By Graham Seconded By Candea, The Consent Calendar Was Approved By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

9. **Public Hearings** – None.

10. **Regular Business**

- a. Adopt Resolution No. 2016-30, A Resolution Creating A Retiree Medical Plan Option For Eligible Retirees And Establishing Eligibility Requirements For Participation In The City Of Newman Pre-65 Retiree Medical/Prescription Plan.

ACTION: On Motion By Candea Seconded By Day, Resolution No. 2016-30, A Resolution Creating A Retiree Medical Plan Option For Eligible Retirees And Establishing Eligibility Requirements For Participation In The City Of Newman Pre-65 Retiree Medical/Prescription Plan, Was Adopted By The

Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

b. Report On USDA Emergency Community Water Assistance Grant Application.

I. Adopt Resolution No. 2016-31, USDA Emergency Community Water Assistance Grant Application.

ACTION: On Motion By Graham Seconded By Day, Resolution No. 2016-31, USDA Emergency Community Water Assistance Grant Application, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

II. Adopt Resolution No. 2016-32, USDA Emergency Community Water Assistance Grant Authorization.

ACTION: On Motion By Day Seconded By Graham, Resolution No. 2016-32, USDA Emergency Community Water Assistance Grant Authorization, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

c. Report On The Lighting And Landscape Maintenance District For Fiscal Year 2016-2017.

I. Adopt Resolution No. 2016-33, Approving The Annual Report For The Lighting And Landscape Maintenance District For Fiscal Year 2016-2017.

ACTION: On Motion By Candea Seconded By Day, Resolution No. 2016-33, Approving The Annual Report For The Lighting And Landscape Maintenance District For Fiscal Year 2016-2017, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

II. Adopt Resolution No. 2016-34, Declaring Its Intention To Levy And Collect Assessments For The Lighting And Landscape Maintenance District For Fiscal Year 2016-2017.

ACTION: On Motion By Candea Seconded By Graham, Resolution No. 2016-34, Declaring Its Intention To Levy And Collect Assessments For The Lighting And Landscape Maintenance District For Fiscal Year 2016-2017, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Reminded Everyone That The Next West Side Healthcare Taskforce Meeting Would Take Place In Newman On June 30th And That The Health Summit Was Scheduled For August 25th. DeMartini Noted That The Environmental Impact Report For The Crows Landing Air Base Would Be Publicly Released At The End Of August. He Mentioned That The South County Corridor Project Had Been Narrowed Down To 3 Routes. DeMartini Pointed Out That That According To The Last StanCOG Agenda, The Zacharias Road Interchange Would Cost \$190 Million But That Two Of The Proposed South County Corridor Routes That Include The Zacharias Road Interchange Have Been Estimated To Cost Only \$260 Million. DeMartini Questioned How The Entire Route From Highway 99 To Interstate Five Would Cost \$260 Million While The Three Miles Of The Same Route Near Patterson That Includes The Interchange Cost \$190 Million.

12. Items From The City Manager And Staff.

City Manager Holland Pointed Out That Refuse Rates Were Being Lowered Per Our Agreement With The Refuse Vendor. Holland Mentioned That Another Meeting Regarding Homelessness Had Yet To

Take Place Despite The City's Efforts But Noted That Staff Would Reach Out To The Other Partners Again. He Remarked That The June 14th City Council Meeting Would Have A Full Agenda That Included The 5:30 P.M. Budget Workshop And The Aquatic Center Public Hearing. Holland Reminded Everyone That City Offices Would Be Closed On Monday, May, 30th In Observance Of Memorial Day. He Informed The Council That The City Would Be Hosting An Outdoor Movie Night Event Featuring *Finding Nemo* On June 11th. Holland Concluded By Asking Council Members Candea And Graham To Work With Staff To Schedule A Public Works Subcommittee Meeting To Discuss The New Sewer Rate Study.

Chief Richardson Reported That On May 17th, The Stanislaus County Drug Enforcement Agency Arrested Six People In Connection With A Large Marijuana Farm Outside The City Limits, Near The River. Richardson Noted That The Aforementioned Farm Contained Approximately 19,000 Plants. He Mentioned That The Following Week, Four People Were Arrested After The Stanislaus County Drug Enforcement Agency Confiscated Nearly 800 Marijuana Plants From Three Different Houses. Richardson Concluded By Reminding Everyone That The Police Department Has Pets Available For Adoption.

City Planner Ocasio Provided A Progress Update Regarding The Dog Park Project. Ocasio Noted That The Skate Plaza Project Was Mobilizing And That Project Staking Was Imminent.

Finance Director Humphries Provided The City Council With Copies Of The Preliminary 2016-2017 Budget.

Public Works Director Kim Mentioned That City Of Newman Had Led A Storm Water Training The Previous Week And Noted That The City Was Meeting Its Storm Water Permit Requirements. Kim Reported That The State's Emergency Water Conservation Requirements Would Soon Be Lifted.

Chief Bowen Reported That He Was Recruiting For A New Fire Department Explorer Program And Mentioned That Newman Firefighters Had Assisted With A Fire In Grayson.

13. Items From City Council Members.

Mayor Martina Thanked Everyone For Attending The Council Meeting.

14. Adjournment.

ACTION: On Motion By Day Seconded By Candea And Unanimously Carried, The Meeting Was Adjourned At 7:59 P.M.

APPROVAL OF HOME SUB-RECIPIENT AGREEMENT FOR FISCAL YEAR 2016-2017

RECOMMENDATION:

Authorize the City Manager to execute an agreement with the City of Turlock designating the City of Newman as a Sub-Recipient of HOME Funds for fiscal year 2016-2017.

BACKGROUND:

The City of Newman has been a part of the City of Turlock/Stanislaus County HOME Consortium for the past eleven years. In order to receive HOME funds, the City must be designated as a sub-recipient; this designation is renewed on an annual basis.

ANALYSIS:

This agreement designates the City of Newman as a HOME sub-recipient of HOME funds for the 2016-2017 fiscal year. As a member of the HOME Consortium, the City of Newman has been allocated \$84,609.00 (\$82,109 program, \$2,500 administration) for this fiscal year.

FISCAL IMPACT:

Positive, the City of Newman will benefit from \$84,609.00 in HOME funding.

CONCLUSION:

Staff recommends that the City Council authorize the City Manager to execute said agreement with the City of Turlock.

ATTACHMENTS:

1. Annual Funding Agreement Designating City Of Newman As A Sub-Recipient Of HOME Investment Partnerships Program Funds Through The City Of Turlock/Stanislaus County HOME Consortium Fiscal Year 2016-2017

Respectfully submitted,



Stephanie Ocasio
City Planner

REVIEWED/CONCUR



Michael Holland
City Manager



**ANNUAL FUNDING AGREEMENT
DESIGNATING CITY OF NEWMAN AS A SUB-RECIPIENT OF
HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS THROUGH THE
CITY OF TURLOCK/STANISLAUS COUNTY HOME CONSORTIUM
FISCAL YEAR 2016-2017**

THIS SUBRECIPIENT AGREEMENT is made and entered into this 10th day of May 2016, by and between the **CITY OF TURLOCK**, hereafter called "TURLOCK" and the CITY OF CITY OF NEWMAN, hereinafter called "MEMBER".

W I T N E S S E T H:

WHEREAS, on May 10, 2016, TURLOCK and Stanislaus County ("County"), acting on behalf of the Stanislaus Urban County, entered into an Inter-Governmental Agreement Renewing the Turlock/Stanislaus County HOME Consortium ("Cooperative Agreement") for a period of three years, with the effective dates of October 1, 2016 through September 30, 2019; to qualify for HOME Investment Partnerships Program ("HOME") funds funded through the United States Department of Housing and Urban Development ("HUD"); and

WHEREAS, members of the Turlock/Stanislaus County HOME Consortium ("Consortium") include the City of Turlock and the Stanislaus Urban County, which includes the unincorporated areas of Stanislaus County and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, and Waterford (collectively "Consortium Members"); and

WHEREAS, TURLOCK serves as the lead agency of the Consortium, designated by HUD as the HOME Program Participating Jurisdiction; and

WHEREAS, TURLOCK shall disburse HOME funds for HOME-eligible activities in the Consortium Members' localities; and

WHEREAS, MEMBER must be designated a HOME Subrecipient in order to implement activities using HOME funds; and

WHEREAS, TURLOCK and MEMBER desire to enter into this Subrecipient Agreement ("Agreement") for the purpose of designating the MEMBER as a HOME subrecipient;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

I. Consortium Allocation, Administration Funds, Program Activities, and Agreement Term

1. Upon execution of this Agreement, MEMBER shall be designated as a HOME Sub-recipient for 2016-2017 fiscal year funds for the purpose of administering HOME-eligible activities, as further defined in subparagraph 2. below, in MEMBER'S locality, the funds for which shall be disbursed by TURLOCK.
2. The maximum amount of fiscal year 2016-2017 HOME funds covered by this Agreement shall be Eighty-Four Thousand Six Hundred and Nine Dollars (\$84,609), of which Eighty-

Two Thousand One Hundred and Nine Dollars (\$82,109) shall be available for Homeowner Rehabilitation, Homebuyer, and Rental Development Program Activities as defined in subparagraphs a., b. and c. Two Thousand Five Hundred Dollars (\$2,500) shall be available for Program Administration. This funding will be disbursed on a reimbursement basis upon receipt of required program forms. In the event that HUD reduces the HOME allocation to the Consortium, MEMBER'S allocation may be reduced. Should MEMBER be unable to draw down all or a portion of its allocated administration funds by June 30, 2016, the remaining HOME funds will revert back to TURLOCK pursuant to the Re-Allocation Process described in Section I.6 below.

- a. Homeowner Rehabilitation funding will be provided for repairs and rehabilitation of owner-occupied units of income eligible person and families who meet the criteria of the HOME Program.
 - b. Homebuyer Program funding will be provided for down payment assistance for income eligible families and persons who meet the criteria of the HOME Program.
 - c. Rental Development activities will be used to acquire and or rehabilitate safe and affordable rental housing units of income eligible person and families who meet the criteria of the HOME Program.
3. This Agreement shall be in effect until June 30, 2017, or until all fiscal year 2016-2017 HOME funds are disbursed to MEMBER or for the duration of any affordability period required pursuant to 24 CFR Part 92 in conjunction with a project financed with fiscal year 2016-2017 HOME funds, whichever is longer.
4. Any changes to this Agreement shall be subject to the review and approval of TURLOCK and shall be codified through execution of a written amendment to this Agreement.
5. MEMBER acknowledges that there are timeliness deadlines in the commitment and expenditure of the funds in accordance with the HOME Program regulations. Failure to commit and expend the funds in a timely manner as set forth in this Agreement and as required under the 24 CFR Part 92 will result in funds being re-allocated to other Consortium activities.
- a. MEMBER must commit funds under this Agreement to HOME-eligible projects within twelve (12) months ("Commitment Date") of the effective date of this Agreement in accordance with the definition of "commitment" as found in 24 CFR Part 92.2.
 - b. MEMBER must expend funds committed through this Agreement within four (4) years of the Commitment Date in accordance with 24 CFR 92.205(e)(2) and the definition of "project completion" as found in 24 CFR Part 92.2.
6. **Consortium Funding Re-allocation Process** – At the end of Fiscal Year 2016-2017, HOME funds not committed by MEMBER by the Commitment Date shall be re-allocated to TURLOCK for use on other HOME-eligible activities in the Consortium, through the following process administered by TURLOCK and as outlined in the Consortium's *HOME Program Policies and Procedures Manual*.
- a. Funding shall be available on a first-come-first-served basis to Consortium Members, with first priority given to Consortium Member jurisdictions who fully committed their annual funding allocation during Fiscal Year 2016-2017 and who demonstrate an active pipeline of homeowner rehabilitation and/or homebuyer projects which will be completed within six (6) months after the end of the Agreement Term (i.e., by December 31, 2017).

- b. Re-allocated funding requests shall be made by Member Jurisdiction(s) no earlier than July 15, 2017 and no later than September 30, 2017.
- c. Funding not committed through the Re-allocation Process by September 30, 2017 shall be prioritized for development activities.

II. Activities and Program Delivery

- 1. As a subrecipient, MEMBER is responsible for identifying, selecting and implementing HOME-eligible activities within its jurisdiction. This includes contracting for the performance of these activities with other entities for HOME-eligible activities. In its role as subrecipient, MEMBER is responsible for fulfilling all the requirements of the HOME Program and for ensuring that HOME requirements are fulfilled by its contractors, as applicable.
- 2. MEMBER is responsible for managing Fiscal Year 2016-2017 HOME funds in a manner satisfactory to TURLOCK and consistent with the standards, policies and procedures required as a condition of providing these funds under 24 CFR Part 92 and as outlined in the Consortium's *HOME Program Policies and Procedures Manual*.
- 3. **Exhibit A** attached hereto contains MEMBER's projected HOME activities to be undertaken during the 2016-2017 fiscal year, including the number of units to be assisted through Housing Rehabilitation Activities, the number of units to be assisted through Homebuyer Activities, the number of units to be assisted through Rental Development, the projected budget for each activity, tasks to be performed, projected schedule for commitment of funding, projected schedule for completing the activity, and proposed sources of match.
- 4. MEMBER is responsible for preparing the environmental review record for any project assisted through this Agreement in compliance with the National Environmental Protection Act and 24 CFR 58. A copy of any such review shall be sent to TURLOCK for TURLOCK's review, approval and formal signature as Responsible Entity, prior to MEMBER entering into a commitment of HOME funds for the subject activity.
- 5. MEMBER agrees that prior to project commitment, it shall conduct an underwriting and subsidy layering analysis for each HOME-funded project proposed to be funded with Fiscal Year 2016-2017 HOME funds as required by the standards, policies and procedures outlined in the Consortium's *HOME Program Policies and Procedures Manual* and if applicable by activity type.
- 6. MEMBER agrees that any HOME-eligible activities funded through this Agreement shall be confirmed with a written contract that contains the provisions specified in 24 CFR Part 92.504. In addition, any contract made between MEMBER and another entity for the use of HOME funds pursuant to this Agreement shall comply with all applicable HOME regulations and shall be enforced by deed restriction where applicable. The form of the contract and deed restriction shall be approved by TURLOCK in advance of its execution. A copy of all contracts for HOME-funded activities shall be made available to TURLOCK upon request.
- 7. MEMBER agrees to abide by uniform administrative requirements stated in 24 CFR Part 92.505, specifically MEMBER agrees to comply with the requirements of 2 CFR Part 225 formerly Office of Management and Budget (OMB) Circular No. A-87 "Cost Principles for States, Local, and Indian Tribal Governments", and 24 CFR Part 85 (the "common rule"), "Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments". The requirements of 2 CFR part 230

formerly OMB Circular No. A-122 and requirements of 24 CFR part 84 apply to subrecipients receiving HOME funds that are nonprofit organizations and that are not a governmental subrecipient:

8. To comply with the HOME regulation at 24 CFR Part 92.502(c)(2) that funds be spent within 15 days of disbursement, MEMBER shall request reimbursement of expenditures from TURLOCK. The amount of the reimbursement request may not exceed the amount needed by MEMBER and MEMBER shall expend program income before requesting a reimbursement from TURLOCK.
9. MEMBER agrees that program income and assets will be retained by MEMBER and must be accounted for and kept separately from other funds in compliance with HOME regulations. MEMBER shall report on program income in compliance with the policies and procedures outlined in the Consortium's *HOME Program Policies and Procedures Manual*.
10. Loan repayments, interest or other return on MEMBER's investments of HOME funds disbursed through this contract shall be collected by MEMBER and MEMBER may retain payments for future activities funded with HOME funds in accordance with HOME regulations.
11. Upon expiration of this Agreement, MEMBER must transfer to TURLOCK any HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of HOME funds.
12. TURLOCK and MEMBER will cooperate in the preparation of, and will furnish any and all information required for reports to be prepared as may be required by HOME regulations including but not limited to the Consolidated Plan, the annual performance report and any quarterly reports required by TURLOCK.
13. MEMBER shall ensure that written agreements with for-profit owners or developers, nonprofit owners or developers or sponsors, sub-recipients, homeowners, homebuyers, tenants (or landlords) receiving tenant-based rental assistance, or contractors are prepared in accordance with 24 CFR 92.504. Such agreements must state if repayment of HOME funds or recaptured HOME funds must be remitted to TURLOCK or retained by MEMBER for additional eligible activities.
14. TURLOCK and MEMBER shall maintain, on a current basis, complete records, including, but not limited to, contracts, books of original entry, source documents supporting accounting transactions, eligibility and service records as may be applicable, a general ledger, personnel and payroll records, canceled checks and related documents and records to assure proper accounting of funds and performance of this contract in accordance with HOME regulations. To the extent permitted by law, TURLOCK and MEMBER will also permit access to all books, accounts or records of any kind for purposes of audit or investigation, in order to ascertain compliance with the provisions of this contract. Records shall be maintained for a period of five (5) years or in accordance with 24 CFR Part 92.508(c), whichever is longer.

III. Administrative and Financial Requirements

1. MEMBER shall comply with 24 CFR Parts 84.20 and 85.20 and Treasury Circular 1075 and comply with the following financial management standards.

- a. *Accounting Standards* - MEMBER agrees to comply with 24 CFR 84.21–28 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.
 - b. *Auditing* - MEMBER shall retain all books, records, and other documents to this contract for five (5) years after reconveyance and affordability period, whichever is longer. The U.S. Comptroller General and his representatives are vested with the authority to:
 - i. Examine any records of MEMBER or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or any subcontract; and
 - ii. Interview any officer or employee of MEMBER or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions.
 - iii. Additionally, HOME provides authority for any representatives of an appropriate Inspector General to examine any records or interview any employee or officers of MEMBER or its subcontractors working on this contract. MEMBER is advised that any representatives of an appropriate Inspector General appointed have the authority to examine any record and interview any employee or officer of the contractor, its subcontractors, or other firms working on this contract. This right of examination shall also include inspection at all reasonable times of MEMBER plans, or parts of them, engaged in performing the agreement. Any deficiencies noted in audit reports must be fully cleared by TURLOCK within thirty (30) days after receipt by MEMBER. TURLOCK shall have, in addition to any other audit or inspection right in this Agreement, all the audit and inspection rights contained in this section, including the right to monitor MEMBER for its performance under the terms and provisions of this Agreement and MEMBER's use of fiscal year 2016-2017 HOME funds.
2. *Close-outs* - MEMBER's obligation to TURLOCK shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to TURLOCK), and determining the custodianship of records. Notwithstanding the foregoing, the terms of this Agreement shall remain in effect during any period that MEMBER has control over HOME funds.
 3. *Compliance* - MEMBER shall comply with current HUD policy concerning uniform administrative requirements and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the TURLOCK upon termination of this agreement. (Refer to 24 CFR Part 85).
 4. *Procurement Standards* - Unless specified otherwise within this agreement, MEMBER shall procure all materials, property, or services in accordance with the requirements of 24 CFR 84.40–48.

5. *Fees* – MEMBER may not charge servicing, origination, or other fees for the costs of administering the HOME program, except as permitted by § 92.214(b)(1).
6. *Land Covenants* - This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352). In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, MEMBER shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the MEMBER and the United States are beneficiaries of and entitled to enforce such covenants. MEMBER, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

IV. Other Federal Requirements

1. The Federal requirements set forth in 24 CFR Part 5, subpart A, are applicable to MEMBER, inclusive of: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; and drug-free workplace.
2. MEMBER shall carry out each HOME activity in compliance with all Federal laws and regulations described in subpart H of the HOME Rule at 24 CFR Part 92, with the exception that TURLOCK shall review and approve the environmental review before HOME funds are committed, as noted in Section II.4 above. These requirements are further specified as follows:
 - a. *Affirmative Marketing* – MEMBER must follow the Consortium’s affirmative marketing procedures and requirements for rental and homebuyer projects containing five (5) or more HOME-assisted housing units. Affirmative marketing requirements and procedures also apply to all HOME-funded programs, including, but not limited to, tenant-based rental assistance and down-payment assistance programs. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status, or disability. If a written agreement with a project owner permits the rental housing project to limit tenant eligibility or to have a tenant preference in accordance with §92.253(d)(3), the Consortium’s affirmative marketing procedures and requirements shall apply in the context of the limited/preferred tenant eligibility for the project.
 - b. *Affirmative Action - Approved Plan* - MEMBER agrees that it shall be committed to carry out pursuant to the applicable provisions of 24 CFR 92.351 the Affirmative Action Program in keeping with the principles as provided in President’s Executive Order 11246 of September 24, 1966.
 - i. *Women and Minority-Owned Businesses (W/MBE)* - MEMBER will use its best efforts to afford small businesses, minority business enterprises, and women’s business enterprises the maximum practicable opportunity to participate in the performance of this contract. As used in this contract, the terms “small business” means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and “minority and women’s business enterprise” means a business at least fifty-one (51) percent owned and controlled by minority group members or

women. For the purpose of this definition, “minority group members” are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians. MEMBER may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

- ii. *Equal Employment Opportunity and Affirmative Action (EEO/AA) Statement* - MEMBER, in all solicitations or advertisements for employees placed by or on behalf of MEMBERS, will state that it is an Equal Opportunity or Affirmative Action employer, in accordance with 24 CFR 5.105.
 - iii. Public notices, job vacancies should be published in minority publications whenever possible.
- c. *Displacement, Relocation, and Acquisition* – MEMBER shall ensure that it has taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted with HOME funds. To the extent feasible, residential tenants must be provided a reasonable opportunity to lease and occupy a suitable, decent, safe, sanitary, and affordable dwelling unit in the building/complex upon completion of the project. MEMBER shall adhere to each of the provisions of 24 CFR 92.353 with respect to a person (family individual, business, nonprofit organization, or farm, including any corporation, partnership or association) that moves from real property or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a project assisted with HOME funds. Temporary relocation is required pursuant to 24 CFR 92.353(b) for residential tenants who will not be required to move permanently, but who must relocate temporarily for the project. The acquisition of real property for a project is subject to the URA and the requirements of 49 CFR Part 24, Subpart B.
- d. *Labor Standards* – MEMBER shall ensure that every contract for the construction (rehabilitation or new construction) of housing that includes twelve (12) or more units assisted with HOME funds must contain a provision requiring the payment of not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-276a-5), to all laborers and mechanics employed in the development of any part of the housing. Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332). The HOME Program requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. The following standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated into this contract and any subcontracts for HOME-funded activities subject to the Labor Standards provisions of the Davis-Bacon Act.

- i. *Prevailing Wage* – MEMBER will comply with the minimum wage and maximum hourly provisions of the Fair Labor Standards Act, and applicable provisions of the Davis-Bacon Act and the Contract Work Hours Standards Act. Inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project should be directed to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.
 - ii. *Salaries* - The salaries paid under this contract shall be in accordance with the following provision of 2 CFR Part 225 formerly OMB Circular A-87 and 24 CFR Part 92.207 (a) (1) Eligible Administrative and Planning Costs.
 - iii. *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits. The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) is reasonable for the service rendered, (2) follows an appointment made in accordance with State, Local, or Indian Tribal Government laws and rules and which meets Federal merit system or other requirements, where applicable. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State, Local, or Indian Tribal Government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the State, Local, or Tribal Government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.
 - iv. MEMBER may, at its discretion, complete a salary comparability study within the intent of 2 CFR Part 225 formerly OMB Circular A-87.
- e. *“Section 3” Clause* – Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the Federal financial assistance provided under this contract and binding upon the TURLOCK. MEMBER certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements. MEMBER further agrees to comply with these “Section 3” requirements and to include the following language in all subcontracts executed under this agreement:
- i. *“The work to be performed under this agreement is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701). Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that agreements for work in connection with the project be awarded to business*

concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located.”

- ii. MEMBER further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.
 - iii. MEMBER certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.
 - iv. MEMBER agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
 - v. MEMBER will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the HUD. MEMBERS will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- f. *Lead-based paint* - Housing assisted with HOME funds is subject to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, J, K, M and R.
- g. *Conflict of Interest* - In the procurement of property and services by MEMBER and any subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, apply. In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of 24 CFR 92.356(b) through (f) apply. No member, officer, or employee of TURLOCK or MEMBER or their designees or agents, including employees, agents, consultants, officers, or elected or appointed official of community and advisory agencies that assist MEMBER in developing the projects,

who exercises any functions or responsibilities with respect to the program during his tenure or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract or the proceeds thereof for work to be performed in connection with the program assisted under the grant. MEMBER agrees to incorporate or cause to be incorporated in all its agreements with its designees or agents, and including the above described groups, and in all agreements, contracts and subcontracts for work to be performed in connection with the program assisted under the grant, including agreements with MEMBERS as defined in 24 CFR 85.36 and 24 CFR 84.42, respectively, apply. In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of this section apply.

V. General Requirements

1. *Architectural Barriers Act of 1968* - The Architectural Barriers Act of 1968 U.S.C. 4151 is applicable to this agreement and requires that the design of any facility constructed with funds from this title comply with the "American Standard Specifications for Making Buildings and Facilities Accessible, and Usable by, the Physically Handicapped," Number A-117.1-19 as modified (42 CFR 101-17.703). It will require that the design of any building constructed or rehabilitated with funds paid to MEMBER by TURLOCK under this Agreement will comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to and Useable by the Physically Handicapped".
2. *Section 504* - MEMBER agrees to comply with all Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination against the individuals with disabilities or handicaps in any Federally assisted program.
3. *Prohibited Activity* - MEMBER is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; inherently religious activities; lobbying; political patronage; and similar activities. Likewise, MEMBER is prohibited from engaging in nepotism.
4. MEMBER shall comply with all applicable laws, ordinances and codes of Federal, State and local governments, in the performance of this Agreement.
5. MEMBER agrees to comply with all requirements, which are now, or which may hereafter be imposed by HUD for the HOME Program, as well as such requirements as may be imposed by the Consortium.
6. MEMBER agrees that it will comply with the Americans with Disabilities Act and Title VII of the Civil Rights Acts of 1964, and that no person in the United States shall, on the grounds of race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era veteran's status, political affiliation or any other non-merit factors be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available to TURLOCK and MEMBERS pursuant to this contract.
 - a. Deny any services or other benefit provided under the program or activity;
 - b. Provide any service or other benefit which is different or is provided in a different form from that provided to others under the program or activity;

- c. Subject to segregated or separate treatment in any facility in or in any manner or process related to receipt of any service or benefit under the program or activity;
 - d. Restrict in any way the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit under the program or activity;
 - e. Treat an individual differently from others in determining whether that individual satisfies any admission enrollment, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any services or other benefit provided under the program or activity; or
 - f. Deny an opportunity to participate in a program or activity as an employee.
7. MEMBER shall comply with Executive Order 13166 to improve access to services for persons with Limited English Proficiency (“LEP”) including developing a Language Access Plan.
8. MEMBER agrees to defend, indemnify and hold harmless TURLOCK and its officers, employees and agents from any and all acts, claims, omissions, liabilities, and losses by whomever asserted arising out of acts or omissions of MEMBER in the performance of the scope of work except those arising by reason of the sole negligence of TURLOCK, its officers, employees or agents.
9. TURLOCK agrees to defend, indemnify and hold harmless MEMBER and its officers, employees and agents from any and all acts, claims, omissions, liabilities, and losses by whomever asserted arising out of acts or omissions of TURLOCK in the performance of the scope of work except those arising by reason of the sole negligence of MEMBER, its officers, employees or agents.
10. If MEMBER withdraws from the Consortium and it becomes a HOME Participating Jurisdiction, at MEMBER’S request and with HUD approval TURLOCK shall transfer to MEMBER any accounts receivable attributable to MEMBER’S allocation of HOME funds, any MEMBER’S allocation of HOME funds, and any Program Income attributable to MEMBER’S HOME allocation on hand at the time that MEMBER withdraws from the Consortium. Along with this transfer, MEMBER shall assume all obligations and responsibilities attributable to such funds, and TURLOCK shall be relieved of all such obligations and responsibilities.
11. If MEMBER withdraws from the Consortium and does not become a HOME Participating Jurisdiction, TURLOCK shall retain any accounts receivable attributable to MEMBER’S allocation of HOME funds, any MEMBER’S allocation of HOME funds, and any Program Income attributable to MEMBER’S HOME allocation on hand at the time that MEMBER withdraws from the Consortium. TURLOCK shall retain all obligations and responsibilities attributable to such funds.
12. If MEMBER materially fails to comply with any term of this Agreement, suspension or termination of MEMBER as a sub-recipient of HOME funds may occur as specified in 24 CFR Part 85.43. TURLOCK may utilize remedies for noncompliance as stipulated in §85.43(a).
13. Any and all notices, writings, correspondences, etc., as required by this Agreement shall be

directed to MEMBER and TURLOCK as follows:

MEMBER

Michael E. Holland, City Manager
CITY OF NEWMAN
938 Fresno Street
Newman, CA 95360
(209) 862-3725

TURLOCK

Maryn Pitt, Manager
Housing Program Services Division
156 South Broadway, Suite 250
Turlock CA 95380
(209) 668-5610

14. This Agreement may be amended only by written agreement of the parties hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers' thereunto duly authorized.

