RESOLUTION REAPPOINTING RICHARD DALTON AND JON RODRIGUEZ TO THE BOARD OF BUILDING APPEALS

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the City Council approved, by Resolution Number 2013-424, the appointments of Richard Dalton and Jon Rodriguez for the term ending January 1, 2017, and

WHEREAS, Richard Dalton has expressed interest in continuing to serve as a member of the Board of Building Appeals, and

WHEREAS, Jon Rodriguez has expressed interest in continuing to serve as a member of the Board of Building Appeals, and

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

Richard Dalton is hereby reappointed to the Board of Building Appeals with a term expiration of January 1, 2021,

Jon Rodriguez is hereby reappointed to the Board of Building Appeals with a term expiration of January 1, 2021.

The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Building Appeals, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING SECTION 5 (EMERGENCY SOLUTIONS GRANTS PROGRAM POLICIES) OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on October 25, 2016, by Resolution No. 2016-425 the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS, an amendment to Section 5 (Emergency Solutions Grants Programs Policies) of the HUD Policies & Procedures Manual is proposed to reflect current goals and policies as set forth in 24 Code of Federal Regulations, and

WHEREAS, on October 19, 2016, the City of Modesto’s Citizen’s Housing & Community Development Committee reviewed, approved and forwarded an amended Section 5 (Emergency Solutions Grants Program Policies) of the HUD Policies & Procedures Manual, to the City Council for review and approval,

NOW, THEREFORE, BE IT RESOLVED, that the Modesto City Council hereby amends Section 5 (Emergency Solutions Grants Program Policies) of the Housing and Urban Development Policies & Procedures Manual, as set forth in Exhibit A, which is attached hereto and hereinafter incorporated by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
Section 5

Emergency Solutions Grant Program
Policies

City of Modesto
Community Development Division
1010 10th Street, Suite 3100, Modesto, CA 95354
(209) 577-5211, TDD 209-
housing@modestogov.com

City of Modesto
Citizens Housing and Community Development Committee (CH&CDC) Approved

*These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto's Citizens Housing and Community Development
City of Modesto Emergency Solutions Grant Policies

1.0 APPLICABLE LAWS AND REGULATIONS

1.1 The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act revised the Emergency Shelter Grants program and renamed it the Emergency Solutions Grants (ESG) program. The HEARTH Act broadened the emergency shelter and homelessness prevention activities of the Emergency Solutions Grants program beyond those of its predecessor program, the Emergency Shelter Grants program, and added short- and medium-term rental assistance and services to rapidly re-house persons experiencing homelessness. The change in the program’s name reflects the change in the program’s focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis or becoming homeless.

1.1.1 The ESG program awards funds, on a formula basis, to state governments, metropolitan cities, urban counties, and U.S. territories for five components, plus Administrative activities:

1.1.1.1 Street Outreach;
1.1.1.2 Emergency Shelter;
1.1.1.3 Rapid Re-housing;
1.1.1.4 Homelessness Prevention; and
1.1.1.5 Homeless Management Information System (HMIS).

1.1.2 ESG funds are available for the following purposes:

1.1.2.1 Engage homeless individuals and families living on the street;
1.1.2.2 Improve the number and quality of emergency shelters for homeless individuals and families;
1.1.2.3 Help operate these shelters;
1.1.2.4 Provide essential services to shelter residents;
1.1.2.5 Rapidly re-house homeless individuals and families; and
1.1.2.6 Prevent families/individuals from becoming homeless.

1.1.3 Territories and local governments that receive ESG funds may carry out the program directly and/or subgrant all or part of their ESG funds to private nonprofit organizations to carry out eligible program activities. States receiving ESG funds must subgrant all of the ESG funds they receive, except for their allowable portion of the grant for administration costs, and HMIS costs if the recipient is the HMIS lead, to units of general purpose local government and/or private nonprofit organizations to carry out the program.

1.1.4 Emergency Solutions Grants are governed by following code of federal regulations: 24 CFR 576.400(a); 24 CFR 576.500(a); 24 CFR 576.400(e)(3); 24 CFR 576.401(a), (b), and (c); 24 CFR 576.500(a), (b), (c), and (e); 24 CFR 576.405(a); 24 CFR 576.405(b); 24 CFR 576.500(q); 24 CFR 576.406(e); 24 CFR 576.500(r); 24 CFR 576.406(e); 24 CFR 576.500(r).
1.2 HOMELESS DEFINITIONS

1.2.1 For program participants who qualified as homeless because their primary nighttime residence was a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground, or because they were living in a supervised shelter designed to provide temporary living arrangements. [24 CFR 576.500(b)(1)]

1.2.2 For program participants who qualified as homeless because they were exiting an institution where they resided for 90 days or less and had resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. [24 CFR 576.500(b)(2)]

1.2.3 For program participants who qualified as homeless because they were exiting an institution where they resided for 90 days or less and had resided in an emergency shelter or place not meant for human habitation immediately before entering that institution, immediately prior to entering the institution. [24 CFR 576.500(b)(2)]

1.2.4 For program participants who qualified under paragraph (2) of the homeless definition in 24 CFR 576.2, would they have lost their primary nighttime residence (including housing they own, rent, or share with others) within 14 days of the date of application for homeless assistance. [24 CFR 576.500(b)(3)(i)]

1.2.5 For youth and families who qualified under paragraph (3) of the homeless definition in 24 CFR 576.2, confirm that the unaccompanied youth or family with children and youth met the homeless definition of another federal statute as evidenced by a certification of homeless status signed by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under that statute. [24 CFR 576.500(b)(4)(i)]

1.2.6 For youth and families who qualified under paragraph (3) of the homeless definition in 24 CFR 576.2, confirm that the program participants did not have a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance. [24 CFR 576.500(b)(4)(ii)]

1.2.7 For youth and families who qualified under paragraph (3) of the homeless definition in 24 CFR 576.2, with indication that each program participant’s records contain a written self-certification that the program participant moved two or more times during the 60-day period immediately before the program participant applied for homeless assistance AND one or more of the following documentation, as applicable, to support the self-certification. [24 CFR 576.500(b)(4)(iii)]
1.2.8 For youth and families who qualified under paragraph (3) of the homeless definition in 24 CFR 576.2, confirming program participants' persistent instability was likely to continue for an extended period of time because of: chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or dating violence or childhood abuse; the presence of a child or youth with a disability; two or more barriers to employment (including lack of high school degree or GED; illiteracy; low English proficiency; a history of incarceration; or detention for criminal activity; and/or a history of unstable employment). [24 CFR 576.500(b)(4)(iv)]

1.2.9 Where the program participant qualifies under paragraph (4) of the definition of homeless in 24 CFR 576.2 and was served by a victim service provider. [24 CFR 576.500(b)(5)]

1.2.10 Where the program participant qualified under paragraph (4) of the definition of homeless in 24 CFR 576.2 and was served by an organization that is not a victim service provider, do the records contain the required documentation and support for the program participant's oral statement that the individual or family:

1.2.10.1 Was fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence;

1.2.10.2 Lacked the resources or support networks needed to obtain other permanent housing; and

1.2.10.3 Had no other subsequent residence identified. [24 CFR 576.500(b)(5)]

1.2.11 Where the program participant qualified as at-risk of homelessness under paragraph (1) of the definition in 24 CFR 576.2, reflecting that the household’s income is below 30 percent of the area median income, as evidenced by an income evaluation form containing HUD's minimum requirements. [24 CFR 576.500(c)(1)(i); 24 CFR 576.500(e)]

1.2.12 Where the program participant qualified as at-risk of homelessness under paragraph (1) of the definition in 24 CFR 576.2, with the program participant's written certification that the program participant has insufficient financial resources and support networks immediately available to attain housing stability and meets one or more of the conditions under paragraph (1)(iii) of the “at risk of homelessness” definition[24 CFR 576.500(c)(1)(ii)]

1.2.13 Where the program participant qualified as at-risk of homelessness under paragraph (1) of the definition in 24 CFR 576.2, with records showing reasonable efforts to verify that the program participant did not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place. [24 CFR 576.500(c)(1)(iii)]

1.2.14 Where the program participant qualified as at-risk of homelessness under paragraph
(1) of the definition in 24 CFR 576.2, with records showing reasonable efforts to verify that the program participant met one of the seven conditions under paragraph (1)(iii). [24 CFR 576.500(c)(1)(iv)]

1.2.15 Where the program participant qualified as at-risk of homelessness under paragraph (2) in 24 CFR 576.2, with records reflecting that the program participant met the definition of homeless under one of the following federal statutes, as evidenced by a certification of the child or youth’s homeless status by the agency or organization responsible for administering assistance under the statute. [24 CFR 576.500(c)(2)]

1.2.16 Where the program participant qualified as at-risk of homelessness under paragraph (3) in 24 CFR 576.2, with records reflecting that the child or youth in the household qualified as homeless under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, as evidenced by certification of the child or youth’s homeless status by an agency or organization that administers assistance under the Education for Homeless Children and Youth Program.

1.2.16.1 Under this paragraph of At-Risk of Homelessness, the certification need only specify that the child or youth meets the definition under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act. [24 CFR 576.500(c)(2)]

2.0 CONSULTATION WITH CONTINUUM OF CARE

2.1 Coordination with Other Targeted Homeless Services: The City of Modesto will annually confirm that each subrecipient’s records reflect that it coordinated and integrated, to the maximum extent practicable, ESG-funded activities with the programs, including those listed under 24 CFR 576.400(b), that are targeted to homeless people in the area covered by the Continuum of Care (CoC) or area over which the services are coordinated to provide a strategic, community-wide system to prevent and end homelessness for that area. [24 CFR 576.400(b); 24 CFR 576.500(m)]

2.2 System and Program Coordination with Mainstream Resources: The City of Modesto will annually confirm subrecipient’s records reflect that it coordinated and integrated, to the maximum extent practicable, ESG-funded activities with mainstream housing, health, social services, employment, education, and youth programs for which homeless and at-risk persons might be eligible. [24 CFR 576.400(c); 24 CFR 576.500(m)]

2.3 Use of the Coordinated Assessment System: If the CoC for the area in which the program or project is located has established a coordinated assessment system that meets HUD’s requirements, the City of Modesto will confirm their records show:

2.3.1 That the subrecipient (unless it is a victim service provider) uses that assessment system; and

2.3.2 All initial evaluations were conducted in accordance with the coordinated assessment system requirements.

2.3.3 ESG-funded victim service providers may choose not to use the CoC’s coordinated
2.4 Coordinated Assessment (Consistency with Written Standards): The City of Modesto will confirm each subrecipient works with the CoC to ensure that the screening, assessment, and referral of program participants are consistent with the ESG written standards required under 24 CFR 576.400(e) [24 CFR 576.400(d)].

3.0 RECORDKEEPING (RECORD RETENTION)

3.1 Recordkeeping (Subrecipients): If applicable, the City of Modesto will confirm the subrecipient retains copies of all solicitations of and agreements with its subrecipients; including records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients. [24 CFR 576.500(v)]

3.2 Recordkeeping (Contractors): If a subrecipient procured goods and services, the City of Modesto will confirm that it did so in compliance with the Uniform Administrative Requirements, including the codes of conduct and conflict of interest requirements, and did the subrecipient retain copies of all procurement contracts [24 CFR 576.404(b); 24 CFR 84.40 – 84.48; 24 CFR 85.36 and 24 CFR 576.500(v)].

4.0 RECORDKEEPING (PROGRAM PARTICIPANT ELIGIBILITY)

4.1 Recordkeeping (Eligibility): Annually, the City of Modesto confirms each subrecipient’s records document that staff followed the recipient’s policies and procedures to:

   4.1.1 Conduct an initial evaluation and re-evaluations as required, and

   4.1.2 Document eligibility in accordance with HUD’s requirements. [24 CFR 576.400(e)(3); 24 CFR 576.401(a), (b), and (c); 24 CFR 576.500(a), (b), (c), and (e)].

4.2 Recordkeeping (Program Participant Records): Annually, the City of Modesto reviews subrecipient records to ensure that each program participant documents are in compliance with applicable requirements for providing services and assistance to that program participant under the program components and eligible activities provisions at 24 CFR 576.101 through 24 CFR 576.106. [24 CFR 576.500(f)].

4.3 Confidentiality: Annually, the City of Modesto confirms each subrecipient has written procedures to ensure confidentiality, including:

   4.3.1 All records containing personally identifying information of any individual or family who applies for and/or receives ESG assistance are kept secure and confidential;

   4.3.2 The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under ESG; and

   4.3.3 The address or location of any program participant housing. [24 CFR 576.500(x)].

4.4 Recordkeeping (Record Retention): Annually, the City of Modesto confirms its subrecipients retain copies of the required records for the greater of 5 years or the applicable time period below:

   4.4.1 for emergency shelters subject to a 10-year minimum period of use: at least 10 years
from the date that ESG funds were first obligated for the major rehabilitation or conversion of the building; or

4.4.2 for program participant files: at least 5 years after the expenditure of all funds from the grant under which the program participant was served. [24 CFR 576.500(y)]

5.0 HOMELESS PARTICIPATION (LOCAL GOVERNMENTS)

5.1 The City of Modesto will confirm each subrecipient involves homeless individuals and families, to the maximum extent practicable, in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG (could include employment or volunteer services). [24 CFR 576.405(c)]

6.0 NON-DISCRIMINATION AND OTHER FEDERAL REQUIREMENTS

6.1 Drug-Free Workplace: The City of Modesto will confirm each subrecipient has a drug-free workplace statement per the requirements of 2 CFR part 2429. [24 CFR 5.105(d) and 24 CFR 576.407(a)]

6.2 Non-Discrimination, Section 504 of the Rehabilitation Act of 1973, and Other Equal Opportunity Requirements: City of Modesto records demonstrate that each subrecipient is in compliance with the applicable requirements in 24 CFR part 5, Subpart A, including the nondiscrimination and equal opportunity requirements at 24 CFR part 5.105(a). [24 CFR part 5, Subpart A; 24 CFR 576.407(a); 24 CFR 576.500(s)(1)]

6.3 Affirmative Outreach: The City of Modesto and its subrecipients shall:

6.3.1 Make known that the use of the facilities, assistance, and services are available to all on a nondiscriminatory basis, and establish additional procedures, as required under 24 CFR 576.407(b), to ensure that the “target population” who may qualify are made aware of the availability of these facilities, assistance, or services; and

6.3.2 Take appropriate steps to ensure effective communication with persons with disabilities; and

6.3.3 Take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency persons [24 CFR part 5, Subpart A; 24 CFR 576.407(b); 24 CFR 576.500(s)(1)]

6.4 Applicability of Uniform Administrative Requirements and OMB Circulars: When reviewed the City of Modesto must ensure that each subrecipient maintain records documenting compliance with the applicable requirements outlined in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [24 CFR 576.407(c); 24 CFR 576.500(s)(2)]

6.5 Audits: When reviewed, the City of Modesto must ensure that each subrecipient is in compliance with the Single Audit Act of 1984, as amended, and implementing regulations. [24 CFR 84.26; 24 CFR 85.26; 24 CFR 576.407(c)]
6.6 Section 3: When reviewed, the City of Modesto must make sure that each subrecipient is in compliance with the applicable requirements of Section 3 of the Housing and Urban Development Act of 1968. [24 CFR part 135; 24 CFR 576.407(a); 24 CFR 576.405(c)];

7.0 FAITH-BASED ACTIVITIES (REHABILITATION)

7.1 The City of Modesto must ensure each subrecipient does not engage in inherently religious activities as part of the programs or services funded under ESG. If the subrecipient conducted these activities, were they offered separately, in time or location, from the programs or services funded under ESG, and was participation voluntary for all program participants. [24 CFR 576.406(b); 24 CFR 576.500(r)]

7.2 The City of Modesto must ensure that it did not discriminate against a program participant or prospective program participant on the basis of religion or religious belief. [24 CFR 576.406(d); 24 CFR 576.500(r)]

7.3 Annually, the City of Modesto will ensure each subrecipient does not use ESG funds for the rehabilitation of sanctuaries, chapels, or other rooms that an ESG-funded religious congregation uses as its principal place of worship. [24 CFR 576.406(e); 24 CFR 576.500(r)]

7.4 When a structure is used for both eligible and inherently religious activities, the City of Modesto ensures that the amount of ESG funds used was limited to the costs of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds. [24 CFR 576.406(e); 24 CFR 576.500(r)]

8.0 MONITORING AND FINANCIAL MANAGEMENT AND COST ALLOWABILITY:

8.1 The City of Modesto (the recipient) and its subrecipients must have written policies and procedures to ensure that ESG funds are used in accordance with ESG requirements and sufficient records to enable HUD and the recipient to determine whether ESG requirements are being met. [24 CFR 576.500(a)]

8.2 As the lead agency for ESG funds, the City of Modesto will monitor all subrecipients on a regular basis through written contacts, phone conversations, electronic information transfers, face-to-face monitoring visits (at least once annually), and project file review, pursuant to applicable regulation.

8.3 Monitoring will be conducted to ensure statutory and regulatory requirements are being met and that information submitted to City of Modesto is accurate and complete.

8.4 Monitoring will normally be conducted utilizing a three (3) tiered approach, depending upon the risk involved:

8.4.1 Limited Review

A limited review will be conducted of all subrecipients and projects on an annual basis. The timing of this monitoring will be in alignment with an
organization's submittal of a Quarterly Performance Report and an Invoice for Payment for expenses incurred against their City grant over the previous 90 days.

8.4.1.2 At least one quarter review will focus on the year-end financial statement or audit, and where applicable, the Single Audit. If the Single Audit contains audit findings or contains a management letter, the subrecipient will be selected for an In Depth Review (see Section 8.4.3). The goal of a Limited Review is to provide clarification to a specific unknown submission that cannot be determined from the subrecipient reports, and to identify areas of technical assistance needed by each subrecipient.

8.4.2 On-Site Monitoring Review

8.4.2.1 An on-site monitoring review will be a site visit to a subrecipient program assisted with HUD funds and will achieve a balance between programmatic and fiscal reviews, and much documentation review can be done prior to the on-site visit. The on-site monitoring includes a tour of the program facilities as appropriate, an explanation of the services provided, discussions with program and administrative staff, and introduction to one or more actual beneficiaries, if possible. As a result of this visit, staff will determine whether an in-depth review is needed for further clarification of one or more issues identified during the on-site visit.

8.4.2.2 A Program review will focus on the specific subrecipient program activities. Program staff may be asked to define the strategic plans for the related programs and, as applicable, how those plans are used to help clients in those programs.

8.4.2.3 A Financial review will make the connections between the program budget, expenditures and actual beneficiaries assisted, including evidence of case managers time in client files, reviewing payroll documents for the period clients are reported, determining eligibility of clients based on income documentation in client files, the general relationship between the contents of client files (excluding Attorney Client or HIPAA confidential data) and benefit data reported by the subrecipient on the same clients.