CITY OF TURLOCK

CITY OF NEWMAN

By: _____
Gary Soiseth, Mayor

or

Gary R. Hampton, City Manager

Date: _____

By: _____
Michael E. Holland City Manager

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

By: _____
Tom P. Hallinan City Attorney

ATTEST:

By: _____
Kellie E. Weaver, City Clerk

**EXHIBIT A to Sub-recipient Agreement for HOME Funds between City of Turlock and Member Jurisdiction
Turlock/Stanslaus County HOME Consortium**

ACTIVITY TYPE, GOALS, BUDGET, TASKS & SCHEDULE

Member Jurisdiction Name:	NEWMAN	<i>*FY16-17 Allocation TOTAL is amount noted in FY16-17 Funding Agreement for Homebuyer and Homeowner Rehab Activities (total excludes Program Administration allocation). **Program Income amount is an estimate only; not included in amount in Section I.2 of Agreement.</i>				
Fiscal Year:	2016-2017					
Member's Program Activity Allocation (for Homebuyer & Rehab):	\$82,109					
Goals by Household Income Level						
Homebuyer Down payment Assistance	FY Goals	<30% AMI	31-50% AMI	51-60% AMI	61-80% AMI	TOTAL
Projected Number of Units to be Assisted	1				1	1
FY 2016-17 Allocation for Homebuyer Activity	\$ 61,300					
HOME Program Income (estimated)**	\$					
Projected Commitments						
Projected Completions						
General description of tasks to be completed under activity: Advertise program availability as needed and secure applications from clients seeking First Time Home Buyer loan assistance and approve homebuyers; collect and prepare file and loan documents; close out project; prepare completion report.						
Schedule for Completion of tasks: June 2017						
Proposed source(s) of match (as applicable):						
Goals by Household Income Level						
Single Family Owner-Occupied Rehabilitation	FY Goals	<30% AMI	31-50% AMI	51-60% AMI	61-80% AMI	TOTAL
Projected Number of Units to be Assisted	1				1	1
FY 2016-2017 Allocation for Activity	\$20,809					
HOME Program Income (estimated)**	\$					
Projected Commitments						
Projected Completions						
General description of tasks to be completed under activity: Advertise program availability as needed and secure applications from clients seeking Rehabilitation loan assistance and approve clients; collect and prepare file and loan documents; close out project; prepare completion report.						
Schedule for Completion of tasks: June 2017						
Proposed source(s) of match (as applicable):						
Goals by Household Income Level						
Total Annual Goals (All Activities)		<30% AMI	31-50% AMI	51-60% AMI	61-80% AMI	TOTAL
Projected Number of Units to be Assisted	2	0	0	0	2	2
FY 2016-2017 Allocation TOTAL*	\$82,109					
HOME Program Income (estimated)**	\$0					
Projected Commitments	0	0	0	0	0	0
Projected Completions	0	0	0	0	0	0

Honorable Mayor and Members
of the Newman City Council

**REQUEST THAT THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY CONSOLIDATE THE
NOVEMBER 8, 2016 CITY OF NEWMAN MUNICIPAL ELECTION WITH THE PRESIDENTIAL
GENERAL ELECTION TO BE HELD ON THE SAME DATE**

RECOMMENDATION:

It is recommended that the Newman City Council adopt Resolution No. 2016- , a resolution requesting that the Board of Supervisors of Stanislaus County consolidate the November 8, 2016 City of Newman Municipal Election with the Presidential General Election to be held on the same date.

BACKGROUND:

Per Election Code §10002, the Stanislaus County Board of Supervisors requires that the City of Newman send a request to the County asking them to conduct election services for the City. The City of Newman has routinely consolidated all its municipal elections with coinciding general elections in the past.

The following City of Newman Elective Offices will appear on the November 8, 2016 ballot:

Mayor - 2-year term
Two (2) Council Members - 4-year terms
Treasurer - 4-year term

Following approval by the Board of Supervisors, the resolution requesting consolidation is forwarded to the County Election Department who will conduct the election for the City.

ANALYSIS:

General Municipal Elections are typically consolidated with Statewide General Elections whenever possible. Consolidation provides the most cost effective method of conducting municipal elections and includes the expertise of the Stanislaus County Registrar of Voters. When consolidated, the County handles all responsibilities for procuring polling places, precinct workers, the publication and mailing of the sample ballot and canvassing the returns of the election. All other functions of the election remain the responsibility of the City Clerk as the Elections Official.

FISCAL IMPACT:

The City is billed its pro-rata share for City Election costs. The Fiscal Year 2016/2017 Budget allocates appropriates \$11,000 for the Municipal Election.

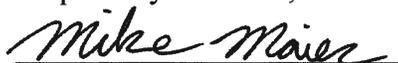
CONCLUSION:

Staff believes consolidation is the best and most cost effective method of conducting municipal elections; therefore staff recommends that the City Council adopt Resolution No. 2016- , a resolution requesting that the Board of Supervisors of Stanislaus County consolidate the City of Newman Municipal Election to be held on November 8, 2016 with the Presidential General Election.

ATTACHMENTS:

1. Resolution No. 2016-

Respectfully submitted,



Mike Maier
City Clerk

REVIEWED/CONCUR



Michael Holland,
City Manager

RESOLUTION NO. 2016-

A RESOLUTION REQUESTING THAT THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY CONSOLIDATE THE NOVEMBER 8, 2016 CITY OF NEWMAN MUNICIPAL ELECTION WITH THE PRESIDENTIAL GENERAL ELECTION TO BE HELD ON THE SAME DATE

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 8, 2016, for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Newman, California, on Tuesday, November 8, 2016, a General Municipal Election for the purpose of electing a Mayor for the full term of two (2) years, two (2) Members of the City Council for the full term of four (4) years and a Treasurer for the full term of four (4) years.

Section 2. That the City Council of the City of Newman hereby requests that the Board of Supervisors of Stanislaus County, California, order the consolidation of the City of Newman Municipal Election to be held on November 8, 2016 with the Presidential General Election to be held on the same date.

Section 3. That the ballots to be used at the election shall be in form and content as required by law.

Section 4. That the City Clerk is authorized, instructed and directed to coordinate with the County of Stanislaus Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 5. That the polls for the election shall be open at seven o'clock a.m. the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code §10242, except as provided in §14401 of the Elections Code of the State of California.

Section 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 8. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call vote adopted.

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor of the City of Newman

City Clerk of the City of Newman

Honorable Mayor and Members
of the Newman City Council

**APPROVE REQUEST FOR SUBSIDY FROM COUNTY OF STANISLAUS BOARD OF SUPERVISORS
FOR FIRE DISPATCH SERVICES FOR FISCAL YEAR 2016-2017**

RECOMMENDATION:

Approve letter requesting a subsidy from Stanislaus County Chief Executive Office-Office of Emergency Services addressed to the Stanislaus County Fire Wardens Office.

BACKGROUND:

The Newman Fire Department is dispatched for emergency incidents through Stanislaus Regional 911 (SR911), which is governed by the Consolidated Emergency Dispatch Agency Commission. In November 2015, the Commission took action to modify the cost allocation methodology used to apportion dispatch costs for all participating agencies starting fiscal year 2016-2017. The new cost allocation methodology has increased the dispatch costs for county wide fire agencies including Newman Fire Department.

Historically, the County has had a long-standing practice of subsidizing fire dispatch costs for most fire agencies receiving services through SR911. The new cost allocation was developed after a review and analysis with recommendations developed by the Matrix Consulting Group. The new allocation is based on a set cost for two fixed post positions with the service capacity assigned to the agency's dispatched area; also known as call volume. This will align operational service levels with the costs charged to each participating agency.

The County, recognizing the fiscal impact of the changes in dispatch costs, recommended that the Board of Supervisors approve a three year plan to offset the increased cost of fire dispatch services. This three year plan will defer cost on a schedule, which will help spread the increased fees over the three year period. Those agencies who provide services to areas that are not experiencing a decrease in dispatch services must submit a formal request to receive a subsidy every year during the three year plan. Therefore, the Newman Fire Department is required to submit a request for fire dispatch subsidy directly to the Stanislaus County Fire Wardens Office signed by the City Council before June 30, 2016 for fiscal year 2016-2017.

ANALYSIS:

Staff has determined that it remains in the best interest for the community to continue receiving dispatch services from SR911. Approval of this request will allow the City to request the County subsidize a portion of the cost for services provided to the Newman Fire Department. The new cost allocation methodology for the Department totals \$28,814, which is an increase in the amount of \$10,814 over last fiscal year. The subsidy request, if approved by the Board of Supervisors, would reduce the total cost by \$7,137; bringing fiscal year 2016-2017 costs down to \$21,677.

FISCAL IMPACT:

The budgeted dispatch services for fiscal year 2016-2017 would see a positive deflection of the subsidized amount of \$7,137. However, compared to fiscal year 2015-2016, total dispatch costs will increase in the amount of \$3,677.

CONCLUSION:

Stanislaus Regional 911 has adopted a new cost allocation methodology, which will increase the cost for dispatch services to the Fire Department. In an effort to decrease the financial impact to participating agencies, the County has agreed to a "phase in" period. To qualify for a subsidy during the phase in period, the Newman Fire Department must complete a formal request. Therefore, staff recommends that the City Council approve the letter requesting subsidy.

ATTACHMENTS:

1. Letter requesting subsidy
2. Emergency Dispatch Subsidies to Fire Agencies in Stanislaus County through Stanislaus Regional 911 Letter
3. The Board of Supervisors of the County of Stanislaus Board Action Summary
4. SR911 Fire Agency Population and Cost Allocation Matrix.

Respectfully submitted,

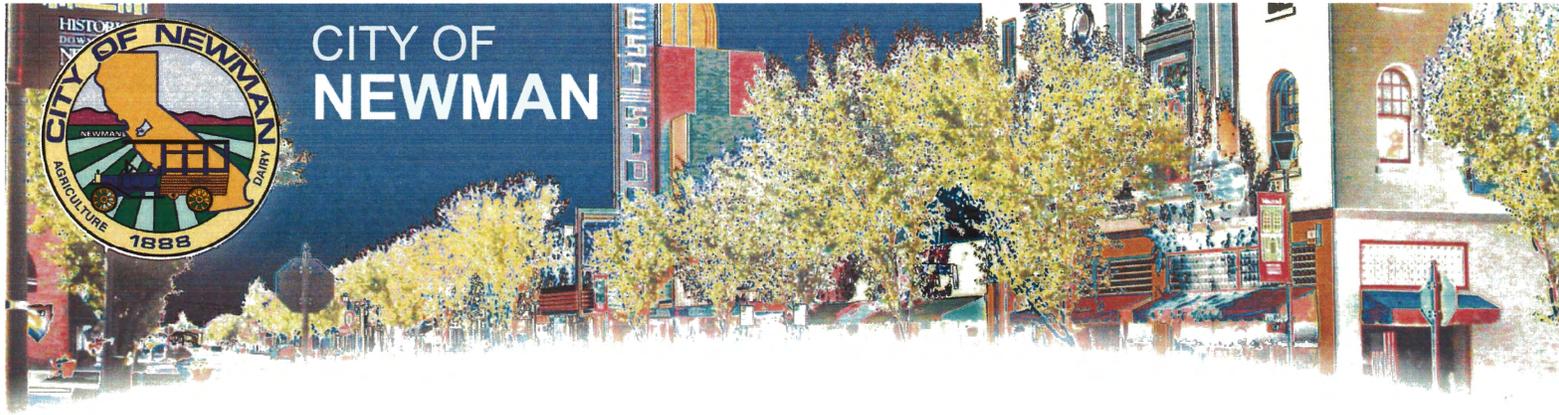


Keith Bowen
Fire Chief

REVIEWED/CONCUR



Michael Holland
City Manager



June 15, 2016

Stanislaus County Fire Wardens Office
3705 Oakdale Road
Modesto, CA 95357

RE: Fire dispatch cost allocation methodology.

Dear Chief Skiles:

The City of Newman is in receipt of your letter dated May 16th reminding fire agencies that a new cost allocation methodology has been approved by the Consolidated Emergency Dispatch Agency Commission. The City appreciates the fact that Stanislaus County has provided funding for dispatch services and has been contributing towards the maintenance and support of a county-wide radio system.

Per the letter, the City of Newman is respectfully submitting our request that the Board of Supervisors approve Newman Fire Department as a fire agency receiving a subsidy for fire dispatch services for Fiscal Year 2016/17. This request has been reviewed and approved by the Newman City Council at their regular meeting on June 14th. Should you have any questions, please feel free to contact Chief Keith Bowen or City Manager Michael Holland.

Thank you for your consideration,

Bob Martina
Mayor



CHIEF EXECUTIVE OFFICE

Stan Risen
Chief Executive Officer

Patricia Hill Thomas
**Chief Operations Officer/
Assistant Executive Officer**

Keith D. Boggs
Assistant Executive Officer

Jody Hayes
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

May 16, 2016

TO: Stanislaus County Fire Agencies

FROM: Stanislaus County
Chief Executive Office - Fire Wardens Office

SUBJECT: Emergency Dispatch Subsidies to Fire Agencies serving in Stanislaus County
through Stanislaus Regional 911

On November 18, 2015 the Consolidated Emergency Dispatch Agency Commission approved a new cost allocation methodology for Fiscal Year 2016-2017. The new methodology is intended to address cost apportionment issues identified in a recent study. It provides a simplified calculation that more appropriately ties dispatch costs to service levels to each participating agency.

Stanislaus County has been providing emergency dispatch subsidies for over 45 years. The subsidy has not only been for dispatch services, but has included maintenance and support of a county-wide radio system. For fiscal year 2016-2017, the County Board of Supervisors has once again authorized funding in support of fire dispatch services through Stanislaus Regional 911.

To support the new cost allocation and process, the County is requiring each participating fire agency submit a formal request that has been approved by your governing body. Qualifying fire agencies shall submit a request to the Stanislaus County Fire Wardens Office no later than June 30, 2016. To assist in the process, a request letter template has been provided if you wish to use it. In addition, a copy of the Stanislaus County Board of Supervisors action item (B-9; April 26, 2016) is attached which includes the eligible subsidy amount under the new cost allocation model.

Please feel free to contact Assistant Executive Officer Jody Hayes (525-5714) or Fire Warden Dale Skiles (552-3600) should you have any questions.

{QUALIFYING AGENCY LETTERHEAD}

{Date}

Stanislaus County Fire Wardens Office
3705 Oakdale Road
Modesto, CA. 95357

To Whom It May Concern,

The governing body of the ***{insert your fire agency}*** is requesting the County of Stanislaus consider subsidizing fire dispatch services for Fiscal Year 2016-2017. The cost of those services, as identified by the latest cost apportionment methodology and approved by the Consolidated Emergency Dispatch Agency Commission (SR911) is ***\${insert your agency's FY16-17 eligible subsidy amount}***.

This request was approved by ***{list your governing body}*** on ***{insert date}***.

Respectfully submitted,

{Board Representative Signature}

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Office Of Emergency Services

BOARD AGENDA #: *B-9

AGENDA DATE: April 26, 2016

SUBJECT:

Approval of Funding Policy to Subsidize Emergency Dispatch Costs Charged to Fire Agencies Serving Unincorporated Populations in Stanislaus County

BOARD ACTION AS FOLLOWS:

No. 2016-208

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

DF-02-B-8
DF-04-A-6
DF-06-B-1
DF-8-C-3
DF-10-B-7
DF-11-A-4
DF-12-B-27
DF-13-A-21
DF-14-A-29
DF-15-A-2
DF-16-22
DF-17-A-17
DF-20-A-15

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Office Of Emergency Services
Urgent Routine

BOARD AGENDA #: *B-9

AGENDA DATE: April 26, 2016

CEO CONCURRENCE:



4/5 Vote Required: Yes No

SUBJECT:

Approval of Funding Policy to Subsidize Emergency Dispatch Costs Charged to Fire Agencies Serving Unincorporated Populations in Stanislaus County

STAFF RECOMMENDATIONS:

1. Approve a funding policy to support cost subsidies provided to Stanislaus County unincorporated populations receiving fire dispatch services through Stanislaus Regional 911.
2. Authorize the Chief Executive Office - Office of Emergency Services (CEO-OES) to accept approved fire dispatch subsidy requests from qualifying fire agencies by May 1st of each year and include all qualifying requests in the annual CEO-OES budget.
3. Authorize the CEO-OES to provide additional subsidies to support a three-year phase in of fire dispatch cost increases in the cities of Oakdale, Ceres and Newman.

DISCUSSION:

The County is a joint partner in Stanislaus Regional 911 (SR 911), providing emergency dispatch services to approximately 20 law enforcement and fire agencies throughout the community. SR 911 is governed by the Consolidated Emergency Dispatch Agency Commission, which includes elected and appointed representatives from the County of Stanislaus, City of Modesto and other partner agencies. In November 2015, the Commission took action to modify the cost allocation methodology used to apportion dispatch costs to all participating agencies starting Fiscal Year 2016-2017. The new cost allocation was developed after a thorough review and analysis of consultant recommendations developed by the Matrix Consulting Group in January 2015. The revised cost allocation places a greater emphasis on the distribution of fixed post positions and the resulting service capacity assigned to each dispatch service area. This new methodology is intended to align operational service levels with the costs charged to each participating agency. Based on current service levels provided through SR 911, overall costs for law enforcement dispatch services will be reduced while costs charged to fire dispatch services will be increased starting in Fiscal Year 2016-2017. In addition to the changes in cost allocation, the Commission has also taken action to reduce the overall approved budget by approximately 8% in Fiscal Year 2016-2017, which will result in a positive benefit to all participating agencies.

The County has a long-standing practice of subsidizing fire dispatch costs for most fire agencies receiving services through SR 911. Fire dispatch costs are currently funded in the

Approval of Funding Policy to Subsidize Emergency Dispatch Costs Charged to Fire Agencies Serving Unincorporated Populations in Stanislaus County

CEO-OES budget and paid directly to SR 911 without the involvement of the fire agency or city receiving the subsidy. This accounting and billing practice does not provide a clear understanding of how the subsidies are calculated and paid on behalf of benefiting agencies. In many cases, fire agencies have been unaware that the County is subsidizing these costs on their behalf. Fire dispatch subsidies in Fiscal Year 2015-2016 total \$407,209, and are included in the CEO-OES budget. The accounting and billing process with SR 911 has now changed as a result of the revised allocation methodology. The new process requires SR 911 to directly bill all participating agencies to ensure financial responsibility for SR 911 services is clearly communicated with each individual agency. The new billing process requires the County to modify current procedures to support fire dispatch subsidies for individual agencies. This agenda item recommends Board approval of a new procedure for each benefiting agency to submit a request for fire dispatch subsidies directly to CEO-OES prior to May 1st of each year, to support payment for the upcoming fiscal year. Subsidy requests must be approved by the benefiting agency's governing body. CEO-OES will include the total of all qualifying subsidies in their annual budget to be approved by the Board of Supervisors. This new practice will ensure that annual subsidies for fire dispatch services are clearly communicated and understood with all benefiting agencies. For purposes of initial implementation of this process, requests for fire subsidies will be accepted up until June 30, 2016 for Fiscal Year 2016-2017.

While evaluating the prior dispatch cost allocation methodology, County staff also determined that the historical practice for how fire dispatch costs were funded has resulted in inconsistencies in the application of subsidy amounts between individual agencies. In some cases, the County has subsidized 100% of the fire dispatch costs for an agency with no unincorporated population, while in other cases the County may not provide any subsidy for agencies serving a portion of the unincorporated population. This agenda item recommends the Board adopt a policy of limiting fire dispatch cost subsidies to the percentage of costs equal to each agency's population served in the unincorporated area. This policy will ensure the equal and consistent distribution of fire dispatch subsidies to all communities throughout the County going forward.

As previously noted, the implementation of budget reductions and the new allocation methodology with SR 911 will reduce total costs for law enforcement services by approximately \$1.5 million, while increasing costs for fire services by approximately \$1.3 million. Law enforcement cost savings will be realized in Fiscal Year 2016-2017 for the County Sheriff (\$648,167), Modesto Police Department (\$636,599), and for contracted Sheriff services provided to the cities of Riverbank (\$102,679), Hughson (\$36,623), Waterford (\$7,909) and Patterson (\$57,018). Recognizing the fiscal impact of the changes in dispatch cost allocation and the revised County fire subsidy policy to partner agencies, staff is recommending that the Board approve a three year plan to off-set the increased cost of fire dispatch services for those agencies who provide services to areas that are not experiencing a decrease in law enforcement dispatch services. The specific recommendation is to provide increased subsidies to the cities of Oakdale, Ceres and Newman equal to 66% of their increased cost in Fiscal Year 2016-2017 and 33% of their increased cost in Fiscal Year 2017-2018. The increased subsidy would end in Fiscal Year 2018-2019.

In addition to the recommendation for phasing increased fire dispatch costs, staff is recommending that an additional subsidy be provided to the City of Ceres to reflect fire services provided to County property located in previously unincorporated areas annexed into the City of Ceres from the Westport Fire Protection District. As a part of that annexation

Approval of Funding Policy to Subsidize Emergency Dispatch Costs Charged to Fire Agencies Serving Unincorporated Populations in Stanislaus County

process in Fiscal Year 2012-2013, the City of Ceres agreed to provide maintenance services and annual financial contributions totaling approximately \$50,000 to the Westport Fire Protection District to be funded by property and sales tax revenue generated through the development of the annexed property. This agreement was strongly encouraged by the County in order to ensure the financial solvency of the Westport Fire Protection District post-annexation. Based on a lack of development in the annexed area, the City of Ceres has generated very little revenue over the annual financial obligation committed to the Westport Fire Protection District. The County has benefited from the City of Ceres providing fire protection services to a large concentration of County operations in the annexed area, including the Community Services Facility, Public Safety Center and Agricultural Center located along the Crows Landing Corridor. The County has previously paid 100% of Ceres' fire dispatch costs in exchange for extending fire service to these previously unincorporated areas benefiting County operations. In recognition that the City of Ceres will now be directly responsible for fire dispatch costs, the Chief Executive Office has worked with the City of Ceres to develop an agreement to support this unintended financial liability. This agenda item recommends that an additional annual subsidy of \$50,000 be provided to the City of Ceres, until such time as the City receives property and sales tax revenues in the annexed area equal to \$100,000 or greater. The additional \$50,000 subsidy will end in the fiscal year following receipt of the agreed upon \$100,000 in tax revenue.

POLICY ISSUE:

The Board of Supervisors is asked to modify existing standards and procedures for subsidizing fire dispatch services with a new Board policy intended to consistently support fire dispatch services directly attributed to the unincorporated population of the County.

FISCAL IMPACT:

The total cost of implementing the new methodology for Fiscal Year 2016-2017 which includes the phase-in subsidy would be an increase of approximately \$305,965 to the OES budget. It is recommended that this increase be funded within the development of the Fiscal Year 2016-2017 Proposed Budget by shifting the General Fund savings from the reduction in County SR911 law enforcement dispatch costs.

BOARD OF SUPERVISORS' PRIORITY:

These recommended actions support the Boards' priorities of A Safe Community, Effective Partnerships, and Efficient Delivery of Public Services by supporting local fire agencies and their continued partnership with SR911 to serve the citizens of Stanislaus County.

STAFFING IMPACT:

Existing staff will administer the program.

CONTACT PERSON:

Jody Hayes, Assistant Executive Officer 525-6333

ATTACHMENT(S):

1. Fire Agency Populations and Cost Allocation

Stanislaus Regional 911
Fire Agency Populations and Cost Allocation
Incorporated/Unincorporated Populations

Cost Impacts of Recommended Fire Subsidy Policy

Service Partners	Population					FY 2016-2017 Cost Allocation					FY 2016-2017 Recommended					Net Impact		
	Total #	Incorporated #	%	Unincorporated #	%	Total \$	Funded by \$	%	Funded by County \$	%	Total \$	Funded by City/Agency \$	%	Funded by County \$	%	Total \$	City/Agency \$	County \$
MODESTO FIRE	209,852	199,967	95.3%	9,885	4.7%	\$ 851,240	\$ 851,240	100.0%	\$ -	0.0%	\$ 1,177,076	\$ 1,121,630	95.3%	\$ 55,446	4.7%	\$ 325,836	\$ 270,390	\$ 55,446
CERES FIRE*	54,335	40,417	74.4%	13,918	25.6%	\$ 114,142	\$ -	0.0%	\$ 114,142	100.0%	\$ 237,868	\$ 10,158	4.3%	\$ 227,708	95.7%	\$ 123,724	\$ 10,158	\$ 113,566
STAN. CONSOLIDATED	48,444	33,050	71.2%	13,394	28.8%	\$ 86,028	\$ -	0.0%	\$ 86,028	100.0%	\$ 166,224	\$ 118,287	71.2%	\$ 47,937	28.8%	\$ 80,196	\$ 118,287	\$ (38,091)
OAKDALE FIRE*	20,545	20,545	100.0%	-	0.0%	\$ 27,000	\$ 27,000	100.0%	\$ -	0.0%	\$ 125,200	\$ 60,388	48.2%	\$ 64,812	51.8%	\$ 95,200	\$ 33,388	\$ 64,812
PATTERSON FIRE	20,413	20,413	100.0%	-	0.0%	\$ 33,712	\$ -	0.0%	\$ 33,712	100.0%	\$ 66,786	\$ 66,786	100.0%	\$ -	0.0%	\$ 33,074	\$ 66,786	\$ (33,712)
SALIDA FIRE	19,166	-	0.0%	19,166	100.0%	\$ 28,676	\$ -	0.0%	\$ 28,676	100.0%	\$ 59,432	\$ -	0.0%	\$ 59,432	100.0%	\$ 30,766	\$ -	\$ 30,766
KEYES FIRE	10,936	-	0.0%	10,936	100.0%	\$ 17,284	\$ -	0.0%	\$ 17,284	100.0%	\$ 33,254	\$ -	0.0%	\$ 33,254	100.0%	\$ 15,970	\$ -	\$ 15,970
HUGHSON FIRE	10,859	10,220	94.1%	639	5.9%	\$ 20,266	\$ -	0.0%	\$ 20,266	100.0%	\$ 38,157	\$ 35,912	94.1%	\$ 2,245	5.9%	\$ 17,891	\$ 35,912	\$ (18,021)
NEWMAN FIRE*	10,188	10,188	100.0%	-	0.0%	\$ 18,000	\$ 18,000	100.0%	\$ -	0.0%	\$ 28,814	\$ 21,877	75.2%	\$ 7,137	24.8%	\$ 10,814	\$ 3,677	\$ 7,137
OAKDALE RURAL FIRE	9,922	-	0.0%	9,922	100.0%	\$ 20,486	\$ -	0.0%	\$ 20,486	100.0%	\$ 37,139	\$ -	0.0%	\$ 37,139	100.0%	\$ 16,653	\$ -	\$ 16,653
DENAIR FIRE	9,423	-	0.0%	9,423	100.0%	\$ 8,312	\$ -	0.0%	\$ 8,312	100.0%	\$ 16,928	\$ -	0.0%	\$ 16,928	100.0%	\$ 8,616	\$ -	\$ 8,616
BURBANK-PARADISE FIRE	8,349	-	0.0%	8,349	100.0%	\$ 29,018	\$ -	0.0%	\$ 29,018	100.0%	\$ 62,718	\$ -	0.0%	\$ 62,718	100.0%	\$ 33,698	\$ -	\$ 33,698
WEST STANISLAUS FIRE	7,859	-	0.0%	7,859	100.0%	\$ 17,651	\$ -	0.0%	\$ 17,651	100.0%	\$ 37,694	\$ -	0.0%	\$ 37,694	100.0%	\$ 20,043	\$ -	\$ 20,043
TURLOCK RURAL	5,038	-	0.0%	5,038	100.0%	\$ 10,781	\$ -	0.0%	\$ 10,781	100.0%	\$ 20,211	\$ -	0.0%	\$ 20,211	100.0%	\$ 9,430	\$ -	\$ 9,430
WOODLAND FIRE	4,699	-	0.0%	4,699	100.0%	\$ 9,754	\$ -	0.0%	\$ 9,754	100.0%	\$ 20,535	\$ -	0.0%	\$ 20,535	100.0%	\$ 10,781	\$ -	\$ 10,781
WESTPORT FIRE	2,726	-	0.0%	2,726	100.0%	\$ 6,772	\$ -	0.0%	\$ 6,772	100.0%	\$ 11,470	\$ -	0.0%	\$ 11,470	100.0%	\$ 4,698	\$ -	\$ 4,698
MOUNTAIN VIEW FIRE	2,398	-	0.0%	2,398	100.0%	\$ 4,327	\$ -	0.0%	\$ 4,327	100.0%	\$ 8,510	\$ -	0.0%	\$ 8,510	100.0%	\$ 4,183	\$ -	\$ 4,183
Total Fire	453,152	334,800	73.9%	118,352	26.1%	\$ 1,303,449	\$ 896,240	68.8%	\$ 407,209	31.2%	\$ 2,146,012	\$ 1,434,838	66.8%	\$ 713,174	33.2%	\$ 844,563	\$ 538,598	\$ 305,965

*Ceres Fire, Oakdale Fire and Newman Fire are being subsidized by the County using a phase-in approach (the County will pick up 66% of growth in city costs in FY 2016-2017 and 33% of growth in city costs in FY 2017-2018; the subsidy will disappear in FY 2018-2019).
Population source derived from the 2010 Census.

Stanislaus Regional 911
 Fire Agency Populations and Cost Allocation
 Incorporated/Unincorporated Populations

Cost Impacts of Recommended Fire Subsidy Policy

Service Partners	Population				FY 2015-2016 Cost Allocation					FY 2016-2017 Recommended					Net Impact			
	Total #	Incorporated #	%	Unincorporated #	%	Total \$	Funded by \$	%	Funded by County \$	%	Total \$	Funded by City/Agency \$	%	Funded by County \$	%	Total \$	City/Agency \$	County \$
MODESTO FIRE	209,852	199,967	95.3%	9,885	4.7%	\$ 851,240	\$ 851,240	100.0%	\$ -	0.0%	\$ 1,177,076	\$ 1,121,630	95.3%	\$ 55,446	4.7%	\$ 325,836	\$ 270,390	\$ 55,446
CERES FIRE*	54,335	40,417	74.4%	13,918	25.6%	\$ 114,142	\$ -	0.0%	\$ 114,142	100.0%	\$ 237,866	\$ 10,158	4.3%	\$ 227,708	95.7%	\$ 123,724	\$ 10,158	\$ 113,566
STAN. CONSOLIDATED	46,444	33,050	71.2%	13,394	28.8%	\$ 86,028	\$ -	0.0%	\$ 86,028	100.0%	\$ 166,224	\$ 118,287	71.2%	\$ 47,937	28.8%	\$ 80,196	\$ 118,287	\$ (38,091)
OAKDALE FIRE*	20,545	20,545	100.0%	-	0.0%	\$ 27,000	\$ 27,000	100.0%	\$ -	0.0%	\$ 125,200	\$ 60,388	48.2%	\$ 64,812	51.8%	\$ 98,200	\$ 33,388	\$ 64,812
PATTERSON FIRE	20,413	20,413	100.0%	-	0.0%	\$ 33,712	\$ -	0.0%	\$ 33,712	100.0%	\$ 66,786	\$ 66,786	100.0%	\$ -	0.0%	\$ 33,074	\$ 66,786	\$ (33,712)
SALIDA FIRE	19,166	-	0.0%	19,166	100.0%	\$ 28,676	\$ -	0.0%	\$ 28,676	100.0%	\$ 59,432	\$ -	0.0%	\$ 59,432	100.0%	\$ 30,756	\$ -	\$ 30,756
KEYES FIRE	10,936	-	0.0%	10,936	100.0%	\$ 17,284	\$ -	0.0%	\$ 17,284	100.0%	\$ 33,254	\$ -	0.0%	\$ 33,254	100.0%	\$ 15,970	\$ -	\$ 15,970
HUGHSON FIRE	10,859	10,220	94.1%	639	5.9%	\$ 20,266	\$ -	0.0%	\$ 20,266	100.0%	\$ 38,157	\$ 35,912	94.1%	\$ 2,245	5.9%	\$ 17,891	\$ 35,912	\$ (18,021)
NEWMAN FIRE*	10,188	10,188	100.0%	-	0.0%	\$ 18,000	\$ 18,000	100.0%	\$ -	0.0%	\$ 28,814	\$ 21,677	75.2%	\$ 7,137	24.8%	\$ 10,814	\$ 3,677	\$ 7,137
OAKDALE RURAL FIRE	9,922	-	0.0%	9,922	100.0%	\$ 20,486	\$ -	0.0%	\$ 20,486	100.0%	\$ 37,139	\$ -	0.0%	\$ 37,139	100.0%	\$ 16,653	\$ -	\$ 16,653
DENAIR FIRE	9,423	-	0.0%	9,423	100.0%	\$ 8,312	\$ -	0.0%	\$ 8,312	100.0%	\$ 16,928	\$ -	0.0%	\$ 16,928	100.0%	\$ 8,616	\$ -	\$ 8,616
BURBANK-PARADISE FIRE	8,349	-	0.0%	8,349	100.0%	\$ 29,018	\$ -	0.0%	\$ 29,018	100.0%	\$ 62,716	\$ -	0.0%	\$ 62,716	100.0%	\$ 33,698	\$ -	\$ 33,698
WEST STANISLAUS FIRE	7,859	-	0.0%	7,859	100.0%	\$ 17,651	\$ -	0.0%	\$ 17,651	100.0%	\$ 37,694	\$ -	0.0%	\$ 37,694	100.0%	\$ 20,043	\$ -	\$ 20,043
TURLOCK RURAL	5,038	-	0.0%	5,038	100.0%	\$ 10,781	\$ -	0.0%	\$ 10,781	100.0%	\$ 20,211	\$ -	0.0%	\$ 20,211	100.0%	\$ 9,430	\$ -	\$ 9,430
WOODLAND FIRE	4,699	-	0.0%	4,699	100.0%	\$ 9,754	\$ -	0.0%	\$ 9,754	100.0%	\$ 20,535	\$ -	0.0%	\$ 20,535	100.0%	\$ 10,781	\$ -	\$ 10,781
WESTPORT FIRE	2,726	-	0.0%	2,726	100.0%	\$ 6,772	\$ -	0.0%	\$ 6,772	100.0%	\$ 11,470	\$ -	0.0%	\$ 11,470	100.0%	\$ 4,698	\$ -	\$ 4,698
MOUNTAIN VIEW FIRE	2,398	-	0.0%	2,398	100.0%	\$ 4,327	\$ -	0.0%	\$ 4,327	100.0%	\$ 8,510	\$ -	0.0%	\$ 8,510	100.0%	\$ 4,183	\$ -	\$ 4,183
Total Fire	453,152	334,800	73.9%	118,352	26.1%	\$ 1,303,449	\$ 896,240	68.8%	\$ 407,209	31.2%	\$ 2,148,012	\$ 1,434,838	66.8%	\$ 713,174	33.2%	\$ 844,563	\$ 538,598	\$ 305,965

*Ceres Fire, Oakdale Fire and Newman Fire are being subsidized by the County using a phase-in approach (the County will pick up 66% of growth in city costs in FY 2016-2017 and 33% of growth in city costs in FY 2017-2018; the subsidy will disappear in FY 2018-2019).

Population counts derived from the 2010 Census.

Honorable Mayor and Members
of the Newman City Council

ADOPT RESOLUTION NO. 2016- , AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO APPLY FOR THE BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM AND TO EXECUTE ALL NECESSARY DOCUMENTS

RECOMMENDATION:

It is recommended that the Newman City Council adopt Resolution No. 2016- , authorizing the city manager, or his designee to apply for the beverage container recycling city/county payment program and to execute all necessary documents.

BACKGROUND:

The Department of Resources Recycling and Recovery (CalRecycle) administers a payment program to provide opportunities for beverage container recycling and litter cleanup activities. Pursuant to Public Resources Code Sections 48000 et seq., 14581, and 42023.1(g), CalRecycle is distributing \$10,500,000 in fiscal year 2015-16 to eligible cities and counties specifically for beverage container recycling and litter cleanup activities. The goal of CalRecycle's Beverage Container Recycling City/County Payment Program (Program) is to reach and maintain an 80 percent recycling rate for all California refund value beverage containers - aluminum, glass, plastic and bi-metal. Projects implemented by cities and counties will assist in reaching and maintaining this goal.

ANALYSIS:

Local governments in California, as identified by the California Department of Finance, are eligible to receive funding under this Program. The City of Newman would be eligible to receive a minimum of \$5,000. The funding shall be spent for public education promoting beverage container recycling, ads, litter prevention and clean-up, cooperative regional efforts, and/or supporting AB 341 mandatory commercial recycling requirements.

CalRecycle's procedures for administering payment programs require an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program. City Council shall also authorize as Signature Authority to execute all documents necessary to implement and secure payment. This authorization shall be effective for five (5) years from the date of adoption of the resolution or until rescinded by the City Council.

FISCAL IMPACT:

Application for the CalRecycle's Payment Program has no General Fund impact.

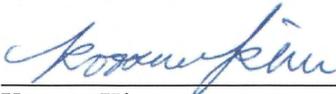
CONCLUSION:

CalRecycle's Payment Program will help the City's long-term recycling efforts. Therefore, staff recommends City Council adopt Resolution No. 2016- , authorizing the city manager, or his designee to apply for the Beverage Container Recycling City/County Payment Program and to execute all necessary documents.

ATTACHMENTS:

1. Resolution No. 2016- ,

Respectfully Submitted,



Koosun Kim
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2016-

**AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE TO APPLY FOR THE BEVERAGE
CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM AND TO EXECUTE
ALL NECESSARY DOCUMENTS**

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

NOW, THEREFORE, BE IT RESOLVED that the City of Newman is authorized to submit an application to CalRecycle for any and all payment programs offered; and

BE IT FURTHER RESOLVED that the City manager, or his designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Signature Authority or this governing body.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 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:

Bob Martina, Mayor

Attest:

Mike Maier, City Clerk



**City of Newman
City Manager's Office
Memorandum**

Date: June 7, 2016

To: City Council

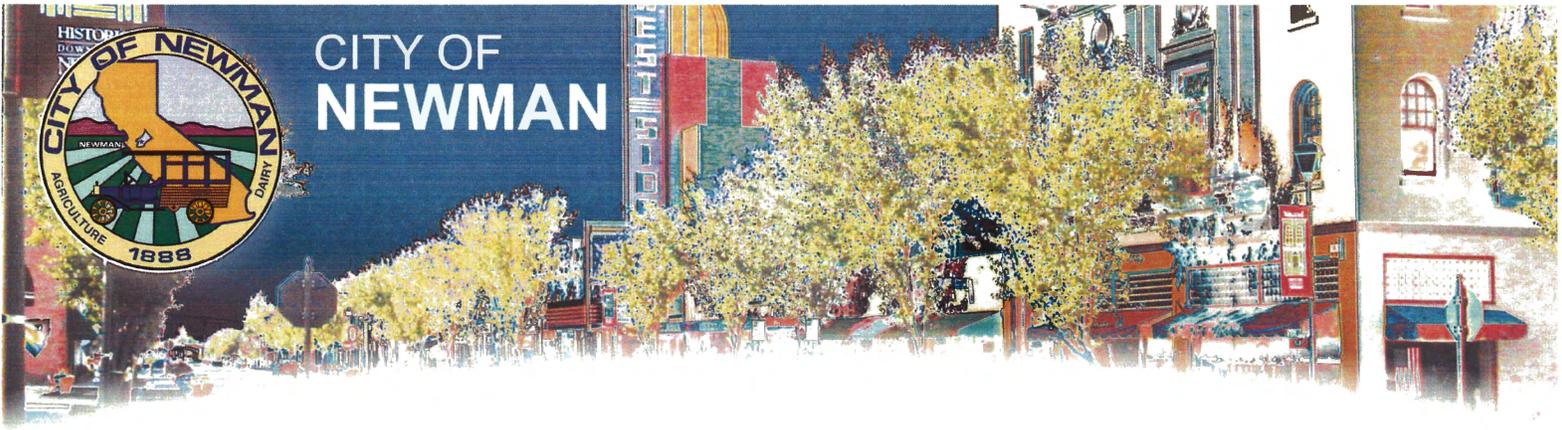
From: Michael E. Holland *MEH*

Subject: Item No. 8.h. – Letter of Support – Commercial Cannabis Activities Tax.

Staff has prepared the attached letter for Council review and approval. The letter is addressed to Stanislaus County Supervisor Chiesa and communicates the City's support for a countywide cannabis tax ordinance being placed on the November ballot in response to the "Marijuana Legalization Initiative Statute."

Attachments:

Letter of Support



June 7, 2016

Stanislaus County Board of Supervisors
Supervisor Chiesa
1010 10th Street, Suite 6800
Modesto, CA 95354

RE: Letter of Support – Commercial Cannabis Activities Tax.

Dear Supervisor Chiesa:

The City of Newman would like to thank you and your staff for the leadership you have demonstrated on the effort to prepare for the statewide initiative titled “Marijuana Legalization Initiative Statute”. As a Council, we believe that the passage of this initiative will have a profound effect on our community. We are especially concerned with the impact this initiative will have on the lives of younger persons throughout the State.

Through this letter, the City of Newman is conveying our support for the County’s efforts to develop a countywide approach to offset the impacts to our region should the Marijuana Legalization Initiative Statute be successful. We have reviewed the proposed Commercial Cannabis Activities Tax and believe placing this item on the November ballot is a logical first step. While the City understands more discussions and considerations are necessary before a complete program can be instituted, we are committed to working with you to protect the residents of Stanislaus County and the City of Newman.

On behalf of the entire City Council, thank you again for your leadership on this important issue that will impact the lives of all our collective residents. By working together we can hopefully mitigate the impacts of this ill-conceived initiative.

Sincerely,

Bob Martina
Mayor

APPROVAL OF 2016/2017 CDBG SUBRECIPIENT AGREEMENT

RECOMMENDATION:

Adopt Resolution No. 2016- , Approving The FY 2016/2017 CDBG Subrecipient Agreement With Stanislaus County

BACKGROUND:

The City of Newman has been a part of the Stanislaus County Community Development Block Grant (CDBG) consortium since 2005. In the past eleven years, the City of Newman has been allocated over \$2.5 million dollars in CDBG funding. This funding has allowed the City to partake in projects such as the Teen Center Computer Lab, Pioneer Park Rehabilitation and various infrastructure projects (i.e. curb, gutter, sidewalk, water lines, etc.) improving Yolo, Fresno, Merced, Tulare, P, Q, R, S and T Streets.

ANALYSIS:

The attached agreement allows Stanislaus County to receive entitlement funds as an “urban county” and disperse said funds to the CDBG Consortium in accordance with required population and poverty calculations. In order to receive CDBG funds, each Member City must be designated as a sub-recipient; this designation is renewed on an annual basis. As a member of the Stanislaus County CDBG Consortium, the City of Newman is eligible to receive \$152,500 (\$137,473 program, \$15,027 administration) this fiscal year.

FISCAL IMPACT:

Positive, the City will receive an allocation of \$152,500.00.

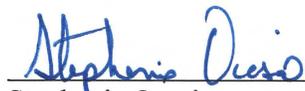
CONCLUSION:

Staff recommends that the Council adopt Resolution No. 2016- , Approving The FY 2016/2017 CDBG Subrecipient Agreement With Stanislaus County

ATTACHMENTS:

1. Exhibit A - Resolution No. 2016- ,

Respectfully submitted,



Stephanie Ocasio
City Planner

REVIEWED/CONCUR



Michael Holland
City Manager

RESOLUTION NO. 2016-

**APPROVING THE FY 2016/2017 CDBG SUBRECIPIENT AGREEMENT WITH
STANISLAUS COUNTY**

WHEREAS The City of Newman is part of the Stanislaus County CDBG/ESG Consortium;
and

WHEREAS the County of Stanislaus is the lead agency in said Consortium; and

WHEREAS the County is qualified to receive an entitlement grant under the CDBG program for FY 2016/2017 in the amount of \$2,171,255, of which Newman will be allocated \$152,500; and

WHEREAS in order for the County to allocate said funds, the City must enter into a Subrecipient Agreement (Exhibit A) with the County; and

WHEREAS the City Of Newman and the County Of Stanislaus have determined that it is mutually beneficial to have County disburse CDBG funds for CDBG-eligible activities in Newman; and

WHEREAS, the City of Newman is desirous of entering into a Subrecipient Agreement with Stanislaus County;

NOW, THEREFORE, BE IT RESOLVED that the Newman City Council hereby approves the FY 2016/2017 CDBG Subrecipient Agreement with Stanislaus County CDBG allowing the City of Newman to receive its FY 2016/2017 funding allocation.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 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:

Mayor

ATTEST:

City Clerk

COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT

This Subrecipient Agreement (“Agreement”) is made by and between the County of Stanislaus (the “County”) and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson and Waterford (the “City” individually or “Cities” collectively) on July 1, 2016.

WITNESSETH

WHEREAS, Stanislaus County applied for and is qualified to receive an entitlement grant under the Community Development Block Grant (“CDBG”) program for Fiscal Year 2016-2017 (July 1, 2016 to June 30, 2017) in the amount \$2,171,255 as an “Urban County” as set forth under Title I of the Housing and Community Development Act of 1974; and

WHEREAS, County has received a Community Development Block Grant ("CDBG") from the Department of Housing and Urban Development ("HUD") under Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.; the "Act"); and

WHEREAS, pursuant to such grant and to the Board of Supervisors Board Resolution No. 2016-209, County is undertaking certain programs and services necessary for the planning, implementation, or execution of such a Community Development Program; and

WHEREAS, COUNTY and CITY desire to enter into this Subrecipient Agreement for the purpose of designating the City as a CDBG subrecipient; and

WHEREAS, the parties desire that CDBG entitlement funds received by the County as an “Urban County” be shared proportionally, as determined by poverty and population formula, among the parties;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

A. The County and each City shall receive an allocation based upon a population and poverty calculation as set forth below:

Jurisdiction	Poverty & Population
Stanislaus County	\$604,229
Ceres	\$242,040
Hughson	\$121,058
Newman	\$137,473
Oakdale	\$151,683
Patterson	\$137,321
Waterford	\$126,074
TOTAL	\$1,519,878

B. The County and each City shall also receive an amount not to exceed twenty percent of the total Fiscal Year 2016-2017 CDBG entitlement funds for eligible general administrative services as defined in 24 CFR Part 570.206, which amount shall be set aside prior to any allocation of funds to the County and Cities under Section 1 of this Agreement. The following represents the Urban County administrative funding distribution breakdown:

Jurisdiction	Administration
Stanislaus County	\$319,089
Ceres	\$15,027
Hughson	\$15,027
Newman	\$15,027
Oakdale	\$15,027
Patterson	\$15,027
Waterford	\$15,027
TOTAL	\$409,251

C. An amount not to exceed ten percent of the total Fiscal Year 2016-2017 CDBG entitlement funds, \$217,126, shall be allocated for eligible public services, as defined in 24 CFR Part 570.201, and related projects under the Urban County CDBG Public Service Grant Program.

D. An amount not to exceed \$25,000 of the available administrative funding shall be allocated for Urban County Fair Housing activities, as defined in 24 CFR Part 570.206 (c).

E. Upon notification of a City’s intent to apply for grants available to Urban Counties under applicable law, the County, as lead agency, shall apply for such grants on behalf of that City.

F. Activities proposed by the Cities insofar as they are consistent with applicable statutes and regulations, shall be processed for inclusion by County in the Consolidated Plan and Annual Action Plan.

G. Each party has the responsibility to ensure its activities comply with the HUD Certified Fiscal Year 2016-2017 Urban County Annual Action Plan.

H. Each party agrees to comply with reporting requirements set forth in 2 CFR 200.500 et seq. (formerly OMB A-133) regarding standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments expending Federal awards.

I. Each party shall be strictly accountable for all CDBG entitlement funds allocated to that party.

1. SCOPE OF WORK.

1.1 **General Scope.** City shall utilize CDBG funds to deliver its activities as described in the Fiscal Year 2016-2017 Urban County Annual Action Plan, as certified by HUD.

1.2 **Term.** This Agreement shall be in effect until June 30, 2017, or until all Fiscal Year 2016-2017 CDBG funds are disbursed to City. The term of this Agreement and the provisions herein shall be extended to cover any additional time period during which City remains in control of CDBG funds or other CDBG assets, including program income.

2. COMPENSATION.

2.1 **Allocation Amount.** City shall be paid a total consideration amount as indicated in sections A and B above for CDBG activities and administrative activities respectively.

2.2 **Quarterly Draws.** All requests for grant fund draws shall be drawn at least once per quarter as follows: (1) City must request a first draw by September 15, 2016; (2) A second draw by December 15, 2016; (3) A third draw by March 15, 2017; and (4) A fourth and final draw by June 15, 2017. Additional draws may be required and shall be provided as requested by the County if all funds are not used by June 15, 2017.

2.3 **Certification of Expenses.** In every case, draws will be dispersed to City subject to receipt of a Request for Funds "RFF" specifying and certifying that such expenses are in conformance with this Agreement, and that City is entitled to receive the amount requisitioned under the terms of this Agreement. With each RFF an official authorized to bind Organization shall certify that "By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."

Grant fund draw requests will be dispersed upon request provided: (1) The RFF is returned with an original authorized signature; (2) That all requests are accompanied with back-up documentation verifying all requested expenses are specific to carrying out the grant activity scope.

2.4 **Authorized Personnel.** Person executing this agreement on behalf of City shall notify County in writing of all authorized personnel who shall be empowered to file requests for funds pursuant to this Agreement.

2.5 **Salaries.** The salaries paid under this Agreement shall be in accordance with the following provision of 2 CFR 200.430 (formerly OMB Circular A-87) and 24 CFR 570.206 Program Administrative Costs. City shall submit time sheets to document expenses for staff. Time sheets shall list the grant specifically and hours spent on the grant noted. Only hours spent on the grant will be paid, based on the hourly rate. If the employee is on salary, salary will be calculated based on the hours worked. If the total number of hours worked is not listed, then hourly rate will be based on an average 80 hour work week.

Fringe benefits, which includes taxes and insurance costs paid by the City on behalf of the staff person working on the grant, but does not include overhead costs, are limited to 20% of total salary costs. Paid Time-off (PTO), paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, and the like, are NOT eligible expenses. Such costs are considered basic costs, not related to specific grant activity, and shall be covered by the City. Overtime or bonuses are not allowable expenses. Expenses related to travel are ineligible, except where gas costs have been incurred directly related to implementation of program activities.

3. USE OF FUNDS.

3.1 **General Use of Funds.** Use of funds received pursuant to this Agreement shall be in accordance with the requirements of the Housing and Community Development Act of 1974 (as amended), 24 CFR Part 570, and other regulations governing the Block Grant Program, and any amendments or policy revisions thereto which shall become effective during the term of this Agreement. Further, any funded activity must be designed or so located as to principally benefit low/moderate income persons, aid in the prevention or elimination of slums or blight, or meet urgent community development needs, as defined in the program regulations.

3.2 **Compliance with Local Code.** City agrees to implement all activities supported with CDBG grant funds in compliance with all local codes and ordinances, including obtaining all necessary permits for such activities.

3.3 **In-eligible Uses of Funds.** In the event that City is found to have expended grant funds for ineligible activities, pursuant to 24 CFR 570.207 and 2 CFR 200.420-200.475 (formerly OMB Circular No. A-87 “Cost Principles for State, Local, and Indian Tribal Governments”), such funds shall be returned to the County.

3.4 **Program Income.** Program income shall be handled in accordance with Section 24 CFR 570.504(c). City shall report to County any income generated by the expenditure of CDBG funds. Such program income may be retained by City to be used for CDBG eligible activities and must be accounted for and kept separately from other funds in compliance with CDBG regulations. County has the responsibility for monitoring and reporting to HUD on the use of program income, thereby requiring appropriate record keeping and reporting by City as may be needed for this purpose.

3.5 **Termination of Contract.** Pursuant to 2 CFR 200.339, suspension or termination of this Agreement may occur if City materially fails to comply with any term of the grant agreement, or for convenience, as set forth in section 13 below.

(1) City may not terminate an Assignment of Proceeds and Grant of Lien without written consent of County. All reports or accounting provided for herein shall be rendered whether or not falling due within the Agreement period.

3.6 **Reversion of Assets.** Upon grant expiration, termination, or upon City becoming insolvent, City shall transfer to County any grant funds on hand at the time of expiration and any accounts receivable attributable to the use of said grant funds. Any real property under City’s control that was acquired or improved in whole or in part with grant funds (including grant funds provided to City in the form of a loan) shall be utilized in accordance with Section 3.1 General Use of Funds, of this Agreement, as long as needed for that purpose. When such property is no longer needed for the originally authorized purpose set forth in Section 3.1 of this Agreement, County shall obtain disposition instructions from HUD which shall provide for one of the disposition alternatives set forth in 2 CFR 200.311. All returned grant funds or payments, if any, shall be treated by County as program income.

4. **PROGRAM ACTIVITY ELIGIBILITY.**

4.1 **General Eligibility.** Eligibility of program activities, shall be evaluated and documented by City prior to identifying in Annual Action Plan to determine if activities meet the eligibility criteria established under 24 CFR 570.208. Eligibility of program activities, including an evaluation for consistency with an Urban County approved and HUD certified, Annual Action Plan shall be conducted prior to any release of funds by the County.

4.2 **Income Standards.** City agrees to use the standards, in effect at the time of assistance to determine income eligibility and the verification requirements for entry into the CDBG Program. The method of Income eligibility must be determined based on the National Objective being met and scope of CDBG activity to be carried out.

4.3 **Eligible Urban County Areas.** Program beneficiaries must reside within the income eligible Urban County areas as defined by HUD and Stanislaus County. These areas include the CDBG eligible Census Block Groups within the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, Waterford and the unincorporated areas of Stanislaus County.