8.4.2.4 The number of case files to be reviewed will reflect approximately 10% of the total clients served in the program, or more if there appear to be any systemic issues that need to be addressed.

8.4.2.5 Invoices may be randomly selected for review and traced back from City reimbursement to the original organization's advance expenditure and
client assisted (if appropriate). For example, exact dollars billed for housing accessibility modifications can be traced directly to one client. Conversely, a different review model is required when dollars billed provided case management for multiple homeless individuals. It is expected that staff will review original invoices, cancelled checks, and other such documentation evidencing the expenditure, the relationship to the CDBG program objective, the appropriate proportion of CDBG expenditure in comparison to other funding, and accounting receipt of the federal grant funds.

8.4.3 **In-Depth Review**

8.4.3.1 An in-depth review will be a concentrated and focused review around a particular activity or program area. This will typically be a concentrated review of a known high-risk area or critical function, such as but not limited to:

8.4.3.1.1 Financial review for expenditures for ineligible activities,
8.4.3.1.2 Financial review for expenditures that cannot be traced through supporting documentation,
8.4.3.1.3 A program which requires donations as a condition of receiving service,
8.4.3.1.4 Management practices in affordable housing,
8.4.3.1.5 Section 504 compliance reviews upon receipt of a complaint from a person with disabilities,
8.4.3.1.6 A fair housing complaint from a home seeker treated differently while trying to obtain housing from the subrecipient,
8.4.3.1.7 Denial of services for no valid reason, or
8.4.3.1.8 Failure to meet prevailing wage requirements in construction activities subject to Davis Bacon, etc.

8.5 At the conclusion of each monitoring review, staff will send each subrecipient written documentation of the monitoring review, summarizing what was reviewed, and indicating any findings of regulatory non-compliance or concerns of program weaknesses. Additionally, staff will provide technical assistance to correct any deficiencies noted, and will acknowledge the performance level of the program, and whether they will either meet or fall short of contract goals.

9.0 **HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS):**

9.1 **Data Collection and Recordkeeping:** HMIS records must reflect that each subrecipient entered data on all persons it served under ESG and on all of its ESG activities into the applicable community-wide HMIS or, for victim services providers (and legal services providers that opt out), into a comparable database, in accordance with HUD's HMIS data standards. [24 CFR 576.400(f); 24 CFR 576.500(n); 2014 HMIS Data Standards]

9.2 **Eligible costs (HMIS):** If the subrecipient is not a victim service provider, or a legal service provider that uses a comparable database, ESG funds must only be used for costs eligible for the purpose of
contributing data to the HMIS designated by the CoC. [24 CFR 576.107(a)(1)]

9.3 Data entry (Comparable database): If the subrecipient is a victim service provider, or a legal services provider that uses a comparable database, the data maintained is in the comparable database and not contributed or entered into an HMIS. [24 CFR 576.400(f)]

9.4 Eligible costs (Comparable database): If the subrecipient is a victim service provider, or a legal services provider that uses a comparable database, the funds must be used for establishing and operating a comparable database that complies with HUD’s HMIS requirements, including collecting client-level data over time (i.e., longitudinal data) and generating unduplicated aggregate reports. [24 CFR 576.400(f); 24 CFR 576.107(a)(3); 24 CFR 576.107(b)]

10.0 ADMINISTRATIVE COSTS AND FINANCIAL MANAGEMENT:

10.1 Eligible activities: A subrecipients’ expenses must be allowable, allocable, and reasonable. [24 CFR 576.100-576.109; 24 CFR 576.500(u)(2); 24 CFR 84.21(b)(6); 24 CFR 85.22]

10.2 Eligible Costs: Each subrecipient will charge staff and overhead costs directly related to carrying out activities eligible under one of the component to the applicable activity, and retain supporting documentation for all costs charged to the grant. [24 CFR 576.100(d); 24 CFR 576.108(a); 24 CFR 576.500(u)]

10.3 Eligible Administrative Costs: When a subrecipient receives Administrative funds:

10.3.1 All the administrative costs must be eligible in accordance with 24 CFR 576.108; and

10.3.2 The costs of carrying out the environmental review will be charged as an Administrative activity. [24 CFR 576.108(a)(1), (2), and (4)];

10.4 Training Costs: If any staff time was spent on training:

10.4.1 It is only for providing training on ESG requirements, attending HUD-sponsored ESG training, training staff on using HMIS or a comparable database, or attending HUD-approved training on HMIS and the ESG program; and

10.4.2 Is charged to the appropriate component (only HMIS for HMIS-related training, and Administrative costs for all other training). [24 CFR 576.108(a)(1), (2), and (4); 24 CFR 576.107]

10.5 Indirect Costs: If any indirect costs were charged to the grant, all allocations made to each eligible activity must be consistent with an indirect cost rate proposal developed in accordance with the Uniform Administrative Requirements. [24 CFR 576.109; 2 CFR 576.500(u)]

10.6 Eligible activities: A review of personnel costs charged to ESG, including a review of job
descriptions, should reveal that, all staff time paid for with ESG funds was working on eligible ESG activities. [24 CFR 576.500(u)]

11.0 **STREET OUTREACH:**

11.1 **Street Outreach:** Street outreach costs are limited to the costs of: providing essential services necessary to reach out to unsheltered homeless people; connecting unsheltered homeless people with emergency shelter, housing, or critical services; and providing urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. [24 CFR 576.101(a)]

11.2 **Engagement:** ESG funds used for Street Outreach engagement are limited to the costs listed under 24 CFR 576.101(a)(1).

11.3 **Case Management:** ESG funds used only for the costs of assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant, for services and activities listed under 24 CFR 576.101(a)(2).

11.4 **Emergency Health Services:** ESG funds used for emergency health services limited to the costs of direct outpatient treatment of medical conditions (as listed under 24 CFR 576.101(a)(3)) that is provided:

11.4.1 By licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living, and

11.4.2 Only to the extent that other appropriate health services are inaccessible or unavailable within the area. [24 CFR 576.101(a)(3)]

11.5 **Emergency Mental Health Services:** ESG funds used for emergency mental health services limited to the costs associated with direct outpatient treatment (as listed under 24 CFR 576.101(a)(4)) that is provided:

11.5.1 By licensed professionals of mental health conditions operating in community-based settings including streets, parks, and other places where unsheltered people are living, and

11.5.2 Only to the extent that other appropriate health services are inaccessible or unavailable within the area. [24 CFR 576.101(a)(4)]

11.6 **Transportation:** ESG funds used for transportation limited to the following eligible costs:

11.6.1 The transportation costs of travel by outreach workers, social workers, medical professionals, or other service providers, and that the travel took place during the provision of services eligible under this section; and

11.6.2 The costs of transporting unsheltered people to emergency shelters or other service facilities, as listed under 24 CFR 576.101(a)(5).
12.0 **INVOLUNTARY FAMILY SEPARATION (EMERGENCY SHELTER):**

12.1 The City of Modesto has and will ensure its subrecipients have policies and procedures in place to ensure that providers of emergency shelter that serve households with children under 18 do not deny admission to a family based on the age of any child under 18. [24 CFR 576.102(b)]

13.0 **WRITTEN STANDARDS**

13.1 All activities carried out will be in compliance with the applicable written policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG, including standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations (e.g., victims of domestic violence, dating violence, sexual assault, and stalking; and individuals and families who have the highest barriers to housing and are likely to be homeless the longest. [24 CFR 576.400(e)(1); 24 CFR 576.400(e)(2); 24 CFR 576.400(e)(3)(iii)]

13.2 All activities carried out will be in compliance with the applicable written policies and procedures for assessing, prioritizing, and reassessing individuals’ and families’ needs for essential services related to emergency shelter. [24 CFR 576.400(e)(1), (2), and (3)(iv)]

13.3 All activities carried out in compliance with the applicable written policies and procedures for coordination among emergency shelter providers, essential services providers, homelessness prevention, and rapid re-housing assistance providers; other homeless assistance providers; and mainstream service and housing providers. [24 CFR 576.400(e)(1); 24 CFR 576.400(e)(2); 24 CFR 576.400(e)(3)(v)]

14.0 **HOMELESS PREVENTION AND RAPID RE-HOUSING:**

14.1 The City of Modesto and/or its subrecipients will periodically adopt written standards for the provision of homelessness prevention and rapid re-housing assistance, as required by 24 CFR 576.400(e)(1) and 24 CFR 576.400(e)(2).

14.2 These written standards cover the following topics (listed in 24 CFR 576.400(e)(3)):

14.2.1 Evaluating individuals’ and families’ eligibility for assistance under ESG;

14.2.2 Coordination among emergency shelter providers, essential services providers, homelessness prevention and rapid re-housing assistance providers, other homeless assistance providers, and mainstream service and housing providers;

14.2.3 Determining and prioritizing which eligible families and individuals would receive homelessness prevention assistance and which eligible families and individuals would receive rapid re-housing assistance;

14.2.4 Determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid re-housing assistance;

14.2.5 Determining how long the program participant will be provided with rental assistance and whether and how the amount of that assistance would be adjusted over time;

14.2.6 Determining the type, amount, and duration of housing stabilization and/or relocation.
services to provide to the program participant.

14.3 The City of Modesto will confirm the program participant records show that homelessness prevention and rapid re-housing assistance were provided in accordance with the applicable written standards. [24 CFR 576.400(e)(1); 24 CFR 576.400(e)(2); 24 CFR 576.400(e)(3)(i); 24 CFR 576.400(e)(3)(v); 24 CFR 576.400(e)(3)(vi); 24 CFR 576.400(e)(3)(vii); 24 CFR 576.400(e)(3)(viii); 24 CFR 576.400(e)(3)(ix); 24 CFR 576.500(f)]

15.0 HOUSING RELOCATION AND STABILIZATION SERVICES

15.1 Financial Assistance Costs: Must be eligible costs as listed in 24 CFR 576.105(a) and paid only to a housing owner, utility company, or other third party (not directly to the program participant). [24 CFR 576.105(a)].

15.2 Rental Assistance (Limit): Each program participant’s total rental assistance, including any rental arrears and last month’s rent, stay within the limit of 24 months during any 3-year period. [24 CFR 576.106(a)]

16.0 MATCHING REQUIREMENTS

16.1 The City of Modesto is a metropolitan city, it makes matching contributions to supplement its ESG program in an amount that equals the amount of ESG funds provided by HUD. [24 CFR 576.201(a)(1)]

16.2 All matching contributions meet the following requirements:

  16.2.1 All requirements that apply to the ESG funds provided by HUD, except the expenditure limits;
  16.2.2 The matching contributions were provided after the date that HUD signed the grant agreement;
  16.2.3 Cash contributions were expended within the expenditure deadline and noncash contributions were made within the expenditure deadline;
  16.2.4 Contributions used to match a previous ESG grant were not used to match a subsequent ESG grant;
  16.2.5 Contributions that have been or will be counted as satisfying a matching requirement of another federal grant or award were not counted as satisfying ESG matching requirements; and
  16.2.6 The statutes governing any of the federal funds the recipient used as matching contributions do not prohibit the use of those funds as match for ESG. [24 CFR 576.201(c)(1)-(5); 24 CFR 576.201(b)(2)(i); 24 CFR 576.203]

17.0 PROCUREMENT REQUIREMENTS

17.1 The City of Modesto and its subrecipients are required to use established written procurement procedures. [24 CFR 84.44(a); 24 CFR 85.36(b)(1)]
18.0 EQUIPMENT AND EQUIPMENT DISPOSITION REQUIREMENTS

18.1 Sample Equipment Tracking Table
18.1.1 This or a similar tracking table will be utilized for any equipment acquired or disposed of utilizing ESG funding.

<table>
<thead>
<tr>
<th>Item</th>
<th>Date Acquired</th>
<th>Acquisition Cost</th>
<th>Federal Share of Acquisition Cost</th>
<th>Disposition Date</th>
<th>Disposition Proceeds</th>
<th>Federal Share of Disposition Proceeds (in $)</th>
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(Complete the table below after selecting equipment transactions for review. (If additional rows are needed, please attach an additional sheet.)

18.2 Equipment Management
18.2.1 The City of Modesto and its subrecipients maintain equipment records that contain the information required by the applicable regulations. [24 CFR 84.34; 24 CFR 85.32(d)(1); 24 CFR 576.407(c)]

18.3 Equipment Disposition
18.3.1 The City of Modesto and its subrecipients must have procedures requiring efforts to obtain the highest possible return for sale of equipment. [24 CFR 84.34(f)(6); 24 CFR 85.32(d)(5); 24 CFR 576.407(c)]
RESOLUTION RESCINDING RESOLUTION 2016-247 TO APPROVE THE REVISED MEMORANDUM OF UNDERSTANDING BETWEEN STANISLAUS COUNTY, THE CITY OF MODESTO, THE CITY OF CERES AND STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT TO CONTINUE THE REGIONAL FIRE INVESTIGATIONS UNIT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE REVISED MEMORANDUM OF UNDERSTANDING

WHEREAS, this Memorandum of Understanding (MOU) authorizes the City of Modesto Fire Department (MFD) to participate in a county wide fire investigation task force; this is a continuation of services that was previously agreed to in 2015, and

WHEREAS, last year, the Modesto Fire Department, the Stanislaus Regional Fire Investigation Unit, the Stanislaus County District Attorney’s Office, the Stanislaus County Fire Warden’s Office, the Stanislaus County Sheriff’s Department, the Stanislaus Consolidated Fire Protection District, and the Ceres Fire Department launched a new regional Fire Investigation Unit, and

WHEREAS, the Fire Investigation Unit includes (4) fire investigators, the City of Modesto Fire Department will continue to contribute (2) fire investigators, while other participating departments will contribute another (2) fire investigators, and

WHEREAS, the District Attorney’s Office will contribute (1) full time investigator and will provide an additional “shared time” supervisor for the Unit, and

WHEREAS, the two (2) Investigator positions are allocated, staffed with existing personnel, and included in the General Fund Operating Budget, and

WHEREAS, the original version of this MOU was approved by Resolution No. 2016-247 on June 14, 2016 but was never executed by the parties and has had substantial revisions since approval, and
WHEREAS, the attached MOU now includes language specific to the use of MFD Station 8 as the primary location for the FIU. There is no rental charged to the FIU for use of MFD Station 8, however the FIU agrees to maintain the grounds, minor facility needs and will be responsible for the electric utility bill at MFD Station 8. The MFD will continue to pay for water and sewer at MFD Station 8, and

WHEREAS, this revised MOU will allow the City of Modesto to accurately account for the value of resources dedicated to the FIU for Fiscal Year 2016-2017. The amount of $350,000 reflects staffing, equipment, training, and use of Station 8. This agreement will not require any changes to the current approved FY16/17 budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution 2016-247 in order to approve the revised Memorandum of Understanding between Stanislaus County, the City of Modesto, the City of Ceres and Stanislaus Consolidated Fire Protection District to continue the Regional Fire Investigations Unit.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the revised Memorandum of Understanding, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6\textsuperscript{th} day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Madrigal

(Seal)

**APPROVED AS TO FORM:**

By: \textit{[Signature]}  
ADAM U. LINDGREN, City Attorney

\textit{[Signature]}  
STEPHANIE LOPEZ, City Clerk
Stanislaus Regional
Fire Investigation Unit
(FIU)
A Multi-Jurisdictional, Multi-Discipline Public Safety Program
July 1, 2016

MEMORANDUM OF UNDERSTANDING
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STANISLAUS REGIONAL FIRE INVESTIGATION UNIT
(FIU)

Memorandum of Understanding

PREAMBLE

Parties to the Understanding:

This Memorandum of Understanding (MOU) is between Stanislaus County, including the Stanislaus Regional Fire Investigation Unit, herein referred to as “FIU”, the Stanislaus County District Attorney’s Office, the Stanislaus County Fire Warden’s Office, the Stanislaus County Sheriff’s Department, along with the Stanislaus Consolidated Fire Protection District, the Modesto Fire Department, and the Ceres Fire Department, herein referred to as “Member Agencies.” The employees of the member agencies that are assigned to the FIU are herein referred to as “Members”.

By authority of the Stanislaus County Board of Supervisors (BOS) the Stanislaus County Fire Warden, in accordance with the Fiscal Year 2016-2017 Stanislaus County Fire Authority Business Plan, intends to partner with law enforcement, fire and the DA to implement the Regional FIU. The purpose of this Memorandum is to identify the process by which the FIU Member Agencies will carry out the fire investigations portion of the Fiscal Year 2016-2017 Stanislaus County Fire Authority Business Plan adopted by the Stanislaus County Board of Supervisors on May 17, 2016 “Exhibit A”.

1. OVERVIEW

The Stanislaus Regional Fire Investigations Unit (FIU), under the leadership of the Stanislaus County District Attorney’s Office, the County Fire Chiefs via the Stanislaus County Fire Authority and the County Law Enforcement Executives via the Stanislaus LEX Committee, have developed a regional and collaborative approach to providing fire investigations services in Stanislaus County. The FIU consists of the Stanislaus County District Attorney’s Office, Stanislaus Consolidated Fire Protection District, Modesto Fire Department, Ceres Fire Department, and the Stanislaus County Fire Warden. These agencies have joined together as a team to properly investigate the origin and cause of all fires and to provide for the effective criminal investigation and prosecution of arson fires.
II. MISSION

The goal of the FIU is the proper investigation of all fires and explosions while providing for the effective criminal investigation and prosecution of those incidents that are determined to be criminal acts. This will be accomplished by providing the proper training and leadership to the FIU members so that they can conduct thorough investigations consistent with current national standards, utilizing modern scientific methods to ensure accurate findings and ultimately the speedy apprehension and prosecution of criminals while protecting the rights of the accused.

III. OBJECTIVES

A. Carry out the FY 2016-2017 Stanislaus County Fire Authority Business Plan as adopted by the Stanislaus County Board of Supervisors.


C. Provide Investigators who meet or exceed the qualifications specified in NFPA 1033, *Standards for Professional Qualifications for Fire Investigators*.

D. Ensure that the supervision of the unit is consistent with NFPA 1037, *Standard for Professional Qualifications for Fire Marshals* (who supervise Fire Investigators).

E. Attempt to decrease the number of arson related fires within Stanislaus County by identifying, arresting, and prosecuting serial arsonists.

F. Gather and analyze statistical data to identify arson trends in Stanislaus County and to deploy FIU resources accordingly with a primary focus on the serial/complex/large financial loss arson incidents.

G. Analyze the statistical data to ensure that the workload between the areas served by the Less Than County Wide Fire Service Tax and those served by the City of Modesto remain fair and equitable.

H. Provide assistance to agencies for specific arson related problems within their respective jurisdictions and to provide a high level of investigative knowledge and expertise.

I. Provide training in the area of arson recognition, investigative techniques, evidence collection, and enforcement methods to allied agencies’ personnel.
J. Maintain membership in and attend the California Conference of Arson Investigators (CCAI), Round Table 18 (Stanislaus, San Joaquin, Calaveras, and Tuolumne Counties) training meetings.

K. Vigorously prosecute all fire and explosives related crimes as a deterrent for potential arsonists in the future.

IV. FIU ORGANIZATION

The FIU will be a multi-agency, multi-discipline task force involving law enforcement and fire agencies. The FIU will be managed and supervised by a Lieutenant from the Stanislaus County District Attorney’s Office, (SCDA) Bureau of Investigation and will be coordinated by a District Attorney’s Office, Bureau of Investigation Criminal Investigator. Full time FIU Fire Investigators will be assigned from the career fire agencies within the county based on training, experience, and agency willingness to participate. The FIU fire agency staffing consist of one Investigator from the Ceres Fire Department (CFD), one Investigator from the Stanislaus Consolidated Fire Protection District (SCFPD), and two Investigators from the Modesto Fire Department (MFD).

Responsibility for the day-to-day conduct of the FIU operations is vested in the District Attorney’s Office or their designee. The FIU will be comprised of an FIU Manager, FIU Coordinator, FIU Administrative Investigator/Assistant Coordinator (40 hour), and three (3) FIU Duty (Shift) Investigators.

A. FIU Manager

1. In recognition that the field of fire investigation is primarily a law enforcement function, the FIU Manager will be a Lieutenant from the Stanislaus County District Attorney’s Office, Bureau of Investigation.

2. The FIU Manager will be responsible for the management of the FIU as well as the supervision of the FIU members. The FIU Manager will provide the direction of the FIU via the FIU Coordinator. The FIU Manager will establish a projected yearly budget for the FIU and provide an accounting of money expenditures to the Stanislaus County Fire Warden’s Office which serves as the fiscal agent for the FIU.

3. The FIU Manager will serve as the liaison between the FIU and the member’s parent agencies as well as the county Fire Chiefs via the Stanislaus County Fire Authority and the county Police Chiefs via the Stanislaus Law Enforcement Executives. The FIU Manager position was added as a collateral duty to an existing SCDA Bureau of Investigation Lieutenant up to 50% of his time. The FIU Manager reports to the Chief Investigator for the Stanislaus County District Attorney’s Office, Bureau of Investigation.
B. FIU Coordinator

1. The FIU Coordinator position will be at the rank of District Attorney’s Office, Bureau of Investigation, Criminal Investigator II, and will be responsible for the day-to-day operation and coordination of the FIU. The FIU Coordinator will also conduct the review of all reports generated by FIU members and report directly to the FIU Manager. The FIU Coordinator will serve as the primary law enforcement Investigator in the FIU and as such will be responsible for the criminal investigation of fires determined to be criminal acts and for the triage and assignment of follow up investigation as needed to other FIU members. The FIU Coordinator will liaison with the other law enforcement investigative units in the county and will coordinate the investigations that cross jurisdictional lines. The FIU Coordinator is funded internally through the District Attorney’s Office budget.

C. FIU Administrative Investigator/Assistant Coordinator

1. The FIU Administrative (Admin) Investigator/Assistant Coordinator position will be at the rank of Fire Investigator. The FIU Admin Investigator will work a forty (40) hour week and as the Assistant Coordinator will serve as the FIU Coordinator in the Coordinator’s absence. The Admin Investigator will also conduct technical and administrative reviews of the FIU reports. The Admin Investigator will assist the FIU Coordinator in conducting follow up investigation, scheduling training, acquiring equipment, and maintaining the FIU statistics. The Admin Investigator will assist the FIU Manager and FIU Coordinator in making decisions related to fire investigation from a fire agency perspective.

2. The FIU Administrative Investigator will be selected by the FIU Manager and FIU Coordinator based on qualifications and the needs of the FIU. The Admin Investigator can be rotated among the FIU members at the discretion of the FIU Manager however; the position will normally be staffed for a minimum of 3 years at a time.

D. FIU Duty (Shift) Investigators

1. The FIU Duty (Shift) Investigator’s position will be at the rank of Fire Investigator. The Duty Investigators will be assigned to A, B, or C shift and will work a 48 hour on, 96 hour off schedule. The Duty Investigator is responsible for the 24 hour monitoring of active fire responses within the Regional FIU area of operation. The FIU Duty Investigators will respond to, conduct and properly document the origin and cause investigation for fire incidents consistent with the Standard Operating Procedures (SOP’s) for the FIU.
2. The FIU Duty Investigators will report directly to the FIU Coordinator and in his absence to the Admin Investigator. This will ensure the investigations are conducted in an appropriate manner consistent with NFPA 921.

E. Seniority in the FIU

1. It is understood that personnel assigned to the FIU will have seniority within their own agency. That seniority and the benefits associated with it within their parent agency as dictated by their own collective bargaining MOU and agency policies will not be affected by assignment to the FIU. That agency seniority however, will not carry over to the FIU. The seniority of members assigned to multi-agency units is normally determined by the date one begins service in the unit. In this case where the entire unit is being established at one time, this methodology will not initially apply.

2. In recognition of this, for purposes of shift assignment, time off, vehicle/equipment assignment, training opportunities, or any other purpose traditionally handled by seniority, the members of the FIU will either come to mutual agreement or the decision will be made by the FIU Coordinator and FIU Manager.

F. Selection

1. The FIU will be staffed by qualified personnel initially referred by the participating agencies. Due to the critical nature of the program and the stringent training requirements for Fire Investigators as established by NFPA 1033, *Standard for Professional Qualifications for Fire Investigators*, the final decision on which personnel will be assigned to the FIU will be with the District Attorney’s Office. This will be based on training and qualifications, past job performance, investigative aptitude, willingness to learn, and ability to work well with others in a task force type assignment. Assignment to the FIU should normally be for a minimum of 3-5 years and may be extended upon mutual agreement.

G. Certification

1. It is recognized that the science used in fire investigation has changed tremendously in the past decade and will continue to evolve as the science improves. It is the intention of the Regional FIU to have highly trained and independently certified Investigators conducting fire investigations for the purpose of finding the truth, not simply to seek arrests and prosecutions. To that end, the FIU Investigators will be encouraged to seek independent and tested certification through one of the professional fire investigation organizations to include but not be limited to; The International Association of
Arson Investigators (IAAI), the National Association of Fire Investigators (NAFI), or the California Conference of Arson Investigators (CCAI).

H. **Discipline**

1. Personnel assigned to the FIU but not meeting an acceptable level of performance or standards, or refusing to comply with the FIU standard operating procedures, may be removed from the FIU and transferred back to their parent agency. If the FIU Manager has cause to remove an FIU member, he will discuss the issue with the parent agency. If the parent agency disagrees with the determination, the matter will be referred to the District Attorney who will confer with the parent agency executive but will retain the final authority. It is agreed that the resolution of operational issues at the lowest level is in the best interest of the FIU.

2. In all cases where a violation of a policy or procedure is alleged and formal discipline is being considered, the internal investigation and imposition of discipline (if any) will be handled by the FIU member’s parent agency. If the allegation involves a matter that is best investigated by a law enforcement agency or is determined to be law enforcement related, (i.e.; excessive use of force, improper search and seizure, or similar), then the parent agency can request that the District Attorney’s Office conduct the investigation via the FIU Manager and Coordinator.

3. Any internal investigation would be conducted in accordance with the Firefighter Bill of Rights as specified in 3250-3262 of the California Government Code, and/or the Peace Officer Bill of Rights as specified in 3300-3312 of the California Government Code. Upon completion of the internal investigation a recommendation would be forwarded to the parent agency which has sole discretion on whether a violation is sustained and whether to impose discipline. In any case, the District Attorney’s Office retains the right to transfer a member back to their parent agency as previously specified.

V. **FISCAL PROCEDURES**

A. **Background of Fiscal Model**

1. The FIU is a multi-jurisdictional team formed to improve fire investigations in our County, leveraging financial support/contributions from all participating agencies.

2. Member agencies will provide staff and funding to support the model, remain responsible for their own home-agency funding requirements, and report
financial/statistical data as needed for FIU accounting & budget performance analysis.

3. For Fiscal Year 2016-2017, Stanislaus County will allocate $350,000 of the Less-Than-Countywide Fire Tax, as approved by the BOS to fire investigations, with an additional one-time expenditure of $38,670 allocated for specific training and equipment.

4. The Member Agencies accounting and budget operations must provide for documentation of resources dedicated to the FIU for compliance with funding requirements of the Less-Than-Countywide Fire Tax (LTCW) funds, and upon request, be available for audit purposes.

B. Accounting & Budget Roles

1. Program Administration & Operations Management – District Attorney Investigations Bureau will be the Lead Agency for FIU oversight and operations; this is the primary business contact for the FIU. Key functions include: review and verify member agency resource contributions to the FIU on a quarterly basis; approve billings for payment by the Stanislaus Fire Warden, certifying resources provided to the FIU meet the requirements specific to the LTCW Fire Tax funding; compile and produce data/statistics related to FIU performance, including monthly/quarterly/annual fire incidents as outlined in the MOU and consistent with the Fiscal Year 2016-2017 Business Plan.

2. Fiscal Agent The Stanislaus Fire Warden will be the primary County Budget Entity. Key functions include: receive quarterly billing statements and reports approved and certified by the DA’s office for reimbursement to participating member agencies; if the conditions set forth in this Agreement are met, issue payments to member agencies within 30 days of receipt of the approved/audited invoice from the DA’s office and consistent with MOU requirements; if the conditions are not met, payment will be made when the necessary processing is completed; compile annual reconciliation of total FIU costs, total fire incidents from the prior fiscal year, and documentation of compliance with requirements of the Less-Than-Countywide Fire Tax funding. The Fiscal Agent will not pay for unauthorized costs or services rendered by member agencies.

3. Fire Investigations Unit Member Agencies – Ceres Fire Department, City of Modesto Fire Department, Stanislaus Consolidated Fire Protection District, Stanislaus County District Attorney, and Stanislaus County Fire Warden will participate in the FIU per the MOU. Each member agency will prepare quarterly billing statements/memo billing of resources contributed to the FIU and deliver documents to the District Attorney’s office no later than the 5th of the month following the end of the quarter (October 5, January 5, April 5, July...
5) for submission to the Stanislaus Fire Warden by the 10th of each month following the end of the quarter as outlined above. Each member agency will provide certification of costs with back-up documentation for billing statements or in the case of memo billing, a certification statement to maintain records available for audit for five years from the end of each accounting period. Member agencies agree to share data/statistics budget information and actual costs as needed for FIU billing, reporting, audit and in support of government accounting standards, including requirements of the Less-Than-Countywide Fire Tax funding.

C. Accounting & Budget Model Requirements

1. Approximately half of the fire investigations that occur each year are in the City of Modesto, with the remaining half in the LTCW Fire jurisdiction. For simplicity, the Accounting & Budget Model will require reporting of all documented investigations to determine origin and cause, direct costs to the FIU Fiscal Agent for comparison and evaluation at year-end, to ensure that the total cost of all resources which could be attributed to the LTCW service area are equal to or greater than the percentage of incidents which occur in the LTCW jurisdiction on an annual basis.

2. While staff in the FIU will be assigned across the County, the combination of incidents and the full reporting of all entities costs associated with FIU, but not reimbursed by LTCW funds, will likely “over-match” the LTCW funding at year-end.

3. By authority of the Stanislaus County Board of Supervisors (BOS) and in accordance with the Fiscal Year 2016-2017 Business Plan, LTCW Funds of $350,000 and a one-time allocation of $38,670 has been appropriated to provide Fire Investigations Services to the LTCW jurisdictions. The funding shall be used in accordance with the 2016-2017 Business Plan and dedicated as follows:

   o Stanislaus Consolidated Fire Protections District— up to $165,000 for one Fire Investigator position and related tools/materials/supplies.
   o Ceres Fire Department – up to $165,000 for one Fire Investigator position and related tools/materials/supplies.
   o Stanislaus County DA - up to $20,000 for operational overhead/equipment/materials/supplies to operate the FIU.
   o An additional one-time allocation of $38,670 for specific training and equipment of the FIU members to be managed by the Stanislaus County District Attorney. These funds must be equally matched by other resources outside of LTCW Fire jurisdiction in accordance with the approved Fire Authority Business Plan.
4. LTCW funded member agencies accounting requirements include:
   - Quarterly invoice, with documentation/supporting records for actual personnel costs, along with direct charges for tools/materials/supplies. An indirect cost rate/administrative overhead, not to exceed 10% of direct salaries and benefits may also be applied.
   - Reimbursement will be made quarterly, for actual costs, and in the case of the fire entities, not to exceed, a cumulative quarterly total of $41,250.
   - It is anticipated that the DA will have significant “in-kind” memo billings associated with dedicated investigations staff, management and administrative costs.
   - All member agencies will bear the costs of overtime as “in-kind” support to the FIU.

5. In addition to the resources dedicated to LTCW services/funds, the City of Modesto Fire Department will provide approximately $350,000 of resources to the FIU for Fiscal Year 2016-2017, primarily associated with two Fire Investigator positions, related tools/materials/supplies and specific training and equipment for the FIU. The value of the resources contributed to the FIU will be compiled in a quarterly memo billing along with documentation of the costs provided in support of fire incidents in the County.

6. The DA will provide reporting of FIU performance to all member agencies, including incidents on a monthly/quarterly/annual basis as described in this MOU, and consistent with the County Fire Authority Business Plan.

7. All member agencies understand and agree that the County shall not be obligated to make any payment hereunder except out of revenue from the LTCW Fire Tax. The County will not provide any additional compensation, nor will the member agencies be asked to provide any additional funding beyond the agreed upon staff/direct support specified in this MOU.

8. Member agencies shall prepare and maintain all writings, documents and records prepared or compiled in connection with the performance of this agreement for a minimum of five (5) years from the termination or completion of this agreement.

9. The Stanislaus Fire Warden as FIU Fiscal Agent, will store and maintain all fiscal records in accordance with Stanislaus County Records Retention policies and the Governmental Accounting Standards Board (GASB). The fiscal records may be accessed by any authorized representative of the Member Agencies, with reasonable advance notice, for the purpose of audit, evaluation or examination.
10. In the event of an audit exception or exceptions, the member agency responsible for not meeting the program or funding requirement or requirements shall be responsible for the deficiency.

D. Year-End Analysis & FIU Performance Outcome

1. The Fiscal Agent will provide an annual reconciliation of total costs per fiscal year, and member agency’s resource contributions along with all incidents in the County.

2. It is anticipated that the incidents, from the prior fiscal year, in the LTCW jurisdiction will be equal to or less than the ratio of LTCW funds used in support of the total FIU.

3. It is anticipated that consistency of high quality fire investigations and this shared model of leveraging member agency financial contributions will be cost-effective and assist in future analysis of sustainable operations.

VI. LIABILITY

A. Each member agency shall be solely liable for the negligent or wrongful acts or omissions of its officers, representatives and employees occurring in the performance of this Memorandum. If any member agency becomes liable for damages caused by a member’s solely negligent or wrongful acts or omission, the negligent member agency shall pay such damages without contribution by the Regional FIU or by a party to this agreement.

B. In the event the Regional FIU is named as a defendant in an action and the member agency whose officers or employees are alleged to have committed the negligent or wrongful act is not so named, or if the identity of the officers or employees who are alleged to be at fault cannot be determined by the pleadings, the County of Stanislaus shall initiate the defense of the action of the Regional FIU. In every case, a member agency not named as a defendant in an action shall promptly take action to intervene in a pending action when it is or becomes apparent that one of its officers or employees is alleged to be at fault; provided, however, that failure of a member agency to become a defendant shall not relieve the member agency of its obligation to indemnify another member agency as provided herein.

C. Personnel assigned to the Regional FIU shall be deemed to be continuing under the employment of their respective jurisdictions and shall have the same powers, duties, privileges, responsibilities, and immunities as are conferred upon them as a peace officer and/or fire investigator in their own jurisdictions.

D. Each member agency shall be responsible for the acts of their respective members, as well as for any losses, damages, claims, demands, vehicle accidents,
or other liabilities arising out of that member's services and activities while participating in the Regional FIU. When a member drives a vehicle owned by another agency, the driver's agency assumes all liability associated with the operation of such vehicle, except for the vehicle's mechanical condition. Each member agency shall also be liable for any and all workers compensation benefits for their personnel injured in the course and scope of duty while assigned to the Regional FIU.

VII. OFFICE SPACE AND EQUIPMENT

A. The Modesto Fire Department has agreed to provide, without reimbursement, work space for the Regional FIU at Modesto Fire Station 8, located at 737 Airport Way in Modesto, CA. If this office space becomes unavailable or the needs of the Regional FIU change, other locations may be considered. The member agencies shall provide office furniture and supplies. Telephones and miscellaneous office equipment are currently in place and the Modesto Fire Department has authorized its use by the FIU without reimbursement.

B. The FIU agrees to maintain the station 8 grounds and to pay for all electrical utility costs. The Modesto Fire Department agrees to continue to maintain the facility itself and pay for water and sewer utility costs.

C. In the event funds or property are contributed to the Regional FIU by one or more of the parties or by an outside source or donation, the Regional FIU shall be strictly accountable for all such funds and property.

D. Disposition of Assets on Termination

1. At the termination of this Memorandum, any and all personal property which can be identified as having been contributed by a member agency shall be returned to that member agency. Property purchased from Regional FIU funds, contributed by the agency members, or funds granted by a non-party, and property given to the Regional FIU by a non-party, shall become the property of Stanislaus County or their designee. Supplies/assets purchased with LTCW funds, not fully utilized during the course of this agreement will remain the property of Stanislaus County and will be dedicated for use in Fire Investigations and/or other programs/services approved for LTCW funds as administered by the Stanislaus County Fire Warden.

VIII. VEHICLES

A. FIU Members will provide a vehicle from their parent member agency for their use. This vehicle may be a take home vehicle as the investigators may be required
to respond to fires while off duty. This agreement does not supersede any member agency policy or procedure related to take home vehicles. The member agency providing the vehicle for FIU use will be responsible for fuel and maintenance of the vehicle.

B. It is recognized that as a multi-agency unit, individual members may need to operate vehicles belonging to the other member’s agencies. Regardless of specific policies prohibiting non employees from operating agency vehicles, it is agreed that Regional FIU members are authorized to operate other members’ agency vehicles to carry out the assignment of the FIU. As described in “Liability”, each member’s agency accepts liability for their member while driving a motor vehicle regardless of owner, except in the case of mechanical defect.

C. The Stanislaus County District Attorney’s Office with the assistance of the Sheriff’s Department has purchased a dedicated FIU response truck (County ID 94-90) for larger incidents. It is agreed that any member of the FIU can drive this vehicle to accomplish the mission of the FIU. It is agreed that all Stanislaus County District Attorney’s Office policies and procedures related to vehicle use will be followed by any FIU members operating county vehicles.

D. It is recognized that responses to most fire incidents occur in a Code 3 (Lights and Siren) manner. Regional FIU members shall abide by their departments’ Code 3 policy and the California Vehicle Code when operating in this manner.