4.4 **Environmental Review Record.** City is responsible for preparing the environmental review record for any project assisted through this Agreement in compliance with the California Environmental Quality Act, the National Environmental Protection Act, and 24 CFR 58. A copy of any such review shall be sent to the County for County's review, approval, and formal signature as Responsible Entity, prior to City entering into a commitment of CDBG funds for the subject activity.

5. DATA COLLECTION, REPORTING & MAINTAINENCE OF RECORDS.

5.1 **Documentation.** Implementation of program activities, including determinations of eligibility, evidence of eligible activity costs, fiscal management, and CDBG contract and subcontract records shall be documented.

5.2 **Quarterly/Closeout Reports.** City agrees to submit quarterly program status reports to County, in conformance with the requirements of CDBG and 2 CFR 200.301, including an estimate of the number of jobs created and/or retained by CDBG funds as well as any other information that is requested on the date of their monitoring appointment or by the deadline indicated within their monitoring letter. In addition, Organization shall submit, no later than 90 days after the expiration of this Agreement, any required close-out report, in conformance with the requirements of 2 CFR 200.343.

5.3 **HUD Sponsored Research.** Upon request, City shall participate in HUD-sponsored research and evaluation of CDBG during or after the completion of the program.

5.4 **DUNS Number Requirement.** City shall maintain an updated and valid DUNS number, which requires registering with Dun and Bradstreet and completing and annually renewing their registration in the Central Contractor Registration (CCR).

5.5 **Data Required.** City shall maintain activity beneficiary data such as area demographics, number of housing units, and number of people who will benefit from activities funded with grant funds. City also agrees to report the number of jobs created with CDBG funds, if applicable, in the quarterly report to be provided to County.

5.6 **General Records.** City shall keep and maintain all project records, books, papers and documents for a period of not less than five (5) years after the project terminates and grants County the option of retention of the project records, books, papers and documents. City agrees to keep all necessary books and records, including property, personnel and financial records, in connection with the operations and services performed under this Agreement, and shall document all transactions so that all expenditures may be properly audited. County, HUD, and any authorized representatives shall have access to and the right to examine all records, books, papers or documents related to the project for the purposes of making audit, evaluation, examination, excerpts and transcripts during normal business hours and during the period such records are to be maintained by City. Further, County and HUD shall have the right at all reasonable times to audit, inspect or otherwise evaluate the work performed or being performed under this Agreement.

5.7 **Privacy Procedures.** City shall develop and implement reasonable procedures to ensure: (1) The confidentiality of records pertaining to all program participants; and (2) That program participant's addresses will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the City.

5.8 **Audit Provision.** City agrees to provide to County, at City's cost, a certified audit performed by an accredited certified public accountant, of all funds received or utilized by City, including the distribution of any CDBG Grant Funds for Fiscal Year 2016-2017 and previous fiscal years. City agrees to provide additional audits upon request.

6. UNIFORM ADMINISTRATIVE REQUIREMENTS.

6.1 **General Uniform Administrative Requirements.** City shall comply with 24 CFR 570.502-Applicability of Uniform Administrative Requirements and the requirements and standards of 2 CFR 200.420-200.475 (formerly OMB Circular No. A-87, "Cost State, Local, and Indian Tribal Governments").

6.2 **Reasonable Grant Costs.** The County reserves the right to determine whether or not a request for CDBG grant fund reimbursement is reasonable. A cost is considered to be reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs. In determining the reasonableness of a given cost, consideration shall be given to: (1) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the City or the performance of the award; (2) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms length bargaining, Federal and State laws and regulations, and terms and conditions of the award; (3) Whether the individuals concerned acted with prudence in the circumstances, considering their responsibilities to the City, its members, employees, and clients, the public at large, and the Federal Government; and (4) Significant deviations from the established practices of the City which may unjustifiably increase the award costs.

6.3 **Allocable Grant Costs.** The County reserves the right to determine whether or not a request for CDBG grant fund reimbursement is allocable, consistent with applicable federal regulations. A cost is considered to be allocable if it: (1) Is incurred specifically for the award; (2) Benefits both the award and other work and can be distributed in reasonable proportion to the benefits received; or (3) Is necessary to the overall operation of the City, although a direct relationship to any particular cost objective cannot be shown.

7. HOLD HARMLESS AND INDEMNITY AGREEMENT.

7.1 **General Indemnification.** City shall hold the County, its agents, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities and damages from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable attorney's fees, and all costs and expenses, arising directly or indirectly out of any act or omission of City, whether or not the act or omission arises from the sole negligence or other liability of City, or its agents, officers, employees, or volunteers relating to or during the performance of its obligations under this Agreement.

7.2 **Liability and Fees.** County shall not be responsible or liable for any debts, actions, obligations, negligence, or liabilities committed or incurred by City, its staff or program participants, and City hereby agrees to defend, hold harmless and indemnify County from and against any and all liabilities for debts, obligations, and negligence. No draw, however, final or otherwise, shall operate to release City from any obligations under this Agreement. Should either party be required to bring a legal action to enforce the provisions of this Agreement, the prevailing party shall be reimbursed for all court costs and all reasonable attorney's fees incurred in the prosecution or defense of said action.

8. NON-DISCRIMINATION & EQUAL OPPORTUNITY

8.1 **Compliance with Fair Housing and Civil Rights Laws.** During the performance of this Agreement, City 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:

(1) City agrees to comply with all applicable fair housing, non-discrimination and civil rights requirements including all applicable Federal, State and local laws and regulations related to non-discrimination and equal opportunity, including without limitation; (a) the County's nondiscrimination policy; (b) the California Fair Employment and Housing Act (California Government Code sections 12900 et seq.); (c) Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended; (d) California Labor Code sections 1101, 1102 and 1102.1; the Federal Civil Rights Act of 1964 (P.L. 88-352), as amended; (e) Section 504 of the Rehabilitation Act of 1973; (f) Section of Title I of the Housing and Community Development Act of 1974; (g) Title II of the Americans with Disabilities Act of 1990; (h) Section 24 CFR 5.105 of the Code of Federal Regulations 24 CFR 5.105; (i) all applicable regulations promulgated in the California Code of Regulations or the Code of Federal Regulations.

(2) City agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(3) City will, in all solicitations or advertisements for employees placed by or on behalf of City, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap, sexual orientation, ancestry, national origin, familial status, or any other basis prohibited by applicable law.

(4) If the procedures that the grantee intends to use to make known the availability of services are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for such services, then City must establish additional procedures that will ensure that such persons are made aware of the services.

8.2 Equal Participation of Religious Organizations. Under CDBG, religious Organizations retain their independence from federal, state, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct CDBG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Faith-based organizations may use space in their facilities to provide CDBG-funded services, without removing religious art, icons, scriptures, or other religious symbols. If CDBG funds are to be used to acquire, construct, rehabilitate or renovate a structure which will be used for both grant eligible and inherently religious activities, CDBG funds may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities. In addition, a CDBG-funded religious City retains its authority over its internal governance, and it may retain religious terms in its City's name, select its board members on a religious basis, and include religious references in its City's mission statements and other governing documents. An organization that participates in the CDBG program shall not, in providing program assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

8.3 Section 3 Compliance. City agrees to comply with the rules and regulations set forth under Section 3 of the Housing and Urban Development Act of 1968 (12 USC 1701u), as amended, and the HUD regulations issued pursuant thereto under 24 CFR Part 135. This act requires that, to the greatest extent feasible, opportunities for training and employment be directed to low and very-low income persons, particularly those recipients of government assistance for housing, and to business concerns that provide economic opportunities to low and very-low income persons. .

8.4 Americans with Disabilities Act (ADA) of 1990 and Architectural Barriers Act of 1968. City shall comply with the Architectural Barriers Act of 1968 (42 U.S.C. § 4151, et seq.), which insures that all federally funded facilities be designed, constructed, or altered to insure accessibility and use by disabled persons, and the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101, et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines.

8.5 Labor Standards and Davis-Bacon and Related Act Requirements. City shall comply with all applicable federal labor standards, as set forth in section 110(a) of Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301, et seq.) and Davis Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5.

8.6 Displacement, Relocation, Acquisition & Replacement of Housing. Consistent with 24 CFR 570.606 and the Stanislaus Urban County's Anti-Displacement and Relocation Policy Plan, City shall take all reasonable steps to minimize the displacement of all persons as a result of Project activities.

8.7 Eligibility Restrictions. City agrees to comply with applicable eligibility restrictions for certain resident aliens, as set forth in 24 CFR 570.613 and 24 CFR Part 49.

9. CONSTRUCTION CONTRACTS

9.1 Contract Provisions: City and the County agree to include the following contract provisions in any construction contracts utilizing funds received pursuant to this Agreement:

(1) **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all construction contracts shall include the equal opportunity clause provided under 41 CFR 60-1.4(b).

(2) **Davis-Bacon Act.** All prime construction contracts in excess of \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148). Contractors shall pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must pay wages not less than once a week. City or County shall include a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. City or County shall report all suspected or reported violations to HUD.

(3) **Copeland "Anti-Kickback" Act.** All construction contracts shall include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3), prohibiting the contractor from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. City shall report all suspected or reported violations to HUD.

(4) **Contract Work Hours and Safety Standards.** Any construction contract in excess of \$100,000 that involves the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5, which require each contractor to compute the wages of mechanics and laborers on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for hours worked in excess of the standard 40 hour work week. In addition, no laborer or mechanic shall be required to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous.

(5) **Byrd Anti-Lobbying Amendment,** Any construction contract in excess of \$100,000 shall require the contractor to file the required Byrd Anti-Lobbying certification, certifying that the contractor will not and has not used Federal funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. 1352. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence a Federal contract, grant, or award, the contractor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

9.2 **Debarment and Suspension.** No contract may be awarded to parties listed on the government-wide exclusions in the System for Award Management, in accordance with the OMB guidelines at 2 CFR 180.

10. CONFLICTS OF INTEREST.

10.1 **Hatch Act Incorporated.** Neither City program nor the funds provided therefore, nor the personnel employed in the administration of the program shall be in any way or to any extent engaged in the conduct of political activities in contravention of the Hatch Act (Chapter 15 of Title 5, United States Code).

10.2 **Conflict of Interest.** City shall comply with 2 CFR 200.112 (formerly 24 CFR 84.42) and all applicable federal standards of ethical conduct, which prohibit any employee, officer, or agent of City from participating in the selection, award, or administration of a federally funded contract if a real or apparent conflict of interest would be involved. With respect to all other decisions involving the use of CDBG funds, the following restriction shall apply: No person who is an employee, agent, consultant, officer, or elected or appointed official of the City and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

10.3 **Lobbying and Disclosure Requirements.** City certifies that no State or Federal appropriated funds have been paid, or will be paid for lobbying activities, in contravention of 2 CFR 200.450 or the Byrd Amendment (31 U.S.C. 1352) and its implementing regulations at 24 CFR part 87. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence this Agreement, City shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

10.4 **Campaign Contribution Disclosure.** City certifies that it has complied with the campaign contribution disclosure provisions of the California Levine Act (Government Code § 84308) and has provided the appropriate disclosures to County.

11. DRUG-FREE WORK PLACE.

11.1 **Drug-free Workplace.** City will maintain a drug free work place and will comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.) and HUD's implementing regulations at 24 CFR part 21.

12. ENVIRONMENTAL LAW COMPLIANCE

12.1 **Lead Poisoning Prevention Act.** City agrees to uphold the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.) and implementing regulations at 24 CFR part 35, subparts A, B, M, and R.

12.2 **Clean Air Act and Federal Water Pollution Control Act.** Organization agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended. (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

13. TERMINATION OF SERVICES & REVERSION OF ASSETS.

13.1 **Termination of Contract and Reversion of Assets.** It is expressly understood and agreed that either party shall have the right to terminate this Agreement upon fifteen (15) days written notice to the other party. Such notice shall include the reasons for termination. (1) City may not terminate an Assignment of Proceeds and Grant of Lien without written consent of County. All reports or accounting provided for herein shall be rendered whether or not falling due within the Agreement period. (2) County reserves the right to terminate this Agreement or to reduce the Agreement compensation amount for cause, or if City fails to comply with the terms and conditions of an award, including: (a) Failure of City to file required reports; (b) Failure of City to meet project dates; (c) Expenditure of funds under this Agreement for ineligible activities, services or items; (d) Failure to comply with written notice from County of substandard performance in scope of services under the terms of this Agreement. (3) Should County choose to terminate this Agreement the following steps shall be followed: (a) Written warning to City by County including steps to bring project into compliance with time frame; (b) Notification by County that said project has been determined deficient and that continued support of the project is not providing an adequate level of services to low/moderate income people; (c) Written notification from County that said Agreement is to be terminated and program funds curtailed, withdrawn, or otherwise restricted. (4) Upon expiration or termination of this Agreement, City shall transfer to the County any CDBG funds on hand at the time of expiration or termination and any accounts receivable attributable to the use of CDBG funds.

13.2 **Insolvency.** If the City becomes insolvent, all unused CDBG funds shall be returned to the County for disposition.

14. GENERAL TERMS AND CONDITIONS.

14.1 **Other program requirements.** City agrees to carry out each activity in compliance with all Federal laws and regulations described in subpart K of 24 CFR 570, except that City does not assume County responsibility for initiating the process of reviewing federal financial assistance programs under the provisions of 24 CFR 52.

14.2 **Assignment.** Without written consent of County, this Agreement is not assignable by City, either in whole or in part.

14.3 **Amendment.** No amendment to, alteration of or variation in the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

14.4 **Provisions Required by Law Deemed Inserted.** Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to be inserted herein, and the Agreement shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party, the Agreement shall forthwith be physically amended to make such insertion or correction.

14.5 **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.

14.6 **Integration.** This Agreement represents the entire understanding of County and City as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both

written and oral. This Agreement may not be modified or altered except in accordance with section 14.3 or 14.4.

14.7 **Notice.** Any notice, communication, amendment, addition or deletion to this Agreement, including change of address of either party during the term of this Agreement, which City or County shall be required or may desire to make shall be in writing and may be personally served or, alternatively, sent by prepaid first class mail to the respective parties as follows:

To County: County of Stanislaus
Department of Planning and Community Development
Attention: Planning Director
1010 Tenth Street, Suite 3400
Modesto, CA 95354

To City: See Attachment 1 – Urban County City Notice Information

14.8 **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.

14.9 **Authorization.** City has authorized the undersigned person signing as officers on behalf of City, to enter into this Agreement on behalf of said City and to bind the same to this Agreement, and, further that said City has authority to enter into this Agreement and that there are no restrictions or prohibitions contained in any article of incorporation or bylaws against entering into this Agreement.

14.10 **Counterparts.** This Agreement may be signed in counterparts and shall bind each signatory to the Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first hereinabove written.

– Signatures on following pages –

COUNTY OF STANISLAUS

By _____
Dick Monteith
Chairman of the Board of Supervisors

_____ Dated

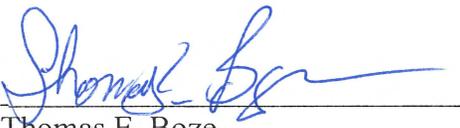
ATTEST: Elizabeth King
Clerk of the Board of Supervisors
of the County of Stanislaus, State of California

By _____
Pam Villarreal
Assistant Clerk

APPROVED AS TO CONTENT:
Angela Freitas, Director
Planning and Community Development Department

By _____
Angela Freitas
Director

APPROVED AS TO FORM:
John P. Doering
County Counsel

By 
Thomas E. Boze
Assistant County Counsel

CITY OF NEWMAN

By _____
Robert Martina
Mayor

_____ Dated

ATTEST:

By _____
Mike Maier
City Clerk

APPROVED AS TO CONTENT:

By _____
Michael E. Holland
City Manager

APPROVED AS TO FORM:

By _____
Nubia Goldstein
City Attorney

Attachment 1
Urban County City Notice Information

City of Ceres
Department of Planning
2720 Second Street
Ceres CA 95307

City of Hughson
Department of Planning
P.O. Box 9
Hughson CA 95326

City of Newman
Department of Planning
P.O. Box 787
Newman CA 95360

City of Oakdale
Department of Planning
455 S. Fifth Street
Oakdale CA 95361

City of Patterson
Department of Planning
P.O. Box 667
Patterson CA 95363

City of Waterford
Department of Planning
P.O. Box 199
Waterford CA 95386

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2016- , 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 Monday, June 13, 2016. 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.

ATTACHMENTS:

1. Resolution No. 2016- , a resolution declaring the existence of a public nuisance
2. Exhibit A – Abatement List

Respectfully submitted,



Randy Richardson
Chief of Police

REVIEWED/CONCUR:



Michael Holland
City Manager

RESOLUTION NO. 2016-

**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 June 14, 2016, 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 June, 2016 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk

City of Newman
Abatement list

1. 939 Lee Ave.

Tall weeds throughout back yard

2. 740 Bunting Ln.

Tall weeds throughout front yard







REPORT ON ESTABLISHING A COMMUNITY FACILITIES DISTRICT

RECOMMENDATION:

1. Hold a Public Hearing.
2. Adoption of Resolution No. 2016- establishing the formation of a Community Facilities District.

BACKGROUND:

In early 2006, the community pool (the Plunge) was declared structurally unsafe by an engineer and closed down. Due to public health and safety concerns, the complex was ultimately razed and removed. In 2007, the Newman Redevelopment Agency purchased property from the Howard Hill family located near the intersection of Inyo Avenue and Upper Road, to serve as the location for a new community pool complex. Enlisting the help of the community, the City hosted several community meetings to receive input during the design stages of the project. Unfortunately, due to the 2008 economic recession and the dissolution of redevelopment agencies in 2011, the City has lacked the funding necessary to construct and maintain a new community pool.

In response to comments and opinions Council members received from the public, the City Council directed staff to renew the effort to develop a plan to construct and maintain a community pool complex on city-owned land adjacent to Howard B. Hill Park. After conducting a feasibility analysis (May 2015), adopting local goals and policies for community facilities districts (Resolution No 2015-25) and a community survey (late October/early November 2015), the Council directed staff to assemble the documentation and records necessary to place a Measure on the November 2016 ballot. If successful, the Measure would create a city-wide Community Facilities District (CFD) to fund the construction, operations and maintenance of a community pool complex.

At their April 26, 2016, meeting the City Council approved Resolution No 2016-25 Declaring Its Intention to Establish a Community Facilities District (No. 2016-1) and To Authorize the Levy of Special Taxes. Attached to said resolution were the following exhibits: A. Map showing the Proposed Boundaries of the District, B. Description of Facilities and Services to be financed by the District, C. Rate and Method of Apportionment and D. Copy of Notice of Public Hearing. The Resolution also set June 14th as the date a Public Hearing will be held on this matter at a regular meeting of the City Council. A Notice of Public Hearing was published on June 2nd in the Westside Index.

The City Council also considered, and approved, Resolution No 2016-16 Declaring Its Intention to Incur Bonded Indebtedness at the same April 24th meeting. This resolution declared the Council's intention to incur indebtedness and set June 14th as the date a Public Hearing will be held on this matter. A Notice of Public Hearing for this item was also published on June 2nd in the Westside Index.

ANALYSIS:

The process of establishing of Community Facilities District No. 2016-01 requires that the City hold a public hearing to allow interested parties to offer testimony in both opposition to and/or support of the formation of the district. If 50% of the registered voters within the District file written protests, the proceedings must be abandoned and the same proposal may not be renewed for a minimum of one-year. If the majority is only against some aspect of the proposed CFD powers, only that aspect must be removed from the proceedings. The absence of a majority protest does not necessarily compel the Council to form the CFD. The Council retains full discretion regarding whether to proceed or not.

Attached as Exhibit 2 is a Community Facilities District No. 2016-1 (Community Pool) Special Tax Report, which the Council directed its preparation in Resolution 2016-25. This report provides the following; a description of facilities and services, boundaries of district, cost estimates, and the rate and method of apportionment.

Description of Facilities and Services: This section of the report identifies the facilities and services that are proposed to be included in the Communities Facilities District and eligible to be funded. The main facilities include an 8-lane 25 yard competition pool with a one-meter diving board. The pool was designed to accommodate both a recreational team (Westside Stingrays) and a high school competition team. It contains a deck level gutter system that allows for easier entry and exit; as well as a step entry and ADA lift system. The pool has a capacity of 240 swimmers during open/recreation swim sessions. This layout is comparable to the design of the Plunge with an additional two racing lanes and step entry; minus a high dive.

An additional water feature is a spray pad that is anticipated to include bubblers, geysers and other similar type of amenities. The site will also include shade structures and tables. One main public building will be constructed to provide restrooms with changing areas, one (1) family restroom, a first-aid and lifeguard room, an administration/ticketing area and a concession area. A second building is required to house all the pool and spray pad equipment. This building will not be open to the public.

An important part of the construction of any new facility includes a plan for operating and maintaining the facility and ensuring there is adequate funding for these services, as well as any unforeseen problems that may arise. While developing an estimated budget for these costs, the budgets for cities with similar types of facilities were reviewed. The attached report identifies these services.

Boundaries of the District: On April 26th, the Council approved Resolution No 2016-25 Declaring Its Intention to Establish a Community Facilities District (No. 2016-1). Exhibit A of the resolution is a map identifying the proposed boundaries of the CFD. Following the approval, the map was recorded in the Stanislaus County Recorder’s Office on May 4, 2016, in Book 5 at Page 48 as Document 2016-0032804-00 of Maps of Assessments and Community Facilities Districts. Said boundary map is included as part of this report and comprises the entire City Limits.

Cost Estimates: The City’s primary option for funding the construction of the facility is a loan through Stanislaus County. While Supervisor DeMartini and staff are generally supportive of this arrangement, the details and final approval of a loan cannot be finalized until after the residents have voted. As a back-up plan, the City is taking the steps necessary to authorize bonds and to incur bonded indebtedness for the District should the loan not be made available. These steps include development of estimated project cost to construct and finance the proposed facility.

Table A.

Estimated Project Costs	
Site Work	\$1,800,000
Community Pool	1,300,000
Bathhouse	1,100,000
Equipment Building	450,000
Splash Pad	500,000
Contingency/Cost of Bond Issuance (1)	1,350,000
Total Estimated Project Costs	\$6,500,000

(1) This budget line item may include bond/loan related expenses, including underwriters discount, appraisal and absorption study costs, reserve fund, capitalized interest, financial advisor, special tax consultant, bond counsel and underwriters’ counsel fees and expenses, official statement printing, administrative fees of the City and the bond trustee or fiscal agent related to the District and the bonds/loan, and other incidental expenses.

Agenda Item: 9.b.

As mentioned earlier within the report, City staff and consultants have reviewed the budgets for similar facilities and developed an estimated annual cost for the District. The budget represents the estimated maximum cost for providing the District facilities and services.

Table B.

Estimated District Costs (1)	
Operational Costs	\$234,500
Debt Service/Capital Improvement Project	258,024
Administrative Costs	50,000
Total Estimated District Costs	\$542,524

(1) Estimate of District costs after the completion of the facilities.

The final table in this section shows the estimated revenue that would be generated to support the District.

Table C.

Anticipated Maximum District Special Tax Revenues	Estimated Number of Lots/Units/Parcels	Maximum Special Tax Rate	Maximum Amount
Single-Family Property	3,208 lots	\$148.00 per residential lot	\$474,784
Multi-Family Property	314 units	\$96.20 per multi-family unit	30,207
Other Property	184 parcels	\$148.00 per assessor's parcel	27,232
Total Anticipated Maximum District Special Tax Revenues			\$532,223

Rate and Method of Apportionment of the Special Tax: The previous table (Table C) identifies the rates that would be applied. These rates are the maximum allowable rate and does not allow for any rate increases; except by a separate vote of the electorate. If approved in November 2016, the identified rates would appear on the 2017/18 property tax bills. The term would be 30 years. Senior citizens that qualify as a Low Income Household shall be eligible for a fifty percent (50%) reduction if they own and reside on the property.

Appropriations Limit: Pursuant to the requirements for the formation of a Community Facilities District, the City shall establish the "Appropriations Limit" per California Constitution Article 13B. The appropriations limit needs to be set at a level that will enable the CFD to collect and spends funds necessary to fulfill its function. This amount is higher than the amount shown in the Revenue table above as there are undeveloped properties within the District which may be developed in a manner that increases their original amount billed. For example, a large property may be subdivided into ten single family properties in the future or a vacant multi-family property may be developed into a 20-unit complex.

Lastly, a successful Measure would allow the City to pursue grant funding to be used towards construction of the pool and/or spray pad.

FISCAL IMPACT:

There is the potential for a minor negative impact on the General Fund on an annual basis. At this stage, the expenditures are estimated to be approximately \$10,000 greater than the revenues.

CONCLUSION:

In a response to comments received by City Council from members of the public, the City has prepared the documentation that is necessary to place a Measure on the November ballot. The Measure would allow the electorate to vote in favor of or opposition to the formation of a Community Facility District, the levying of a special tax to fund the construction, maintenance and operations of a community pool complex and establishing an appropriations limit per the California Constitution. To be successful, the

Agenda Item: 9.b.

Measure must receive 2/3 of the votes in favor of the measure. If the Measure does not receive the necessary 2/3 votes, the proposal dies and cannot be resubmitted to the electorate for a minimum of one year. If the Measure is successful, the City would direct the project architects and engineers to complete the construction documents and bid packages in an effort to have the pool open and operational for Summer 2018.

It is staff's recommendations that the Council adopt Resolution No. 2016- establishing the formation of a Community Facilities District.