E. Pursuits involving unmarked vehicles shall be strongly discouraged. However, when Regional FIU members become involved in a pursuit, they shall abide by their departments’ pursuit policy established by their respective agency. If a member agency does not have a pursuit policy, they will default to the Stanislaus County District Attorney’s Office policy governing pursuits.

IX. ARSON TASK FORCE

A. The Stanislaus County Arson Task Force was established in 1981 in order to create a system of mutual aid for the suppression of arson fires and apprehension of arsonists. Pursuant to Stanislaus County Board of Supervisors Resolution 2000-360, the task force was reorganized in 2000 with a Joint Powers Agreement addressing the operation and goals of the task force.

B. In 2006 after the loss of many of the arson task force members through attrition, the City of Modesto was awarded a contract to provide fire investigation services throughout the county under resolution 2006-751. This contract essentially nullified the need for the arson task force, however no action was ever taken to disband the task force or its authority and the task force went inactive.

C. In 2011, the Stanislaus County District Attorney, who serves as the chairperson of the arson task force governing committee, reinstated the arson task force for
purposes of training and collaboration with the Fire Investigators in the county. A Stanislaus County District Attorney, Bureau of Investigation Lieutenant who is also a Certified Fire and Explosives Investigator was assigned as the coordinator of the arson task force to provide that training and collaboration. The task force members currently meet bi-monthly.

D. It is the intention of the District Attorney to now disband the Stanislaus County Arson Task Force and merge the function of that task force into the Regional FIU.

E. All fire and law enforcement agencies within Stanislaus County are encouraged to participate in the Regional FIU instead of the Arson Task Force. It is the intention of the regional FIU that the future full time, FIU Fire Investigators will come from the part time members who will be referred to as “On Call” Investigators. These Investigators can also, upon certification, be available for filling overtime shifts created when full time, FIU investigators take approved time off of work. The level of certification necessary to be eligible to fill overtime shifts, and whether an On Call Investigator meets that level of certification, will be determined by the FIU Manager.

X. STANDARD OPERATING PROCEDURES

The member agencies agree to develop standard operating procedures (SOP’s) which will be disseminated to all members. The SOP’s will include Reporting, Records Retention and Release requirements, which will be mutually agreed to by all member agencies. In any case where the SOP’s of the Regional FIU conflict with the policies or procedures of a member’s employing agency, the member shall abide by the directives of his or her own agency.

XI. REPORTING

The Regional FIU Coordinator will be responsible for implementing a reporting system for tracking FIU activity and resource utilization. This reporting system will serve as the basis for quarterly reports to the Fiscal Agent and Stanislaus County Fire Warden to ensure accountability of personnel and resources. The quarterly report will be filed with the quarterly invoices, and in accordance with the 2015-2016 Business Plan.

No later than the 15th of each month, the Regional FIU Coordinator will submit an electronic activity report to each Fire agency having jurisdiction as well as the Stanislaus County Fire Warden’s office providing status updates on all open and fiscal year-to-date investigations in their jurisdiction. This report will be provided prior to the following month’s County Fire Chiefs’ meeting.

A. Report Review

1. In coordination with the San Joaquin County FIU, the Stanislaus Regional FIU has agreed to share resources as necessary for the effective investigation
of fires and review of reports as required in NFPA 921. To that end, the Coordinator for the San Joaquin County FIU, or his approved designee, may be tasked with conducting administrative, technical, and peer reviews of Stanislaus Regional FIU reports, and in turn the Stanislaus Regional FIU Manager, Coordinator and Admin Investigator may review San Joaquin FIU reports. Additionally, discussions are taking place that would include the other two counties in the CCAI Round Table 18 area (Calaveras and Tuolumne) to share this same valuable resource. The member agencies agree that a report review by an Investigator from another jurisdiction has the same effect as a review from the Regional FIU staff.

XII. AMENDMENTS TO THE AGREEMENT OR FIU SOP’s

The member agencies agree that the Regional FIU will develop and implement standard operating procedures (SOP’s). As issues develop, new policies and procedures may need to be developed to address them. The member agencies agree to remain in communication regarding these changes and meet as necessary to confer prior to implementation.

XIII. TERM OF AGREEMENT

The term of this agreement is from July 1, 2016 through June 30, 2017. Participating agencies may elect to leave the Regional FIU agreement at any time. Any agency wishing to do so shall indicate such intent in writing to the Stanislaus County District Attorney’s Office and the Stanislaus County Fire Warden. The termination shall be deemed to take effect not less than 180 days after receipt of the written notice or upon a date established by mutual agreement.
XIV. SIGNATURES

The undersigned represent authority to execute this agreement on behalf of their respective agencies; and in signing this formal agreement, represent concurrence with and support of the Stanislaus County Regional FIU as set forth in this agreement and for the period and purposes as stated herein.

Stan Risen, Chief Executive Officer
Stanislaus County

Jim Holgersson, City Manager
City of Modesto

Adam Christianson, Sheriff
Stanislaus County

Sean Slamon, Fire Chief
City of Modesto

Birgit Fladager, District Attorney
Stanislaus County

Adam Lindgren, City Attorney
City of Modesto (as to form)

Thomas E. Boze, Assistant County Counsel
Stanislaus County (as to form)

Toby Wells, City Manager,
City of Ceres

Shayne Strasser, President
Stanislaus Consolidated Fire Prot. Dist.

Bryan Nicholes, Fire Chief
City of Ceres

Christopher Diaz, Counsel
Stanislaus Consolidated Fire Prot. Dist.
(as to form)

Tom Hallinan, City Attorney
City of Ceres (as to form)
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE CLEANING, INSPECTION, AND REPAIR SERVICE OF PERSONAL PROTECTION EQUIPMENT (PPE) FOR THE MODESTO FIRE DEPARTMENT TO SCOTTS PPE RECON INC. (LODI, CA), ISSUE A PURCHASE AGREEMENT FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $65,400, AND OVER FIVE (5) YEARS OF $327,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE), and

WHEREAS, the Purchasing Division issued RFB No. 1617-06 on the City’s website under the commodity codes for “Fire Protection Equipment and Supplies,” “Fire Fighting Equipment Maintenance and Repair,” “Laundry and Linen Service,” “Miscellaneous Services,” and “Sewing, Embroidery, Embossing, and Alteration Services,” and

WHEREAS, prospective bidders were noticed online of the bid opportunity, and

WHEREAS, four (4) companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Three (3) companies chose to respond, none of which were a local company. All three (3) companies responding provided a responsive and responsible bid, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE) to Scotts PPE Recon Inc. (Lodi, CA), for an estimated annual cost of $65,400, and
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE) to Scotts PPE Recon Inc. (Lodi, CA), conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted each Fiscal Year, in Appropriation Unit: 0100-18210-52160 (General Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE) to Scotts PPE Recon Inc. (Lodi, CA) for a term of two (2) years with three (3) one-year extension options at the sole discretion of the City, for a total of five (5) years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements for an estimated annual cost of $65,400, and over five (5) years of $327,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH BARTKIEWICZ, KRONICK & SHANAHAN, P.C., SACRAMENTO, CA, TO PROVIDE LEGAL SERVICES REGARDING THE CITY’S COMMENTS TO THE DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT FOR PHASE 1 OF THE BAY/DELTA WATER QUALITY CONTROL PLAN IN AN AMOUNT NOT TO EXCEED $57,300 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $17,700 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $75,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto provides water service to over 73,000 accounts and over 200,000 customers throughout the City of Modesto, the communities of Salida, Empire, Grayson, Del Rio, and portions of the Cities of Ceres and Turlock, and

WHEREAS, the City’s water sources consist of approximately two-thirds groundwater and one-third treated surface water purchased from the Modesto Irrigation District (MID), and

WHEREAS, on September 15, 2016, the SWRCB released a revised Draft Substitute Environmental Document (SED) in support of Phase 1 of its Bay-Delta Water Quality Control Plan, which is over 1,850 pages, not including appendices, and

WHEREAS, the state proposes to take 40 percent of unimpaired flow from the Tuolumne River for fish and wildlife beneficial uses and salinity control, and

WHEREAS, this proposal will have a major impact to the existing water supplies and operations of the Don Pedro Reservoir, which is jointly operated by both MID and Turlock Irrigation District (TID), and

WHEREAS, this proposed action would severely impact the City’s domestic water supplies, as the Tuolumne River is the source of Modesto’s surface water, and
WHEREAS, the reduction of surface water would result in additional groundwater pumping to meet the City’s municipal water demands, and will not be sustainable under the Sustainable Groundwater Management Act (SGMA), which was effective January 1, 2016, and

WHEREAS, in addition, the Modesto water rate payers have a substantial investment for the construction of the two phases of the Modesto Regional Water Treatment Plant, which has the capacity to ultimately treat more than 60 million gallons per day, and

WHEREAS, BKS has previously worked the City with water-rights related issues, most recently on the North Valley Regional Recycled Water Program in 2015, and provided exceptional assistance and support, and

WHEREAS, BKS will assist the City with the preparation of comments to the Draft SED, coordinating their efforts with MID, and

WHEREAS, BKS’s focus of work will be on the areas where the City can add significant new information to the comments that MID and other interested parties will be submitting to the SWRCB, primarily on direct and indirect impacts on the City’s groundwater supplies, local businesses and the local economy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Bartkiewicz, Kronick & Shanahan, P.C., Sacramento, CA, to provide legal services regarding the City’s comments to the Draft Substitute Environmental Document for Phase 1 of the Bay/Delta Water Quality Control Plan in an amount not to exceed $57,300 for the identified scope of services, plus $17,700 for additional services (if needed), for a maximum total amount of $75,000.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE JOINT POWERS AGREEMENT FORMING THE WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY, AND AUTHORIZING THE CITY OF MODESTO TO PARTICIPATE AS A GOVERNING BOARD MEMBER

WHEREAS, the Sustainable Groundwater Management Act (SGMA) was passed in 2014 and became law on January 1, 2015, and

WHEREAS, the Department of Water Resources (DWR) has prioritized 127 of California’s 515 groundwater basins as high or medium priority, and SGMA requires that all high and medium priority groundwater basins be managed by one or more groundwater sustainability agencies (GSA) that develop one or more groundwater sustainability plans (GSP), and

WHEREAS, each basin that is subject to SGMA must have all geographic areas covered by one or more GSAs by June 30, 2017, and

WHEREAS, any public agency that has water or land use management authority may elect to be a GSA, and

WHEREAS, each GSA is responsible for developing a GSP or working with other GSAs in the basin to develop a collective GSP, and

WHEREAS, the GSA will be comprised of Board Members and Associate Members, and

WHEREAS, the City of Modesto will be a Board Member, and

WHEREAS, Board Members will pay an annual obligation of $10,000 and will have one vote per agency except that City of Turlock and TID shall each have the power to veto most actions of the Board; Associate members will pay an annual obligation of
$2,000 but will not have the power to vote or become an officer of the Agency, but shall be entitled to participate in the meetings and discussions of the Governing Board, and

WHEREAS, the purpose of the Joint Powers Agreement is to create the West Turlock Subbasin GSA to enable that agency to form a GSA with the State and manage groundwater for the western portion of the Turlock Groundwater Subbasin, and

WHEREAS, staff has been working with potential members of the West Turlock Subbasin GSA to form the joint powers agency and the City's legal counsel has reviewed the Joint Powers Agreement, and

WHEREAS, currently, the membership includes City of Ceres, City of Hughson, City of Modesto, City of Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District, Merced County, Stanislaus County, Turlock Irrigation District as Board Members and City of Waterford for Hickman, Monterey Park Tract Community Services District, Stevinson Water District and Keyes Community Services District as Associate Members, and

WHEREAS, interested eligible parties per Article 14.2 may join the GSA at any time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Joint Powers Agreement Forming the West Turlock Subbasin Groundwater Sustainability Agency, and authorizing the City of Modesto to participate as a Governing Board member.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Joint Powers Agreement Forming the West Turlock Subbasin Groundwater Sustainability Agency on behalf of the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE COLLECTOR AND ARTERIAL REHABILITATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES AND RELEASE PAYMENTS TOTALING $1,530,237.53 TO VSS INTERNATIONAL, INC., OF SACRAMENTO, CALIFORNIA

WHEREAS, the Collector and Arterial Rehabilitation Project has been completed by VSS International, Inc. of Sacramento, California in accordance with the contract agreement dated July 14, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Collector and Arterial Rehabilitation Project is hereby accepted as complete from said contractor, VSS International, Inc. of Sacramento, California, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,530,237.53, as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE 2013-14 SEWER COLLECTION SYSTEM REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES AND RELEASE PAYMENTS TOTALING $1,602,246.19 TO DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, OF STOCKTON, CALIFORNIA

WHEREAS, the 2013-14 Sewer Collection System Replacement Project has been completed by DSS Company dba Knife River Construction of Stockton, California in accordance with the contract agreement dated August 5, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2013-14 Sewer Collection System Replacement Project is hereby accepted as complete from said contractor, DSS Company dba Knife River Construction of Stockton, California, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,602,246.19, as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSIONS FOR THE SOLE SOURCE PROCUREMENT OF UV LAMPS AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO ISSUE A PURCHASING AGREEMENT WITH DC FROST ASSOCIATES, WALNUT CREEK, CA, FOR THE UTILITIES DEPARTMENT, WASTEWATER DIVISION, FOR AN ESTIMATED ANNUAL COST OF $100,583 AND OVER FIVE YEARS OF $521,382

WHEREAS, the City of Modesto, Utilities Department, Wastewater Services Division, utilizes Tertiary Treatment for the treatment of the City of Modesto Wastewater, and

WHEREAS, the final phase of the Tertiary Treatment process is the disinfection of the wastewater by UV lamps which have a lifetime of 10,000 hours each, and

WHEREAS, the UV lamps are a specialized system component that must be purchased and contracted from a Trojan UV Water Confidence manufacturer in order to keep the equipment performance intact, and

WHEREAS, the local exclusive manufacturer representative is DC Frost and Associates, and

WHEREAS, the UV lamps must be replaced when they reach 10,000 hours, and

WHEREAS, it is anticipated that each year a minimum of 350 lamps will need to be replaced to ensure the efficiency of Tertiary Treatment, and

WHEREAS, the City of Modesto, Utilities Department, Wastewater Services Division has negotiated with DC Frost and Associates to hold the cost of the lamps for two years; for the following three years there will be an increase of 3% each year, and
WHEREAS, in order to maintain the equipment guarantee for the Tertiary equipment, staff finds that the justification meets the City’s sole source criteria as identified under the Modesto Municipal Code 8-3.204(b), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the procurement of UV lamps and approving a sole source agreement with DC Frost Associates, Walnut Creek, CA for the Utilities Department, Wastewater Division, for five years at an annual cost of $100,582.46 and over five years of $521,381.95.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the purchase agreements, in forms approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE 2014-2015 STORM DRAIN IMPROVEMENTS PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $693,778 TO ROLFE CONSTRUCTION COMPANY OF ATWATER, CA

WHEREAS, the 2014-2015 Storm Drain Improvements Project has been completed by Rolfe Construction Company of Atwater, Ca in accordance with the contract agreement dated December, 8th, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2014-2015 Storm Drain Improvements Project is hereby accepted as complete from said contractor, Rolfe Construction Company of Atwater, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $693,778, as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST:

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE FISCAL YEAR 2015-16 ANNUAL REPORT OF FUNDS HELD FOR FUTURE IMPROVEMENTS, AND MAKING FINDINGS RELATED TO EACH SECURITY ON FILE

WHEREAS, California Government Code Sections 66000 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City is collecting impact fees as security for future improvements that will be needed as a condition of approval for new development, and

WHEREAS, $2,500 in impact fees were paid by Fuentes Construction on March 8, 2001, as a condition of approval for the project located at 1024 Florence Avenue, Modesto, for future improvements including connection to the City sewer system and the installation of curb, gutter and sidewalk improvements, and

WHEREAS, $29,393.72 in impact fees were collected from American Home Builders as a condition of approval for its project located at 3055 Floyd Avenue, Modesto, on September 2, 2005, for future improvements including the expansion of Beta Street to the north of the property, and

WHEREAS, $27,165 in impact fees were collected from Best Modesto Partners on September 30, 2008, as a condition of approval for its project located at 3019 Floyd Avenue, Modesto, for future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway, and

WHEREAS, it has been determined that full funding for the various improvements has not yet been received, and
WHEREAS, it has been determined by staff that the impact fees collected for all three projects should be retained until additional funding can be obtained, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 6, 2016, to enable the public to have the opportunity to comment on the impact fees collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings:

1. The impact fees collected for future improvements are necessary to fund future infrastructure needed for new development; and

2. The revenue anticipated for the full development of infrastructure improvements required for these projects has not been fully collected to complete the financing of said improvements. It is presently anticipated that there will be no regular sources of funding to develop the required improvements apart from impact fees collected from neighboring properties; and

3. The anticipated dates for the full collection of fees is unknown at this time as impact fees are based on development activity which is not controlled by the City. The funding for the future improvements to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements located at 1024 Florence Avenue, Modesto, is not yet known,
but there is still a need, and therefore fees should still be retained for these purposes; and

4. The timing for the future improvements including the expansion of Beta Street to the north of the property located at 3055 Floyd Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes; and

5. The timing for the future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway located at 3019 Floyd Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.

BE IT FURTHER RESOLVED, that the City Council of the City of Modesto accepts the Fiscal Year 2015-16 Annual Report of funds held for future improvements.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of December, 2016, by Councilmember
Ridenour, who moved its adoption, which motion being duly seconded by
Councilmember Ah You, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-486

RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council did, on October 25, 2016, adopt its Resolution No. 2016-422 (the “Resolution of Intention to Annex”) to indicate its intention to annex certain territory to the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”) and authorize the levy of the District special taxes within the territory proposed to be annexed (the “Annexed Territory”), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), and set a hearing thereon, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004, create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, the Annexed Territory will be annexed to and subject to the special taxes in Tax Zone #2, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and
WHEREAS, a map of the Annexed Territory, entitled “Proposed Boundaries of Annexation No. 15 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California,” was recorded on November 4, 2016, in the Office of the County Recorder of the County of Stanislaus, in Book 5 of Maps of Assessment and Community Facilities Districts, at page 52, and

WHEREAS, at the time and date set for the hearing (December 6, 2016) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and
WHEREAS, written protests against the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners, and

WHEREAS, the City Clerk, being the Council’s designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election,

NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.
SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes for Tax Zone #2 within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes for Tax Zone #2 within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes for Tax Zone #2 within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form attached hereto as Exhibit A.

SECTION 6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land in the Annexed Territory (the “Landowner”), the election shall be held on the 6th day of
December, 2016. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on December, 2016, and/or up to the conclusion of the Public Hearing, whether said ballots shall be personally delivered or received by mail.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowner.

SECTION 8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowner.

SECTION 9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes for Tax Zone #2 in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the
"Resolution of Formation"). The Special Tax will be levied only at the rate and
apportioned only in the manner specified in the Resolution of Formation, as clarified by
the City Council on December 14, 2004 (Resolution No. 2004-681), and at the rates set
forth in Tax Zone #2 created by the City Council on December 14, 2004 (Resolution No.
2004-683).

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of December, 2016, by Councilmember
Ridenour, who moved its adoption, which motion being duly seconded by
Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
OFFICIAL BALLOT

BALLOT NO. 1

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)

ANNEXATION NO. 15
SPECIAL TAX ELECTION

December 6, 2016

NUMBER OF VOTES ENTITLED TO BE CAST: 1
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word “YES” or “NO.”

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☐ MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-683, entitled “A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District”, adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2016-422, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 14)” adopted by the City Council of the City of Modesto on October 25, 2016, for the purposes set forth in Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District”, adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

BALLOT NO. 1

THIS BALLOT HAS A VALUE OF 1 VOTES
RESOLUTION DECLARING THE RESULTS OF THE DECEMBER 6, 2016
SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE
ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY
FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council is conducting proceedings pertaining to the annexation
of certain territory to the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”) and the levy of the District special taxes (the “District Special Taxes”) within such territory, as described in its Resolution No. 2016-422 entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 1)”, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council’s Resolution No. 2016-_______, adopted on December 6, 2016, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the “Election”) for December 6, 2016, or as soon thereafter as practicable, relative to the foregoing, and

WHEREAS, on December 6, 2016, the Election was held, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election.
NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owner or owners of the territory proposed to be annexed are as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is attached.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2016-422 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
CERTIFICATE OF CITY CLERK

I, STEPHANIE LOPEZ, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2016-_____, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 1) adopted on December 6, 2016, by the City Council of the City of Modesto, I did conduct the Special Tax Election on December 6, 2016, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-683, entitled “A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District”, adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2016-422, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 14)” adopted by the City Council of the City of Modesto on October 25, 2016, for the purposes set forth in Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District”, adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

**TOTAL VOTES CAST:** YES ___ NO ___

______________________________
Stephanie Lopez
City Clerk of the City of Modesto

Dated: _________________, 2016
RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL REPORT FOR FISCAL YEAR 2015-16 AND MAKING FINDINGS RELATING TO EACH OF THE FEE CATEGORIES

WHEREAS, the City of Modesto imposes fees to mitigate the impacts of development, pursuant to Government Code section 66000 \textit{et seq.}, and

WHEREAS, California Government Code sections 66001 and 66006 require cities to annually make certain fee-related information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City, in accordance with Government Code section 66006(a) and Section 8-1.904 of the Modesto Municipal Code, established Capital Facilities Fees ("CFF") for the purpose collecting fees to fund the construction of public improvements that will be needed as a result of new development, and

WHEREAS, on March 22, 2011, the City Council, by Resolution No. 2011-105, established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2013-177 on May 7, 2013, and

WHEREAS, the following fees were established by Resolution No. 2013-177:

- The Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and

- The Public Transportation CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities, and
• The Air Quality Mitigation CFF Fund was established to accrue funds to assist in the reduction of automobile travel, specifically for the development of park and ride lots, Class I Bike Trails, and

• The Police CFF Fund was established to accrue funds for additional policing needs including an additional station, police cars and associated equipment, a northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, and

• The Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and

• The Parks CFF Fund was established to accrue funds for the development of additional regional parks, community centers, and neighborhood parks, and the expansion of the McClure Country Place, and

• The General Government CFF Fund was established to accrue funds for the debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City’s information technology expansion, and

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2015-16 has been completed and is on file with the City Clerk and is attached as Exhibit “A”, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 6, 2016, to enable the public to have the opportunity to comment on the CFF collected.
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings relating to each of the fee categories:

1) The Capital Facilities Fee program, set forth in City Council Resolution No. 2013-177, and incorporated herein by reference, continues to be a necessary program to fund future infrastructure needed for new development.

2) The Capital Facilities Fee Annual Report for Fiscal Year 2015-16 (Exhibit A) reports on the below information for each of the fee categories:
   a. The amount of the fee. (Table 1)
   b. The beginning and ending balance of the account or fund. (Table 3)
   c. The amount of the fees collected and the interest earned. (Table 2)
   d. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees. (Table 10)

3) The CFF revenue anticipated for the full development of infrastructure improvements for new development has not been fully collected to complete the financing of incomplete improvements. It is presently anticipated that there will be no regular sources of funding to develop CFF infrastructure improvements apart from CFF collections.

4) The anticipated dates for the full collection of fees is unknown at this time as fees are based on development activity which is not controlled by the City.

5) The necessary funds for constructing and/or purchasing the following have not yet been accumulated and the approximate date is not yet known, but there is still a need
as outlined in Resolution No. 2013-177, and therefore fees should still be collected for the following purposes:

- Additional fire stations, fire vehicles, and a new training station, and
- An additional police station, police cars and associated equipment, a northeast area precinct, a training facility, a computer-aided dispatch system, and an expanded radio system, and
- Development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure Country Place, and
- Debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City’s information technology expansion, and
- Reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails, and
- Arterial roadways, intersections, expressway, freeway interchanges and all of their associated landscaping, and
- Expansion of the transit system.

6) All reportable fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the California Government Code and all other applicable laws for the Fiscal Year 2015-16.

7) No refunds and allocations of reportable fees, as required by California Government Code section 66001, are deemed payable at this time.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2015-16 Capital Facilities Fees Report as described in Exhibit “A”, attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
City of Modesto Capital Facilities Fees Annual Report
Fiscal Year 2015-16

Prepared By:
Community & Economic Development
Infrastructure Financing Program

December 2016
LEGAL REQUIREMENTS

A. What Are Impact Fees?
California Government Code §66000 allows a local jurisdiction to establish an impact fee to mitigate the impacts of new development. These fees may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities, and must be consistent with the adopted fee program, which is updated every five years.

New development increases the demand for health and safety service provided by a city, affects the quality of the community’s infrastructure, and increases the need for public facilities. Typically, impact fees are paid to a city at the time a building permit is issued and assist in paying for the cumulative impact of new development through infrastructure improvements and additions. Facilities partly funded by impact fees include police, fire and administrative buildings, park sites, bike trails, public landscape areas, community centers, transportation and transit facilities and roadway improvements. Impact fees cannot be used for maintenance of existing or future city facilities.

B. Establishing An Impact Fee Program
The City of Modesto ("City") impact fee program, more commonly known as the Capital Facilities Fees Program ("CFF Program"), was established in 1987 and has been updated periodically to reflect the changes in land values, projects and costs. Impact fees imposed on new development must have the proper nexus to any project on which they are imposed. The CFF Program sets forth the relationship between contemplated future developments, facilities needed to serve future development and the estimated cost of those improvements based on the current General Plan for build-out. Estimated project costs and the summary of fee apportionment for each CFF Program fee category are identified in the 2003 and 2011 CFF Program updates.

C. Adoption of a Capital Improvement Program
California Government Code §66002 requires local agencies that have implemented an impact fee program to adopt a Capital Improvement Program (CIP) indicating the approximate location, size, and time of projects, plus an estimate for the costs of all facilities or improvements to be financed by the impact fees. At a minimum, a formal CIP is recommended as a five-year plan. The City annually produces a five-year CIP which assists in maintaining and updating the City's General Plan.

The City's CIP connects annual capital expenditures to a long-range plan for public improvements. The City’s CIP also assists in maximizing the funds available, connecting the plan for public improvements to the City’s capacity for funding, and projecting expenditures over a period of years. This type of fiscal management is particularly
important during periods where budgetary demands exceed financial resources. The City’s CIP is financed in part by the impact fees collected through the CFF Program.

D. Reporting
Annual reporting of a local agency’s impact fee program is required by Government Code §66006. The impact fees collected must be segregated from general and other funds containing fees collected for other improvements. Interest on each impact fee fund or account must be credited to that fund or account and be used only for the purpose for which the impact fee was collected.

California Government Code §66006(b) requires that a local agency make the following information available to the public for each separate impact fee fund on an annual basis and that the local agency review that information at a public meeting. The law also requires the annual report include the following information for the prior fiscal year and be made available within 180 days after the last day of each fiscal year:

- Describe the type of impact fee in the account or fund.
- Identify the amount of the impact fee.
- Provide the beginning and ending balance of the account or fund.
- Provide the amount of impact fees collected and interest earned.
- Identify each public improvement on which impact fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the impact fee.
- Identify an approximate date by which the construction of the public improvement will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete.
- Describe each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned impact fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- Provide the amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of impact funds made to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

If an agency no longer needs the funds for the purposes collected or fails to make the required findings or perform certain administrative tasks prescribed, the agency may be required to refund, on a prorated basis to owners of the properties upon which the impact fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.
California Government Code §66001(d) also requires that the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the impact fee is to be allocated.
- Demonstrate a reasonable relationship between the impact fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the impact fee is imposed.

**DESCRIPTION OF CAPITAL FACILITIES FEES**

The CFF Program mitigates the impacts associated with new development on certain public facilities. The CFF Program is used to finance the acquisition, construction, and improvement of public facilities as a result of new development. The City has the following eight (8) CFF Program fee categories:

**Streets Capital Facilities Fee – Fund 3410**  
This fee is collected for roadway improvements such as expressways, interchanges, arterial and collector roads, turn lanes, intersections and traffic signals.

**Public Transportation Capital Facilities Fee – Fund 3420**  
This fee is collected for new buses, bus shelters, bus stops, the bus maintenance facility, and the northeast transfer station.

**Air Quality Mitigation Capital Facilities Fees – Fund 3430**  
This fee is collected for facilities that reduce automobile travel by facilitating alternative modes of travel such as the Amtrak station parking lot, park and ride lots, vanpooling, carpooling, Class I bike trails, bike storage, turn lanes, footpaths, and pedestrian accesses.

**Police Capital Facilities Fee – Fund 3440**  
This fee is collected for the Police Tactical Training Center, police vehicles, parking facilities, communication systems, special equipment, and the future Northeast Area Precinct (to be shared with Fire).
Fire Capital Facilities Fee – Fund 3450
This fee is collected for fire facility expansions, fire vehicles, special equipment, and the future Northeast Area Precinct (to be shared with Police).

Parks Capital Facilities Fees – Fund 3460
This fee is collected for land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

City Hall and Other Government Facilities Capital Facilities Fee – Fund 3470
This fee is collected for debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles, and the City’s information technology expansion.

Administration Capital Facilities Fee – Fund 3480
This fee is collected for the administration of the CFF Program. This includes preparation of an Annual CFF Program Report, preparation of a Five-Year CFF Report, day-to-day management of the CFF Program including preparation of annual CIP budgets, CFF Program annual inflationary updates, land value analyses and updates and CFF Program Proformas.

CURRENT FEE SCHEDULES

The current CFF Program allows for an annual inflationary adjustment equal to the increase in the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December of the preceding year. No increase was applied in Fiscal Year 2015-16. Table 1 provides the adopted fee schedule for Fiscal Year 2015-16.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES

The Combining Statement of Revenues, Expenditures and Changes in Fund Balances provided in Table 2 outlines the beginning and ending balance of each fund for Fiscal Year 2015-16. Expenditures are identified by general categories. All revenue, unless collected under the deferral program, is collected at the time a building permit is issued. Since the CFF Program is a “pay-as-you-go” program, the City must accrue enough revenue prior to commencing construction of a project, resulting in an “aging” of fund balances. The aging or accumulation occurs until enough revenue has been collected to construct a project.

1 - Financial data is current as of September 15, 2016
FIVE YEAR REVENUE AND EXPENSE HISTORY

As previously discussed, most revenue is collected when a building permit is issued for new development. Overall, CFF Program revenues decreased 41.8% between Fiscal Years 2014-15 and 2015-16 while expenditures decreased 11.07% over the same time period. Tables 3 and 4 provide a five-year snapshot of the CFF Program revenues and expenditures, respectively. Table 5 offers a combined picture of revenues, expenses and fund balance levels over the past five years.

DEFERRED CAPITAL FACILITIES FEES

Multi-Family, Commercial and Industrial
CFF Deferral Programs for Multi-Family, Commercial, and Industrial developments have been in place since 1991. Deferrals assist in offsetting the cost of new development by allowing applicants to pay a portion of the CFF due at the time of building permit issuance and the balance, plus interest, over a predetermined period of time. Table 6 details the four (4) active deferrals in Fiscal Year 2015-16.

REFUNDS

CFF may be refunded if a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced. In addition, CFF paid for placement of Trailers may be refunded if requested in writing within six years of payment, minus the administration component.

The City of Modesto issued a refund of CFF in the amount of $934.00 for fees charged in error on Building Permit #BLD2015-72936. Table 7 details the financial impact of this refund.

CREDITS

CFF credits are granted when previously existing building(s) are removed and new building(s) are constructed. These credits may off-set up to but not more than 100% of the CFF due for the new development. Table 8 details the credits provided in Fiscal Year 2015-16.

2 - Financial data is current as of September 15, 2016
TRANSFERS

A total of five (5) inter-fund transfers occurred in Fiscal Year 2015-16. The transfers included the Tenth Street Place (City Hall) Debt Service payment and police loans. Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS\(^3\)

Information on projects funded by the CFF Program can be found in Table 10. The information in the table includes a listing of current projects, estimated construction start and end dates, estimated project costs, percentage of project funded by the CFF Program and general accounting information.

\(^3\) Financial data is current as of September 15, 2016
### Table 1: Fee Schedules Effective July 1, 2015 through June 30, 2016

#### 2015 CFF PROGRAM - Development within City Limits

<table>
<thead>
<tr>
<th>Fee Category</th>
<th>Unit Measure Per</th>
<th>Streets</th>
<th>Public Transp.</th>
<th>Air Quality</th>
<th>Police</th>
<th>Fire</th>
<th>Parks</th>
<th>General Gov't.</th>
<th>Admin</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>Dwelling Unit</td>
<td>$6,592</td>
<td>$96</td>
<td>$575</td>
<td>$896</td>
<td>$882</td>
<td>$5,651</td>
<td>$504</td>
<td>$786</td>
<td>$14,792</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>Dwelling Unit</td>
<td>4,360</td>
<td>67</td>
<td>759</td>
<td>540</td>
<td>176</td>
<td>3,395</td>
<td>305</td>
<td>154</td>
<td>9,566</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>Dwelling Unit</td>
<td>3,978</td>
<td>36</td>
<td>741</td>
<td>526</td>
<td>172</td>
<td>3,311</td>
<td>303</td>
<td>109</td>
<td>9,176</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>Room</td>
<td>3,427</td>
<td>60</td>
<td>204</td>
<td>67</td>
<td>117</td>
<td>86</td>
<td>3,062</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail &lt;50,000 SF</td>
<td>1,000 SF</td>
<td>9,915</td>
<td>197</td>
<td>243</td>
<td>80</td>
<td>140</td>
<td>284</td>
<td>10,818</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail 50,000-100,000 SF</td>
<td>1,000 SF</td>
<td>8,227</td>
<td>162</td>
<td>243</td>
<td>79</td>
<td>159</td>
<td>223</td>
<td>9,073</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail 100,000-300,000 SF</td>
<td>1,000 SF</td>
<td>6,944</td>
<td>137</td>
<td>264</td>
<td>80</td>
<td>140</td>
<td>185</td>
<td>7,234</td>
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<td></td>
</tr>
<tr>
<td>Retail &gt;300,000 SF</td>
<td>1,000 SF</td>
<td>6,478</td>
<td>126</td>
<td>243</td>
<td>79</td>
<td>140</td>
<td>177</td>
<td>7,243</td>
<td></td>
<td></td>
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<tr>
<td>Medical Office</td>
<td>1,000 SF</td>
<td>12,518</td>
<td>250</td>
<td>406</td>
<td>133</td>
<td>232</td>
<td>345</td>
<td>13,885</td>
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<tr>
<td>General Office</td>
<td>1,000 SF</td>
<td>6,058</td>
<td>107</td>
<td>406</td>
<td>133</td>
<td>233</td>
<td>156</td>
<td>7,093</td>
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<tr>
<td>Hospital</td>
<td>1,000 SF</td>
<td>8,779</td>
<td>155</td>
<td>406</td>
<td>133</td>
<td>233</td>
<td>218</td>
<td>9,922</td>
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<td></td>
</tr>
<tr>
<td>Daycare</td>
<td>1,000 SF</td>
<td>4,847</td>
<td>85</td>
<td>406</td>
<td>133</td>
<td>233</td>
<td>129</td>
<td>5,831</td>
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<td>Church</td>
<td>1,000 SF</td>
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<td>413</td>
<td>134</td>
<td>237</td>
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<tr>
<td>Nursing Home</td>
<td>1,000 SF</td>
<td>1,512</td>
<td>26</td>
<td>469</td>
<td>134</td>
<td>236</td>
<td>47</td>
<td>2,264</td>
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<td></td>
</tr>
<tr>
<td>Industrial (Manufacturing)</td>
<td>1,000 SF</td>
<td>2,348</td>
<td>41</td>
<td>374</td>
<td>57</td>
<td>100</td>
<td>60</td>
<td>2,780</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial (Warehousing)</td>
<td>1,000 SF</td>
<td>1,647</td>
<td>29</td>
<td>175</td>
<td>57</td>
<td>100</td>
<td>44</td>
<td>2,052</td>
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</tr>
</tbody>
</table>