ATTACHMENT:

1. Resolution No. 2016- , Establishing the Formation of a Community Facilities District.
2. City of Newman Community Facilities District No. 2016-1 Special Tax Report

Respectfully submitted,



Michael Holland
City Manager

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,
ESTABLISHING THE FORMATION OF A COMMUNITY FACILITIES DISTRICT**

**CITY OF NEWMAN
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(COMMUNITY POOL)**

WHEREAS, on April 16, 2016, this City Council (the "City Council") of the City of Newman (the "City") adopted Resolution No. 2016-25 entitled "A Resolution of the City Council of the City of Newman, California, Declaring its Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to form the City of Newman, Community Facilities District No. 2016-1 (Community Pool) (the "District"), of the City pursuant to the Mello-Roos Community Facilities Act of 1982 (California Government Code Section 53311 *et. Seq.*, hereafter referred to as the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the District and stating the Facilities and Services to be provided, the estimated cost of providing such Facilities and Services as defined in Exhibit A (the "Facilities and Services"), and the Rate and Method of Apportionment of the Special Tax to be levied within the District to pay for the Facilities and Services, are on file with the City Clerk and the provisions thereof are incorporated by this reference as if fully set forth herein; and

WHEREAS, under the Resolution of Intention, the Finance Director was directed to make, or cause to be made, and file with the City Clerk a report (the "District Report") in writing, presenting the Facilities and Services to be provided and an estimate of the reasonable cost of providing the Facilities and Services. The District Report was prepared and submitted to the City Clerk prior to the public hearing described below; and

WHEREAS, the Resolution of Intention called for a public hearing pertaining to the formation of the District and the levy of said special tax to be held on June 14, 2016, at 7:00 p.m. at the meeting place of the City Council; and

WHEREAS, under the Resolution of Intention, the City Clerk was directed to cause notice of said public hearing to be given by publication one time in a newspaper published in the area of the District, and the City Clerk caused the publication of such notice at least seven (7) days before the date set for said public hearing; and

WHEREAS, on this date, this City Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the District; and

WHEREAS, the City Council adopted Resolution 2016-26 declaring its intention to incur bonded indebtedness, estimating the amount required for the financing of the costs of the Facilities in the territory of the District to be the sum of an amount not to exceed \$6,500,000 (the "Bond Authorization"); and

WHEREAS, the City presently contemplates a loan from the County of Stanislaus (the "County") in an amount not to exceed the Bond Authorization; and

WHEREAS, if the City is unable to obtain a loan from the County or other entity, in order to finance the costs of the Facilities it may be necessary to incur bonded indebtedness in an amount not to exceed \$6,500,000 on behalf of the District; and

WHEREAS, it is in the public interest and for the public benefit that the City declares its official intent to finance the Facilities with bonded indebtedness referenced herein in the event the City is unable to obtain a loan from the County or other entity; and

WHEREAS, at the public hearing all interested persons desiring to be heard on all matters pertaining to the formation of the District, the Facilities and Services to be provided therein and the levy of such special taxes were heard and a full and fair public hearing was held; and

WHEREAS, written protests with respect to the formation of the District, the furnishing of specified types of Facilities and Services and the Rate and Method of Apportionment of the Special Tax have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the District or property owners of one-half (1/2) or more of the area of land within the District and not exempt from the proposed special taxes; and

WHEREAS, the special tax proposed to be levied in the District to pay for the proposed Facilities and Services has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the District or the owners of one-half (1/2) or more of the area of land within the District and not exempt from the special taxes; and

NOW, THEREFORE, the City Council of the City of Newman, DOES HEREBY RESOLVE as follows:

1. The foregoing recitals are true and correct.
2. The proposed special tax to be levied within the District has not been precluded by majority protest pursuant to Section 53324 of the Act.
3. All prior proceedings taken by the City Council in connection with the establishment of the District and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. The City Council has heretofore adopted Local Goals and Policies for Community Facilities Districts, and the City Council hereby finds and determines that the District is in conformity with said goals and policies.
4. The community facilities district designated as the "City of Newman, Community Facilities District No. 2016-1 (Community Pool)" of the City is hereby established pursuant to the Act.
5. The District Report is hereby approved.
6. The boundaries of the District, as set forth in the map entitled "Map of Proposed Boundaries City of Newman, Community Facilities District No. 2016-1 (Community Pool), City of Newman, County of Stanislaus, State of California" heretofore recorded in the Stanislaus County Recorder's Office on May 4, 2016, in Book 5 at Page 48 as Document 2016-0032804-00 of Maps of Assessment and Community Facilities Districts, are hereby approved, are incorporated herein by reference and shall be the boundaries of the District.
7. The type of Facilities and Services proposed to be funded by the District and pursuant to the Act shall consist of those items shown in Exhibit A hereto and by this reference incorporated herein. It is hereby found and determined that the Facilities and Services are necessary to meet the increased demands as the result of development occurring in the District.
8. Except to the extent that funds are otherwise available to the District to pay for the Facilities and Services, a Special Tax sufficient to pay the costs thereof, secured by the recordation of a continuing lien against all non-exempt real property in the District, will be levied annually within the District pursuant to the Rate and Method of Apportionment of the Special Tax, and collected in the same manner as ordinary ad valorem property taxes or in such other manner as the City Council or its designee shall determine, including direct billing of the affected landowners. In the case of the Special Tax when it is levied on any parcel used for private residential purposes to pay for the Facilities, the Special Tax shall not be levied in the District after the final tax year specified in the Rate and Method of Apportionment of the Special Tax, except that a Special Tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years. Under no circumstances shall the Special Tax levied against any parcel in the District to pay for the Facilities and used for private residential purposes be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the District by more than 10% above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults.

9. The Rate and Method of Apportionment of the Special Tax among the parcels of real property within the District, in sufficient detail to allow each landowner within the District to estimate the maximum amount such owner will have to pay, is shown in Exhibit B attached hereto and hereby incorporated herein.

10. The Finance Director of the City, 938 Fresno Street, City of Newman, California, 95360, telephone number (209) 862-3725, is the officer of the City who will be responsible for preparing annually a current roll of the levy of the special tax obligations by assessor's parcel number and who will be responsible for estimating future levies of the special tax.

11. Upon recordation of a notice of Special Tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all nonexempt real property in the District and this lien shall continue in force and effect until the collection of the special tax by the City ceases.

12. In accordance with the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the District is hereby preliminarily established at \$750,000 and such appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing such annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of the Act and the California Constitution.

13. Under the Act, the proposition of the levy of the Special Tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the District at an election. The time, place and conditions of the election shall be as specified by a separate resolution of this Council.

14. This Resolution shall take effect upon its adoption.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 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:
ABSTAIN:

APPROVED:

Bob Martina
Mayor

ATTEST:

Mike Maier
City Clerk

EXHIBIT A

CITY OF NEWMAN
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(COMMUNITY POOL)

DESCRIPTION OF FACILITIES AND SERVICES TO BE
FINANCED BY THE DISTRICT

The District is authorized to fund all or a portion of the cost of construction, acquisition and financing of a public aquatic facility project within the City, including but not limited to a swimming pool or pools and related equipment, changing rooms, rest rooms, bathhouse, splash pad, equipment building, and any and all on-site improvements and facilities related to the use and operation of the project.

The District is also authorized to fund all or any portion of the cost of maintenance services and operation of the facilities and project described in the preceding paragraph, including but not limited to maintaining equipment, apparatuses, facilities and fixtures in and around the facilities or used to maintain the facilities; paying the salaries and benefits of personnel necessary or convenient to provide project services; reimbursements to the City for the cost of plans, specifications, approvals and/or work conducted prior to District formation; payment of insurance costs and other related expenses; and the provision of reserves for repairs, replacements, and for the future provision of maintenance services, whether provided by the City's own employees or by contract with third parties, or any combination thereof. The District is further authorized to fund administrative fees of the City related to the District and any debt service payments associated with the issuance of debt used to finance the Facilities and Services referenced herein.

EXHIBIT B

CITY OF NEWMAN
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(COMMUNITY POOL)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

**RATE AND METHOD OF APPORTIONMENT
FOR CITY OF NEWMAN
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(COMMUNITY POOL)**

A Special Tax as hereinafter defined shall be levied on each Assessor's Parcel of Taxable Property within the City of Newman Community Facilities District No. 2016-1 (Community Pool) ("CFD No. 2016-1") and collected each Fiscal Year commencing in Fiscal Year 2017-2018 in an amount determined by the City Council through the application of the appropriate Special Tax for Taxable Property as described below. All of the real property in CFD No. 2016-1, unless exempted by law or by the provisions hereof, shall be taxed for purposes of CFD No. 2016-1, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meaning:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or reasonably estimated costs directly related to the administration of CFD No. 2016-1 including, but not limited to, the following: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City, the CFD Administrator, or both); the costs of collecting the Special Taxes (whether by the County, the City, or otherwise); the costs to the City, CFD No. 2016-1, or any designee thereof of complying with disclosure requirements; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; and the costs of the City, CFD No. 2016-1, or any designee thereof related to any appeal of the levy or application of the Special Tax. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2016-1 for any other administrative purposes, including, but not limited to, attorney's fees.

"Agricultural Property" means all Assessor's Parcels of property used for farming or agricultural purposes.

"Assessor's Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the Stanislaus County Assessor of the County designating parcels by an Assessor's parcel number.

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"CFD No. 2016-1" or **"CFD"** means the City of Newman Community Facilities District No. 2016-1 (Community Pool).

"CFD No. 2016-1 Debt Service" means the repayment of debt associated with the issuance of any bonds, loan agreement or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by the City for CFD No. 2016-1 under the Act.

"City" means the City of Newman.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 2016-1.

"County" means the County of Stanislaus.

“Exempt Property” means all Assessor’s Parcels that are exempt from the Special Tax pursuant to Section E.

“Facilities” means the facilities authorized to be funded by CFD No. 2016-1 as described in the proceedings for formation of CFD No. 2016-1,

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Low Income Household” means a household in the City that meets the Low Income limit of eighty percent (80%) of the Area Median Income (AMI) or lower for Stanislaus County, as determined annually by the California Department of Housing and Community Development.

“Maximum Annual Special Tax” means the maximum annual Special Tax, determined in accordance with the provisions of Section C, which may be levied in any Fiscal Year on any Assessor’s Parcel of Taxable Property.

“Multi-Family Property” means all Assessor’s Parcels of Taxable Property for which a map has been recorded designating Residential Lots for the purpose of developing Multi-Family Units.

“Multi-Family Unit(s)” means attached residential dwelling units included in, but not limited to, duplexes, triplexes, townhomes, condominiums, and apartment units.

“Other Property” means all Assessor’s Parcels of Taxable Property, whether developed or undeveloped, for which a map has been recorded designating the Assessor’s Parcel as a lot and cannot be classified as Single-Family Residential Property or Multi-Family Residential Property.

“Proportionately” means for Taxable Property that the ratio of the Special Tax levy to the Maximum Annual Special Tax is equal for all Assessor’s Parcels of Taxable Property within CFD No. 2016-1.

“Public Property” means any property within the boundaries of CFD No. 2016-1 that is (i) used for parks, schools, drainage and detention easements, rights-of-way or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State of California, the County, the City or any other public agency or (ii) encumbered by an unmanned utility easement making impractical its utilization for purposes other than the purpose set forth in the easement, provided, however, that any property leased by a public agency to a private entity and subject to taxation under the Act shall be taxed and classified in accordance with its use.

“Residential Lot(s)” means an individual lot of land for which a building permit could be issued to construct one or more residential dwelling units.

“Senior Citizen” means a person 65 years of age or older residing within the City.

“Services” means the maintenance and operation services authorized to be funded by CFD No. 2016-1 as described in the proceedings for formation of CFD No. 2016-1.

“Single-Family Property” means all Assessor’s Parcels of Taxable Property for which a map has been recorded designating Residential Lots for the purpose of developing a single-family dwelling unit.

“Special Tax” means the annual special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to fund the Special Tax Requirement.

“Special Tax Requirement” means that amount of Special Tax revenue required in any Fiscal Year for CFD No. 2016-1 to: (a) pay directly for the Facilities and Services; (b) pay CFD No. 2016-1 Debt Service; (c) pay Administrative Expenses; (d) pay any amounts required to establish or replenish any

repair and contingency funds, capital improvement funds, or reserve funds for CFD No. 2016-1; (e) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; and (f) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator.

“**State**” means the State of California.

“**Taxable Property**” means all of the Assessor's Parcels within the boundaries of CFD No. 2016-1 that are not exempt from the Special Tax pursuant to law or Section E below.

B. ASSIGNMENT TO LAND USE CATEGORIES

On, or around, July 1 of each Fiscal Year, all Assessor's Parcels of Taxable Property within CFD No. 2016-1 shall be classified as Single-Family Residential Property, Multi-Family Residential Property or Other Non-Residential Property and shall be subject to the levy of annual Special Taxes determined pursuant to Sections C and D below.

C. MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax for each Assessor's Parcel of Taxable Property shall be assigned according to the table below:

Property Land Use	Maximum Special Tax Amount
Single-Family Property	\$148.00 per Residential Lot
Multi-Family Property	\$96.20 per Multi-Family Unit
Other Property	\$148.00 per Assessor's Parcel

The Maximum Annual Special Tax is not subject to an annual increase. Under no circumstances shall the Special Tax levied in any fiscal year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the CFD by more than 10 percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2017-2018 and for each following Fiscal Year, the CFD Administrator shall determine the Special Tax Requirement and the City shall levy the Special Tax until the amount of Special Taxes equal the Special Tax Requirement. The Special Tax shall be levied each Fiscal Year Proportionately on each Assessor's Parcel of Taxable Property at up to one hundred percent (100%) of the applicable Maximum Special Tax.

E. EXEMPTIONS

The CFD Administrator shall classify the following as Exempt Property: (a) Public Property; (b) Agricultural Property; and (c) Assessor's Parcels with public or utility easements making impractical their utilization for any use other than the purposes set forth in the easement.

If the use of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth above that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be deemed to be Taxable Property.

F. SENIOR DISCOUNT

Senior Citizens that qualify as a Low Income Household shall be eligible for a fifty percent (50%) reduction of the Special Tax if they own and reside in a Single Family Property or Multi-Family Property within the CFD. Eligible Senior Citizens meeting the criteria to qualify for the reduction shall complete and submit annually to the City a Special Tax Reduction Claim Form. The Special Tax Reduction Claim Form must be submitted on an annual basis and no later than June 30 of each tax year.

G. SPECIAL TAX REVIEW/APPEAL

Any landowner or resident who feels that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error. If following such consultation, the CFD Administrator determines that an error has occurred; the CFD Administrator may amend the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action (if any by the CFD Administrator), the landowner or resident believes such error still exists, such person may file a written notice with the City appealing the amount of the Special Tax levied on such Assessor's Parcel. Upon the receipt of any such notice, the City may establish such procedures, as it deems necessary to undertake the review of any such appeal. The review/appeal shall interpret this Rate and Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals, as herein specified. The decision of the City shall be final and binding as to all persons.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City Council reserves the right to make minor administrative and technical changes to this Rate and Method of Apportionment that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City Council's discretion. Interpretations may be made by the City Council by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in the Rate and Method of Apportionment of Special Taxes.

I. MANNER OF COLLECTION

The annual Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the City may directly bill the Special Taxes, and may collect Special Taxes at a different time or in a different manner as necessary to meet its financial obligations.

J. PREPAYMENT OF SPECIAL TAX

The Special Tax may not be prepaid.

K. TERM OF SPECIAL TAX

The Special Tax shall be levied for a period of thirty (30) years, commencing in Fiscal Year 2017-2018, and shall not be levied after Fiscal Year 2047-2048, except that a Special Tax that was lawfully levied in or before Fiscal Year 2047-2048 and that remains delinquent may be collected in subsequent years.

**City of Newman
Community Facilities District No. 2016-1
(Community Pool)
Special Tax Report**

May 2016

Prepared by



For and on behalf of City of Newman

Main Office

32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516 Fax: 951.296.1998

Regional Office

870 Market Street, Suite 1223
San Francisco, CA 94102
Toll free: 800.434.8349 Fax: 417.391.8439

TABLE OF CONTENTS

1. INTRODUCTION 1

2. DESCRIPTION OF FACILITIES AND SERVICES 2

3. BOUNDARIES OF DISTRICT 3

4. COST ESTIMATE 4

Estimated Project Costs4

Estimated Annual District Costs4

Anticipated Maximum Special Tax Revenue4

5. RATE AND METHOD OF APPORTIONMENT 5

Term of Special Tax5

Senior Discount.....5

Manner of Collection5

6. APPENDICES 6

APPENDIX A – BOUNDARY MAP A

APPENDIX B – RATE AND METHOD OF APPORTIONMENT B

1. INTRODUCTION

The City Council (the "City Council") of the City of Newman (the "City") did, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the "Act"), on April 26, 2016, adopt a resolution entitled the Resolution of the City Council of the City of Newman Declaring Its Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes (the "Resolution of Intention"). In the Resolution of Intention, the City Council expressly approved the direction to prepare a written Community Facilities District Report (the "Report"), for the proposed City of Newman Community Facilities District No. 2016-1 (Community Pool) (the "District").

In the Resolution of Intention, the City Council expressly ordered the preparation of a written Report for the District containing the following:

1. A brief description of the facilities and services to be funded by the District; and
2. An estimate of the fair and reasonable initial annual cost of providing the facilities and services, including the incidental expenses in connection therewith, any City administration costs, and all other related costs.

For particulars, reference is made to the Resolution of Intention for the District, as previously adopted on April 26, 2016 by the City Council.

NOW, THEREFORE, the Finance Director of the City, the appointed responsible officer directed to prepare the Report or cause the Report to be prepared pursuant to the provisions of the Act, does hereby submit this Report containing the following information:

- **DESCRIPTION OF FACILITIES AND SERVICES.** A description of the facilities and services that the City Council has determined to be eligible to be funded by the District.
- **BOUNDARIES OF THE DISTRICT.** The proposed boundaries of the District are those properties and parcels on which special taxes may be levied to pay for the costs and expenses of the facilities and services.
- **COST ESIMATE.** The estimate of total maximum project costs and the anticipated annual costs in the initial year and the anticipated maximum special tax revenue for the District.
- **RATE AND METHOD OF APPORTIONMENT.** The Rate and Method of Apportionment of Special Tax which was included in the Resolution of Intention and approved by the City Council.

2. DESCRIPTION OF FACILITIES AND SERVICES

It is intended that the District will be eligible to fund all or a portion of the cost of construction, acquisition and financing of a public aquatic facility project within the City, including but not limited to a swimming pool or pools and related equipment, changing rooms, rest rooms, bathhouse, splash pad, equipment building, and any and all on-site improvements and facilities related to the use and operation of the project.

The District may fund all or any portion of the cost of maintenance services and operation of the facilities and project described in the preceding paragraph, including but not limited to maintaining equipment, apparatuses, facilities and fixtures in and around the facilities or used to maintain the facilities; paying the salaries and benefits of personnel necessary or convenient to provide project services; reimbursements to the City for the cost of plans, specifications, approvals and/or work conducted prior to District formation; payment of insurance costs and other related expenses; and the provision of reserves for repairs, replacements, and for the future provision of maintenance services, whether provided by the City's own employees or by contract with third parties, or any combination thereof. The District may also fund administrative fees of the City related to the District and any debt service payments associated with the issuance of debt used to finance the facilities and services referenced herein.

3. BOUNDARIES OF DISTRICT

The proposed boundaries of the District includes those parcels in which special taxes may be levied and collected to pay for the costs and expenses of the District facilities and services. The proposed boundaries of the District are identified on the map of the District recorded on May 4, 2016, in Book 5 at Page 48 of Maps of Assessment and Community Facilities Districts as Document No. 2016-0032804-00 in the office of the County Recorder for the County of Stanislaus. The District map is on file with the City Clerk, to which reference is hereby made and a reduced copy of such map is set forth in Appendix A of this Report.

4. COST ESTIMATE

Estimated Project Costs

In order to finance the costs of the facilities, the City deemed it necessary to authorize bonds for the District and the City intends, in the City’s sole discretion, to incur bonded indebtedness for the District in an amount not to exceed \$6,500,000. The table below presents the estimated maximum project costs to construct and finance the proposed facilities.

Estimated Project Costs	
Site Work	\$1,800,000
Community Pool	1,300,000
Bathhouse	1,100,000
Equipment Building	450,000
Splash Pad	500,000
Contingency/Cost of Bond Issuance (1)	1,350,000
Total Estimated Project Costs	\$6,500,000

(1) This budget line item may include bond/loan related expenses, including underwriters discount, appraisal and absorption study costs, reserve fund, capitalized interest, financial advisor, special tax consultant, bond counsel and underwriters’ counsel fees and expenses, official statement printing, administrative fees of the City and the bond trustee or fiscal agent related to the District and the bonds/loan, and other incidental expenses.

Estimated Annual District Costs

The annual budget presented below represents the estimated maximum costs for providing the District facilities and services.

Estimated District Costs (1)	
Operational Costs	\$234,500
Debt Service/Capital Improvement Project	258,024
Administrative Costs	50,000
Total Estimated District Costs	\$542,524

(1) Estimate of District costs after the completion of the facilities.

Anticipated Maximum Special Tax Revenue

The maximum special tax rates are set forth in the Rate and Method of Apportionment for the District. Based upon the existing number of parcels within the District, the maximum special tax revenue is as follows:

Anticipated Maximum District Special Tax Revenues	Estimated Number of Lots/Units/Parcels	Maximum Special Tax Rate	Maximum Amount
Single-Family Property	3,208 lots	\$148.00 per residential lot	\$474,784
Multi-Family Property	314 units	\$96.20 per multi-family unit	30,207
Other Property	184 parcels	\$148.00 per assessor’s parcel	27,232
Total Anticipated Maximum District Special Tax Revenues			\$532,223

5. RATE AND METHOD OF APPORTIONMENT

All of the property located within the District, unless exempted by law or by the Rate and Method of Apportionment, shall be taxed for the purpose of providing necessary facilities and services for the District. Pursuant to Section 53325.3 of the Act, the tax imposed "is a special tax and not a special assessment, and there is no requirement that the tax be apportioned on the basis of benefit to any property." The special tax "may be based on benefit received by parcels of real property, the cost of making facilities or authorized services available to each parcel, or other reasonable basis as determined by the legislative body," although the special tax may not be apportioned on an ad valorem basis pursuant to Article XIII A of the California Constitution.

As shown in Appendix B, the adopted Rate and Method of Apportionment provides information sufficient to allow each property owner within the District to estimate the maximum special tax that he or she will be required to pay.

Term of Special Tax

The District special tax shall be levied for a period of thirty (30) years, commencing in Fiscal Year 2017-2018, and shall not be levied after Fiscal Year 2047-2048, except that a special tax that was lawfully levied in or before Fiscal Year 2047-2048 and that remains delinquent may be collected in subsequent years.

Senior Discount

Senior citizens that qualify as a Low Income Household shall be eligible for a fifty percent (50%) reduction of the Special Tax if they own and reside in a single family property or multi-family property within the District. Eligible senior citizens meeting the criteria to qualify for the reduction shall complete and submit annually to the City a special tax reduction claim form. The special tax reduction claim form must be submitted on an annual basis and no later than June 30 of each tax year.

Manner of Collection

The annual special tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the District, may directly bill the special tax, and may collect special taxes at a different time or in a different manner as necessary to meet its financial obligations.

6. APPENDICES

Boundary Map

A

Rate and Method of Apportionment

B

APPENDIX A – BOUNDARY MAP

The boundary map for the District is shown on the following page. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Stanislaus County Assessor, at the time this Report was prepared, and are incorporated by reference herein and made part of this Report.

APPENDIX B – RATE AND METHOD OF APPORTIONMENT

The following pages provide a copy of the Rate and Method of Apportionment for the District which was included in the Resolution of Intention and approved by the City Council on April 26, 2016.

**RATE AND METHOD OF APPORTIONMENT
FOR CITY OF NEWMAN
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(COMMUNITY POOL)**

A Special Tax as hereinafter defined shall be levied on each Assessor's Parcel of Taxable Property within the City of Newman Community Facilities District No. 2016-1 (Community Pool) ("CFD No. 2016-1") and collected each Fiscal Year commencing in Fiscal Year 2017-2018 in an amount determined by the City Council through the application of the appropriate Special Tax for Taxable Property as described below. All of the real property in CFD No. 2016-1, unless exempted by law or by the provisions hereof, shall be taxed for purposes of CFD No. 2016-1, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meaning:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or reasonably estimated costs directly related to the administration of CFD No. 2016-1 including, but not limited to, the following: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City, the CFD Administrator, or both); the costs of collecting the Special Taxes (whether by the County, the City, or otherwise); the costs to the City, CFD No. 2016-1, or any designee thereof of complying with disclosure requirements; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; and the costs of the City, CFD No. 2016-1, or any designee thereof related to any appeal of the levy or application of the Special Tax. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2016-1 for any other administrative purposes, including, but not limited to, attorney's fees.

"Agricultural Property" means all Assessor's Parcels of property used for farming or agricultural purposes.

"Assessor's Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the Stanislaus County Assessor of the County designating parcels by an Assessor's parcel number.

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"CFD No. 2016-1" or **"CFD"** means the City of Newman Community Facilities District No. 2016-1 (Community Pool).

"CFD No. 2016-1 Debt Service" means the repayment of debt associated with the issuance of any bonds, loan agreement or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by the City for CFD No. 2016-1 under the Act.

"City" means the City of Newman.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 2016-1.

"County" means the County of Stanislaus.

“Exempt Property” means all Assessor’s Parcels that are exempt from the Special Tax pursuant to Section E.

“Facilities” means the facilities authorized to be funded by CFD No. 2016-1 as described in the proceedings for formation of CFD No. 2016-1,

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Low Income Household” means a household in the City that meets the Low Income limit of eighty percent (80%) of the Area Median Income (AMI) or lower for Stanislaus County, as determined annually by the California Department of Housing and Community Development.

“Maximum Annual Special Tax” means the maximum annual Special Tax, determined in accordance with the provisions of Section C, which may be levied in any Fiscal Year on any Assessor’s Parcel of Taxable Property.

“Multi-Family Property” means all Assessor’s Parcels of Taxable Property for which a map has been recorded designating Residential Lots for the purpose of developing Multi-Family Units.

“Multi-Family Unit(s)” means attached residential dwelling units included in, but not limited to, duplexes, triplexes, townhomes, condominiums, and apartment units.

“Other Property” means all Assessor’s Parcels of Taxable Property, whether developed or undeveloped, for which a map has been recorded designating the Assessor’s Parcel as a lot and cannot be classified as Single-Family Residential Property or Multi-Family Residential Property.

“Proportionately” means for Taxable Property that the ratio of the Special Tax levy to the Maximum Annual Special Tax is equal for all Assessor’s Parcels of Taxable Property within CFD No. 2016-1.

“Public Property” means any property within the boundaries of CFD No. 2016-1 that is (i) used for parks, schools, drainage and detention easements, rights-of-way or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State of California, the County, the City or any other public agency or (ii) encumbered by an unmanned utility easement making impractical its utilization for purposes other than the purpose set forth in the easement, provided, however, that any property leased by a public agency to a private entity and subject to taxation under the Act shall be taxed and classified in accordance with its use.

“Residential Lot(s)” means an individual lot of land for which a building permit could be issued to construct one or more residential dwelling units.

“Senior Citizen” means a person 65 years of age or older residing within the City.

“Services” means the maintenance and operation services authorized to be funded by CFD No. 2016-1 as described in the proceedings for formation of CFD No. 2016-1.

“Single-Family Property” means all Assessor’s Parcels of Taxable Property for which a map has been recorded designating Residential Lots for the purpose of developing a single-family dwelling unit.

“Special Tax” means the annual special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to fund the Special Tax Requirement.

“Special Tax Requirement” means that amount of Special Tax revenue required in any Fiscal Year for CFD No. 2016-1 to: (a) pay directly for the Facilities and Services; (b) pay CFD No. 2016-1 Debt Service; (c) pay Administrative Expenses; (d) pay any amounts required to establish or replenish any

repair and contingency funds, capital improvement funds, or reserve funds for CFD No. 2016-1; (e) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; and (f) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator.

“**State**” means the State of California.

“**Taxable Property**” means all of the Assessor's Parcels within the boundaries of CFD No. 2016-1 that are not exempt from the Special Tax pursuant to law or Section E below.

B. ASSIGNMENT TO LAND USE CATEGORIES

On, or around, July 1 of each Fiscal Year, all Assessor's Parcels of Taxable Property within CFD No. 2016-1 shall be classified as Single-Family Residential Property, Multi-Family Residential Property or Other Non-Residential Property and shall be subject to the levy of annual Special Taxes determined pursuant to Sections C and D below.

C. MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax for each Assessor's Parcel of Taxable Property shall be assigned according to the table below:

Property Land Use	Maximum Special Tax Amount
Single-Family Property	\$148.00 per Residential Lot
Multi-Family Property	\$96.20 per Multi-Family Unit
Other Property	\$148.00 per Assessor's Parcel

The Maximum Annual Special Tax is not subject to an annual increase. Under no circumstances shall the Special Tax levied in any fiscal year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the CFD by more than 10 percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2017-2018 and for each following Fiscal Year, the CFD Administrator shall determine the Special Tax Requirement and the City shall levy the Special Tax until the amount of Special Taxes equal the Special Tax Requirement. The Special Tax shall be levied each Fiscal Year Proportionately on each Assessor's Parcel of Taxable Property at up to one hundred percent (100%) of the applicable Maximum Special Tax.

E. EXEMPTIONS

The CFD Administrator shall classify the following as Exempt Property: (a) Public Property; (b) Agricultural Property; and (c) Assessor's Parcels with public or utility easements making impractical their utilization for any use other than the purposes set forth in the easement.

If the use of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth above that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be deemed to be Taxable Property.

F. SENIOR DISCOUNT

Senior Citizens that qualify as a Low Income Household shall be eligible for a fifty percent (50%) reduction of the Special Tax if they own and reside in a Single Family Property or Multi-Family Property within the CFD. Eligible Senior Citizens meeting the criteria to qualify for the reduction shall complete and submit annually to the City a Special Tax Reduction Claim Form. The Special Tax Reduction Claim Form must be submitted on an annual basis and no later than June 30 of each tax year.

G. SPECIAL TAX REVIEW/APPEAL

Any landowner or resident who feels that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error. If following such consultation, the CFD Administrator determines that an error has occurred; the CFD Administrator may amend the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action (if any by the CFD Administrator), the landowner or resident believes such error still exists, such person may file a written notice with the City appealing the amount of the Special Tax levied on such Assessor's Parcel. Upon the receipt of any such notice, the City may establish such procedures, as it deems necessary to undertake the review of any such appeal. The review/appeal shall interpret this Rate and Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals, as herein specified. The decision of the City shall be final and binding as to all persons.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City Council reserves the right to make minor administrative and technical changes to this Rate and Method of Apportionment that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City Council's discretion. Interpretations may be made by the City Council by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in the Rate and Method of Apportionment of Special Taxes.

I. MANNER OF COLLECTION

The annual Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the City may directly bill the Special Taxes, and may collect Special Taxes at a different time or in a different manner as necessary to meet its financial obligations.

J. PREPAYMENT OF SPECIAL TAX

The Special Tax may not be prepaid.

K. TERM OF SPECIAL TAX

The Special Tax shall be levied for a period of thirty (30) years, commencing in Fiscal Year 2017-2018, and shall not be levied after Fiscal Year 2047-2048, except that a Special Tax that was lawfully levied in or before Fiscal Year 2047-2048 and that remains delinquent may be collected in subsequent years.

REPORT ON DETERMINING NECESSITY TO INCUR BONDED INDEBTEDNESS

RECOMMENDATION:

1. Hold a Public Hearing.
2. Adoption of Resolution No. 2016- , determining necessity to incur bonded indebtedness.

BACKGROUND:

In early 2006, the community pool (the Plunge) was declared structurally unsafe by an engineer and closed down. Due to public health and safety concerns, the complex was ultimately razed and removed. In 2007, the Newman Redevelopment Agency purchased property from the Howard Hill family located near the intersection of Inyo Avenue and Upper Road, to serve as the location for a new community pool complex. Enlisting the help of the community, the City hosted several community meetings to receive input during the design stages of the project. Unfortunately, due to the 2008 economic recession and the dissolution of redevelopment agencies in 2011, the City has lacked the funding necessary to construct and maintain a new community pool.

In response to comments and opinions Council members received from the public, the City Council directed staff to renew the effort to develop a plan to construct and maintain a community pool complex on city-owned land adjacent to Howard B. Hill Park. After conducting a feasibility analysis (May 2015), adopting local goals and policies for community facilities districts (Resolution No 2015-25) and a community survey (late October/early November 2015), the Council directed staff to assemble the documentation and records necessary to place a Measure on the November 2016 ballot. If successful, the Measure would create a city-wide Community Facilities District (CFD) to fund the construction, operations and maintenance of a community pool complex.

At their April 26, 2016, meeting the City Council approved Resolution No 2016-25 Declaring Its Intention to Establish a Community Facilities District (No. 2016-1) and To Authorize the Levy of Special Taxes. Attached to said resolution were the following exhibits: A. Map showing the Proposed Boundaries of the District, B. Description of Facilities and Services to be financed by the District, C. Rate and Method of Apportionment and D. Copy of Notice of Public Hearing. The Resolution also set June 14th as the date a Public Hearing will be held on this matter at a regular meeting of the City Council. A Notice of Public Hearing was published on June 2nd in the Westside Index.

The City Council also considered, and approved, Resolution No 2016-16 Declaring Its Intention to Incur Bonded Indebtedness at the same April 24th meeting. This resolution declared the Council's intention to incur indebtedness and set June 14th as the date a Public Hearing will be held on this matter. A Notice of Public Hearing for this item was also published on June 2nd in the Westside Index.

ANALYSIS:

The City's primary option for funding the construction of a community pool facility is a loan through Stanislaus County. While Supervisor DeMartini and County staff are generally supportive of this arrangement, the details and final approval of a loan cannot be completed until after the residents have voted on the Measure. As a back-up plan, the City is taking the steps necessary to authorize bonds and to incur bonded indebtedness for the District should the County loan or other non-bonding financing method(s) not be made available. These steps include (1) holding a public hearing so that members of the public can share their opposition to and/or their support for bonded indebtedness financing and (2) adoption of the attached Resolution determining the necessity to incur bonded indebtedness.

Table A is a breakdown of the estimated project costs for the project.

Table A.

Estimated Project Costs	
Site Work	\$1,800,000
Community Pool	1,300,000
Bathhouse	1,100,000
Equipment Building	450,000
Splash Pad	500,000
Contingency/Cost of Bond Issuance (1)	1,350,000
Total Estimated Project Costs	\$6,500,000

(1) This budget line item may include bond/loan related expenses, including underwriters discount, appraisal and absorption study costs, reserve fund, capitalized interest, financial advisor, special tax consultant, bond counsel and underwriters' counsel fees and expenses, official statement printing, administrative fees of the City and the bond trustee or fiscal agent related to the District and the bonds/loan, and other incidental expenses.

FISCAL IMPACT:

There is no impact on the General Fund relating to this item.

CONCLUSION:

Staff from the City and Stanislaus County have had preliminary discussions regarding County financing the construction of the project should the Measure on the November 2016 ballot be successful. Unfortunately, a formal agreement cannot be completed prior to the November 8th election day. Should the two parties not successfully negotiate/complete a loan agreement, the City would need another option for funding the construction. One option the City needs to retain is the possibility of incurring bonded indebtedness or the ability to sell bonds. Therefore, staff recommends the Council adopt Resolution No. 2016- , determining the necessity to incur bonded indebtedness.

ATTACHMENT:

1. Resolution No. 2016- , Determining necessity to incur bonded indebtedness.

Respectfully submitted,

Michael Holland
City Manager

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA
DETERMINING NECESSITY TO INCUR BONDED INDEBTEDNESS**

**CITY OF NEWMAN
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(COMMUNITY POOL)**

WHEREAS, on April 26, 2016, this City Council (“City Council”) of the City of Newman (the “City”) pursuant to the Mello-Roos Community Facilities Act of 1982 (California Government Code section 53311 *et. seq.*, hereinafter referred to as the “Act”) adopted its “Resolution of Intention to Establish Community Facilities District” (the “Resolution of Intention”), stating its intention to form “Community Facilities District No. 2016-1 (Community Pool)” (the “District”) for the purpose of financing the cost of construction of a community pool complex and appurtenances (the “Facilities”), maintenance thereof, and related services, as further provided in the Resolution of Intention; and

WHEREAS, on April 26, 2016, this City Council also adopted a “Resolution Declaring Intention to Incur Bonded Indebtedness” (the “Resolution of Intention to Incur Indebtedness”) stating its intention to incur bonded indebtedness within the boundaries of the District for the purpose of financing the costs of certain facilities specified in the Resolution of Intention;

WHEREAS, this City Council has held a duly noticed public hearing as required by the Act about the determination to proceed with the formation of the District, the provision of certain public Facilities and public services by the District and the rate and method of apportionment of the special tax to be levied within the District to pay the cost of the Facilities and the services, the principal and interest on the proposed bonded indebtedness in the District and the administrative costs of the City relative to the District;

WHEREAS, subsequent to the public hearing, this City Council adopted a resolution entitled “Resolution of Formation of Community Facilities District” (the “Resolution of Formation”);

WHEREAS, this City Council has also held a noticed public hearing as required by the Act relative to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness; and

WHEREAS, no written protests with respect to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness have been filed with the City Clerk.

NOW, THEREFORE, the City Council of the City of Newman, DOES HEREBY RESOLVE as follows:

1. The foregoing recitals are true and correct.
2. In order to finance the costs of the Facilities, the City deems it necessary to authorize bonds for the District and the City intends, in the City’s sole discretion, to incur bonded indebtedness for the District in an amount not to exceed \$6,500,000 (the “Bond Authorization”), including, but not limited to, the costs of issuing and selling bonds to finance all or a portion of the Facilities and the costs of the City in establishing and administering the District.
3. The whole of the District shall pay for the bonded indebtedness through the levy of the special tax. The tax is to be apportioned in accordance with the formula set forth in Exhibit “B” to the Resolution of Formation.
4. Bonds in the maximum amount of \$6,500,000 are hereby authorized subject to voter approval. The bonds may be issued in one or more series and mature and bear interest at such rate or rates, payable semiannually or in such other manner, all as this City Council or its designee shall determine, at the time or times of sale of such bonds; provided, however, that the interest rate or rates shall not to exceed the maximum interest rate permitted by applicable law at the time of sale of the bonds and the bonds or any series thereof shall have a maximum term of not to exceed forty years.

5. The authorization to incur bonded indebtedness shall be subject to the approval of the qualified electors of the District and shall be consolidated with elections on the proposition of levying special taxes within the District and the establishment of an appropriations limit for the District pursuant to Section 53353.5 of the Act. The time, place and further particulars and conditions of such election shall be as specified by separate resolution of this Council.

6. This Resolution shall in no way obligate the City to issue bonds or other debt for the District. Issuance of the bonds shall be subject to the approval of this City Council by separate resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 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:
ABSTAIN:

APPROVED:

Bob Martina
Mayor

ATTEST:

Mike Maier
City Clerk

AMENDMENT TO THE SHERMAN RANCH DEVELOPMENT AGREEMENT

RECOMMENDATION:

1. Conduct a Public Hearing, and
2. Conduct First Reading of Ordinance 2016- , an Ordinance approving the Third Amendment to the Sherman Development Agreement.

BACKGROUND:

In September 2004, the Planning Commission reviewed a proposed Development Agreement for the Sherman Ranch subdivision. (The original project was approved by the Planning Commission in 1999.) Following the recommendation of the Planning Commission, the City Council adopted Ordinance No. 2004-03 approving the Sherman Ranch Development Agreement in October 2004. Subsequent to these actions, the City adopted a Substitute Reimbursement and Settlement Agreement (SRSA) to settle ‘complete and full satisfaction of ... the total amounts for which Developer remains eligible to receive reimbursement...’

In January 2010, the Developer filed a lawsuit in Stanislaus County Superior Court alleging Breach of Contract, Unjust Enrichment, Common Counts, Conversion and Breach of Fiduciary Duty. While the City remained confident in its legal position, settlement talks to end the lawsuit were initiated. Through diligent work and mutual cooperation, both sides agreed to a settlement agreement in December 2010. Final execution of the Settlement agreement required modification to the Development Agreement. The changes were approved as the First Amendment to the Development Agreement in April 2011.

In May 2014, the City Council approved the Second Amendment to the Development Agreement that extended affordability clauses that were a result of the SRSA. The timelines for these programs have since expired and are no longer available.

ANALYSIS:

The proposed change in this third amendment would allow an increase in the lot coverage from the existing 40% to up to 45% to accommodate popular floor plans. A similar action was taken by the Council in the Hearthstone Ranch subdivision whereby the lot coverage was increase to 50% to accommodate the larger homes that were popular at the time. In this case, the increase in lot coverage would be applicable to single-story homes on the lots identified on the accompanying exhibit. If the lot coverage is exceeded, the purchaser of the property will be required to sign a document acknowledging the floor plan has exceeded the lot coverage and they will be unable to construct any additional structures including, but not limited to, additions, secondary units, and/or storage sheds. All lots where two-story units are constructed shall maintain a 40% lot coverage requirement.

In response, the Developer has agreed to donate \$1,000, for each lot where the lot coverage exceeds 40%, to the City to be used towards the development of a memorial honoring out veterans. The donation will be made in honor of his father. Mr. Mothersell served as a member of the Army’s 12th Armored Infantry Division and fought in the Battle of the Bulge; where he was wounded and earned a Purple Heart.

FISCAL IMPACT:

Approval will not have a fiscal impact on the City’s budget. It will however, allow the City to begin collecting funds towards the development of a Veteran’s memorial to be developed as part of the plaza project.

CONCLUSION:

Staff recommends the Council approved the attached Amendment to the Sherman Ranch Development Agreement.

ATTACHMENTS:

1. Ordinance Approving Third Amendment to the Sherman Ranch Development Agreement.
2. Third Amendment to the Sherman Ranch Development Agreement

Respectfully submitted,



Michael Holland
City Manager

ORDINANCE NO. 2016-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPROVING A
THIRD AMENDMENT TO THE SHERMAN RANCH DEVELOPMENT AGREEMENT**

WHEREAS, The City of Newman and SCM Hearthstone entered into a Development Agreement by and between the City of Newman and SCM Hearthstone, LLC Homes Relating to the Development known as Sherman Ranch, on November 12, 2004; and;

WHEREAS, The City Council approved the First Amendment to the Sherman Ranch Development Agreement on Tuesday, April 12, 2011; and;

WHEREAS, The City Council approved the Second Amendment to the Sherman Ranch Development Agreement on May 27, 2014; and;

WHEREAS, The City Council conducted a Public Hearing on June 16, 2016, to consider and review the Third Amendment to Sherman Ranch Development Agreement; and

WHEREAS, Notice of the Public Hearing before the City Council was given in the time and in the manner required by State Law and City Code; and

WHEREAS, This Amendment would not directly result in any physical land use changes or impacts to the environment; and

WHEREAS, The City Council has determined the best interests of the City of Newman and of its residents would be served by the approval of this Amendment; and

WHEREAS, The City Council has independently considered all evidence; and

WHEREAS, The City Council of the City of Newman hereby finds that said Amendment is consistent with the objectives, policies, general land uses, and programs specified in the Newman General Plan; and

WHEREAS, The City of Newman determined that Environmental Review has been addressed through the previously certified Final Environmental Impact Report (FEIR) for the Newman 2030 General Plan and the Expanded Initial Study prepared for the Sherman Ranch Subdivision. Section 15162 of CEQA guidelines specifies that no additional environmental work is needed where an EIR is prepared unless:

1. Subsequent changes to the project require important revisions; or
2. Substantial changes occur to the circumstances or settings; or
3. New information of substantial importance becomes available; and

WHEREAS, Staff is of the opinion that no circumstances, as outlined in Section 15162 exists and that no further environmental documentation is required. Applicable mitigation measures are incorporated as conditions of approval. The proposed resolution includes statements which confirms that the previously certified Environmental Impact Report prepared for the Newman General Plan addresses CEQA pursuant to Section 15162 of the CEQA Guidelines; and

WHEREAS, In independently reaching this conclusion, the City Council has considered all of the evidence, including the conclusions and recommendations of the planning department; and

WHEREAS, the City Council of the City of Newman finds that said CEQA Compliance has

been addressed on the previously certified Environmental Impact Report and the Sherman Ranch Development Agreement will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor detrimental to the general welfare of the residents of Newman as a whole; and

WHEREAS, The City Council of the City of Newman finds that said amendment will not adversely affect the orderly development of property or the preservation of property values; and

WHEREAS, Pursuant to Government Code Section 65865(c), the City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements, and amendments thereto. This Amendment has been processed, considered, and executed in accordance with those City rules and regulations; and

WHEREAS, The Amendment has adhered to, and is consistent, with the requirements of the Development Agreement Statute; and

WHEREAS, The City finds that the Developer has a legal or equitable interest in the property subject to the Development Agreement; and

WHEREAS, The City Council has considered all of the evidence, including the conclusions and recommendations of the City's Planning Department.

NOW, THEREFORE, BE IT ORDAINED By the City Council of the City of Newman as follows:

Section 1. The recitals above are true and correct, and the City Council hereby makes the findings set forth herein.

Section 2. The City Council of the City of Newman hereby approves the Third Amendment to the Sherman Ranch Development Agreement, Attachment "A" and finds that said Amendment is consistent with the requirement of Government Code Section 65814, et seq.

Section 3 The Mayor and City Clerk of the City of Newman are authorized and directed to execute and record said Third Amendment to the Sherman Ranch Development Agreement.

Section 4. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 6. This ordinance shall become effective thirty (30) days after its final passage.

Section 7. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be published in the West Side Index in accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced by Council Member _____, and the title thereof read at the regular meeting of the City Council of the City of Newman held on, June 14, 2016, and by a unanimous vote of the Council Members present, further reading was waived.

On motion of Council Member _____ seconded by Council Member _____, the foregoing ordinance was duly passed by the City Council of the City of Newman at a regular meeting thereof held on June 28, 2016, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of City of Newman

ATTEST:

City Clerk of City of Newman

RECORDING REQUESTED BY:
City of Newman

WHEN RECORDED RETURN TO:
City of Newman
Attn: Mike Maier, City Clerk
938 Fresno Street
P. O. Box 787
Newman, CA 95360

THIRD AMENDMENT TO SHERMAN RANCH DEVELOPMENT AGREEMENT

THIS THIRD AMENDMENT TO DEVELOPMENT AGREEMENT ("Third Amendment") is made and entered into this ____ day of _____, 2016, by and between the SCM Sierra Creek, LLC, a Nevada limited liability company, successor in interest to SCM Hearthstone, LLC and The Villas Communities, LLC ("Developer") and the City of Newman, a municipal corporation ("City"), pursuant to the authority of Section 6864 et seq. of the Government Code of the State of California.

RECITALS

A. To ensure the timely, efficient, orderly and proper development of the Project known as Sherman Ranch, on November 12, 2004, SCM Hearthstone, LLC and City entered into that certain Development Agreement for Sherman Ranch ("Development Agreement") pursuant to which City granted Developer a vested right to develop the Project.

B. The parties entered into a First Amendment to Sherman Ranch Development, dated April 12, 2011 ("First Amendment"), recorded with the Stanislaus County Recorder on April 10, 2014, as Document Number 2014-0022077-00, in which the parties extended the term of the Development Agreement and added additional provisions to the Development Agreement which clarified and specified certain rights of Developer associated with the Project.

C. The parties entered into a Second Amendment to Sherman Ranch Development, dated June 11, 2014 ("Second Amendment"), recorded with the Stanislaus County Recorder on September 15, 2014, as Document Number 2014-0060539-00.

D. SCM Sierra Creek, LLC, is the successor in interest to SCM Hearthstone, LLC and The Villas Communities, LLC and Owner of the remaining lots in Sherman Ranch Units 2 and 4 subject to the provisions stated herein, and will be the party to this Third Amendment.

F. The parties desire again to add additional provisions to the Development Agreement.

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

1. The recitals above are true and correct and hereby made a part of this Third Amendment.

2. All capitalized terms not defined herein shall have the meanings ascribed to them in the Development Agreement, the First Amendment, and the Second Amendment.

3. The City agrees to increase the lot coverage for each of the lots on Exhibit A up to a maximum of 45% when a single-story residence is constructed on the property. When the lot coverage is equal to or greater than 40% at the time of issuance of the building permit, the future property owners shall not be allowed to construct any additions, secondary units and/or storage sheds. The lot coverage of all two-story residential units shall be 40% as set forth in the original Development Agreement.

4. The Developer agrees to make a \$1,000 donation in the name of _____ to the City to be used towards the development of a Veterans Memorial for each of the lots where the lot coverage exceeds 40%. Said donation shall be submitted to City prior to final inspection.

5. The Developer agrees to pay all costs associated with the development and processing of the amendment to the Development Agreement.

6. The City recognizes that time is important to the developer and agrees to process said amendment in a timely manner.

7. The Developer shall produce and purchasers shall sign a recorded document disclosing the lot coverage at the time of purchase and that the purchasers understand their house utilizes all the allowable lot coverage and thereby are not allowed to construction any additions, secondary units and/or storage sheds on their property. The City shall approve the form of said document prior to its use.

8. Except as modified by this Third Amendment, the Development Agreement, the First Amendment, and the Second Amendment shall remain unchanged and in full force and effect.

9. This Third Amendment may be executed in any number of counterparts with the same effect as if the parties had all signed the same document and which together shall constitute one and the same instrument.

10. Facsimile, electronically scanned, and photocopied signatures shall be as valid as original signatures only for purposes of demonstrating execution of the Third Amendment until such time as originally executed documents can be circulated. Said originally executed documents shall be binding and shall constitute evidence of the execution of this Third Amendment for all purposes.

IN WITNESS WHEREOF, the parties have hereunder set their hand on the day and year first written above.

CITY OF NEWMAN, a municipal corporation

By: _____
Michael E. Holland, City Manager

ATTEST:

By: _____
Mike Maier, City Clerk

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

SCM SIERRA CREEK, LLC

By: _____
Steve C. Mothersell, Sr., President

APPROVED AS TO FORM:

By: _____

Remaining Lots as of 03/29/2016

<u>lot</u>	<u>Address</u>	<u>Lot Sq Ft</u>
53	447 Northampton Way	6,470
54	443 Northampton Way	6,600
55	439 Northampton Way	6,600
56	435 Northampton Way	6,600
57	431 Northampton Way	6,600
58	429 Northampton Way	6,600
59	425 Northampton Way	6,600
60	421 Northampton Way	6,600
66	711 Southington Way	8,488
67	715 Southington Way	7,700
68	719 Southington Way	7,700
69	801 Southington Way	8,319
70	805 Southington Way	8,609
71	809 Southington Way	8,728
72	813 Southington Way	8,249
73	817 Southington Way	8,205
77	744 Big Ben Ct	7,715
78	740 Big Ben Ct	7,340
79	736 Big Ben Ct	7,389
80	732 Big Ben Ct	7,164
81	728 Big Ben Ct	6,825
85	729 Big Ben Ct	6,730
86	731 Big Ben Ct	7,010
105	448 Northampton Way	7,423
106	444 Northampton Way	7,150
107	440 Northampton Way	6,600
108	436 Northampton Way	6,600
109	432 Northampton Way	6,600
110	428 Northampton Way	6,600
111	424 Northampton Way	6,600
112	420 Northampton Way	6,600
113	416 Northampton Way	6,600
114	412 Northampton Way	6,600
115	408 Northampton Way	7,150

Honorable Mayor and Members
of the Newman City Council

REPORT ON NEWMAN FALL FESTIVAL 2016

RECOMMENDATION:

Staff recommends the City Council approve the annual Fall Festival.

BACKGROUND:

The Fall Festival is a well established annual community event. Staff has been working with the Fall Festival Committee in assisting with the allocation of City assets and services for this year's event.

ANALYSIS:

As of the date and time of the preparation of this staff report, the organizing committee is in the beginning stages of planning this year's event. Any subsequent changes will be reported out by staff during the presentation of this report and future reports.

Routine street closures and parade street closures are as follows:

- ❖ "R" Street – Will be closed between Fresno and Tulare Streets from Wednesday, August 31st at 5A.M. to Monday, September 5th at noon. The carnival will be set up on this street.
- ❖ Fresno Street – Will be closed between "R" and "Q" Streets from Saturday, September 3rd at 5A.M. to Monday, September 5th at 12 A.M.
- ❖ Tulare Street – Will be closed between "R" and "Q" Streets Sunday, September 4th from 7A.M. to 7P.M.
- ❖ "Q" Street - Will be closed between Fresno and Tulare Streets from Saturday, September 3rd at 5 A.M. to Monday, September 5th at 12 A.M.
- ❖ Fall Festival Parade Street Closures 9 A.M. to 2 P.M. on Sunday, September 4th - Mariposa Street will be closed from "S" to Main Street, Main Street from Mariposa to Fresno, Fresno Street from Main to "R" Street. The road will re-open when the parade passes.

Scheduled events with a potential impact include:

- The Little Miss/Mister Newman and Miss Newman contests have been tentatively scheduled for Thursday, September 1st at the Westside Theatre.
- The Bailey's Legacy Fun Run has a tentative start time of 8 A.M. on Saturday, September 3rd. There will be a 1 mile and a 5K run that will traverse the west side of the city. Volunteers will staff the event routes and assist with traffic concerns at the busier intersections.
- The "Evening under the Stars" event (Wine and Cheese) has been tentatively scheduled in the Downtown Plaza for Friday, September 2nd 7 P.M. to 11 P.M.

The Fall Festival Committee has asked that the following downtown standards be waived for the "Evening under the Stars" event:

- Day of operation. This is a Friday event. Per standards, Sunday is the preferred day.
- Hours of operation. This event is scheduled until 11 P.M. Per standards, events are to end by 9 P.M.
- Music hours of operation. Amplified music is scheduled until 11 P.M. Per standards, music to cease by 8 P.M.
- Clean-up deposit. Downtown standards require a \$1,000.00 deposit refundable upon satisfactory cleaning of the affected area. The Fall Festival Committee assures staff that they will thoroughly clean up.
- Waive ordinance 09.01.021, Drinking in Public, for the event area and timeframe.
- Waive electrical and restroom use fees.
- Waive glass cup and bottle usage standard.

All other Standards for Downtown events will apply.

Event organizers will be submitting a site plan for the event. There will be screened security fencing around the upper level with one entrance/exit at the archway on Main Street and one entrance/exit near the restrooms. There will be four private security guards hired by the Fall Festival Committee. One will staff each entrance/exit and two will remain inside the venue. The Fall Festival Committee will acquire all the necessary permits from the Alcoholic Beverage Control. All parking lots, alleys, and sidewalks will remain open for traffic.

The Fall Festival Committee has secured the \$3,000,000.00 insurance and liability policy with the city named as an additional insured. The organizing committee is requesting city services, as has been provided in past years, and is aware that any costs not covered by City Council action will be the responsibility of the Fall Festival Committee. The committee is also working with the Public Works Superintendent on the required number of portable restrooms, trash receptacles, and barricades as well as other needs in the park. There are no changes in this area as well, as these are the same requests as were approved by the City Council last year.

Other requests by the Fall Festival Committees are:

1. Waive Business License fees for vendors in the park
2. Exclusive use of Pioneer Park, Densmore Park, Barrington Park and the L.J. Newman building.
3. Waive permit to have alcohol in Pioneer Park.
4. Authorize the use of the entire Pioneer Park as a Beer Garden. (This has been approved by ABC in previous years.)
5. Public Works assistance with park maintenance prior to the event.
6. Waive all associated Police Services fees.

All sworn personnel have been required to staff the Fall Festival throughout the weekend and only Reserve Officers and the School Resource Officer's salary have been invoiced to the Fall Festival. Previous security issues for this event have involved intoxicated subjects and altercations involving juveniles and young adults. The Fall Festival Committee will retain a private security firm to cover additional carnival security and overnight park security.

FISCAL IMPACT:

The Police Department will again fully staff the park with all available personnel. Although the Fall Festival Committee has requested a waiver of Police associated fees, it is staff's recommendation that all applicable costs be invoiced to the Fall Festival Committee.

CONCLUSION:

This staff report is submitted for City Council consideration and action. Staff recommends the City Council approve the 2016 Fall Festival. Staff also recommends that any costs be invoiced to the Fall Festival Committee.

ATTACHMENTS:

None.

Respectfully submitted,



Brett Short
Police Lieutenant

REVIEWED/CONCUR:



Michael Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

**APPROVE FISCAL YEAR 2016-2017 ANNUAL BUDGET AS PRESENTED
IN THE PRELIMINARY BUDGET DOCUMENT**

RECOMMENDATION:

It is recommended that the Newman City Council approve the following:

1. Resolution No. 2016- , adopting the 2016-2017 Annual Budget
2. Resolution No. 2016- , establishing the appropriations limit for Fiscal Year 2016-2017.

BACKGROUND:

The Fiscal Year 2016-17 Preliminary Budget was presented to the City Council on June 14th at the Budget Workshop. This budget puts forth staffs recommended spending plans of the City for all funds for the 2016-17 Fiscal Year. The budget includes the salaries and benefits of all city employees, operating costs of all city departments, the cost of the year's debt service payments, and the cost of various capital projects to be undertaken during the year.

The appropriations limit is required to be established every year. Proposition 4 passed in 1979 and Proposition 111 passed in 1990, known as the Gann Initiative, creates a restriction on the amount of revenue which can be appropriated in any fiscal year. The limit is based on actual appropriations during the 1978-79 fiscal year (based year), and is allowed to increase each year based upon the calculation using a percentage change in population as of January 1st of each year in conjunction with a change in the cost of living from previous fiscal year. These calculations are provided to us by the California Department of Finance each May. The fiscal year 2016-17 appropriations limit is \$13,008,574. The City's budgeted appropriation subject to limit from proceeds of taxes is \$5,443,557 (General Fund with Transfers Out and Successor Agency). Therefore, the City's appropriation is under the legal limit by \$7,565,017. The Gann Limit calculation is shown on Exhibit A of the resolution.

ANALYSIS:

All funds are projected to end the fiscal year with positive balance; with the exception of Fund 20 – County, CDBG, and Fund 42 – Storm Drain. Fund 20 is due to the timing of receipt of funds. Fund 42 is due to outstanding fee credits which decline as development continues.

Adoption of the budget includes:

1. Appropriating \$4,962,500 for the General Fund as shown on page 5 of the Preliminary Budget.
2. Appropriating \$3,186,462 for Special Revenue Funds as shown on page 50 of the Preliminary Budget.
3. Appropriating \$4,267,330 for Enterprise Funds as shown on page 90 of the Preliminary Budget.
4. Appropriating \$1,394,325 for Capital Project Funds as shown on page 102 of the Preliminary Budget.

FISCAL IMPACT:

The City's General fund is projected to end the fiscal year with a \$2,220,359 balance as shown on page 5 of the Preliminary Budget. The deficit of \$(400,010) includes a conservative estimate for expenditures and revenues. We expect to achieve a much more positive result by the end of the fiscal year.

CONCLUSION:

Staff has worked diligently to minimize this deficit. Staff recommends that Council approve the preliminary budget as presented. The spending plan for 2016-17 continues to provide the valuable services the citizens of Newman have come to expect and deserve from the City.

ATTACHMENTS:

1. Resolution No. 2016- A Resolution Adopting City of Newman Budget
2. Resolution No. 2016- A Resolution Establishing Appropriation Limit
3. EXHIBIT A - City of Newman - Appropriations Calculations (Gann Limit) and letter from DOF.

Respectfully submitted:



Lewis A. Humphries
Finance Director

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2016-

A RESOLUTION ADOPTING THE BUDGET FOR FISCAL YEAR 2016-2017

WHEREAS, the City Council of the City of Newman has reviewed the Preliminary Budget for the Fiscal Year 2016-2017; and

WHEREAS, included in said budget are the necessary estimates of anticipated revenues and assessed evaluations of the properties subject to taxation by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman hereby adopts the Budget for The Fiscal Year 2016-2017.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 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:

Mayor of the City of Newman

ATTEST:

City Clerk of the City of Newman

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN ESTABLISHING
FISCAL YEAR 2016-2017 APPROPRIATIONS LIMITATION**

WHEREAS, Article 13b of the California Constitution refers to a governmental entity's requirement for the establishment of an appropriations limit; and

WHEREAS, Senate Bill 1352, Chapter 1205, 1980, statutes adds Revenue and Taxation Code, Section 7910 which requires each local government to establish its appropriation limits by resolution each year at a regularly scheduled meeting.

NOW, THEREFORE, BE IT RESOLVED that the City of Newman's appropriations limitation for Fiscal Year 2016-2017 shall be \$13,008,574 as per Exhibit "A" attached.

BE IT FURTHER RESOLVED that any challenge to the appropriations limits as per the above mentioned government codes must be brought to the City of Newman's attention within sixty (60) days of the effective date of this resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 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:

Mayor of the City of Newman

ATTEST:

City Clerk of the City of Newman

EXHIBIT "A"

**CITY OF NEWMAN
APPROPRIATIONS LIMITATION**

The appropriations limitation imposed by Proposition 4 and modified by Proposition 222 creates a restriction on the amount of revenue that can be appropriated in any fiscal year. The revenues, which are subject to the limitation, are those considered "proceeds of taxes." The basis for calculating the limit began in 1978-79 (base year established by Proposition 13) and is increased each year based on population growth and inflation.

FY 2015-2016 Limitation \$12,144,024

Annual Adjustments:

Change in population (California Department of Finance) = 1.66%

Change in per capita personal income (Department of Finance) = 5.37%

Population Factor Converted to a Ratio $\frac{1.66+100}{100}$ = 1.0166

Per Capita Factor Converted to a Ratio $\frac{5.37+100}{100}$ = 1.0537

Calculation of FY 2016-2017 Limitation

\$12,144,024 X 1.0166 X 1.0537 = **\$13,008,574**



**City of Newman
City Manager's Office
Memorandum**

Date: June 7, 2016

To: City Council

From: Michael E. Holland

MEH

Subject: Item No. 10.c. – A Resolution Of The City Council Of The City Of Newman, California Calling A Special Election To Be Held On November 8, 2016, With The Presidential General Election To Be Held On The Same Date Pursuant To §10403 Of The Elections Code. - City Of Newman Community Facilities District No. 2016-1 (Community Pool).

The attached resolution is a companion item relating to Agenda items 9.b. and 9.c. If the Council adopts the resolutions attached to 9.b. and 9.c., then it becomes necessary for the Council to call for a special election. The attached Resolution calls for said Special Election and requests Stanislaus County consolidate said election with the Presidential General Election being held on November 8, 2016.

ATTACHMENTS:

1. Resolution No. 2016- , A Resolution Of The City Council Of The City Of Newman, California Calling A Special Election To Be Held On November 8, 2016, With The Presidential General Election To Be Held On The Same Date Pursuant To §10403 Of The Elections Code. - City Of Newman Community Facilities District No. 2016-1 (Community Pool).

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA
CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, WITH THE
PRESIDENTIAL GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT
TO §10403 OF THE ELECTIONS CODE.**

**CITY OF NEWMAN
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(COMMUNITY POOL)**

WHEREAS, the Newman City Council (“City Council”) has adopted a Resolution entitled “Resolution of Formation of Community Facilities District” (the “Resolution of Formation”), ordering the formation of the “City of Newman, Community Facilities District No. 2016-1 (Community Pool)” (the “District”), authorizing the levy of a special tax on property within the District and establishing an appropriations limit for the District, pursuant to the Mello-Roos Community Facilities Act of 1982, codified in California Government Code section 53311 *et seq.* (the “Act”), for the purpose of financing the cost of construction of a community pool complex and appurtenances (the “Facilities”), maintenance thereof, and related services, as further provided in the Resolution of Formation; and

WHEREAS, the City Council has also adopted a Resolution entitled “Resolution Determining the Necessity to Incur Bonded and Other Indebtedness” (the “Resolution Determining Necessity”), determining the necessity to incur bonded indebtedness and other debt, as defined in the Act, in the maximum aggregate principal amount of \$6,500,000 upon the security of the special tax to be levied within the District pursuant to the Act; and

WHEREAS, pursuant to the provisions of the Resolution of Formation and the Resolution Determining Necessity, the propositions of the levy of the special tax, incurrence of indebtedness and the establishment of the appropriations limit shall be submitted to the qualified electors of the District as required by the provisions of the Act; and

WHEREAS, the City Council desires a Special Municipal Election be held on November 8, 2016; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the Presidential General Election to be held on the same date and that within the city, the precincts, polling places and election officers of the two elections be the same, and that Stanislaus County canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, the City Council of the City of Newman, DOES HEREBY RESOLVE as follows:

1. The foregoing recitals are true and correct.
2. Pursuant to the Act, the issues of the levy of the special tax, the incurrence of indebtedness and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the District at an election called therefor as provided below: (i) levy of the special tax, (ii) incurring of bonded indebtedness and (iii) establishment of the appropriations limit.
3. Under the Act, the propositions described above in section 2 shall be submitted to the voters of the District at an election called therefor as hereinafter provided. The ballot measures to be voted upon by the voters shall be the following:

BALLOT MEASURE:

To finance construction of community pool and splash pad, creating access to quality recreation opportunities for children, youth, adults, and seniors, including swimming lessons, water safety classes, and health and fitness programs; shall City of Newman Community Facilities District No. 2016-1 incur indebtedness not exceeding \$6,500,000, levy a special tax annually on taxable parcels in district (described in Resolution No. 2016-25), with discounts for low-income seniors, requiring independent audits, no increases to tax rate and establishing appropriations limit for Fiscal Year 2017/18 at \$750,000?

YES: _____

NO: _____

4. This City Council finds that more than 12 persons have been registered to vote within the District for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this City Council for the purposes of these formation proceedings. Accordingly, and pursuant to the Act, this City Council finds that for purposes of these proceedings the qualified electors are the registered voters within the District and that the vote shall be by said registered voters within the District, with each voter having one vote.

5. This City Council hereby calls a special election to consider the issues described in Section 2 above, which shall be held on November 8, 2016 (the "Election Day"), during which the polls shall be open between the hours of 7:00 a.m. and 8:00 p.m., inclusive.

6. Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Stanislaus is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Presidential General Election on Tuesday, November 8, 2016. The official of the County responsible for the conduct of elections (the "Election Official") is hereby designated as the official to conduct said election. The Board of Supervisors of the County and the Election Official are hereby requested to provide such services as may be necessary to properly and lawfully hold and conduct the special election pursuant to the provisions hereof and applicable provisions of the California Elections Code, including coordination with all appropriate election officials in the County, and the consolidation of said special election with other elections being held on the Election Day.

7. Pursuant to section 53326 of the Act, and within three business days of the adoption of the Resolution of Formation, but in no event later than the date specified by the Election Official for receipt, the City Clerk shall cause to be provided to the Election Official a certified copy of the Resolution of Formation, the Resolution Determining Necessity, and this Resolution Calling Special Election, together with a certified copy of the map of the boundaries of the District, as filed in the Office of the Recorder of the County. The City Clerk is hereby authorized and directed to enter into an agreement with the Election Official for the services of such official and to provide for the reimbursement by the City of the costs of the Election Official in conducting the election. The City Clerk and all the members of the City Council and officers of the City, and their designees, are hereby authorized and directed to execute and deliver any documents and to perform all acts necessary to place the measure on the ballot including making any revisions, correction or alternations to the language of the ballot measure to comply with requirements of law and Election Official and to ensure that the applicable requirements of the Elections Code are met, including without limitation the preparation and provision to the voters of all documents and instructions required by and specified in the Elections Code.

8. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes:

(a) the Facilities and Services and the incidental costs thereof, all as defined in the Resolution of Formation, shall constitute the specific single purpose;

(b) the proceeds of special taxes shall be applied only to the specific purposes identified in (a) above;

(c) there shall be created one or more special accounts or funds into which the proceeds of special taxes shall be deposited; and

(d) there shall be caused to be prepared an annual report if required by Section 50075.3 of the Government Code

9. The Board of Supervisors is requested to issue instructions to the Election Official to take any and all steps necessary for the holding of the consolidated election.

10. Arguments in favor or against the above ballot measure shall be filed with the City Elections Official before 5:00 p.m. on July 12, 2016, after which no arguments for or against the City measure may be submitted to the City Elections Official.

11. As provided in Elections Code section 9282, the City Council, or any member or members of the City Council authorized by the City Council, or any individual voter who is eligible to vote, or bona fide association of citizens, or any combination of voters and associations, may file a written argument in favor of or against the proposed ballot measure. Each argument in favor of or against the measure shall not exceed 300 words and shall not exceed five (5) authors. If more than one argument is submitted in favor of or against the ballot measure by the above date and time, the City Elections Official shall give preference and priority to those arguments in the manner provided by Elections Code section 9287.

12. Rebuttal arguments, if any, shall be filed with the City Elections Official before 5:00 p.m. on July 19, 2016, and shall not exceed 250 words in length.

13. In accordance with Elections Code section 9280, the City Elections Official is hereby directed to transmit a copy of the ballot measure to the City Attorney, who shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law. The City Attorney is instructed to provide the impartial analysis by June 23, 2016.

14. The Board of Supervisors is further requested to order the Election Official or other such authorized person or department to set forth the full text of the ballot measure in the voter information portion of all sample ballots to be mailed to the qualified electors of the City, and to mail printed copies of the full text of the ballot measure with the sample ballots to be mailed to the qualified electors, together with the arguments and rebuttal arguments (if any) for and against the measure.

15. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors prior to June 24, 2016.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 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:
ABSTAIN:

APPROVED:

Bob Martina
Mayor

ATTEST:

Mike Maier
City Clerk

Honorable Mayor and Members
of the Newman City Council

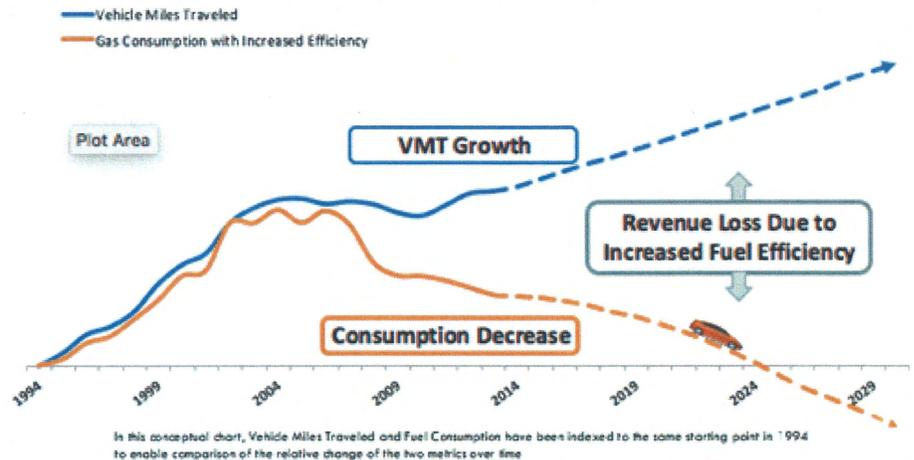
STANCOG TRANSPORTATION EXPENDITURE PLAN AND PROPOSED MEASURE

RECOMMENDATION:

It is recommended that the City Council Adopt Resolution No. 2016- , Approving the Transportation Expenditure Plan and requesting the Board of Supervisors place a Retail Transaction and Use Tax Measure on the November 8, 2016 General Election ballot.

BACKGROUND:

The road, transportation and circulation systems within the incorporated cities and unincorporated areas of Stanislaus County are of regional concern. The quality of such systems have a direct impact on residents, agriculture, business, industry and general economy within the county. Available revenues, including monies from Local, State, and Federal governments, are not adequate to support needed maintenance, upgrading or safety improvements to the existing infrastructure or the construction of new infrastructure that the County and Cities anticipate will be needed to meet the demands of the future.



Twenty California counties (containing 81% of the State’s population) have already addressed this funding challenge by becoming a Self-Help county with a voter-approved sales tax measure for transportation purposes. StanCOG has completed a comprehensive outreach and planning effort to assess the viability of becoming a Self-Help county and has developed a Plan for consideration by voters.

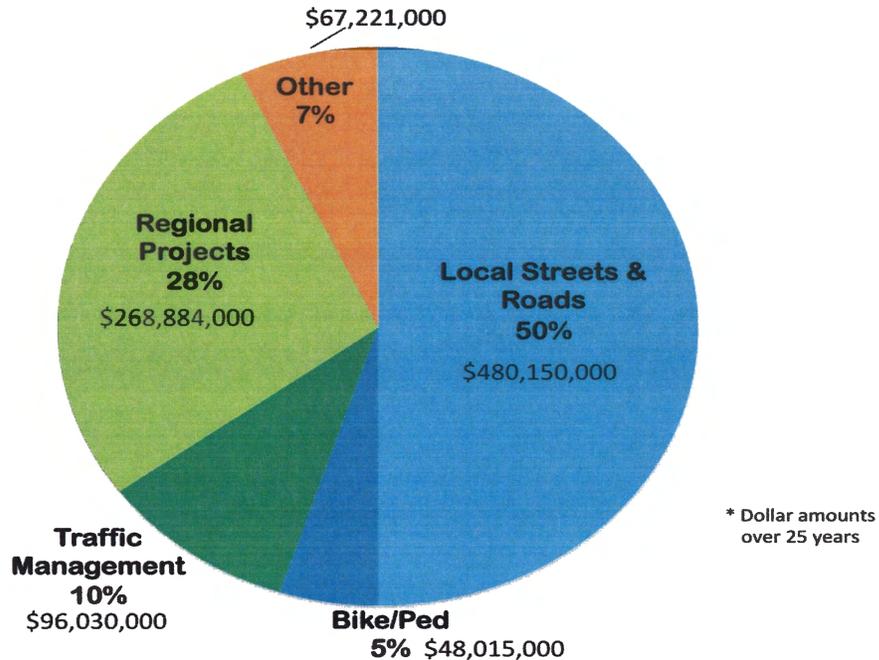
Previously, the StanCOG Policy Board unanimously approved the proposed formula to allocate revenues by jurisdiction and by investment category. On May 18, 2016 the StanCOG Policy Board unanimously approved a list of proposed Regional Projects.

ANALYSIS:

The Stanislaus Council of Governments is proposing a half-cent transaction and use tax for 25-years for consideration by voters on the November 2016 ballot. The tax is implemented through the adoption of an Ordinance and Expenditure Plan. The Expenditure Plan was heavily influenced by a comprehensive public outreach program that asked residents to identify their priorities for future transportation programs and projects. This included numerous meetings with community leaders representing diverse viewpoints, meetings with individual member agencies, presentations and meetings with City Councils, a series of three focus groups in the eastern area of the County, a statistically valid telephone poll and more than 50 community presentations throughout the County.

To maintain and improve the quality of life and to preserve the unique and natural amenities available to all residents in Stanislaus County, the Stanislaus Council of Governments has developed the Stanislaus County Expenditure Plan to establish a dedicated local funding source for local agencies to address special and localized transportation needs, including:

Proposed Expenditure Plan: Policy Board 12/16/15*



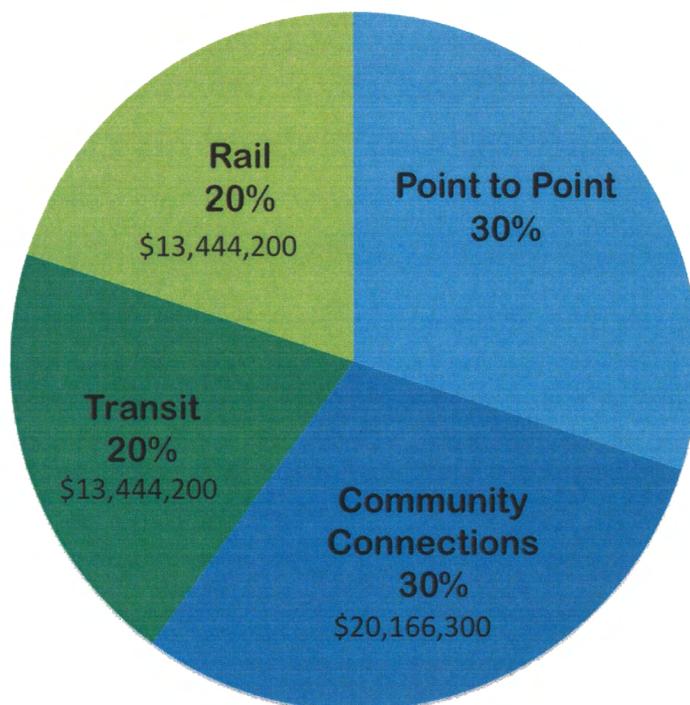
- Local streets and roads:
 - Nearly \$480 million, or \$19.2 million per year
 - Provided directly to local jurisdictions for roadway maintenance.
 - Approximately \$240,000 annually for the City of Newman.

- Traffic Management:
 - Nearly \$96 million, or \$3.8 million per year.
 - Projects that relieve congestion and promote goods movement and economic vitality.
 - Approximately \$48,000 annually for the City of Newman.

- Bike and Pedestrian Improvements:
 - Nearly \$48 million, or \$1.9 million per year.
 - Projects providing safer bicycle and pedestrian pathways.
 - Approximately \$24,000 annually for the City of Newman.

- Regional Projects:
 - Nearly \$268 million, or \$10.7 million per year.
 - Projects that relieve congestion and promote goods movement and economic vitality.
 - Safety and pedestrian improvements to Highway 33 within the City of Newman.

Other 7% Total*



* Dollar amounts over 25 years

- Point to Point Services:
 - Nearly \$20 million, or \$806,000 per year.
 - Specialized door-through-door transportation services for seniors and persons with disabilities.
- Community Connections:
 - Nearly \$20 million, or \$806,000 per year
 - Projects providing safer bicycle and pedestrian pathways in unincorporated areas.
- Transit Improvements:
 - Nearly \$13.4 million, or \$537,000 per year.
 - Operational, maintenance and infrastructure improvements for transit.
- Rail Improvements:
 - Nearly \$13.4 million, or \$537,000 per year.
 - Shuttle services to ACE, Amtrak and BART trains.
 - Education programs to promote rail.

The following safeguards are included to ensure strict adherence to the limitations on the use of the revenues provided by this measure to ensure that funding from the one-half of one percent retail transactions and use tax is used in accordance with the specified voter-approved transportation project improvements and programs.

- Expenditure Plan. This Plan identifies the specific projects and programs supported by the voters to be funded by revenue raised by this transactions and use tax.
- Sunset Date: 25 years.

- Oversight Committee. This Committee will be established to provide citizen review and to ensure that all Measure funds are spent in accordance with provisions of the Expenditure Plan and the Ordinance.
- Maximum of 1% for Administrative Costs Restriction. In no case shall the funds expended for administration exceed one (1) percent of the annual amount of gross revenues raised by the tax.
- Leverage State/Federal Funds. StanCOG will continue to seek maximum funding for our local transportation improvements through State and federal programs with the additional leverage provided from these funds. Spending Assurances. All funds are dedicated for transportation planning, design, construction, operation and maintenance only in Stanislaus County and its Cities and cannot be used for other governmental purposes or programs.
- Local Control. 65% of the revenues (50% for Local Streets and Roads; 5% for Bike/Ped; and 10% for Traffic Management) are distributed by formula directly to local agencies for transportation priorities.
- Protected from State Raids. These funds cannot be taken by the State.
- Annual Audits and Annual Reporting. StanCOG shall publish a report, based on an independent audit, on how all Revenues have been spent and on progress in implementing projects in the Plan, and shall publicly report on the findings.

FISCAL IMPACT:

A successful Measure will have a positive impact on the City's ability to fund road, pedestrian and bicycle improvements.

CONCLUSION:

Based upon the formulas within the expenditure plan, the City of Newman is anticipated to receive approximately \$312,000 annually to repair/improve roadways, repair/install sidewalks and bicycle paths, and improve traffic congestion. The existence of secure revenue stream would allow the City to implement a long-term road maintenance strategy and to seek out grant funding to augment the program. It is recommended that the Council adopt Resolution No. 2016- Approving the Transportation Expenditure Plan and requesting the Board of Supervisors place a Retail Transaction and Use Tax Measure on the November 8, 2016 General Election ballot.

ATTACHMENT:

1. Resolution No. 2016-
2. Stanislaus County Transportation Sales and Use Tax Ordinance

Respectfully Submitted:



Michael Holland
City Manager

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPROVING THE STANISLAUS COUNTY TRANSPORTATION EXPENDITURE PLAN

WHEREAS, the Stanislaus Council of Governments (StanCOG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization (MPO), pursuant to State and Federal designation; and

WHEREAS, StanCOG is the Local Transportation Authority (“Authority”) as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Section 180000 et seq; and

WHEREAS, as the Authority, StanCOG desires to become a “self-help” county through adoption and imposition of a one-half of one-cent transactions and use tax for a period of 25 years to fund transportation projects, programs and improvements as set forth in the proposed Ordinance and Transportation Expenditure Plan; and

WHEREAS, the proposed Transportation Expenditure Plan contains a summary of the projects, improvements and programs to be funded with the retail transaction and use tax funds; and

WHEREAS, the interests of the City of Newman and its residents and businesses will benefit by the implementation of the 25-year Transportation Expenditure Plan through the adoption and imposition of a one-half of one-cent transactions and use tax for transportation in Stanislaus County;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Newman does hereby approve the Stanislaus County Transportation Expenditure Plan and;

BE IT FURTHER RESOLVED that the City Council of the City of Newman requests that the Stanislaus County Board of Supervisors place the Retail Transaction and Use Tax Measure on the November 8, 2016 ballot.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 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:

Mayor of the City of Newman

ATTEST:

City Clerk of the City of Newman

STANISLAUS COUNCIL OF GOVERNMENTS
Measure _____
Stanislaus County Transportation Sales and Use Tax
Ordinance #16-01

The Stanislaus County Transportation Authority ordains as follows:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as, “Measure ____ : Stanislaus County Transportation Sales and Use Tax” which shall establish and implement a retail transaction and use tax.

SECTION 2. DEFINITIONS.

2.01. “Authority” means the Stanislaus Council of Governments as the Local Transportation Authority as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Section 180000 et seq.

2.02. “County” means the County of Stanislaus.

2.03. “Expenditure Plan” means the Expenditure Plan attached to this Ordinance as **Exhibit “A”** and incorporated herein.

2.04. “Maintenance of Effort” means a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in order to receive Local Streets and Roads funds.

2.05. “Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of the ordinance. If the Ordinance is approved by a two-thirds majority of the electors voting on this Ordinance at the election held on November 8, 2016, the Operative Date shall be April 1, 2017.

2.06. “Ordinance” means the Measure ____ : Stanislaus County Transportation Sales and Use Tax ordinance which establishes and implements the retail transaction and use tax set forth herein.

SECTION 3. EXPENDITURE PLAN PURPOSES.

3.01. This Ordinance provides for the implementation of the Expenditure Plan, as approved and adopted by the Authority, which will result in countywide local street and road improvements, arterial street widening, signalization, pedestrian, bicyclist, and driver safety improvements. These needed improvements shall be funded by a one-half of one percent retail transactions and use tax established for a twenty five year period. The revenues shall be deposited in a special fund, used solely for the transportation projects, improvements and programs described in the Expenditure Plan which is considered a part of this Ordinance and hereby incorporated by reference as if fully set forth herein.

SECTION 4. ADMINISTRATIVE EXPENSES.

4.01. The revenues received by the Authority from this Ordinance, after deduction of the required Board of Equalization costs for performing the functions specified in section 180204 of the Public Utilities Code, reimbursing the County of Stanislaus for its costs in conducting the election if the measure is approved in accordance with section 180203(a) of the Public Utilities Code, and after deduction for the administration of the Expenditure Plan pursuant to the provisions of the Public Utilities Code commencing with section 180200, in an amount not to exceed one-percent (1%), shall be used for the transportation projects, improvements and programs countywide as set forth in the Expenditure Plan and in a manner consistent with the Expenditure Plan developed by the Authority.

4.02. Revenues may be expended by the Authority for salaries, wages, benefits, overhead, auditing and those services including contractual services necessary to administer this Ordinance; however, in no event shall an amount exceeding one-percent (1%) of the annual revenue provided by this Ordinance go towards paying the administrative salaries and benefits of the staff of the Authority. Costs of performing or contracting for project related work shall be paid from the revenues allocated to the appropriate purpose.

4.03. An annual independent audit shall be conducted to assure that the revenues expended by the Authority under this section are necessary and reasonable in carrying out its responsibilities under this Ordinance.

SECTION 5. REQUEST FOR ELECTION.

5.01. The Authority hereby requests the Stanislaus County Board of Supervisors place this Ordinance before the voters for approval on the November 8, 2016 ballot.

5.02. The proposition to be placed on the ballot shall contain a summary of the projects, improvements, and programs and shall read substantially as follows:

To provide funding for local transportation improvements including: fixing potholes/maintaining streets; improving emergency response; providing safe routes to schools; providing senior, veterans and disabled shuttle services; and improving safety/reducing traffic congestion on Highway 99/major streets; shall the Stanislaus County Transportation Authority enact a ½ cent sales tax, generating \$38,000,000 annually for transportation projects, funds that cannot be taken by the State, requiring all money to be spent in Stanislaus County with citizens' oversight for 25 years?

SECTION 6. EFFECTIVE, OPERATIVE AND TERMINATION DATES.

6.01. This Ordinance shall become effective on November 8, 2016 only if a two-thirds majority of the electors voting on this Ordinance at the election held on November 8, 2016 vote to approve the Ordinance. If so approved, the provisions of this Ordinance shall become

operative on April 1, 2017 and shall be imposed and collected for a period of twenty-five (25) years thereafter.

6.02. The authority to levy the tax authorized pursuant to this Ordinance shall expire on March 31, 2042.

SECTION 7. CONTRACT WITH STATE.

7.01. Prior to the Operative Date, the Authority shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Ordinance; provided, that if the Authority shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SECTION 8. TRANSACTIONS AND USE TAX RATE.

8.01. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-half of one percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this Ordinance.

8.02. An excise tax is hereby imposed on the storage, use or other consumption in the incorporated and unincorporated territory of the County of tangible personal property purchased from any retailer on and after the Operative Date of this Ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 9. EXPENDITURE PLAN PROCEDURES AND MAINTENANCE OF EFFORT.

9.01. It is the intent of the Legislature and the Authority that revenues provided from this Ordinance be used to supplement existing revenues being used for transportation projects, improvements and programs.

9.02. Pursuant to the intent of the Public Utilities Code section 180001, a jurisdiction cannot redirect monies currently being used for transportation purposes to other uses, and then replace the redirected funds with local street maintenance and improvement dollars from the retail transaction and use tax.

9.03. To meet the requirements of state law, in order to receive Local Streets and Roads funds a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in conformance with the provision below:

9.03.01. Annual expenditures of a local jurisdiction's general funds for transportation purposes shall not be an amount less than the jurisdiction's three-year average of its annual expenditures from its general fund during the prior three fiscal years. In calculating the three-year average annual general fund expenditures, any unrestricted funds which the local jurisdiction may expend at its discretion, expended for transportation purposes are expenditures from the general fund.

9.03.02. Subject to Authority approval, if any local jurisdiction had extraordinary local discretionary fund expenditures during any fiscal year it may determine that year's minimum expenditure base level of local discretionary funds by:

- a) Subtracting those extraordinary expenses (including assessment district contributions, development impact funds, or other non-recurring contributions) from its total expenditures; or
- b) Petitioning the Authority for special consideration. It is possible that a local jurisdiction may need to revise its minimum expenditure base beyond the subtraction of extraordinary expenses. In this instance, the Authority may allow the establishment of a new base for that jurisdiction's Maintenance of Effort requirement. A local jurisdiction petitioning the Authority under this provision must supply evidence of the need for special consideration and the petition must be approved by a majority vote of the Authority.

9.04. An annual independent audit will be conducted to verify that the Maintenance of Effort requirements were met by the local jurisdictions. Any local jurisdiction which does not meet its Maintenance of Effort requirement in any given year may have its Local Streets and Roads fund received pursuant to the Expenditure Plan reduced in the following year by the amount by which the jurisdiction did not meet its required Maintenance of Effort. Such funds shall be redistributed to the remaining eligible jurisdictions.

SECTION 10. ORDINANCE PURPOSES.

10.01. This Ordinance is adopted to achieve the following, among other purposes, and directs the provisions hereof be interpreted in order to accomplish these purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, which authorizes the Authority to adopt this tax ordinance which shall be operative if two-thirds (2/3) of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of

California insofar as those provisions are not inconsistent with the requirements and limitations contained in Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code.

- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.
- D. The funds generated by the transaction and use tax authorized by this Ordinance may only be used for transportation purposes including the administration of the Expenditure Plan, as may be amended, including defense or prosecution of legal actions related thereto, the construction, acquisition, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and for related transportation purposes, including project management and oversight of the projects to be funded using the transaction and use tax, such as coordination with other responsible agencies as well as project delivery and negotiation of project agreements. These purposes include expenditures for planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. Expenditures also include, but are not limited to, debt services on bonds or other indebtedness, and expenses and reserves in connection with the issuance of the same.

SECTION 11. ADOPTION OF PROVISIONS OF STATE LAW.

11.01. Except as otherwise provided in this Ordinance, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code, insofar as they relate to sales taxes and are not inconsistent with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Division 19 (commencing with Section 180000) of the California Public Utilities Code, are hereby adopted and made a part of this Ordinance as though fully set forth herein.

11.02. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of the Authority shall be substituted therefor. The name of the Authority shall also be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 and in the definition of that phrase.

SECTION 12. ADDITIONAL PERMIT NOT REQUIRED.

12.01. If a seller's permit has been issued to a retailer under section 6067 of the California Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

SECTION 13. EXEMPTIONS AND EXCLUSIONS.

13.01. The amount subject to tax pursuant to this Ordinance shall not include the amount of sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or the amount of any state-administered transactions or use tax.

13.02. There are exempted from the transactions tax portion of the transactions and use tax authorized pursuant to this Ordinance:

A. The gross receipts from the sale of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of the aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

B. The sales of property to be used outside the County which are shipped to a point outside the County, pursuant to the contract of sale, by delivery to that point by the retailer or his or her agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point.

1. For purposes of this Ordinance, "delivery" of vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code shall be satisfied by (i) registration to an out-of-County address; and, (ii) by a declaration under penalty of perjury, signed by the buyer, stating that the address is, in fact, his or her principal place of residence.

2. For purposes of this Ordinance, "delivery" of commercial vehicles shall be satisfied by (i) registration to a place of business out of County; and, (ii) a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

C. The sale of tangible personal property is exempt from the tax authorized by this Ordinance if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Ordinance.

D. A lease of tangible personal property which is a continuing sale of that property is exempt from the tax authorized by this Ordinance for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the

Operative Date of this Ordinance.

E. For purposes of Section 13.02 subparagraphs C and D, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not that right is exercised.

13.03. There are exempted from the use tax portion of the transactions and use tax authorized pursuant to this Ordinance:

A. A retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

B. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer is required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

C. The storage, use, or other consumption of tangible personal property, other than fuel or petroleum products, purchased by operators of aircraft, and used or consumed by the operators directly and exclusively in the use of the aircraft as common carriers of person or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the California Revenue and Taxation Code.

D. The storage, use, or other consumption in the County of tangible personal property if the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Ordinance.

E. The possession of, or the exercise of any right or power over, tangible personal property under a lease which is a continuing purchase of the property is exempt from tax for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease entered into prior to the Operative Date of this Ordinance.

F. For the purposes of Section 13.03, subparagraphs D and E, the storage, use, or other consumption of, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to

terminate the contract or lease upon notice, whether or not the right is exercised.

G. Any person subject to use tax under this Ordinance may credit against that tax or any transactions tax, or to reimbursement for a transactions tax, paid to a County or retailer in the County imposing a transactions and use tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code.

SECTION 14. PLACE OF SALE.

14.01. For the purposes of this Ordinance, all retail transactions are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of a transaction tax imposed by this Ordinance shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

SECTION 15. BONDING AUTHORITY.

15.01. The Authority shall have the power to sell or issue, at any time, and from time to time, limited tax bonds payable from and secured by the proceeds from the sales tax authorized by this Ordinance in order to finance and refinance the transportation projects identified in the Expenditure Plan.

15.02. The maximum bonded indebtedness which may be outstanding at any one time shall be an amount equal to the sum of the principal of, and interest on, the bonds, but not to exceed the estimated proceeds of the tax. The amount of bonds outstanding at any one time does not include the amount of bonds, refunding bonds, or bond anticipation notes for which funds necessary for the payment thereof have been set aside for that purpose in a trust or escrow account.

SECTION 16. AMENDMENTS TO EXPENDITURE PLAN.

16.01. The Authority may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The Authority may not amend the sales tax revenue allocations by category set forth in the Expenditure Plan as the allocations may be amended only if two-thirds majority of the electors vote to approve.

16.02. Amendments to the Expenditure Plan must be passed by a two-thirds majority vote of the Authority board's total membership by a roll call vote entered in the minutes of the Authority following a noticed, public hearing of the Authority. Notice of the public hearing shall be published pursuant to Government code section 6062. Subsequently, the Authority shall notify the Board of Supervisors, the City Council of each city in the county and

provide each with a copy of the proposed amendment(s). Pursuant to Public Utilities Code section 180207, proposed amendment(s) shall become effective 45 days after notice is given, unless appealed under the process outlined in the following paragraph. Should an appeal be filed, the Authority shall hold a public hearing on the proposed amendment(s) within 45 days of the filing of the appeal.

16.03. In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's governing body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority's amendment(s) to the Expenditure Plan will stand. If the necessary resolutions supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

16.04. The Expenditure Plan shall be updated by the Authority every ten years that the sales tax is in effect to reflect current and changing priorities and needs in the County, as defined by the duly elected local government representatives on the Authority Board. Any changes to the Expenditure Plan must be adopted with current law in effect at the time of the update and must be based on findings of necessity for change by the Authority.

SECTION 17. AMENDMENTS TO THIS ORDINANCE.

17.01. This Ordinance may be amended to further its purposes. The Authority shall establish a process for proposed Ordinance amendment(s) which ensures that the Authority committees established by this Ordinance participate in the development of the proposed Ordinance amendment(s).

17.02. Upon completion of that process, amendment(s) to this Ordinance must be passed by a two-thirds majority of the Authority board's total membership by a roll call vote entered in the minutes of the Authority. The Authority must hold a noticed, public hearing on the matter before formal adoption of any amendment to the Ordinance. Notice of the public hearing shall be published pursuant to Government Code section 6062.

17.03. In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority's amendment(s) to the Ordinance will stand. If the necessary resolutions

supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

SECTION 18. AUTHORITY COMMITTEES.

18.01. The following committee structure is established to advise the Authority in the administration of the Expenditure Plan and this Ordinance:

A. A Measure “____” Oversight Committee is established to review the independent fiscal audit of the expenditure of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Board of the Authority. The Measure “____” Oversight Committee is responsible for oversight of the proper use of sales tax funds and implementation of the programs and projects set forth in the Expenditure Plan and making recommendations to the Board of the Authority. The committee is not a policy making body. The Measure “____” Oversight Committee shall consist of one representative from each of the following jurisdictions: City of Ceres, City of Hughson, City of Modesto, City of Neman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock, City of Waterford and Stanislaus County. Members of the Measure “____” Oversight Committee shall not be members of any other Authority or StanCOG committee(s).

SECTION 19. STATUTORY AMENDMENTS.

19.01. All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

SECTION 20. CREATION OF SEPARATE ACCOUNT.

20.01. All retail transaction and use tax revenue, plus interest, will be deposited in a special fund for the projects identified in the Expenditure Plan. The fund(s) authorized under this Ordinance will be administered by the Authority.

20.02. The Authority shall allocate funds to projects and programs identified in the Expenditure Plan as necessary to meet contractual and program obligations. The Authority may allocate funds as described but may reserve the right not to disburse monies until needed to meet contractual project or program obligations. Each agency receiving funds from this Ordinance shall deposit said funds in a separate interest bearing account. Any interest earned on funds allocated pursuant to this Ordinance shall be expended only for those purposes for which the funds were allocated or shall be returned to the Authority. The Authority reserves the right to audit such accounts.

SECTION 21. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

21.01. This Ordinance is not a project as defined in Section 15378 of the California Environmental Quality Act (CEQA) Guidelines and is therefore exempt from CEQA requirements. Prior to the commencement of any project included in the Expenditure Plan, any necessary environmental review required by CEQA shall be completed.

SECTION 22. IMPLEMENTING ORDINANCES.

22.01. Upon approval of this Ordinance by the voters, the Authority may, in addition to the local rules required to be provided pursuant to this Ordinance, adopt implementing ordinances, rules and administrative procedures, and take such other actions as may be necessary and appropriate to carry out its responsibilities to implement the Expenditure Plan.

SECTION 23. DESIGNATION OF FACILITIES.

23.01. Each project or program in excess of \$250,000 funded in whole or in part by revenues from this Ordinance shall be clearly designated in writing by signs and/or documents, during its construction or implementation as being funded by revenues from this Ordinance.

SECTION 24. CONTRACTING FOR PROJECT DELIVERY.

24.01. The Authority shall have the power to contract for project delivery of any project or program of the Expenditure Plan if all of the jurisdictions affected by the project agree and if the Authority finds that:

- A. The project could be delivered faster under a contract issued by the Authority; or
- B. A contract by the Authority would provide economies of scale and reduce project costs.

SECTION 25. ANNUAL REPORT.

25.01. An annual report will be prepared by the Authority within 180 days of the end of the fiscal year identifying the actions and accomplishments of the Authority in meeting the adopted Expenditure Plan.

SECTION 26. SEVERABILITY.

26.01. If any section, part, provision, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional, the remaining portions of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected but shall remain in full force and effect.

SECTION 27. ANNUAL APPROPRIATIONS LIMIT.

27.01. Article XIII B of the California Constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Authority has been established as \$500 million. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the retail transaction and use tax revenues authorized pursuant to this Ordinance are subject to the appropriations limit of the Authority.

SECTION 28. ENJOINING COLLECTION FORBIDDEN.

28.01. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Authority, or against any officer of the State or the Authority, to prevent or enjoin the collection under this Ordinance, or Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, or Division 19 (commencing with Section 180000) of the California Public Utilities Code, of any tax or any amount of tax required to be collected.

SECTION 29. CAPTIONS.

29.01. The titles and headings to the sections set forth in this Ordinance are not part of this Ordinance and shall have no effect upon the construction or interpretation of any part hereof.

SECTION 30. ADOPTION OF ORDINANCE.

30.01. This Ordinance was introduced and the title thereof read at the regular meeting of the Authority's governing Board on June 15, 2016, and adopted at the regular meeting of the Authority's governing Board on June ___, 2016, with further reading thereof having been waived by a vote of the members present.

VITO CHIESA, CHAIR

ATTEST:

ROSA DE LEÓN PARK, EXECUTIVE DIRECTOR

EXHIBIT "A"
Expenditure Plan

Stanislaus Council of Governments Expenditure Plan

State and federal transportation funding has dropped severely in recent years, with once dependable funds becoming increasingly unreliable. Transportation's primary fund source, the gas tax, hasn't been raised in 20 years and our cars are more fuel-efficient than ever. Therefore, revenues available to operate, maintain and improve our local transportation system have not kept up with the needs of our community. Over the next decade, Stanislaus County's population will continue to grow and our senior population will almost triple. This means without new funding, Stanislaus County will have increased congestion, increasingly deteriorating roadways and fewer and more costly transportation services.

The Modesto-Metro Area currently has the 20th worst roads in the United States.

A new, reliable source of transportation funding is needed to maintain our communities and quality of life.

Stanislaus County voters are being asked to approve a 25-year, ½ cent sales tax to address these needs. Twenty other counties in California have already approved similar ballot measures making them 'Self-Help' Counties. With these voter-approved local transportation funds, Self-Help Counties are able to maintain and improve their transportation systems. They are also more successful in competing for funding and leveraging a larger share of state and federal dollars. Self-Help funds generated must stay local and can only be spent on transportation.

The Stanislaus County Expenditure Plan ("Plan") was developed through a comprehensive public outreach program that asked residents to identify their priorities for future transportation programs and projects. Outreach included over 75 meetings with community organizations and leaders representing diverse viewpoints. Additionally, a series of focus groups were conducted along with a statistically valid telephone poll. The Plan has been unanimously supported and approved by the Stanislaus Council of Governments, all nine cities in the region and the County Board of Supervisors.

Self-Help in Stanislaus County would:

- Generate approximately \$38 million per year based on ½ cent sales tax for an estimated total of \$960 million over the course of the measure's lifetime,
- Be used for LOCAL projects and LOCAL priorities, prohibiting Sacramento from taking possession of these funds;
- Allow Stanislaus County to compete for State and Federal grants and leverage funds, thereby increasing revenues;
- Deliver an Expenditure Plan with a specific list of projects and programs; and
- Include an Oversight Committee to ensure projects and programs in the Plan are actually funded and/or completed.

The Expenditure Plan

Revenue Estimates and Distribution

Over the course of the 25-year plan, it is estimated that \$960 million dollars will be generated for local transportation investments. This amount was calculated based on a five-year average of sales tax revenues throughout the County that was then reduced to reflect a conservative estimate.

Allocation of Self-Help revenues is established within this Plan. The estimated revenue and allocation among categories is based upon 2016 value of money and is not binding or controlling. Transportation sales tax funds shall be allocated by percentage of the actual revenue received.

This funding will serve as an investment that will leverage future local, State and Federal grant opportunities. Funds will be used for all phases of project implementation, including: planning, environmental, permits, and design, right-of-way, and/or construction capital and operations projects. State and federal fund sources that may also be used to implement transportation projects and programs in the next decade include the State Regional Transportation Improvement Program (STIP), Inter-regional Transportation Improvement Program (ITIP), Fixing America's Surface Transportation (FAST) Act Freight and Highway Projects Program, Congestion Mitigation Air Quality (regional-estimate \$15M), Regional Surface Transportation Funds (regional-estimate \$10M), and Local Funding (e.g. developer fees, general funds, and Measure "Local Control").

All revenue estimates and allocations contained in this Plan are for illustrative purposes. Actual net revenues may fall above or below the projections contained in the Expenditure Plan, therefore actual revenue allocations to each category will be based on the percentages contained herein.

Local Control 65% Total (50% Local Streets and Roads, 10% Traffic Management, 5% Bike and Pedestrian)

Local Streets and Roads, 50%, \$480,150,000

Recognizing that streets are the backbone of our transportation system, this Plan provides funds to local cities and Stanislaus County, distributed primarily based on 2015 population to support local roads. Each agency will identify specific streets and roads that will be prioritized for repair and/or refurbishment. These funds will be used exclusively for repair and maintenance – no new roads will be funded. These funds must be used to augment current transportation spending and cannot be used to replace a local agency's general fund expenditures.

Jurisdiction	Local Street & Road Program %¹	Total	Total Annual
Ceres	6.36%	30,552,381.79	1,222,095.27
Hughson	1.26%	6,048,075.58	241,923.02
Modesto	35.79%	171,868,971.22	6,874,758.85
Newman	1.26%	6,048,075.58	241,923.02
Oakdale	3.86%	18,528,231.53	741,129.26
Patterson	4.55%	21,840,272.92	873,610.92
Riverbank	3.42%	16,416,205.14	656,648.21
Turlock	15.26%	73,259,503.69	2,930,380.15
Waterford	1.26%	6,048,075.58	241,923.02
Stan County	26.98%	129,540,206.98	5,181,608.28
Total	100.00%	480,150,000.00	19,206,000.00

Traffic Management, 10%, \$96,030,000

These are projects including upgrades to local intersections, road widening, signalization, bridge replacements and/or traffic calming methods.

Jurisdiction	Traffic Management %²	Total	Total Annual
Ceres	6.36%	6,110,476	244,419
Hughson	1.26%	1,209,615	48,385
Modesto	35.79%	34,373,794	1,374,952
Newman	1.26%	1,209,615	48,385
Oakdale	3.86%	3,705,646	148,226
Patterson	4.55%	4,368,055	174,722
Riverbank	3.42%	3,283,241	131,330
Turlock	15.26%	14,651,901	586,076
Waterford	1.26%	1,209,615	48,385
Stan County	26.98%	25,908,041	1,036,322
Total	100.00%	96,030,000	3,841,200

¹ 1% to StanCOG for management of program.

² Less 1% for StanCOG administration for programs.

Bike and Pedestrian Improvements, 5%, \$48,015,000

These projects include local connectivity between communities, local schools, trails and recreation facilities. Each agency will work closely with residents to determine the type, location and priority for new or upgrades to existing facilities.

Jurisdiction	Bicycles and Pedestrians %³	Total	Total Annual
Ceres	6.36%	3,055,238	122,210
Hughson	1.26%	604,808	24,192
Modesto	35.79%	17,186,897	687,476
Newman	1.26%	604,808	24,192
Oakdale	3.86%	1,852,823	74,113
Patterson	4.55%	2,184,027	87,361
Riverbank	3.42%	1,641,621	65,665
Turlock	15.26%	7,325,950	293,038
Waterford	1.26%	604,808	24,192
Stan County	26.98%	12,954,021	518,161
Total	100.00%	48,015,000	1,920,600

Available uses for the Local Control funding category include:

- Maintaining, improving or constructing streets, roads, bridges, and bicycle and pedestrian facilities,
- Community Enhancements, such as downtown streetscapes, transportation enhancements, way finding, and accessibility improvements, street lighting, street furniture and trees,
- Safety Improvements,
- Programs that reduce transportation demand,
- Storm damage repair to transportation facilities
- Roadway drainage facilities,
- Traffic signal coordination, intersection and channelization, and
- Traffic management.

Regional Control

Regional Projects, 28%, \$268,884,000

These funds would be used for planning, project development, right-of-way, and/or construction of major corridor, capital projects. Proposed regional projects are at different stages of implementation. The Plan includes a set of projects identified by a combination

³ Less 1% for StanCOG administration for programs.

of public outreach, local agency priorities and StanCOG Board direction based on its adopted 2035 Regional Transportation Plan. Funds will be distributed for projects throughout the County with approximately \$30,000,000 left in reserve to accommodate future regional needs.

Project		Description	Total Budget	Funded thru Plan
SR-132	SR-99 to Gates Road	Construct a four-lane expressway from SR-99 to Gates Road.	\$297,000,500.00	\$74,250,125.00
North County Corridor		Design / Right of Way	\$239,000,000.00	\$59,750,000.00
Faith Home Road		Construction of Faith Home River Crossing / Gap Closure	\$71,700,000.00	\$17,925,000.00
SR 99	Briggsmore Interchange	Reconstruct to 8 Lane Interchange	\$98,679,400.00	\$24,669,850.00
SR 99	Mitchell Service Road	New Interchange Phase 1	\$122,987,400.00	\$30,746,850.00
SR33		Highway and pedestrian safety improvements from Merced County line northward to Yolo Avenue	\$10,000,000.00	\$2,500,000.00
SR-99	Keyes Rd to Taylor Rd	Construct Auxiliary Lane	\$6,226,600.00	\$1,245,320.00
SR-99	Taylor Rd to Monte Vista Ave	Construct Auxiliary Lane	\$6,520,300.00	\$1,304,060.00
McHenry	Ladd Rd to Hogue Rd	Widen to 5 Lanes	\$13,025,000.00	\$2,605,000.00
SR-99	West Main	Construct New Interchange	\$19,091,000.00	\$3,818,200.00
Zacharias Rd	Raines Rd to I-5	Construct new Interchange at I-5	\$75,000,000	\$7,500,000.00

SR-99	San Joaquin County Line to Mitchell Rd	Install Ramp Metering Improvements including Intelligent Transportation Systems (ITS)	\$15,758,300.00	\$1,575,830.00
SR-99	Mitchell Rd to Merced County Line	Install Ramp Metering Improvements including Intelligent Transportation Systems (ITS)	\$2,097,400.00	\$209,740.00
SR108-SR120	Oakdale/ County	Intersection Improvements at Rodeo	\$10,000,000.00	\$1,000,000.00
Signal Improvements	Riverbank	Install Signal Light at Claus & SR-108 and Install Congestion Management Improvements at First Street & SR-108	\$4,201,000.00	\$420,100.00
SR99	SR-99 & Standiford Interchange	Reconstruct to 8 Lane Interchange.	\$78,943,500.00	\$7,894,350.00
			\$1,070,230,400.00	\$228,414,425.00

Transit Providers

Other Transportation Programs and Services 7%

Point-To-Point Services For Seniors, Veterans And Persons With Disabilities **\$20,166,300**

This is for specialized need-based door-through-door transportation services for seniors, veterans and persons with disabilities. These funds will be allocated to the existing MOVE Program, essentially tripling capacity for need-based services for the County's seniors, veterans and people with disabilities.

Community Connections \$20,166,300

Funds will be used for projects providing safer bicycle and pedestrian pathways in cities and the unincorporated areas, increasing bus/van service and upgrading bus stops. Many community members live in areas with limited public transit and/or bike connections to shopping, schools and work. Funds from this category will be used to boost services in these areas making it easier for people to access transit services and bike and pedestrian facilities.

Transit Services \$13,444,200

Funds will be used for operations, maintenance and infrastructure improvements for public transit. They may also be used to supplement local, state and federal funds for cost of transit service. These funds will be allocated to public transit providers to support or enhance public transit service throughout the region. This may include increasing frequency of service, identifying new routes and/or investment in ride sharing services.

Transit Category Estimated Funding Distribution			
	Percentage*	Over 25 Years	Annually
Total Amount to Be Distributed	100%	\$13,444,200	\$537,768
Ceres	7%	\$941,094	\$37,644
Modesto	52%	\$6,990,984	\$279,639
Stanislaus County	33%	\$4,436,586	\$177,463
Turlock	8%	\$1,075,536	\$43,021
<i>Total</i>	<i>100%</i>	<i>\$13,444,200</i>	<i>\$537,768</i>
*Percentage is consistent with the StanCOG Transit Cost Sharing as discussed at the Transit Managers meeting March 14, 2016			

Rail Services \$13,444,200

Funds will be used for operations, maintenance and infrastructure improvements for public transit connections to existing rail services. They may be used to supplement local, state, and federal funds for the cost of public transit connections to regional rail services including ACE, BART and Amtrak, and marketing to increase awareness and ridership across all rail services.

StanCOG and the ACE management team believe there is a need to continue to promote ACE in anticipation of future funding which may be allocated for the proposed extension. These may be used to increase ridership and/or fund new AMTRAK service and increase bus/van connections to existing ACE services to the Bay Area. No Funds will be used for high-speed rail.

Safeguards Built Into The Plan

This Expenditure Plan includes strong taxpayer safeguards to ensure that the projects and programs approved by the voters are funded and delivered.

Citizen Oversight

An Oversight Committee will be created to provide an enhanced level of accountability for expenditures made under the Plan to ensure that all voter mandates are carried out and that the financial integrity and performance of the program is maintained. The Committee will include one representative from each municipal agency, selected by the agency.

Annual Independent Audit and Annual Reporting

Annual fiscal and compliance audits will be conducted by a CPA, to assure that the revenues expended are necessary and reasonable. The audits and annual Report must be published and made available to the general public.

Sunset Date

This measure terminates in 25 years.

1% Administrative Expense Cap

Expenditures on staff salaries, wages, benefits and overhead necessary to administer the program will be limited to no more than one percent of the annual gross revenues provided by the measure.

No revenue generated from this tax shall be used to replace fair share contribution from new development.

Revenues provided from this measure shall not be used to replace private developer funding that has been or will be committed for any project to help alleviate the direct traffic impacts of any new or redeveloped residential, commercial or industrial development in Stanislaus County or its cities.

Eligibility Verification

The cities and County will select transportation projects that meet eligibility criteria as identified in this Plan. The local jurisdictions will certify in the annual verification submitted to the Stanislaus Council of Governments that these transportation funds were used for eligible expenses.

Maintaining Local Transportation Funding Efforts

The local jurisdictions will certify in the annual verification submitted to Stanislaus Council of Governments that these transportation funds will be used to augment and not supplant local resources spent. For purposes of this calculation an average of the prior three (3) years spent for local transportation purposes as defined in the Ordinance will be used.

Strategic Plan

StanCOG will prepare and adopt a Strategic Plan within twelve months of the sales tax taking effect. The Strategic Plan will include project cost estimates, revenue estimates, other matching funds, and a draft timeline for regional project delivery. Its prime purpose is to clarify program and project costs, schedule, financial plans and project readiness to expedite project delivery and to allow projects that are ‘ready’ to proceed forward within the parameters of the Expenditure Plan.

For additional information about specific projects and programs in your area OR to ask questions, please visit our website at:

www.Stanislaus-LocalRoadsFirst.com