### Table 2: Fee Schedules Effective July 1, 2015 through June 30, 2016

#### 2015 CFF PROGRAM - Development within City's Sphere of Influence

<table>
<thead>
<tr>
<th>Fee Category</th>
<th>Unit Measure Per</th>
<th>Streets</th>
<th>Public Transp.</th>
<th>Air Quality</th>
<th>Police</th>
<th>Fire</th>
<th>Parks</th>
<th>General Gov't.</th>
<th>Admin</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>Dwelling Unit</td>
<td>$7,167</td>
<td>$76</td>
<td>$1,453</td>
<td>$185</td>
<td>$8,882</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>Dwelling Unit</td>
<td>5,158</td>
<td>55</td>
<td>221</td>
<td>126</td>
<td>6,260</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Senior Housing</td>
<td>Dwelling Unit</td>
<td>3,018</td>
<td>63</td>
<td>1,008</td>
<td>100</td>
<td>4,018</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>Room</td>
<td>3,613</td>
<td>38</td>
<td></td>
<td>54</td>
<td>3,794</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail &lt;50,000 SF</td>
<td>1,000 SF</td>
<td>10,309</td>
<td>108</td>
<td></td>
<td>150</td>
<td>10,557</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail 50,000-100,000 SF</td>
<td>1,000 SF</td>
<td>8,585</td>
<td>90</td>
<td></td>
<td>126</td>
<td>8,780</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail 100,000-300,000 SF</td>
<td>1,000 SF</td>
<td>7,276</td>
<td>77</td>
<td></td>
<td>107</td>
<td>7,480</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail &gt;300,000 SF</td>
<td>1,000 SF</td>
<td>6,797</td>
<td>73</td>
<td></td>
<td>100</td>
<td>6,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Office</td>
<td>1,000 SF</td>
<td>13,107</td>
<td>139</td>
<td></td>
<td>192</td>
<td>13,429</td>
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</tr>
<tr>
<td>General Office</td>
<td>1,000 SF</td>
<td>6,415</td>
<td>67</td>
<td></td>
<td>98</td>
<td>6,580</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>1,000 SF</td>
<td>9,180</td>
<td>97</td>
<td></td>
<td>137</td>
<td>9,414</td>
<td></td>
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</tr>
<tr>
<td>Daycare</td>
<td>1,000 SF</td>
<td>5,176</td>
<td>55</td>
<td></td>
<td>80</td>
<td>5,311</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Church</td>
<td>1,000 SF</td>
<td>1,239</td>
<td>13</td>
<td></td>
<td>26</td>
<td>1,265</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td>1,000 SF</td>
<td>1,747</td>
<td>16</td>
<td></td>
<td>33</td>
<td>1,780</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial (Manufacturing)</td>
<td>1,000 SF</td>
<td>2,407</td>
<td>26</td>
<td></td>
<td>38</td>
<td>2,445</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial (Warehousing)</td>
<td>1,000 SF</td>
<td>1,782</td>
<td>19</td>
<td></td>
<td>28</td>
<td>1,810</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2016

<table>
<thead>
<tr>
<th></th>
<th>3410 Streets</th>
<th>3420 Public Trupt.</th>
<th>3430 Air Quality</th>
<th>3440 Police</th>
<th>3450 Fire</th>
<th>3460 Parks</th>
<th>3470 General Gov’t</th>
<th>3480 Admin.</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>REVENUES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant Monies</td>
<td>$95,318</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$112,726</td>
</tr>
<tr>
<td>Fees Collected</td>
<td>$1,154,289</td>
<td>$19,642</td>
<td>$31,925</td>
<td>$325,740</td>
<td>$45,888</td>
<td>$300,445</td>
<td>$71,594</td>
<td>$36,462</td>
<td>$1,785,985</td>
</tr>
<tr>
<td>Interest and Rent</td>
<td>$209,320</td>
<td>$3,641</td>
<td>$1,417</td>
<td>$5,400</td>
<td>$640</td>
<td>$23,574</td>
<td>$436</td>
<td>$534</td>
<td>$243,369</td>
</tr>
<tr>
<td>Net Change in Fair Value of Investments</td>
<td>$29,571</td>
<td>$229</td>
<td>$201</td>
<td>$126</td>
<td>$41</td>
<td>$3,307</td>
<td>$60</td>
<td>$75</td>
<td>$33,750</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL REVENUES</td>
<td>$1,488,498</td>
<td>$21,512</td>
<td>$90,961</td>
<td>$129,573</td>
<td>$46,609</td>
<td>$327,326</td>
<td>$72,090</td>
<td>$37,071</td>
<td>$2,173,630</td>
</tr>
</tbody>
</table>

|       |             |                     |                   |             |           |            |                   |            |           |
| EXPENDITURES: |             |                     |                   |             |           |            |                   |            |           |
| General Gov’t. |             |                     |                   |             |           |            |                   |            |           |
| Community Development | $2,393,138   | $25,957             |                   |             |           |            |                   |            | $2,423,090|
| Public Works |             |                     |                   |             |           |            |                   |            |           |
| Parks & Recreation |             |                     |                   |             |           |            |                   |            |           |
| Public Safety |             |                     |                   |             |           |            |                   |            |           |
| Capital Outlay: |             |                     |                   |             |           |            |                   |            |           |
| TOTAL EXPENDITURES | $2,393,138   | $25,957             |                   |             |           |            |                   |            | $2,453,289|

|       |             |                     |                   |             |           |            |                   |            |           |
| EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES | ($904,640) | $21,512             | $24,994          | $129,573    | $46,609   | $322,331   | $72,090           | $7,672     | ($79,659) |

| OTHER FINANCING SOURCES (USES) |             |                     |                   |             |           |            |                   |            |           |
| Transfers in * | $27,396     |                     |                   |             |           |            |                   |            | $32,191   |
| Transfers Out* |             | ($71,354)           | ($7,557)          |             | ($63,000) |            |                   |            | ($141,911) |
| Sale of Assets |             |                     |                   |             |           |            |                   |            |           |
| TOTAL OTHER FINANCING SOURCES | $27,396     | ($71,354)           | ($7,557)          | $4,795      | ($63,000) |            |                   |            | ($109,720) |

|       |             |                     |                   |             |           |            |                   |            |           |
| EXCESS (DEFICIENCY) OF REVENUES & OTHER USES | ($877,244) | $21,512             | $24,994          | $58,219     | $39,052   | $327,326   | $9,090           | $7,672     | ($389,379) |

| FUND BALANCES, July 1 | $24,909,548 | $164,964            | $169,386         | $175,116    | ($993,537) | $2,614,286 | $50,849           | $72,325     | $27,163,511 |

| PRIOR PERIOD ADJUSTMENT | ($190,300) |                     |                   |             |           |            |                   |            | ($190,300) |

| FUND BALANCES, June 30 | $44,842,004 | $186,476            | $198,390         | $232,326    | ($954,485) | $2,843,086 | $59,939           | $58,392     | $26,052,838 |

* See Table 3 for transfer details
1 Financial data is current as of September 15, 2016
Table 3: Five Year Revenue History

<table>
<thead>
<tr>
<th>Fund</th>
<th>2011-12</th>
<th>2012-13</th>
<th>2013-14</th>
<th>2014-15</th>
<th>2015-16</th>
<th>Five Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FUND 3410 – STREETS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fees Collected</td>
<td>$638,746</td>
<td>$761,394</td>
<td>$559,440</td>
<td>$1,776,952</td>
<td>$1,154,289</td>
<td>$4,890,821</td>
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<tr>
<td>Grant Monies</td>
<td>$2,855,793</td>
<td>$6,839,777</td>
<td>$9,596,856</td>
<td>$1,413,048</td>
<td>$555,318</td>
<td>$14,601,362</td>
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<tr>
<td>All Other Revenue Sources</td>
<td>$111,356</td>
<td>$29,354</td>
<td>$109,917</td>
<td>$173,198</td>
<td>$209,320</td>
<td>$624,145</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>$3,650,895</td>
<td>$7,430,529</td>
<td>$8,566,619</td>
<td>$1,493,607</td>
<td>$1,363,927</td>
<td>$20,116,580</td>
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<tr>
<td><strong>FUND 3420 – PUBLIC TRANSP.</strong></td>
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<td></td>
</tr>
<tr>
<td>Fees Collected</td>
<td>$11,694</td>
<td>$12,747</td>
<td>$7,803</td>
<td>$26,822</td>
<td>$15,642</td>
<td>$78,208</td>
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<td>Grant Monies</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>All Other Revenue Sources</td>
<td>$447</td>
<td>$204</td>
<td>$551</td>
<td>$1,097</td>
<td>$1,641</td>
<td>$3,940</td>
</tr>
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<td><strong>Subtotal</strong></td>
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<td>$12,451</td>
<td>$8,354</td>
<td>$27,919</td>
<td>$21,283</td>
<td>$82,148</td>
</tr>
<tr>
<td><strong>FUND 3430 – AIR QUALITY</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Fees Collected</td>
<td>$13,488</td>
<td>$27,323</td>
<td>$1,291</td>
<td>$(17,013)</td>
<td>$31,925</td>
<td>$57,014</td>
</tr>
<tr>
<td>Grant Monies</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>All Other Revenue Sources</td>
<td>$575</td>
<td>$341</td>
<td>$218</td>
<td>-</td>
<td>$1,417</td>
<td>$2,551</td>
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<tr>
<td><strong>Subtotal</strong></td>
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<td>$1,509</td>
<td>$(15,013)</td>
<td>$33,342</td>
<td>$59,561</td>
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<tr>
<td><strong>FUND 3440 – POLICE</strong></td>
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<tr>
<td>Fees Collected</td>
<td>$41,697</td>
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<td>$92,348</td>
<td>$125,740</td>
<td>$307,466</td>
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<tr>
<td>Grant Monies</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>All Other Revenue Sources</td>
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<td>$6,516</td>
<td>$(3,607)</td>
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<td><strong>Subtotal</strong></td>
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<td>$(57,504)</td>
<td>$129,247</td>
<td>$331,038</td>
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<td><strong>FUND 3450 – FIRE</strong></td>
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<td>$120</td>
<td>$50</td>
<td>$25</td>
<td>$195</td>
<td>$640</td>
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<td><strong>Subtotal</strong></td>
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<td>$4,025</td>
<td>$31,328</td>
<td>$46,528</td>
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<td>$128,909</td>
<td>$138,017</td>
<td>$10,612</td>
<td>$59,338</td>
<td>$300,445</td>
<td>$637,121</td>
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<td>Grant Monies</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>All Other Revenue Sources</td>
<td>$11,923</td>
<td>$(10,573)</td>
<td>$21,403</td>
<td>$(16,511)</td>
<td>$23,574</td>
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<td>$33,010</td>
<td>$35,927</td>
<td>$324,019</td>
<td>$811,350</td>
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<td><strong>FUND 3470 – GENERAL GOVT</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Fees Collected</td>
<td>$24,113</td>
<td>$20,674</td>
<td>$7,038</td>
<td>$52,998</td>
<td>$71,594</td>
<td>$176,217</td>
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<td>-</td>
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<td>-</td>
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<tr>
<td>All Other Revenue Sources</td>
<td>$(165)</td>
<td>$(137)</td>
<td>$85</td>
<td>$221</td>
<td>$436</td>
<td>$440</td>
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<td>$23,948</td>
<td>$20,537</td>
<td>$7,123</td>
<td>$53,119</td>
<td>$77,030</td>
<td>$176,657</td>
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<td><strong>FUND 3480 – ADMINISTRATION</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Fees Collected</td>
<td>$20,558</td>
<td>$20,406</td>
<td>$11,424</td>
<td>$40,401</td>
<td>$36,462</td>
<td>$129,251</td>
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<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
</tr>
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<td>All Other Revenue Sources</td>
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<td>$212</td>
<td>$322</td>
<td>$534</td>
<td>$1,470</td>
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<td>$20,438</td>
<td>$11,636</td>
<td>$40,723</td>
<td>$36,996</td>
<td>$130,721</td>
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</table>

**TOTAL** | $53,863,428| $7,844,979| $4,241,313| $13,870,936| $2,135,540| $21,886,826

1 - Financial data is current as of September 15, 2016.
Table 4: Five Year Expenditure History

<table>
<thead>
<tr>
<th>Fund</th>
<th>2011-12</th>
<th>2012-13</th>
<th>2013-14</th>
<th>2014-15</th>
<th>2015-16</th>
<th>Five Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3410 – Streets</td>
<td>(6,540,817.00)</td>
<td>(7,801,737.00)</td>
<td>(3,463,454.00)</td>
<td>(2,734,410.00)</td>
<td>(2,393,138.00)</td>
<td>(12,933,576.00)</td>
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<tr>
<td>Fund 3420 – Public Transp.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fund 3430 – Air Quality</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(25,957.00)</td>
<td>(25,957.00)</td>
</tr>
<tr>
<td>Fund 3440 – Police</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fund 3450 – Fire</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fund 3460 – Parks</td>
<td>(1,142,808.00)</td>
<td>(9,259,700.00)</td>
<td>(81,586.00)</td>
<td>(3,443.00)</td>
<td>(4,795.00)</td>
<td>(16,494,332.00)</td>
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<tr>
<td>Fund 3470 – General Gov’t</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Fund 3480 – Administration</td>
<td>(56,586.00)</td>
<td>(38,805.00)</td>
<td>(29,336.00)</td>
<td>(20,679.00)</td>
<td>(29,399.00)</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>(7,740,313.00)</td>
<td>(17,100,282.00)</td>
<td>(3,576,376.00)</td>
<td>(2,758,512.00)</td>
<td>(2,492,539.00)</td>
<td>(13,433,868.00)</td>
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</tbody>
</table>

1 – Financial data is current as of September 15, 2016
Table 5: Five Year Revenue and Expenditure History

<table>
<thead>
<tr>
<th>Year</th>
<th>All Revenues</th>
<th>Fees Collected</th>
<th>Grant Monies</th>
<th>All Other Revenue</th>
<th>Expenditures</th>
<th>Fund Balance, June 30</th>
</tr>
</thead>
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<tr>
<td>2011-12</td>
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<tr>
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<td>$25,000,000</td>
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<td></td>
</tr>
<tr>
<td>2013-14</td>
<td>$20,000,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014-15</td>
<td>$15,000,000</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>2015-16</td>
<td>$10,000,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

1 - Financial data is current as of September 15, 2016
<table>
<thead>
<tr>
<th>Recipient Fund</th>
<th>Applicant</th>
<th>Agreement Start Date</th>
<th>Agreement End Date</th>
<th>Years Remaining</th>
<th>Balance 30-Jun-15</th>
<th>Payoffs 30-Jun-15</th>
<th>Outstanding Balance 30-Jun-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3410 Streets</td>
<td>Village Corners - 3 Permits</td>
<td>7/9/2010</td>
<td>4/30/2015</td>
<td>-</td>
<td>$8,784.52</td>
<td>$8,784.52</td>
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<tr>
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<td>9/7/2012</td>
<td>9/1/2017</td>
<td>2</td>
<td>$5,452.38</td>
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<td>$3,634.92</td>
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<tr>
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<td>1/1/2019</td>
<td>2</td>
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<td>4/1/2014</td>
<td>5/1/2019</td>
<td>3</td>
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<td><strong>$46,636.06</strong></td>
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<td>Village Corners - 3 Permits</td>
<td>7/9/2010</td>
<td>4/30/2015</td>
<td>-</td>
<td>$173.88</td>
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<td>9/1/2017</td>
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<td>1/1/2019</td>
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<td>$46.29</td>
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<td>$30.86</td>
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<td>4/1/2014</td>
<td>5/1/2019</td>
<td>3</td>
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<td>Village Corners - 3 Permits</td>
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<td>4/30/2015</td>
<td>-</td>
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<td>9/1/2017</td>
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<td>1/1/2019</td>
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<td>5/1/2019</td>
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<td>Fund 3450 Fire</td>
<td>Village Corners - 3 Permits</td>
<td>7/9/2010</td>
<td>4/30/2015</td>
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<td>$71.10</td>
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<td>Central Cal Inv't, LLC - 1 Permit</td>
<td>9/7/2012</td>
<td>9/1/2017</td>
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<td>1/1/2013</td>
<td>1/1/2019</td>
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<td>Village Corners - 3 Permits</td>
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<td>4/30/2015</td>
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<td>9/7/2012</td>
<td>9/1/2017</td>
<td>2</td>
<td>$76.92</td>
<td>$25.64</td>
<td>$51.28</td>
</tr>
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<td>Brahman Maha Sabha of USA - 1 Permit</td>
<td>1/1/2013</td>
<td>1/1/2019</td>
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<td>Fernando Arredondo - 1 Permit</td>
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<td>5/1/2019</td>
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<td>4/30/2015</td>
<td>-</td>
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<td>9/1/2017</td>
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<td>1/1/2019</td>
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<td>$63.41</td>
<td>$21.13</td>
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<td>Fernando Arredondo - 1 Permit</td>
<td>4/1/2014</td>
<td>5/1/2019</td>
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<td><strong>$682.36</strong></td>
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<td><strong>$78,559.02</strong></td>
<td><strong>$27,553.21</strong></td>
<td><strong>$51,005.81</strong></td>
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</table>

*Last payment received for CFF Deferral Agreement.
Table 7: Refunds of Capital Facilities Fees

<table>
<thead>
<tr>
<th>Receivable Fund</th>
<th>Applicant / Project</th>
<th>Amount Refunded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3410 Streets</td>
<td>Christ Community Church of Modesto – 3242 Carver Road</td>
<td>($516.41)</td>
</tr>
<tr>
<td>Fund 3420 Public Transportation</td>
<td>Christ Community Church of Modesto – 3242 Carver Road</td>
<td>($8.97)</td>
</tr>
<tr>
<td>Fund 3430 Air Mitigation</td>
<td>Christ Community Church of Modesto – 3242 Carver Road</td>
<td>$0.00</td>
</tr>
<tr>
<td>Fund 3440 Police</td>
<td>Christ Community Church of Modesto – 3242 Carver Road</td>
<td>($205.67)</td>
</tr>
<tr>
<td>Fund 3450 Fire</td>
<td>Christ Community Church of Modesto – 3242 Carver Road</td>
<td>($66.78)</td>
</tr>
<tr>
<td>Fund 3460 Parks</td>
<td>Christ Community Church of Modesto – 3242 Carver Road</td>
<td>$0.00</td>
</tr>
<tr>
<td>Fund 3470 General Gov't.</td>
<td>Christ Community Church of Modesto – 3242 Carver Road</td>
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</tr>
<tr>
<td>Fund 3480 Administration</td>
<td>Christ Community Church of Modesto – 3242 Carver Road</td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
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<td><strong>($934.60)</strong></td>
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### TABLE 8 – Credits for Previously Existing Buildings

<table>
<thead>
<tr>
<th>Fund</th>
<th>Applicant / Project</th>
<th>CFF Due</th>
<th>CFF Credit</th>
<th>CFF Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>3410 Streets</td>
<td>Aracelia Placencia</td>
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<td>Golden Valley Health Centers</td>
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<td></td>
<td>Golden Valley Health Centers</td>
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<td>3430 Air Mitigation</td>
<td>Aracelia Placencia</td>
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<td>Erika Sosa</td>
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<td>($576.93)</td>
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<td></td>
<td>Golden Valley Health Centers</td>
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<tr>
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<td>3450 Fire</td>
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</tr>
<tr>
<td></td>
<td>Golden Valley Health Centers</td>
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<td>OCAT INC</td>
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<td></td>
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<tr>
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<td>Erika Sosa</td>
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<td>Erika Sosa</td>
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<td></td>
<td>Golden Valley Health Centers</td>
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<td>Aracelia Placencia</td>
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<td>($284.02)</td>
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</tr>
<tr>
<td></td>
<td>Erika Sosa</td>
<td>$284.02</td>
<td>($284.02)</td>
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</tr>
<tr>
<td></td>
<td>Golden Valley Health Centers</td>
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<td><strong>$39,650.76</strong></td>
<td><strong>($28,834.26)</strong></td>
<td><strong>$11,218.50</strong></td>
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</table>
Table 9: Transfers within Capital Facilities Fees Funds¹

<table>
<thead>
<tr>
<th>Fund</th>
<th>Transfer Description</th>
<th>Loan Maturity Date</th>
<th>Rate of Interest</th>
<th>Transfer Amount</th>
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<tbody>
<tr>
<td>Fund 3410-Streets</td>
<td>Transfer in from Fund 1700 – Capital Grants – CIP Projects</td>
<td></td>
<td></td>
<td>$27,936</td>
</tr>
<tr>
<td>Fund 3440 – Police</td>
<td>Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment</td>
<td>2034</td>
<td>Variable Interest</td>
<td>($71,354)</td>
</tr>
<tr>
<td>Fund 3440 – Parks</td>
<td>Transfer in from Fund 3130 – Mary E. Grogan Community Park Maintenance Facility Building</td>
<td></td>
<td></td>
<td>$4,795</td>
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<tr>
<td>Fund 3450 – Fire</td>
<td>Transfer out to Fund 0100 – Interfund Advance #1 Repayment</td>
<td></td>
<td></td>
<td>($7,557)</td>
</tr>
<tr>
<td>Fund 3470 – General Gov’t</td>
<td>Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment</td>
<td>2034</td>
<td>Variable Interest</td>
<td>($63,000)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td>($359,330)</td>
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</table>

¹Financial data is current as of September 15, 2016
Table 10: Capital Improvement Project (CIP) Expenditures

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Project Name</th>
<th>% Funded by Fee</th>
<th>% Funded by Other</th>
<th>Budget</th>
<th>Original FY Expenditures</th>
<th>Committed Funds</th>
<th>FY 2015-16 Expenditures</th>
<th>Balance Available</th>
<th>Estimated Construction Start FY</th>
<th>Estimated Construction End FY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3410 Streets</td>
<td>New Traffic Signals 2010</td>
<td>100.00%</td>
<td></td>
<td>$850,000</td>
<td>$764,098.51</td>
<td>$113.49</td>
<td>$85,788.00</td>
<td>2012/13</td>
<td>2015/16</td>
<td></td>
</tr>
<tr>
<td>Fund 3410 Streets</td>
<td>Palatine Interchange at S/O</td>
<td>73.13%</td>
<td>26.87%</td>
<td>$10,430,225</td>
<td>$8,523,016.48</td>
<td>$462,647</td>
<td>$3,241.52</td>
<td>$1,415,320.00</td>
<td>2014/15</td>
<td>2016/17</td>
</tr>
<tr>
<td>Fund 3410 Streets</td>
<td>Clarendon/McHenry Plan Line</td>
<td>100.00%</td>
<td></td>
<td>$341,500</td>
<td>$38,815.00</td>
<td>31,413</td>
<td></td>
<td>$271,272.00</td>
<td>2018/19</td>
<td>2019/20</td>
</tr>
<tr>
<td>Fund 3410 Streets</td>
<td>Oakdale Road Widening</td>
<td>100.00%</td>
<td></td>
<td>$400,000</td>
<td>$13,412.00</td>
<td>$</td>
<td>$367,588.00</td>
<td>2018/19</td>
<td>2019/20</td>
<td></td>
</tr>
<tr>
<td>Fund 3410 Streets</td>
<td>Clarendon, McHenry/Coffee (6) Lanes</td>
<td>47.33%</td>
<td>52.66%</td>
<td>$4,104,936</td>
<td>$854,053.80</td>
<td>$10,871</td>
<td>$1,551,147.20</td>
<td>$1,288,264.00</td>
<td>2018/19</td>
<td>2019/20</td>
</tr>
<tr>
<td>Fund 3410 Streets</td>
<td>Carpenter Road Bridge Seismic</td>
<td>100.00%</td>
<td></td>
<td>$1,141,389</td>
<td>$10,483,693.63</td>
<td>$8,420.37</td>
<td>$611,285.00</td>
<td>2011/12</td>
<td>2015/16</td>
<td></td>
</tr>
<tr>
<td>Fund 3410 Streets</td>
<td>Right Turn Lane - Oakdale to Scenic</td>
<td>11.47%</td>
<td>88.53%</td>
<td>$395,348</td>
<td>$138,704.16</td>
<td>$</td>
<td>$5,113.84</td>
<td>$250,530.00</td>
<td>2017/18</td>
<td>2018/19</td>
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<tr>
<td>Fund 3410 Streets</td>
<td>7th St Bridge Tuolumne</td>
<td>31.07%</td>
<td>68.92%</td>
<td>$383,560</td>
<td>$124,280.00</td>
<td>$</td>
<td>$507,780.00</td>
<td>2018/19</td>
<td>2019/20</td>
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<tr>
<td>Fund 3410 Streets</td>
<td>State Route 132 W. Expressway</td>
<td>100.00%</td>
<td></td>
<td>$415,000</td>
<td>$141,532.42</td>
<td>$</td>
<td>$(8,520.58)</td>
<td>$254,547.00</td>
<td>2018/19</td>
<td>2018/19</td>
</tr>
<tr>
<td>Fund 3410 Streets</td>
<td>Oakdale/Sylvan Intersection Improvement</td>
<td>100.00%</td>
<td></td>
<td>$1,895,120</td>
<td>$154,975.50</td>
<td>$9,884</td>
<td>$2,088.55</td>
<td>$1,828,072.00</td>
<td>2013/14</td>
<td>2018/19</td>
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<tr>
<td>Fund 3410 Streets</td>
<td>Right Turn Lane McHenry to Briggsmore</td>
<td>63.77%</td>
<td>36.23%</td>
<td>$525,300</td>
<td>$361,954.57</td>
<td>16,728</td>
<td>$47,792.43</td>
<td>$98,825.00</td>
<td>2016/17</td>
<td>2017/18</td>
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<tr>
<td>Fund 3410 Streets</td>
<td>Traffic Model Maintenance</td>
<td>100.00%</td>
<td></td>
<td>$400,000</td>
<td>$251,084.25</td>
<td>$</td>
<td>$(31,759.75)</td>
<td>$117,156.00</td>
<td>2011/12</td>
<td>2017/18</td>
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<tr>
<td>Fund 3410 Streets</td>
<td>Palatine I/C Monument Sign</td>
<td>70.34%</td>
<td>29.66%</td>
<td>$397,819</td>
<td>$152,575.11</td>
<td>$217,916</td>
<td>$(227,081.89)</td>
<td>$246,000</td>
<td>2014/15</td>
<td>2018/17</td>
</tr>
<tr>
<td>Fund 3410 Streets</td>
<td>Kodial/ Lincoln Oak Roundabout</td>
<td>100.00%</td>
<td></td>
<td>$348,177</td>
<td>$(70,047.81)</td>
<td>$</td>
<td>$(259,841.19)</td>
<td>$(18,448.00)</td>
<td>2014/15</td>
<td>2016/17</td>
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Subtotals: $2,946,710.75

<table>
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<tr>
<th>Project Number</th>
<th>Project Name</th>
<th>% Funded by Fee</th>
<th>% Funded by Other</th>
<th>Budget</th>
<th>Original FY Expenditures</th>
<th>Committed Funds</th>
<th>FY 2015-16 Expenditures</th>
<th>Balance Available</th>
<th>Estimated Construction Start FY</th>
<th>Estimated Construction End FY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3430 Air Quality</td>
<td>MUC Bike Path Phase 2</td>
<td>29.66%</td>
<td>70.34%</td>
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<td>$(6,600.77)</td>
<td>$</td>
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<td>$697,242.00</td>
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Subtotals: $3,957.23

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<th>% Funded by Other</th>
<th>Budget</th>
<th>Original FY Expenditures</th>
<th>Committed Funds</th>
<th>FY 2015-16 Expenditures</th>
<th>Balance Available</th>
<th>Estimated Construction Start FY</th>
<th>Estimated Construction End FY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3440 Parks</td>
<td>Lighting Playgound &amp; Shade</td>
<td>100.00%</td>
<td></td>
<td>$285,834</td>
<td>$(2,555.00)</td>
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<td>$(283,275.00)</td>
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<td>2016/17</td>
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<tr>
<td>Fund 3440 Parks</td>
<td>MGCIP Maintenance Facility</td>
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<td>$500,000</td>
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<td>$(4,794.71)</td>
<td>$495,203.00</td>
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Subtotals: $4,794.71

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<th>Project Number</th>
<th>Project Name</th>
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<th>% Funded by Other</th>
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<th>Original FY Expenditures</th>
<th>Committed Funds</th>
<th>FY 2015-16 Expenditures</th>
<th>Balance Available</th>
<th>Estimated Construction Start FY</th>
<th>Estimated Construction End FY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3480 Administration</td>
<td>2008 Streets CFF Update</td>
<td>100.00%</td>
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<td>$154,120</td>
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<td>$(39,517.00)</td>
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</tbody>
</table>

Subtotals: $39,517.00

| Subtotals | Total                           | $(2,946,710.75) |

---

* Financial data is current as of September 15, 2016
RESOLUTION AMENDING SECTION 1 (CITIZEN PARTICIPATION PLAN) OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on October 25, 2016, by Resolution No. 2016-425, the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS, an amendment to Section 1 (Citizen Participation Plan) of the HUD Policies & Procedures Manual is proposed to reflect current goals and policies as set forth in 24 Code of Federal Regulations, and

WHEREAS, on November 16, 2016, the City of Modesto’s Citizen’s Housing & Community Development Committee reviewed, approved and forwarded an amended Section 1 (Citizen Participation Plan) of the HUD Policies & Procedures Manual, to the City Council for review and approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby amends Section 1 (Citizen Participation Plan) of the Housing and Urban Development Policies & Procedures Manual, as set forth in Exhibit A.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of December, 2016, by Councilmember
Ridenour, who moved its adoption, which motion being duly seconded by
Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: __________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: __________________________

ADAM U. LINDGREN, City Attorney
Section 1

City of Modesto
Citizen Participation Plan
For HUD Programs

City Of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95354
www.cityofmodesto.com
housing@modestogov.com
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City of Modesto
Citizen Participation Plan

1. INTRODUCTION
1.1. The City of Modesto (City) is a federal entitlement jurisdiction that receives federal grant funding from the U.S. Department of Housing and Urban Development (HUD) for the following programs: Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grants (ESG).

1.2. As a requirement for receiving the above named entitlement grants, the City is required to prepare the following documents:

1.2.1. Consolidated Plan: A five year Consolidated Plan to identify local community development needs and set forth a funding strategy to address those needs.

1.2.2. Annual Action Plan: An Annual Action Plan that summarizes the activities that will be undertaken in the upcoming Fiscal Year (FY) to address the needs outlined in the Consolidated Plan.

1.2.3. Consolidated Annual Performance Evaluation Report (CAPER): A Performance Report that evaluates the progress during the fiscal year in carrying out the activities outlined in the Annual Action Plan.

1.2.4. Assessment of Fair Housing: Identify local and regional fair housing issues and set goals for improving fair housing choice and access to opportunity. Assessment of Fair Housing uses the Assessment of Fair Housing tool to guide grantees through the identification process of fair housing issues and related contributing factors.

1.3. Under HUD’s Code of Federal Regulations for the Consolidated Plan (24 CFR Part 91 Sec.91.105), the City must adopt a Citizen Participation Plan that sets forth the City’s policies and procedures for citizen participation in the planning, execution, and evaluation of the Assessment of Fair Housing, Consolidated Plan, Annual Action Plan and CAPER. The guidelines established in this Citizen Participation Plan apply to the development and adoption of all of the above-listed documents (hereafter referred to as “the Plans”).

2. OBJECTIVE
2.1. The Citizen Participation Plan establishes standards to promote citizen participation in the development of the Plans and related documents. The Citizen Participation Plan is designed to especially encourage participation by low and moderate-income persons, including those living in blighted areas. As an entitlement jurisdiction for the respective HUD programs, the City is responsible for the implementation of the Citizen Participation Plan.
3. CITIZEN PARTICIPATION
3.1. The City provides for and encourages the participation of residents and stakeholders in the development of all the documents covered by the Citizen Participation Plan. The City further encourages participation by low- and moderate-income persons, particularly those living in blighted areas, in areas where HUD funds are proposed to be used and by residents of predominantly low- and moderate-income neighborhoods. The City encourages participation in all stages of the Consolidated Planning process by all residents, including minorities and non-English speaking persons, as well as persons with mobility, visual, or hearing impairments, and residents of assisted housing developments and recipients of tenant-based assistance.

4. CONSULTATION REQUIREMENTS (24 CFR 91.100)
4.1. In the development of the Plans, the City will consult other public and private agencies and public organizations including but not limited to those providing:
   4.1.1. Assisted housing;
   4.1.2. Health services; and
   4.1.3. Social services and fair housing services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, economic development, neighborhood development and other housing and community development services).

4.2. When preparing the section of the Plans describing the City's homeless strategy and the resources to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) and persons at risk of homelessness, the City will consult with:
   4.2.1. The local Continuum of Care;
   4.2.2. Public and private agencies that address housing, health, social service, victim services, employment, or education needs of low-income individuals and families; homeless individuals and families, including homeless veterans; youth; and/or other persons with special needs;
   4.2.3. Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and
   4.2.4. Business and civic leaders.

4.3. When preparing the portion of the Plans concerning lead-based paint hazards, the City will consult with State or local health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead poisoned.
4.4. When preparing the description of priority non-housing community development needs, the City of Modesto will notify adjacent units of general local government, to the extent practical.

4.5. The City of Modesto will consult with adjacent units of general local government, such as adjacent HUD entitlement jurisdictions and local government agencies with metropolitan-wide planning responsibilities, particularly for problems and solutions that go beyond the City's jurisdiction.

4.6. The City of Modesto will consult with the Housing Authority of the County of Stanislaus (HACS), the local public housing agency (PHA), concerning consideration of public housing needs, planned programs and activities, the Assessment of Fair Housing, strategies for affirmatively furthering fair housing, and proposed actions to affirmatively further fair housing in the consolidated plan.

4.7. The City will consult with community based and regionally based organizations that represent protected class members, and organizations that enforce fair housing laws, such as State or local fair housing enforcement agencies, fair housing organizations and other nonprofit organizations that receive funding under the Fair Housing Initiative Program (FHIP), and other public and private fair housing service agencies operating within the City. Consultation will occur, at a minimum, during the fair housing planning process, in the development of the Assessment of Fair Housing and the Consolidated Plan. Consultation on the Consolidated Plan will specifically seek input into how the goals identified in the accepted Assessment of Fair Housing informed the priorities and objectives of the Consolidated Plan.

4.8. As a recipient of ESG fundS, the City will consult with the Continuum of Care in determining how to allocate its ESG funds toward eligible activities; in developing the performance standards for, and evaluating the outcomes of, projects and activities assisted by ESG funds; and in developing funding, policies, and procedures for the operation and administration of the Homeless Management Information System (HMIS).

4.9. In addition, in accordance to the ESG Final Rule requirements, the City will consult with the following entities in the planning for ESG related activities:

4.9.1. Public and private agencies that address housing, health, social service, victim services, employment, or education needs of low-income individuals and families;

4.9.2. Homeless individuals and families, including homeless veterans; youth; and/or other persons with special needs;

4.9.3. Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and
4.9.4. Business and civic leaders.

4.10. A variety of mechanisms may be utilized to solicit input from the persons/service providers/agencies listed above. These include posting and/or mailing notices of public meetings and hearings, telephone or personal interviews, mail surveys, internet-based feedback and consultation workshops.

5. AVAILABILITY OF DRAFT AND APPROVED DOCUMENTS

5.1. When developing the Consolidated Plan and the Assessment to Fair Housing, the following criteria will apply:

5.1.1. As soon as feasible after the start of the public participation process, the HUD provided data and any other supplemental information to be incorporated into the Assessment of Fair Housing will be made available to the residents, public agencies, and any other interested parties.

5.1.2. The City of Modesto may make the HUD provided data available to the public by cross-referencing the data on HUD’s website.

5.2. The draft versions of Consolidated Plans and Annual Action Plans will make available to residents, public agencies, and other interested parties information that includes the estimated amount the City expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low and moderate income.

5.3. The draft and final versions Consolidated Plans, Annual Action Plans, CAPERs, Assessments of Fair Housing, and Citizen Participation Plans, and all related amendments, will be made available for public review online at the City of Modesto Housing and Urban Development Publications and Reports website: https://www.modestogov.com/1848/Publications-Reports. Public review periods will vary as outlined in Section 7.4, below.

5.4. Hard copies of the documents will be available at the City of Modesto, Community Development Division, 1010 10th Street, Suite 3100, 3rd Floor, Modesto, California, 95354.

5.5. Written comments will be accepted by the Community Development Manager, or designee, during public review periods. A summary of the comments received, written and verbal, will be attached to the final Consolidated Plans, Annual Action Plans, Substantial Amendments, approved CAPERs, or draft Assessments of Fair Housing prior to submission to HUD. Copies will be made available following the process described in Section 7.4 of this document.

6. AMENDMENTS

6.1. Amendments will be necessary whenever any of the criteria under each Plan listed below is proposed. Substantial amendments to any of the Plans will be subject to Citizen Participation Plan requirements.
6.2. **Consolidated Plan Amendment Considerations**

6.2.1. A “substantial change” to a Consolidated Plan is defined as an addition or deletion of Consolidated Plan priorities or goals.

6.2.2. All other changes may be handled administratively and are not subject to the public hearing requirements of this Citizen Participation Plan; however, public outreach and City Council approval will be conducted as required by City practice.

6.3. **Citizen’s Participation Plan Amendment Considerations**

6.3.1. A “substantial change” to a Citizen’s Participation Plan is defined as an addition or deletion of Citizen’s Participation Plan priorities or goals.

6.3.2. All other changes may be handled administratively and are not subject to the public hearing requirements of this Citizen Participation Plan.

6.4. **Annual Action Plan Amendment Considerations**

6.4.1. A “substantial change” to an Annual Action Plan is defined as:

6.4.1.1. Addition of a new activity not previously identified in the Annual Action Plan;

6.4.1.2. Deletion or cancelation of an activity identified in the Annual Action Plan which has NOT been deemed ineligible or determined to be infeasible (provided any allocated funds are transferred to another approved activity as part of a subsequent Annual Action Plan approval); and

6.4.1.3. The addition of new CDBG Public Service or ESG award grantees.

6.4.2. All other changes may be handled administratively and are not subject to the public hearing requirements of this Citizen Participation Plan; however, public outreach and City Council approval will be conducted as required by City practice. The following changes are considered administrative:

6.4.2.1. Proportional adjustment to CDBG Public Service and ESG award amounts to accommodate actual HUD allocations amounts (provided new sub-recipients are not awarded funds);

6.4.2.2. Reallocation of funds, not exceeding an amount of $100,000 between activities approved in the current or prior Annual Action Plan; and

6.4.2.3. Reallocation of fund balance, in any amount, from a completed activity to another approved activity.

6.4.3. In any case where the reallocation of funds occurs, the reallocation will be reported accordingly in the respective fiscal year CAPER.

6.5. **Assessment of Fair Housing**

6.5.1. A “substantial change” to an Assessment of Fair Housing is defined as:

6.5.1.1. A material change occurs. A material change shall be a change in circumstances within the City that affects the
information on which the Assessment of Fair Housing is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the Assessment of Fair Housing no longer reflect actual circumstances. Examples include, but are not limited to:

6.5.1.1.1. A Presidentially declared disaster within the City of Modesto that is of such nature as to significantly impact the steps the City may need to take to affirmatively further fair housing;

6.5.1.1.2. Significant demographic changes;

6.5.1.1.3. New significant contributing factors within the City of Modesto; and

6.5.1.1.4. Civil rights findings, determinations, settlements, or court orders.

6.5.1.2. HUD’s written notification specifying a material change that requires revision.

7. PUBLIC HEARINGS, NOTIFICATION AND ACCESS

7.1. The City will follow the following procedure in conducting public hearings and providing notification and access to all Consolidated Plan documents discussed in this Citizen Participation Plan:

7.2. Public Hearing Process

7.2.1. The City will conduct at least two public hearings per year to obtain citizens’ views and comments on planning documents during the public review and comment period. These meetings will be conducted at different times of the program year and together will cover the following topics:

7.2.1.1. Housing and Community Development Needs

7.2.1.2. Development of Proposed Activities

7.2.1.3. Review of Program Performance

7.2.2. At least one public hearing before the Citizens’ Housing and Community Development Committee (CHCDC) prior to the publication of the draft documents will be held to obtain the views and input of citizens, public agencies, and other interested parties. The City, at its discretion, may conduct additional outreach, public meetings or public hearings as necessary to foster citizen access and engagement.

7.3. Public Hearing Notification

7.3.1. Notices will be printed/posted at least 14 days prior to the meeting date. Noticing may include:

7.3.1.1. Printing a public notice in newspaper(s) of general circulation in the City;

7.3.1.2. Display ads and/or press releases; and/or

7.3.1.3. Posting notices at City Hall.
7.3.2. Notices will include information on the subject and topic of the meeting including summaries when possible and appropriate to properly inform the public of the meeting. Notices may be published in additional languages as appropriate and will be accessible to those with disabilities. Meeting location and access is described below.

7.4. **Public Review/Comment Period**

7.4.1. Public notices will be printed / posted prior to the commencement of any public review/comment period alerting citizens of the documents for review. The minimum public comment/review period for each Consolidated Plan document is listed below:

<table>
<thead>
<tr>
<th>Document</th>
<th>Public Comment Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consolidated Plan</td>
<td>30 days</td>
</tr>
<tr>
<td>Action Plan</td>
<td>30 days</td>
</tr>
<tr>
<td>Substantial Amendments</td>
<td>30 days</td>
</tr>
<tr>
<td>CAPER</td>
<td>15 days</td>
</tr>
<tr>
<td>Assessment of Fair Housing</td>
<td>30 days</td>
</tr>
<tr>
<td>Citizen Participation Plan</td>
<td>30 days</td>
</tr>
</tbody>
</table>

7.4.2. Copies of all documents and notices will be available for public review at the following location:

City of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, California, 95354

7.4.3. Documents and notices will also be posted to the City of Modesto website at: [https://www.modestogov.com/1848/Publications-Reports](https://www.modestogov.com/1848/Publications-Reports)

7.5. **Access to Meetings**

7.5.1. Unless otherwise noted, Public Hearings requiring City Council action will be conducted at City Council meetings located at 1010 10th Street, Lower Level (Basement), Modesto, California, 95354. For public meetings not requiring City Council participation, the City will make every effort to conduct such meetings at a location within the low- and moderate-income target areas accessible and convenient to potential and actual beneficiaries. The City will work with neighborhood groups and other stakeholders for guidance in selecting meeting locations and times.

7.5.2. It is the intent of the City to comply with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1965 and related statutes in all respects. If an attendee or participant at a public hearing and/or meeting needs special assistance beyond what is normally provided, the
City will attempt to accommodate these people in every reasonable manner.

7.6. Access to Records
7.6.1. Approved Plan documents will be kept on file by the City at the Community and Economic Development Department, 1010 10th Street, Suite 3100, Modesto, California, 95354 and online at: https://www.modestogov.com/1848/Publications-Reports. Copies of the Plans can be made available to those requesting the Plans.

7.6.2. The City will ensure timely and reasonable access to information and records related to the development of the Plans and related documents, and the use of HUD funds from the preceding five (5) years.

7.6.3. Requests for information and records must be made to the City in writing. Staff will respond to such requests within fifteen (15) working days or as soon as possible thereafter.

7.7. Technical Assistance
7.7.1. The City will provide technical assistance, particularly to groups or individuals representing persons with very low or low incomes. Said assistance shall be used to develop funding proposals for assistance under any of the formula programs covered by the Consolidated Plan. City staff shall determine the necessary level and degree of assistance. Such technical assistance might include, but is not limited to, the following:
    7.7.1.1. Assisting with forms/applications;
    7.7.1.2. Explaining the process for submitting proposals;
    7.7.1.3. Explaining federal and local requirements;
    7.7.1.4. Providing comments and advice on the telephone or in meetings; and/or
    7.7.1.5. Reviewing and commenting on draft proposals.

7.8. Comments and Complaints
7.8.1. Written and verbal comments received at public hearings, public meetings, or during the comment period will be summarized and considered in the development of the Plans and related documents subject to this Citizen Participation Plan, and included as an attachment to final Plans and related documents submitted to HUD. Written comments are strongly encouraged and should be addressed to:

City of Modesto
Community and Economic Development Department
Attn: Community Development Manager
1010 10th Street, Suite 3100
Modesto, California, 95354
7.8.2. A complaint regarding any the Plans and related documents covered by this Citizen Participation Plan must be submitted in writing to the Community Development Manager.

7.8.3. The City will accept written complaints provided they specify:
7.8.3.1. The description of the objection, and supporting facts and data; and
7.8.3.2. Provide name, address, and telephone number of complainant and date of complaint.

7.8.4. Pursuant to the Code of Federal Regulations (Section 24, CFR 91.105 (j)), a written response will be made to all written complaints within fifteen (15) working days, acknowledging the letter and identifying a plan of action, if necessary.

7.9. **Individuals with Limited English Proficiency**

7.9.1. In compliance with Title VI of the Civil Rights Act of 1964, the City will take responsible steps to ensure meaningful access to benefits, services, information, and other important aspects of the programs covered by the Plans and related documents for individuals with Limited English Proficiency. If an individual or participant with Limited English Proficiency needs assistance beyond what is normally provided, the City will attempt to accommodate their request in every reasonable manner.

7.9.2. If anyone needs any information related to the Plans and related documents in an alternate format, please contact the City of Modesto ADA Title II/Civil Rights Title VI Coordinator at (209) 577-5282.

8. **ANTI-DISPLACEMENT AND RELOCATION POLICY AND PLAN**

8.1. **Anti-Displacement Policy**

8.1.1. The City seeks to minimize, to the greatest extent feasible, the involuntary displacement, whether permanently or temporarily, of persons (families, individuals, businesses, nonprofit organizations, or farms) from projects funded with CDBG, ESG, or HOME involving single or multi-family rehabilitation, acquisition, commercial rehabilitation, demolition, economic development, or capital improvement activities.

8.1.2. Projects that the City deems beneficial but that may cause displacement may be recommended and approved for funding only if the City of Modesto demonstrates that such displacement is necessary and vital to the project and that they take efforts to reduce the number of persons displaced. Further, it must be clearly demonstrated that the goals and anticipated accomplishments of a project outweigh the adverse effects of displacement imposed on persons who must relocate.
8.1.3. This section describes the City's Anti-displacement and Relocation Plan and how it will assist persons who will be temporarily relocated or permanently displaced due to the use of HUD funds. This plan takes effect whenever the City sponsors projects using CDGB, ESG, or HOME funds that involve the following:

8.1.3.1. Property acquisition; or
8.1.3.2. The demolition or conversion of low- and moderate-income dwelling units.

8.2. Background

8.2.1. Two acts apply whenever any of the above issues are present:

8.2.1.1. The Uniform Relocation Assistance and Real Property Policies Act of 1970 (URA); and
8.2.1.2. Section 104(d) of the Housing and Community Development Act of 1974.

8.2.2. Each of these acts place different obligations on the City.

8.2.3. The URA governs the processes and procedures which the City must follow to minimize the burden placed on low- and moderate-income tenants, property owners, and business owners who must move (either temporarily or permanently) as the result of a project funded in whole or in part by the CDBG, ESG, or HOME programs. The URA applies to:

8.2.3.1. Displacement that results from acquisition, demolition, or rehabilitation for HUD-assisted projects carried out by public agencies, nonprofit organizations, private developers, or others;
8.2.3.2. Real property acquisition for HUD-assisted projects (whether publicly or privately undertaken);
8.2.3.3. Creation of a permanent easement or right of way for HUD-assisted projects (whether publicly or privately undertaken); and
8.2.3.4. Work on private property during the construction of a HUD-assisted project even if the activity is temporary.

8.3. What is Displacement?

8.3.1. Displacement occurs when a person moves as a direct result of federally assisted acquisition, demolition, conversion, or rehabilitation activities, because he or she is:

8.3.1.1. Required to move; or
8.3.1.2. Not offered a decent, safe, sanitary and affordable unit in the project;
8.3.1.3. Treated "unreasonably" as part of a permanent or temporary

---

1 Persons who voluntarily participate in a CDBG, ESG, or HOME funded rehabilitation activity may only qualify for relocation assistance when no other housing options are available to them.
move.

8.3.2. A person may also be considered displaced if the necessary notices are not given or provided in a timely manner and the person moves for any reason.

8.4. **What is a Displaced Person?**

8.4.1. The term displaced person means any person that moves from real property or moves his or her personal property from real property permanently as a direct result of one or more of the following activities:

8.4.1.1. Acquisition of real property, in whole or in part, for a project;

8.4.1.2. Rehabilitation or demolition of real property for a project;

8.4.2. The City may offer advisory and financial assistance to eligible tenants (or homeowners) who meet the above definition.

8.5. **Persons Not Eligible for Assistance**

8.5.1. A person is not eligible for relocation assistance under the provisions of the URA if any of the following occurs:

8.5.1.1. The person was evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State, or local law, or other good cause. However, if the person was evicted only to avoid the application of URA, then that person is considered displaced and is eligible for assistance;

8.5.1.2. The person has no legal right to occupy the property under State or local law;

8.5.1.3. The City determines that the person occupied the property to obtain relocation assistance and the HUD Field Office concurs in that determination;

8.5.1.4. The person is a tenant-occupant that moved into the property after a certain date, specified in the applicable program regulation, and, before leasing and occupying the property, the City provided the tenant-occupant written notice of the application for assistance, the project's impact on the person, and the fact that he or she would not qualify as a "displaced person" because of the project;

8.5.1.5. The person is a tenant-occupant of a substandard dwelling that is acquired or a tenant-occupant of a dwelling unit to which emergency repairs are undertaken and the HUD field office concurs that:

8.5.1.5.1. Such repairs or acquisition will benefit the tenant;

8.5.1.5.2. Bringing the unit up to a safe, decent, and sanitary condition is not feasible;

8.5.1.5.3. The tenant's new rent and average estimated monthly utility costs will not exceed the greater of:
the old rent/utility costs or 30 percent of gross household income; and

8.5.1.4. The project will not impose any unreasonable change in the character or use of the property.

8.5.1.6. The person is an owner-occupant of the property who moves because of an arm’s length acquisition;

8.5.1.7. The City notifies the person that they will not displace him or her for the project;

8.5.1.8. The person retains the right of use and occupancy of the real property following the acquisition; or

8.5.1.9. The City determines that the person is not displaced as a direct result of the acquisition, rehabilitation, or demolition for the project and the HUD field office concurs in the determination.

8.6. Minimizing Displacement

8.6.1. The City will take reasonable steps to minimize displacement occurring as a result of its CDBG, ESG, and HOME activities. This means that the City will:

8.6.1.1. Consider if displacement will occur as part of funding decisions and project feasibility determinations;

8.6.1.2. Assure, whenever possible that occupants of buildings to be rehabilitated are offered an opportunity to return;

8.6.1.3. Plan substantial rehabilitation projects in “stages” to minimize displacement; and

8.6.1.4. Meet all HUD notification requirements so that affected persons do not move because they have not been informed about project plans and their rights.

8.7. Displacement Assistance

8.7.1. Consistent with the goals and objectives of the CDBG, ESG, and HOME programs, the City will take all reasonable steps necessary to minimize displacement of persons, even temporarily. If displacement occurs, the City will provide relocation assistance to all persons directly, involuntarily, and permanently displaced according to HUD regulations.

8.7.2. If the City temporarily displaces a low- or moderate-income household, that household becomes eligible for certain relocation payments. The assistance applies to those persons residing in the residence at the time the application is processed and is based on the following procedures:

8.7.2.1. If the structure and its occupants are determined eligible for temporary relocation assistance, the owner-occupants and/or tenants are eligible for the actual reasonable cost (based on fair market rent) of temporary lodging facilities until the structure is determined habitable by a housing or building inspector authorized by the City to make the determination;

8.7.2.2. The City must approve housing and the Lessor and Lessee
must sign a rent agreement before move-in. Housing must be comparable functionally to the displacement dwelling and decent, safe, and sanitary. This does not mean that the housing must be in comparable size. The term “functionally equivalent” means that it performs the same function, has the same principal features present, and can contribute to a comparable style of living. Approved lodging accommodations include apartments and houses. The City of Modesto does not reimburse “rental expenses” for living with a friend or family member;

8.7.2.3. The City may facilitate moving and storage of furniture with a moving company;
8.7.2.4. Damage deposits, utility hookups, telephone hookups and insurance costs are not eligible for reimbursement; and
8.7.2.5. The City may pay the cost of relocation assistance from available Federal funds.

8.8. One-For-One Replacement Dwelling Units
8.8.1. The City will generally avoid awarding funds for activities resulting in displacement. However, should the City fund an activity, specific documentation is required to show the replacement of all occupied and vacant dwelling units demolished or converted to another use. The following exception applies to the demolition of units:
8.8.1.1. Vacant blighted dwelling units that have been determined by the City to be unsafe for human occupancy and subsequently demolished using federal funds shall not require replacement.

8.8.2. Should the City fund an activity resulting in displacement, the City will assure that relocation assistance is provided as described in 24 CFR 570.606(b)(2).

8.8.3. Consistent with the goals and objectives of the CDBG, ESG, and HOME programs, the City will take all reasonable steps necessary to minimize displacement of persons from their homes. The City will avoid funding projects that cause displacement of persons or businesses and will avoid funding any project that involves the conversion of low- and moderate-income housing to non-residential purposes.
RESOLUTION APPROVING AN AGREEMENT WITH PIERCE MANUFACTURING INC. TO LEASE WITH THE OPTION TO PURCHASE FIVE PIERCE VELOCITY PUMPERS AND TWO VELOCITY TILLERS FOR A TOTAL COST OF $5,883,756.

WHEREAS, the Modesto Fire Department is currently the only department in the City without a fleet replacement program. Overall, the fleet consists of vehicles that range in age from one (1) to 27 years, with an average age of just over 12 years, and

WHEREAS, given the age, condition and high use of MFD’s fire vehicles, maintenance and replacement is viewed as a critical issue and one that needs to be addressed, and

WHEREAS, in an effort to best evaluate how to address this issue a committee comprised of representatives from the Fire Department, City Fleet, City Finance, and City Purchasing was established to recommend a fleet replacement program, and

WHEREAS, the committee reviewed several options for apparatus replacement and compared costs, viability, and sustainability, and

WHEREAS, through a competitive procurement process completed through the Houston-Galveston Area Council (H-GAC) the City will be “piggybacking” on the contract with Pierce Manufacturing Inc., Appleton, WI, which will conform to MMC Section 8-3.202(h), and

WHEREAS, staff recommends entering into a contract with Pierce Manufacturing (Pierce) and PNC Financial (PNC) five (5) Velocity Pumpers and two (2) Velocity Tillers through the “Pierce Financial Solutions for Fleet Replacement” program. The lease term
would be ten (10) years for all equipment which would establish a fleet replacement program that can then be evaluated, and

WHEREAS, the Great Safe Neighborhoods Committee reviewed this item on February 9th, 2016 and recommended it be forwarded to Council for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Pierce Manufacturing Inc. to lease with the option to purchase five (5) Velocity Pumpers and two (2) Velocity Tillers for a total cost of $5,883,756.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6\textsuperscript{th} day of December, 2016, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember Ah You,
was upon roll call carried and the resolution adopted by the following vote:

\begin{itemize}
\item AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
\item NOES: Councilmembers: None
\item ABSENT: Councilmembers: None
\end{itemize}

\textbf{ATTEST:} \hspace{2cm} \underline{Stephani Lopez}, City Clerk

(SEAL)

\textbf{APPROVED AS TO FORM:}

By: \underline{Adam U. Lindgren}, City Attorney
RESOLUTION APPROVING THE LEASE TERMS SET FORTH BY PNC EQUIPMENT FINANCE.

WHEREAS, staff has considered the various alternatives for financing this purchase and concluded the use of third-party financing through PNC Equipment Finance at a 10 year term is the most cost-effective means of acquiring the apparatus at this time, and

WHEREAS, the terms of financing through PNC Equipment will allow the City to receive a credit towards the purchase price of $242,041.60, and

WHEREAS, the lease agreement calls for ten (10) annual payments of $598, 538, for a total cost of $5,985,377 (principal + interest) and

WHEREAS, a budget enhancement from the general fund in FY 2017-2018 of $598,538 would be required, and

WHEREAS, if the city wishes to purchase the apparatus, a balloon payment of $954,214 would be due at the end of the lease, and

WHEREAS, savings from maintenance and repairs and the sale of used equipment would offset the fiscal impact in the remaining fiscal years of the agreement, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease terms set forth by PNC Equipment Finance.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney

12/06/2016/Pirel Item 22 2 2016-491
RESOLUTION AMENDING THE FY 2016-2017 GENERAL FUND OPERATING BUDGET TO CAPTURE THE CAPITAL LEASE PURCHASE FOR THE LEASE PAYMENT OF FIVE (5) VELOCITY PUMPERS AND TWO (2) VELOCITY TILLERS FOR A TOTAL COST OF $5,985,377 IN ACCORDANCE WITH GENERAL ACCEPTED ACCOUNTING PRINCIPLE (GAAP) REQUIREMENTS.

WHEREAS, the total lease cost for five (5) Velocity Pumpers and two (2) Velocity Tillers is $5,985,377, and

WHEREAS, a budget adjustment is required if this item is approved to meet General Accepted Accounting Principle (GAAP) requirements, and

WHEREAS, the adjustment will increase both revenue and expense budgets to capture the technical accounting entry, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a budget adjustment for technical accounting purposes for the lease of five (5) Velocity Pumpers and two (2) Velocity Tillers for a total cost of $5,985,377.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney