RESOLUTION APPROVING THE 2019 CITY CALENDAR OF REGULARLY SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITTEE MEETINGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2019 City Council Meeting Calendar, attached hereto as Exhibit “A,” and the 2019 Council Standing Committee Meeting Calendar Exhibit “B,” are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, 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: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
# City Council Calendar 2019

## January 2019

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* January 1<sup>st</sup> and January 8<sup>th</sup> due to Winter Break
** March 26<sup>th</sup> due to Spring Break
*** August 7<sup>th</sup> Wednesday Meeting due to National Night Out on August 6<sup>th</sup>
City of Modesto Council and Standing Committees Calendar
2019 DRAFT

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Council  
- Economic Development Committee  
- Appointment & Audit Committees - As needed  
- Safety & Communities Committee  
- Finance Committee

*Meeting dates are subject to change at the request of Council  
Calendar by the City Clerk's Office 9/26/2018
RESOLUTION APPROVING AN AMENDED AND RESTATED JOINT POWERS AGREEMENT FOR THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDED AND RESTATED AGREEMENT

WHEREAS, the City of Modesto is a party to the Joint Powers Agreement establishing the Stanislaus Council of Governments dated July 18, 2017 (JPA); and

WHEREAS, on August 15, 2018, the StanCOG Policy Board unanimously approved by Resolution 18-06 an amendment to the JPA and Bylaws; and

WHEREAS, the amendment provided for the Policy Board to designate a Public Transportation Provider representative from among its members in accordance with the Moving Ahead for Progress in the 21st Century Act (Map-21); and

WHEREAS, this member will represent a jurisdiction that operates public transit, either directly or through a contractual arrangement and will serve in a dual capacity as the representative of its jurisdiction as well as the designated representative of the interests of public transportation providers; and

WHEREAS, this member will serve a term consistent with his or her term of office; and

WHEREAS, this member has only one “vote” as the representative of his/her jurisdiction; and

WHEREAS, the corresponding revisions were made to the Bylaws attached to the JPA as Amendment “A”; and

WHEREAS, Section 31 of the JPA provides that the JPA may be amended upon ratification by resolution of 75% of the member agencies representing 75% of the
population of the County of Stanislaus as determined by the most recent Decennial Census.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Modesto, as a party to the JPA, approves the amended and restated Joint Powers Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, 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]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
AMENDED AND RESTATE JOINT POWERS AGREEMENT ESTABLISHING THE
STANISLAUS COUNCIL OF GOVERNMENTS

THIS AGREEMENT, made and entered into in the County of Stanislaus, State of
California, this ___ day of _____________, 201 __, is between the Cities of Ceres, Hughson,
Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, all municipal
corporations, and the County of Stanislaus, a political subdivision of the State of California. The
municipal corporations are sometimes referred to individually as “City” and collectively as
“Cities.” The County of Stanislaus is sometimes referred to as “County.” The Cities and County
are sometimes referred to individually as a “Party” and collectively as “Parties.”

WITNESSETH:

1. RECITALS.

1.1. Common Power. Chapter 5 of Division 7 of Title 1 (Sections 6500, et seq.)
of the California Government Code authorizes two (2) or more public agencies, by a joint powers
agreement entered into respectively by them and authorized by their legislative or governing
bodies, to exercise jointly any power or powers common to the contracting parties.

1.2. Common Authority. The City of Modesto, by virtue of its charter, and the
Cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, by
virtue of California Government Code Section 65600 through 65604, inclusive, possess in
common the authority:

1.2.1. To study, discuss, and develop solutions to area-wide problems of
direct concern to the performance of their constitutional and statutory functions and to establish
an area planning organization and expend public funds for these purposes.

1.2.2. To do all acts necessary to participate in federal programs and
receive federal funds for health, education, welfare, public works, and community improvement
activities, including contracting and cooperating with other agencies.

1.3. Orderly Development. The people residing within the incorporated and
unincorporated areas of Stanislaus County have an interest in the orderly development of their
communities.

1.4. Independent Agency. The continued growth and extensive development
within the incorporated and unincorporated areas of Stanislaus County evidenced a need to create
a wholly independent regional agency capable of dealing with area-wide issues and problems.

1.6. Effects. The establishment of STANISLAUS COUNCIL OF GOVERNMENTS (hereinafter referred to as “StanCOG”) has:

1.6.1. Provided a forum to study and develop solutions to area-wide problems of mutual concern to the various governmental entities in Stanislaus County.

1.6.2. Provided efficiency and economy in governmental operations through the cooperation of member governments and the pooling of common resources.

1.6.3. Provided for the establishment of an agency responsible for identifying, planning, and developing solutions to regional problems requiring multijurisdictional cooperation.

1.6.4. Provided for the establishment of an agency capable of developing regional plans and policies and performing area-wide duties.

1.6.5. Facilitated cooperation among and agreement between local governmental bodies for specific purposes, interrelated development actions, and for the adoption of common policies with respect to issues and problems which are common to its members.

1.7. Amendment. The Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford and the County of Stanislaus, at this time, desire to amend that certain joint powers agreement of June 5, 2001, as subsequently amended on December 12, 2007, April 5, 2016 and January 26, 2017 and enter into this Amended and Restated Agreement in order to establish the duties and powers of the STANISLAUS COUNCIL OF GOVERNMENTS.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

2. STATEMENT OF PURPOSE

The member Cities and the County have joined together to establish the Stanislaus Council of Governments for the following purposes:

2.1. Area-Wide Opportunities. A number of opportunities and issues within the area are either area-wide in nature or have area-wide aspects or implications, including, but not limited to transportation, air quality, land use, economic development, job creation, and the reduction of unemployment.
2.2. **Need.** There is a demonstrated need for the establishment of an organization of the Cities and the County within the area to provide a forum for study and development of recommendations to area-wide problems of mutual interest and concern to the Cities and the County and to facilitate the development of policies and action recommendations for the solution of problems.

2.3. **Independent Review.** The Cities and the County wish to create an area-wide organization which will independently review and make comments to the member Cities and the County regarding projects which receive state or federal funding.

2.4. **Elected Officials.** The Cities and the County believe that an area-wide planning organization, governed solely by elected officials from the Cities and the County, with a staff independent of any City or the County, is best suited for area-wide planning and review.

2.5. **Area-Wide Problems.** The Cities and the County, working together through this organization, can exercise initiative, leadership, and responsibility for solving area-wide problems.

2.6. **Allocation of Resources.** The Cities and the County share common area-wide problems and issues, and at the same time, have different needs and priorities and are affected in different ways by these common area-wide problems and issues. The resources of StanCOG shall be allocated in a manner so that the needs of any portion of the area are not ignored, recognizing, however, that resources are limited and that not all needs can be met, nor all portions of the area assisted equally at any one time.

3. **ESTABLISHMENT OF STANISLAUS COUNCIL OF GOVERNMENTS**

3.1. **Continued Public Entity.** Upon the effective date of this Agreement, the Parties hereto hereby continue the STANISLAUS COUNCIL OF GOVERNMENTS, as a public entity separate and distinct from its member entities, as the agent to exercise the common powers provided for in this Agreement and to administer or otherwise execute this Agreement.

3.2. **Continuation of Duties.** StanCOG is the successor entity to the Area Association of Governments established in 1971, insofar as its predecessor entity has been designated, and insofar as legally authorized, it shall continue to function, without interruption in its duties, as:

3.2.1. The Local Transportation Authority (LTA) as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Sections 180,000, et seq.

3.2.2. The Area-wide Planning Organization (APO) as designated by the U.S. Department of Housing and Urban Development (HUD);
3.2.3. The Metropolitan Planning Organization (MPO) as designated by the U.S. Department of Transportation; pursuant to Title 23 of United States Code, Section 134 (23 USC 134) and Title 49 of the United States Code, Section 5303(b)(2).

3.2.4. The Regional Transportation Planning Agency (RTPA) as designated by the Secretary of Business and Transportation Agency of the State of California; pursuant to California Government Code Sections 65080, et seq.

3.2.5. The regional planning representative, as designated by the parties hereto, for the purpose of acting upon any appropriate proposals which may be presented to the StanCOG Policy Board of Directors for consideration, or which the StanCOG Policy Board of Directors may elect to take up, and for transmission of proposed recommendations to Federal, State, and local agencies, including, but not limited to the member entities of StanCOG.

3.2.6. The Congestion Management Agency (CMA) as designated by the Stanislaus County Board of Supervisors, pursuant to California Government Code Sections 65088, et seq.

3.2.7. The Abandoned Vehicle Authority (AVA) as designated by the Stanislaus County Board of Supervisors, pursuant to California Vehicle Code, Section 22710(a).

4. **COOPERATION**

The Parties to this Agreement pledge full cooperation and agree to assign representatives to serve as official members of the StanCOG Policy Board or any committee or subcommittee thereof, which members shall act for and on behalf of their Cities or the County in any and all matters which shall come before StanCOG, subject to any necessary and legal approvals of their acts by the legislative bodies of the Cities and the County.

5. **MEMBER AGENCIES.**

StanCOG shall be composed of the County of Stanislaus and the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, together hereinafter referred to as the Member Agencies.

6. **BOARD AND VOTING**

6.1. **Board.** The Stanislaus Council of Governments shall be governed by a Board of Directors, herein referred to as the StanCOG Policy Board, the members of which shall be appointed by the Member Agencies as follows.

6.1.1. Five members of the Board of Supervisors of the County of Stanislaus, with each member having one vote.
6.1.2. Three members from the Modesto City Council, with each member having one vote.

6.1.3. One (1) member from each of the City Councils of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford (with the Mayor an eligible member), and each member having one (1) vote.

6.1.4. The members of the StanCOG Policy Board shall designate from among their members a “Public Transportation Provider” representative. Such representative shall be a member(s) who represents a jurisdiction that operates public transit, either directly or through a contractual or other arrangement. Member(s) shall serve in a dual capacity as the representative of its jurisdiction as well as a designated representative of the interests of public transportation providers.

6.1.5. A representative or his or her alternate must be present to vote.

6.2. Appointment and Term of Office. Members shall be appointed by the governing body of each Party and shall serve at the pleasure of their appointing body or until their respective successors are appointed. The term of office of each representative and alternate representative, should the alternate be an elected official, shall correspond with his or her term of office on the legislative body he or she represents. If a vacancy occurs, it shall be filled by a new appointment made by the appropriate Member Agency.

6.3. Alternate Representatives. Each Member Agency shall designate at least one alternate representative. Said alternates need not be elected officials of the member, however, the County Chief Executive Officer and the Modesto City Manager are not eligible to be designated as alternates. Members may designate more than one alternate for each representative, as deemed prudent by that member. To be eligible to cast the vote of the member, alternates must be designated, and notice of said designation given to the StanCOG Executive Director, at least twenty-four (24) hours prior to the first meeting at which that alternate is to attend on behalf of the Member Agency’s designated Representative.

6.4. Quorum and Majority Requirements. The presence of at least one (1) representative, or in the absence of a representative his or her alternate, from a majority of the Member Agencies, shall constitute a quorum. A quorum shall be necessary for the purpose of conducting official business. A two-thirds majority of those present shall be required to approve all expenditures. For all other business, a majority vote of those present shall be sufficient. A roll call vote shall be conducted at the request of any representative.

6.5. Meeting Time and Place. The Stanislaus Council of Governments shall establish a time and place for regular Policy Board meetings. All meetings shall be conducted in accordance with the Ralph M. Brown Act, California Government Code, section 54950 et seq.
7. EXECUTIVE COMMITTEE

7.1. Executive Committee. The Executive Committee shall consist of five (5) members of the StanCOG Policy Board: Two of the representatives from the County Board of Supervisors, to be appointed by and serve at the pleasure of the County Board of Supervisors; One of the representatives from the City of Modesto, to be appointed by and to serve at the pleasure of the City of Modesto and; Two representatives from among the other cities, said representatives to be chosen each year by the Policy Board members representing the cities other than Modesto. The Chairperson and Vice-Chairperson of the Policy Board shall be ex officio two of the five members of the Executive Committee, representing their respective Member Agencies, and shall serve as the Chairperson and Vice-Chairperson of the Executive Committee.

7.2. Powers of Executive Committee. The Executive Committee shall have such powers as are not inconsistent with this Agreement and as delegated to it by the StanCOG By-laws or the StanCOG Policy Board.

7.3. Alternate Representatives. Each representative of the Member Agency that sits on the Executive Committee shall designate at least one alternate representative in the manner set forth in Section 6.3, except that each alternate shall be a member of the StanCOG Policy Board.

8. MANAGEMENT AND FINANCE COMMITTEE.

8.1. Management and Finance Committee. The Management and Finance Committee shall consist of the Chief Administrative Official for the County of Stanislaus, or his or her designee; and the City Manager/Administrator for the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford.

8.2. The Management and Finance Committee shall be operated in accordance with the Bylaws of the Policy Board attached hereto as Exhibit A.

9. SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL

9.1. Social Services Transportation Advisory Council. The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.

2. One representative of potential transit users who are handicapped.

3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.
4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.

5. One representative of a local social service provider for persons of limited means.

6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

9.2. The Social Services Transportation Advisory Council shall be operated in accordance with the Bylaws of the Social Services Transportation Advisory Council attached hereto as Appendix I.

10. CITIZENS ADVISORY COMMITTEE

10.1. Citizens Advisory Committee. The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

10.2. The Citizens Advisory Committee shall be operated in accordance with the Bylaws of the Citizens Advisory Committee attached hereto as Appendix II.

11. BICYCLE / PEDESTRIAN ADVISORY COMMITTEE

11.1. Bicycle / Pedestrian Advisory Committee. The Bicycle/Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

11.2. The Bicycle / Pedestrian Advisory Committee shall be operated in accordance with the Bylaws of the Bicycle / Pedestrian Advisory Committee attached hereto as Appendix III.

12. VALLEY VISION STANISLAUS STEERING COMMITTEE

12.1. Valley Vision Stanislaus Steering Committee. The Valley Vision Stanislaus Steering Committee shall be comprised of twenty-one (21) residents of Stanislaus County, one (1) from each of the Member Agencies, and one representative from: Citizens Advisory Committee, Policy Board, LAFCO, Health, Agriculture, Environment/Conservation, Economic Development, Building Industry, Transit User/Provider, Education and Environmental Justice.
12.2. The Valley Vision Stanislaus Steering Committee shall be operated in accordance with the Bylaws of the Valley Vision Stanislaus Steering Committee attached hereto as Appendix IV.

13. MEASURE L OVERSIGHT COMMITTEE

13.1. Measure L Oversight Committee. The Measure L Oversight Committee shall be comprised of one representative from each of the following jurisdictions: City of Ceres, City of Hughson, City of Modesto, City of Newman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock, City of Waterford and Stanislaus County. Members of the Measure L Oversight Committee shall not be members of any other Local Transportation Authority or StanCOG committee(s).

13.2. The Measure L Oversight Committee shall be operated in accordance with the Bylaws of the Measure L Oversight Committee attached hereto as Appendix V.

14. POWERS AND FUNCTIONS

14.1. Specific Functions. The Stanislaus Council of Governments shall have the common power of the Parties hereto to plan, establish, administer, and operate an independent area planning organization and in the exercise of that power the Stanislaus Council of Governments is authorized in its own name to:

14.1.1. Employ an Executive Director as the chief administrative officer of Stanislaus Council of Governments.

14.1.2. Employ agents and employees and contract for professional services.

14.1.3. Make and enter into contracts.

14.1.4. Acquire, hold and convey real and personal property, including the power to acquire property by eminent domain.

14.1.5. Undertake the planning, design, environmental clearance and construction of transportation and other projects.

14.1.6. Cooperate with other agencies, counties and other local public agencies and participate in joint projects as necessary.

14.1.7. Incur debts, obligations and liabilities.
14.1.8. Accept contributions, grants or loans from any public or private agency or individual, or the United States, the State of California or any department, instrumentality, or agency thereof, for the purpose of financing its activities.

14.1.9. Invest money that is not needed for immediate necessities, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the California Government Code.

14.1.10. Have appointed members and ex-officio members of the Stanislaus Council of Governments serve without compensation from the Stanislaus Council of Governments, except that members of the StanCOG Policy Board may be reimbursed for all reasonable expenses and costs relating to attendance at Stanislaus Council of Governments meetings or other Stanislaus Council of Governments business.

14.1.11. Sue and be sued, in its own name only, but not in the name or stead of any Member Agency.

14.1.12. Exercise any and all other powers as may be provided for in California Government Code Section 6547.

14.1.13. The Stanislaus Council of Governments is hereby designated by the parties to this Agreement as the regional review agency for the purposes of acting on any appropriate proposals which may be presented to it for consideration, and as the sole regional planning representative for transmission of proposed recommendations to the U.S. Department of Housing and Urban Development or such other agency of the Federal Government or State Government as may be designated to receive such recommendations from the Council, and as the area-wide planning organization (APO) for the County of Stanislaus as such APO is defined in pertinent State and/or Federal directives and regulations.

14.1.14. File, within 30 days of the effective date of this Agreement, a Notice of the Agreement with the office of the California Secretary of State, pursuant to California Government Code, section 6503.5

14.1.15. Do all other acts reasonable and necessary to carry out the purposes of this Agreement.

14.2. Limitation. The powers to be exercised by the Stanislaus Council of Governments are subject to such restrictions upon the manner of exercising such powers as are imposed upon the County in the exercise of similar powers.

14.3. Funds. StanCOG shall be held strictly accountable for all funds received, held and disbursed by it.
15. **BYLAWS**

15.1. **Bylaws.** The Bylaws of the Stanislaus Council of Governments shall be those attached to this Agreement marked “Exhibit A” and incorporated herein by reference. Amendments to all or a portion of the Bylaws may be made in the manner prescribed in the Bylaws.

16. **EXECUTIVE DIRECTOR**

16.1. **Powers and Duties.** The Executive Director shall be selected by, and shall serve at the pleasure of and upon the terms prescribed by the Stanislaus Council of Governments Policy Board. The powers and duties of the Executive Director are:

16.1.1. To serve as the chief administrative officer of StanCOG and to be responsible to the StanCOG Policy Board for the proper administration of all affairs.

16.1.2. To appoint, supervise, suspend, discipline or remove StanCOG employees subject to those policies and procedures, from time to time, adopted by the StanCOG Policy Board.

16.1.3. To supervise and direct the preparation of the annual budget for the StanCOG and be responsible for its administration after adoption by the StanCOG Policy Board.

16.1.4. To formulate and present to the StanCOG Policy Board plans for StanCOG activities and the means to finance them.

16.1.5. To supervise the planning and implementation of all StanCOG activities.

16.1.6. To attend all meetings of the StanCOG Policy Board and act as the secretary to the StanCOG Policy Board.

16.1.7. To prepare and submit to the StanCOG Policy Board periodic financial reports and, as soon as practicable after the end of each fiscal year, an annual report of the activities of StanCOG for the preceding year.

16.1.8. To have custody and charge of all StanCOG property other than money and securities.

16.1.9. To transmit to the Executive Director's successor all books and records of StanCOG in his or her possession.
16.1.10. To perform such other duties as the StanCOG Policy Board may require in carrying out the policies and directives of the Stanislaus Council of Governments Board.

17. TREASURER

17.1. Treasurer. The StanCOG Finance Director, or his/her designee, shall be the Treasurer of StanCOG.

17.2. Duties. The Treasurer shall:

17.2.1. Receive and receipt all money of StanCOG and place it in a designated financial institution approved by the StanCOG Policy Board to the credit of StanCOG.

17.2.2. Be responsible upon the Treasurer's official bond for the safekeeping and disbursement of all StanCOG money held by the Treasurer.

17.2.3. Pay, when due, out of money of StanCOG, all sums payable on outstanding bonds and coupons of StanCOG.

17.2.4. Pay any sums due from the StanCOG, from the StanCOG funds held by the Treasurer or any portion thereof, upon warrants of the Auditor-Controller designated herein.

17.2.5. Verify and report in writing as soon as possible after the first day of July, October, January, and April of each year to the StanCOG the amounts of monies the Treasurer holds for the StanCOG, the amount of receipts since the Treasurer's last report, and any interest accrued to those funds.

18. AUDITOR-CONTROLLER

18.1. Auditor-Controller. The StanCOG Finance Director, or his/her designee, shall be the Auditor-Controller for StanCOG.

18.2. Duties. The Auditor-Controller shall:

18.2.1. Draw warrants to pay demands against StanCOG when the demands have been approved by the StanCOG Policy Board and/or the StanCOG Executive Director. The Auditor-Controller shall be responsible on his/her official bond for the Auditor-Controller's approval of disbursements of StanCOG money.

18.2.2. Keep and maintain records and books of account on the basis of generally accepted accounting practices. The books of account shall include records of assets, liabilities, and contributions made by each Party to this Agreement.
18.2.3. Make available all the financial records of StanCOG to a certified public accountant or public accountant contracted by StanCOG to make an annual independent audit of the accounts and records of StanCOG. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the California Government Code and shall conform to generally accepted auditing standards.

18.3. Approvals. The Executive Director of the StanCOG and the Chairman of StanCOG Policy Board shall together have the power to approve the auditor demands against StanCOG. The Vice-Chairman of StanCOG Policy Board shall be substituted in the absence or vacancy of either of the above officials.

19. FINANCING

19.1. Allocation of Financing. Each member shall contribute to the financial support of StanCOG. Each city's share of financial support shall be determined by the percentage its population has to the County as a whole. The County's share of financial support shall be determined by the percentage the population of the unincorporated areas of the County have to the County as a whole. Population is to be determined by the latest United States Decennial Census or later California State Department of Finance figures.

19.2. Annual Dues. The Policy Board may provide for annual dues to be paid by each member agency.

19.3. Fiscal Year. The fiscal year of StanCOG shall commence on July 1 of each year and shall terminate on June 30 of the following year. Each member shall deposit its share of financial support with the Treasurer of StanCOG no later than August 1 of each year.

19.4. Support from Member Agencies. A member agency in the exercise of the reasonable discretion of its governing body, may provide support for StanCOG, its staff, and its professional consultants, including providing quarters, janitorial services and maintenance, supplies, printing and duplication, postage, telephone services, transportation services, and the professional and technical assistance as may be agreed upon from time to time by StanCOG and the respective member agencies. All assistance shall be provided on an at-cost basis.

19.5. Other Support and Fees. The Stanislaus Council of Governments shall apply for available state federal, regional, and local support funds, and shall make new and additional applications from time to time as appropriate. If deemed necessary, the Stanislaus Council of Governments Board may also establish and collect filing and processing fees from non-members in connection with matters to be considered by it.

19.6. Measure L. In its role as the Stanislaus County Local Transportation Authority, StanCOG shall be empowered to levy and expend tax revenues authorized in the Stanislaus County Transportation Authority Ordinance #16-01, Measure L: Local Roads First Transportation Funding Measure, and approved as Measure L on November 8, 2016 by the voters of Stanislaus County. This empowerment shall exist so long as Ordinance #16-01, as may be
amended, is in effect and shall terminate when all Ordinance #16-01 taxes have been levied and expended.

20. BOND REQUIREMENTS

20.1. Bond Requirement. The Executive Director and such other persons employed by the Stanislaus Council of Governments as may be designated by the Stanislaus Council of Governments Policy Board, shall file with the Stanislaus Council of Governments Policy Board an official fidelity bond in a penal sum determined by the Stanislaus Council of Governments Board as security for the safekeeping of the Stanislaus Council of Governments' property entrusted to the employee. However, if the Executive Director or other such persons designated are already bonded by another agency, no additional bonding shall be required by this section. Premiums for any bonds required under this section shall be paid by the Stanislaus Council of Governments.

21. PARTIES LIABILITY

21.1. The debts, liabilities, and obligations of StanCOG shall not be debts, liabilities, or obligations of the Parties to this Agreement either singly or collectively.

22. ASSIGNABILITY

22.1. Assignability. With the approval of, and upon the terms agreed upon by, the governing body of each Party to this Agreement, all or any of the rights and property subject to this Agreement may be assigned to further the purpose of this Agreement. Provided, however, no right or property of StanCOG shall be assigned without compliance with all conditions imposed by any state or federal entity from which Stanislaus Council of Governments has received financial assistance.

23. WITHDRAWAL OF A PARTY

23.1. Notice. A Party to this Agreement may, at any time, withdraw from the Stanislaus Council of Governments, following 90 days notice to StanCOG and all other Member Agencies of StanCOG, by resolution of intent to withdraw adopted by the governing board of the withdrawing Party.

23.2. Effect of Withdrawal. Upon the effective date of such withdrawal such member shall cease to be bound by this Agreement, but shall continue to provide financial support through the approved percentage of planning funds provided to StanCOG, as Transportation Planning Agency under the provisions of Section 99233.2 of the Transportation Development Act. StanCOG assets representing any accumulated capital contribution of the withdrawing Party shall remain subject to StanCOG control, depreciation and use without compensation to the withdrawing party until termination of this Agreement and distribution of StanCOG assets.
23.3. **Resumption of Membership.** Any member agency which has withdrawn from StanCOG in accordance with the provisions of this Section 21 may resume its membership upon thirty (30) days' written notice to the then members, which notice may be waived by a majority vote of the StanCOG Policy Board.

24. **TERMINATION AND DISSOLUTION**

24.1. **No Specific Term.** This Agreement shall continue in force without specific term.

24.2. **Termination.** If, at any time, those Cities and County which are members of StanCOG contain less than 55% of the population residing within the area of Stanislaus County, based upon the latest available population estimates by the California Department of Finance, and there are less than a majority of local governments remaining as Member Agencies of StanCOG, StanCOG shall be deemed disestablished and this Agreement shall cease to be operative except for the purpose of payment of any obligations theretofore incurred.

24.3. **Distribution of Assets.** If this Agreement is terminated, all real and personal property owned by StanCOG shall be distributed to the Federal, State, or local funding agency or party to this Agreement that supplied the property or whose funding provided for the acquisition of the property unless other distribution is provided by law. Should the origin of any real or personal property be undeterminable, that property shall be disbursed to the Parties to this Agreement in proportion to the size of the jurisdiction as delineated in the latest California Department of Finance estimate of population.

24.4. **Continues in Effect until Distribution.** This Agreement shall not terminate until all property has been distributed in accordance with this provision.

25. **RETURN OF SURPLUS FUNDS**

25.1. **Return of Surplus Funds.** Upon termination of this Agreement, any surplus money on hand shall be returned, pro rata, to the Federal, State, or local agency or the party to this Agreement that provided the funds.

26. **ADDITIONAL MEMBERS**

26.1. **Additional Members.** In addition to the Cities identified in this Agreement, any city within Stanislaus County which may hereafter be incorporated and which desires to participate in the activities of StanCOG may do so by executing this Agreement without the prior approval or ratification of the named Parties to this Agreement and shall thereafter be a Party to this Agreement and be bound by all terms and conditions of this Agreement as of the date it executes this Agreement.
27. **SUCCESORS AND ASSIGNS**

27.1. **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the Parties.

28. **SEVERABILITY**

28.1. **Severability.** Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the Agreement which the Member Agencies intended to enter into in the first instance.

29. **COUNTERPARTS**

This Agreement may be executed in any number of counterparts, each of which when executed will be deemed to be an original and all of which, taken together, will be deemed to be one and the same instrument.

30. **TITLES AND HEADING.**

The Section titles and the headings of this Agreement are for convenience only and shall not be used in interpreting this Agreement.

31. **EFFECTIVE DATE OF AGREEMENT**

31.1. **Effective Date.** This Agreement shall become effective upon ratification by resolution of the Stanislaus County Board of Supervisors and each of the city councils of the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford. From and after said date the agreements made establishing the Stanislaus Area Association of Governments dated May 11, 1971 and May 20, 1974, and the Agreement Establishing the Stanislaus Council of Governments dated June 5, 2001, as amended December 12, 2007, April 5, 2016 and January 26, 2017 shall be superseded, replaced and terminated by this Agreement and shall be of no further force and effect.

32. **AMENDMENTS**

32.1. This Agreement may be amended upon ratification by resolution of 75% of the member agencies representing 75% of the population of the County of Stanislaus as determined by the most recent Decennial Census. For this purpose each incorporated city shall represent those people residing within its city limits and the Stanislaus County Board of Supervisors shall represent those people who reside in the unincorporated areas of the County.
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the dates shown in the respective signature blocks.

STANISLAUS COUNTY BOARD OF SUPERVISORS

By: ____________________________________________
    Jim DeMartini
    Chairman

ATTEST:

By: ____________________________________________
    Elizabeth A. King
    Clerk of County Board of Supervisors

Approved as to Legal Form:

By: ____________________________________________
    John P. Doering
    County Counsel

CITY OF CERES

By: ____________________________________________
    Chris Vierra
    Mayor

ATTEST:

By: ____________________________________________
    Diane Nayares-Perez
    City Clerk

Approved as to Legal Form:

By: ____________________________________________
    Tom Hallinan
    City Attorney
CITY OF HUGHSON

By: ___________________________
    Jeramy Young
    Mayor

ATTEST:

By: ___________________________
    Ashton Gose
    Deputy City Clerk

Approved as to Legal Form:

By: ___________________________
    Daniel J. Schroeder
    City Attorney

CITY OF MODESTO

By: ___________________________
    Ted Brandvold
    Mayor

ATTEST:

By: ___________________________
    Stephanie Lopez
    City Clerk

Approved as to Legal Form:

By: ___________________________
    Adam U. Lindgren
    City Attorney
CITY OF NEWMAN

By:____________________________________
   Bob Martina
   Mayor

ATTEST:

By:____________________________________
   Mike Maier
   City Clerk

Approved as to Legal Form:

By:____________________________________
   Nubia Goldstein
   City Attorney

CITY OF OAKDALE

By:____________________________________
   Pat Paul
   Mayor

ATTEST:

By:____________________________________
   Kathy Teixeira, CMC
   City Clerk

Approved as to Legal Form:

By:____________________________________
   Tom Hallinan
   City Attorney
CITY OF PATTERSON

By: __________________________

Deborah M. Novelli
Mayor

ATTEST:

By: __________________________

Maricela Vela
City Clerk

Approved as to Legal Form:

By: __________________________

Tom Hallinan
City Attorney

CITY OF RIVERBANK

By: __________________________

Richard D. O’Brien
Mayor

ATTEST:

By: __________________________

Annabelle H. Aguilar, CMC
City Clerk

Approved as to Legal Form:

By: __________________________

Tom Hallinan
City Attorney
CITY OF TURLOCK

By: __________________________
    Gary Soiseth
    Mayor

ATTEST:

By: __________________________
    Jennifer Land
    City Clerk

Approved as to Legal Form:

By: __________________________
    Jose M. Sanchez
    Interim City Attorney

CITY OF WATERFORD

By: __________________________
    Michael Van Winkle
    Mayor

ATTEST:

By: __________________________
    Miranda Lutzow
    City Clerk

Approved as to Legal Form:

By: __________________________
    Corbett J. Browning
    City Attorney
STANISLAUS COUNCIL OF GOVERNMENTS
AMENDED AND RESTATED BYLAWS

RECITALS:

WHEREAS, it is deemed prudent to amend and restate the Bylaws of The Stanislaus Council of Governments. These Amended Bylaws, dated ____________, shall supersede the previous Bylaws as amended April 10, 1974; July 10, 1974; November 10, 1976; December 12, 2007; April 5, 2016; and January 26, 2017.

ARTICLE I
NAME

This joint powers agency shall be known as the STANISLAUS COUNCIL OF GOVERNMENTS ("StanCOG") and shall exercise its powers within the geographical area of the County of Stanislaus as set forth in the joint powers agreement entered into by the County and the Cities ("Party or collectively "Parties") establishing StanCOG.

ARTICLE II
MEETINGS

Section 1: Regular and Special Meetings.

A. The StanCOG Policy Board shall hold a regular meeting on the third Wednesday of each month, at 6:00 p.m., or at a time, specified by the StanCOG Policy Board. Such regular meetings shall be for considering reports of the affairs of StanCOG and for transacting such other business as may be properly brought before the meeting. Any regular meeting may be rescheduled on an individual basis as to date, time and place, by motion of the StanCOG Policy Board, in the event of a conflict with holidays, Director’s schedules, or similar matters, or, in the event of a lack of a quorum, as specified below. Notice of regular meetings shall be given to each representative and alternate representative at least ten (10) days prior to each meeting.

B. Special meetings may be called in accordance with the California Ralph M. Brown Act. Special meetings may be called by the Chairperson. No business except that specified in the notice shall be discussed at a special meeting.

C. All meetings shall be conducted in accordance with the Ralph M. Brown Act.
Section 2: Closed Sessions.

A. All information presented in closed session shall be confidential. Ex-Officio non-voting members shall not be permitted to attend closed sessions.

B. Under Government Code Section 54956.96, StanCOG adopts a joint powers agency limited disclosure policy as follows:

1. All information received by the legislative body of the local agency member in a closed session related to the information presented to StanCOG in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has directed financial or liability implications for that local agency to the following individuals:

   a) Legal counsel of that member local agency for purposes of obtaining advise on whether the matter has direct financial or liability implications for that member local agency.

   b) Other members of the legislative body of the local agency present in a closed session of that member local agency.

2. Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member’s regularly appointed member to attend closed sessions of the joint powers agency.

Section 3: Cancellation of Meetings.

The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board may cancel any regular or special meeting of StanCOG except upon objection by any representative.

Section 4: Notice of Meetings.

A. Notice of regular meetings shall be in accordance with the Ralph M. Brown Act. The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board shall direct the publication of notices of all meetings, public hearings, etc., as required by the California Government Code. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.

B. In the case of special meetings, the written notice shall specify the specific nature of the business to be transacted and shall be in accordance with the Ralph M. Brown Act.
Section 5: Committee Meetings.

Except as herein or otherwise provided, the Standing Committees of StanCOG shall meet on the call of their Chairperson. Notice of committee meetings shall be in accordance with the Ralph M. Brown Act.

Section 6. Quorum.

A quorum for conducting all matters of business shall be the presence of at least one (1) representative, or the alternate, from a majority of the Member Agencies. A two-thirds majority of those present shall be required to approve all expenditures.

Section 7. Voting.

A. Voting shall only be conducted at properly noticed meetings where a quorum has been established and members are physically present, except as provided in Government Code Section 54953 for teleconferencing.

B. Voting shall be by voice, show of hands, or roll call vote. Any Director may request a roll call vote.

C. In all cases, a vote to “abstain” shall be counted as an “aye” vote unless there is a majority vote to defeat the motion and then the vote to abstain shall be counted as a “no” vote.

Section 8: Lack of a Quorum.

A. If less than a quorum of the Directors are present at any properly called regular, adjourned regular, special, or adjourned special meeting, the member(s) who are present may adjourn the meeting to a time and place specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was to have been held within 24 hours after adjournment.

B. If all the members are absent from any regular or adjourned regular meeting, the Executive Director may so adjourn the meeting and post the order or notice of adjournment as provided, and additionally shall cause a written notice of the adjournment to be given in the same manner as for a notice of a special meeting.

C. If the notice or order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for the regular meeting of StanCOG.

Section 9. Agenda.

Any Director or the Executive Director may cause an item to be placed on the agenda.
Section 10. Adjournment.

Except as provided in Section 8 above, a meeting may be adjourned by the presiding officer’s own action; however, any Director may object to such adjournment by the presiding officer and then a motion and action is required in order to adjourn the meeting in accordance with Robert’s Rules of Order.

ARTICLE III
CONDUCT OF MEETINGS

Section 1: General Conduct.

Except as herein or otherwise provided, ROBERTS RULES OF ORDER shall govern all proceedings of StanCOG. In any event, all proceedings and conduct of the meetings shall be in full compliance with the State of California Government Code.

Section 2. Decorum

All Directors, and staff, shall conduct themselves in accordance with Robert’s Rules of Order and in a civil and polite manner toward other board members, employees, and the public. Using derogatory names, interrupting the speaker having the floor, or being disorderly or disruptive, are prohibited actions. If any meeting is willfully interrupted by any individual so as to render the orderly conduct of that meeting infeasible, that individual may be removed from the meeting. If any group or groups of persons willfully interrupts a meeting so as to render the orderly conduct of that meeting infeasible, the presiding officer, or a majority of the Policy Board, may clear the meeting room in accordance with Government Code Section 54957.9.

Section 3: Voting Authorization.

All votes shall be cast by the person or persons authorized to do so by the member which they represent. Such authorization shall be made known to the Executive Director of StanCOG at least twenty-four hours prior to the meeting. No proxy, absentee, or fractional votes may be cast.

ARTICLE IV
EXECUTIVE SESSIONS

Section 1: Executive Sessions.

Executive sessions shall be held in conformance with the Government Code of the State of California.
ARTICLE V
OFFICERS

Section 1: Chair.

A. The representatives of StanCOG shall elect from among their members a Chair of the Policy Board. The Chair shall serve a one-year term of office beginning at the first regular meeting of each calendar year. The Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Chair shall preside at all meetings of the Policy Board and such other meetings approved by the Policy Board.

C. The Chair shall serve as the official spokesperson for the Policy Board.

D. The Chair shall appoint such committees and other working groups as prescribed by the Policy Board.

E. The Chair shall designate Directors or others to represent the Policy Board at various meetings, hearings, and conferences.

F. The Chair shall perform such other duties as necessary to carry out the work of the Policy Board or as prescribed by law.

Section 2: Vice-Chair.

A. The representatives of StanCOG shall elect from among their members a Vice-Chair of the Policy Board. The Vice-Chair shall serve a one-year term of office beginning at the first regular meeting in each calendar year. The Vice-Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Vice-Chair shall act in the place of and have all the powers and duties of the Chair in the absence of the Chair.

Section 3: Public Transportation Provider Representation

A. The representatives of StanCOG shall designate from among their members a Public Transportation Provider Representative. Such representative shall be a member(s) who represents a jurisdiction that operates public transit, either directly or through a contractual or other arrangement. The member(s) shall serve in a dual capacity as the representative of its jurisdiction as well as a designated representative of the interests of public transportation providers.

B. The Public Transportation Representative shall serve a term of office consistent with his or her term of office on the legislative body he or she represents provided the
jurisdiction continues to operate public transit. Should the jurisdiction cease to operate public transit, either directly or through a contractual or other arrangement, or the member's term of office ends, a vacancy occurs and it shall be filled by a new designation from among the representatives of StanCOG.

Section 4: Absences.

In the absence of both the Chair and the Vice-Chair, a majority of the Policy Board shall select a Director to serve as Chair Pro Tem.

Section 5: Secretary.

The Executive Director shall serve as the Secretary of the StanCOG Policy Board. The Secretary shall maintain a public record of the Policy Board's resolutions, transactions, findings, and determinations, and shall prepare agendas and minutes of each Regular and Special meeting of StanCOG.

Section 6: Vacancy.

Upon a vacancy occurring in the office of the Chair, the Vice-Chair shall assume the office of Chair for the balance of the unexpired term. Upon a vacancy occurring in the office of the Vice-Chair the representatives shall elect, from among their members, a Vice-Chair to serve the balance of the unexpired term.

ARTICLE VI
COMMITTEES

Section 1: Standing Committees.

The Standing Committees of StanCOG shall be:

A. Executive Committee.

The Executive Committee shall consist of five (5) members of the StanCOG Policy Board: Two of the representatives from the Stanislaus County Board of Supervisors, to be appointed by and serve at the pleasure of the Stanislaus County Board of Supervisors; One of the representatives from the City of Modesto, to be appointed by and to serve at the pleasure of the City of Modesto City Council, and; Two representatives from among the other Cities, said representatives to be chosen each year by the Policy Board members representing the cities other than Modesto, and serve at the pleasure of these other cities. The Chairperson and Vice-Chairperson of the Policy Board shall be ex officio two of the five members of the Executive Committee, representing their respective Member Agencies, and shall serve as the Chairperson and Vice-Chairperson of the Executive Committee.

The Executive Committee shall be operated in accordance with the Bylaws of the Policy Board.
B. Management and Finance Committee.

The Management and Finance Committee shall consist of the Chief Administrative Official for the County of Stanislaus, or his or her designee; and the City Manager/Administrator for the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford.

The Management and Finance Committee shall be operated in accordance with the Bylaws of the Policy Board.

C. Social Services Transportation Advisory Council.

The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.
2. One representative of potential transit users who is handicapped.
3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.
4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.
5. One representative of a local social service provider for persons of limited means.
6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.
7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

The Social Services Transportation Advisory Committee shall be operated in accordance with the Bylaws of the Social Services Transportation Advisory Committee.

D. Citizens Advisory Committee.

The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Citizens Advisory Council shall be operated in accordance with the Bylaws of the Citizens Advisory Council.

E. Bicycle / Pedestrian Advisory Committee.
The Bicycle/Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Bicycle/Pedestrian Advisory Committee shall be operated in accordance with the Bylaws of the Bicycle/Pedestrian Advisory Committee.

F. Valley Vision Stanislaus Steering Committee.

The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members which shall consist of Tier I and Tier II members as follows:

Tier I Members: One representative (Planning Director or his/her designee) from each of the ten (10) Member Agencies (Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and Stanislaus County); one (1) representative (Executive Officer or his/her designee) from LAFCO; one (1) representative from the Policy Board.

Tier II Members: One representative may be appointed as needed from each of the following: Citizens Advisory Committee, Health Industry, Agriculture Industry, Environment/Conservation, Economic Development, Building Industry, Transit User/Provider, Education and Environmental Justice.

The Valley Vision Stanislaus Steering Committee shall be operated in accordance with the Bylaws of the Valley Vision Stanislaus Steering Committee.

G. Measure L Oversight Committee.

Measure L Oversight Committee. The Measure L Oversight Committee shall be comprised of one representative from each of the following jurisdictions: City of Ceres, City of Hughson, City of Modesto, City of Newman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock, City of Waterford and Stanislaus County. Members of the Measure L Oversight Committee shall not be members of any other Local Transportation Authority or StanCOG committee(s).

The Measure L Oversight Committee shall be operated in accordance with the Bylaws of the Measure L Oversight Committee attached hereto as Appendix V.

Section 2: Special Committees.

The Chair of the Policy Board or Directors may appoint additional committees as may be necessary or desirable.
ARTICLE VII
FINANCIAL DETERMINATIONS

Section 1: Withdrawal.

A member of StanCOG that withdraws from StanCOG shall not have its financial contribution refunded.

Section 2: Newly Incorporated Cities.

Any newly incorporated city which becomes a member of StanCOG after the commencement of a fiscal year shall not be required to contribute financially to StanCOG until the subsequent fiscal year, providing that the said newly incorporated city becomes a member of StanCOG within one (1) year of its incorporation date.

Section 3: Other Political Entities.

Any other political entity which becomes a member of StanCOG after the commencement of a fiscal year shall contribute to StanCOG that amount which it would have contributed had it been a member at the commencement of the fiscal year.

ARTICLE VIII
REFERRALS

StanCOG may accept by letter or resolution referrals for study and report from any duly constituted advisory or legislative body or their representatives. Reports will be made and returned to the referring body within a reasonable time.

ARTICLE IX
REPORTS

StanCOG shall render a written report on its activities at the end of each fiscal year of operation to each legislative body which is a Member Agency of StanCOG.

ARTICLE X
INITIATIVE

StanCOG may, upon its own initiative, institute action to carry out any routine or special study or project.
ARTICLE XI
COORDINATION

It is the policy of StanCOG to establish technical and advisory liaison with all other agencies and bodies seeking to improve the quality of planning, health, safety, welfare and governmental services for the Stanislaus Regional Area.

ARTICLE XII
TRANSMITTAL OF PLANNING INFORMATION

StanCOG hereby approves as a regular operating procedure the transmittal of planning information to the individual Boards of Supervisors, City Councils, County and City Planning Commissions, the California State Office of Planning, and any other duly constituted regional area, metropolitan, or other Planning Commission which may request in writing such information.

ARTICLE XIII
AMENDMENTS

Section 1: These Bylaws may be amended by a two-thirds vote of those representatives voting at a Regular Meeting of the StanCOG Policy Board.

Section 2: Amendments to these Bylaws may be proposed by any representative of StanCOG.

Section 3: In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing by the Secretary to the representatives and alternate representatives at least fifteen (15) days prior to the meetings.
APPENDIX I

STANISLAUS COUNCIL OF GOVERNMENTS
SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL

BYLAWS

ARTICLE I
FUNCTION

Section 1: The Social Services Transportation Advisory Council (SSTAC) shall be a
standing committee of the Stanislaus Council of Governments. The Committee shall advise the
StanCOG Policy Board and have the following responsibilities:

1. Annually participate in the identification of transit needs in the jurisdiction,
   including unmet transit needs that may exist within the jurisdiction of the
   Stanislaus Council of Governments, and that may be reasonable to meet by
   establishing or contracting for new public transportation or specialized
   transportation services or by expanding existing services.

2. Annually review and recommend action by StanCOG for the area within
   StanCOGs jurisdiction which finds by resolution, that:
   
   A. there are no unmet transit needs; or
   B. there are no unmet transit needs that are reasonable to meet; or
   C. there are unmet transit needs, including needs that are reasonable to meet.

3. Advise StanCOG on any other major transit issues, including the coordination and
   consolidation of specialized transportation services.

ARTICLE II
MEMBERSHIP

Section 1: The Social Services Transportation Advisory Council shall consist of the
following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.

2. One representative of potential transit users who is handicapped.

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Appendix 1
3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.

4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.

5. One representative of a local social service provider for persons of limited means.

6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

Section 2: A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 3: Any qualified resident of Stanislaus County may apply for membership on the Social Services Transportation Advisory Council. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Social Services Transportation Advisory Council shall be valid for a period of two years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Executive Committee of StanCOG shall appoint, from the list of applicants, the members of the Social Services Transportation Advisory Council.

ARTICLE III
TERM OF OFFICE

Section 1: Of the initial appointments to the Social Services Transportation Advisory Council, one-third of them shall be for a one-year term, one-third shall be for a two-year term, and one-third shall be for a three-year term.

Section 2: Subsequent to the initial appointment, the term of appointment shall be for three years, which may be renewed for additional three-year terms.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Social Services Transportation Advisory Council, in consultation of the Committee members.
Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Social Services Transportation Advisory Council will be expected to attend the meetings of the Council on a regular basis. Any member of the Council who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Council.

ARTICLE VI
REMOVAL

The Executive Committee of StanCOG may, at any time, recommend the removal of any member of the Social Services Transportation Advisory Council. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The Social Services Transportation Advisory Council shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be for one year.

Section 2: The Social Services Transportation Advisory Council shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Social Services Transportation Advisory Council shall conduct all proceedings in conformity with Robert’s Rules of Order and the Brown Act.

Section 3: All references to “year” shall refer to the StanCOG fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Social Services Transportation Advisory Council and shall provide the Social Services Transportation Advisory Council with appropriate staff assistance.
ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the StanCOG Policy Board, the members of the Social Services Transportation Advisory Council shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support StanCOG deems necessary for the successful functioning of the Social Services Transportation Advisory Council.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Social Services Transportation Advisory Council present and voting at a regular meeting of the Social Services Transportation Advisory Council, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members present and voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the said proposed amendment has been submitted in writing to the members of the Social Services Transportation Advisory Council at least fifteen (15) days prior to the meeting at which a vote is to be taken.
APPENDIX II

STANISLAUS COUNCIL OF GOVERNMENTS
CITIZENS ADVISORY COMMITTEE BYLAWS

ARTICLE I
FUNCTION

Section 1: The Citizens Advisory Committee (CAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on matters related to transportation from the public’s perception and transportation activities affecting the general public.

ARTICLE II
MEMBERSHIP

Section 1: The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

- City of Ceres
- City of Modesto
- City of Oakdale
- City of Riverbank
- City of Waterford
- City of Hughson
- City of Newman
- City of Patterson
- City of Turlock
- Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Citizens Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant’s name may be removed from the list of applicants.

Section 4: The Policy Board’s Executive Committee shall appoint from the list of applicants the members of the Citizens Advisory Committee.

Section 5: When making Citizen’s Advisory Committee appointments, the Policy Board’s Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The
Executive Committee shall also consider obtaining a balance of views and a cross-section of county interests.

ARTICLE III
TERM OF OFFICE

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Citizens Advisory Committee will be expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The Executive Committee may, at any time, recommend the removal of any member of the Citizens Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The Citizens Advisory Committee shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be one year.

Section 2: The Citizens Advisory Committee shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board.

Section 3: All references to “year” shall refer to the StanCOG fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Citizens Advisory Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Citizens Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Committee present and voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing to the members of the committee at least fifteen (15) days prior to the meeting at which a vote is to be taken.
APPENDIX III

STANISLAUS COUNCIL OF GOVERNMENTS
BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS

ARTICLE I
FUNCTION

The Bicycle and Pedestrian Advisory Committee (BPAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on all matters related to bicycle and pedestrian needs or concerns and advise on the development of StanCOG’s Non-motorized Transportation Plan.

ARTICLE II
MEMBERSHIP

Section 1: The Bicycle and Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

City of Ceres  City of Hughson
City of Modesto  City of Newman
City of Oakdale  City of Patterson
City of Riverbank  City of Turlock
City of Waterford  Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Bicycle and Pedestrian Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant’s name may be removed from the list of applicants.

Section 4: The Policy Board’s Executive Committee shall appoint from the list of applicants the members of the Bicycle and Pedestrian Advisory Committee.

Section 5: When making Bicycle and Pedestrian Advisory Committee appointments, the Policy Board’s Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The Executive Committee shall also consider obtaining a balance of views and a cross-section of county interests.

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Appendix III
Section 6: The following agencies are invited to have members attend meetings of the BPAC and share their expertise, as non-voting members.

- Various City agencies having an interest in non-motorized transportation
- Stanislaus County [Department of Public Works, Traffic Engineering, or related departments]
- California Department of Transportation [CalTrans]
- Stanislaus County-based bicycling or pedestrian organizations

Section 7: Any appointment term shall commence as of the date of appointment.

ARTICLE III
TERM OF OFFICE

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Bicycle and Pedestrian Advisory Committee are expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The Policy Board Executive Committee may, at any time, recommend the removal of any member of the Bicycle and Pedestrian Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.
ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The BPAC shall elect from among its membership a Chair, and a Vice-Chair. The term of office for each shall be one year.

Section 2: The BPAC shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert’s Rules of Order and the Brown Act.

Section 3: All references to “year” shall refer to the California fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Bicycle and Pedestrian Advisory Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Bicycle and Pedestrian Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the BPAC with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the BPAC voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the BPAC at least fifteen (15) days prior to the meeting at which a vote is to be taken.
APPENDIX IV

STANISLAUS COUNCIL OF GOVERNMENTS

VALLEY VISION STANISLAUS STEERING COMMITTEE BYLAWS

ARTICLE I
FUNCTION

The Valley Vision Stanislaus Steering Committee (VVS) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on issues related to the development of the Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP).

ARTICLE II
MEMBERSHIP

Section 1: The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members. A quorum shall consist of one-half (1/2) plus one (1) of the current membership.

Section 2: The twenty-one (21) members of the Committee shall consist of Tier I and Tier II members.

Tier I Members:

One representative (Planning Director or his/her designee) from each of the 10 Member Agencies:

City of Ceres  City of Hughson
City of Modesto  City of Newman
City of Oakdale  City of Patterson
City of Riverbank  City of Turlock
City of Waterford  Stanislaus County

One representative (Executive Director or his/her designee) from LAFCO

One representative from the Policy Board

Tier II Members:

One representative may be appointed as needed from each of the following:
ARTICLE III
TERM OF OFFICE

Section 1: Tier I appointments shall not be subject to term restrictions or limits. Each Tier II appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any Tier II member of the Committee serve on the Committee longer than eight (8) consecutive years.

Section 3: Any appointment term shall commence as of the date of appointment.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Valley Vision Stanislaus Steering Committee are expected to attend the meetings of the Committee on a regular basis. Any Tier II member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.
ARTICLE VI
REMOVAL

The Policy Board Executive Committee may, at any time, recommend the removal of any Tier II member of the Valley Vision Stanislaus Steering Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The VVS shall elect from among its membership a Chair, and a Vice-Chair. The term of office for each shall be one year.

Section 2: The VVS shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert’s Rules of Order and the Brown Act.

Section 3: All references to “year” shall refer to the California fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Valley Vision Stanislaus Steering Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Valley Vision Stanislaus Steering Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the VVS with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the VVS voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the VVS at least fifteen (15) days prior to the meeting at which a vote is to be taken.
APPENDIX V

STANISLAUS COUNCIL OF GOVERNMENTS
(Acting as the Stanislaus County Transportation Authority)

MEASURE L OVERSIGHT COMMITTEE BYLAWS

ARTICLE I
FUNCTION

Section 1: The Measure L Oversight Committee (MLOC) shall be a standing committee of the Stanislaus Council of Governments acting as the Stanislaus County Transportation Authority. The Committee shall make recommendations to the StanCOG Policy Board and has the following responsibilities:

1. Annually review the independent fiscal audit of the expenditure of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.
2. Oversight of the proper use of sales tax funds and implementation of the programs and projects set forth in the Expenditure Plan and making recommendations to the Board of the Authority.
3. The Measure L Oversight Committee is not a policy making body.

ARTICLE II
MEMBERSHIP

Section 1: The Measure L Oversight Committee shall consist of the following members who are residents of Stanislaus County:

1. One representative appointed by each of the following jurisdictions:
   • City of Ceres
   • City of Hughson
   • City of Modesto
   • City of Newman
   • City of Oakdale
   • City of Patterson
   • City of Riverbank
   • City of Turlock
   • City of Waterford
   • Stanislaus County

2. Members of the Measure L Oversight Committee shall not be members of any other StanCOG or Stanislaus County Transportation Authority Committee.
Section 2: A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

ARTICLE III
TERM OF OFFICE

Section 1: Of the initial appointments to the Measure L Oversight Committee, one-third of them shall be for a three-year term, one-third shall be for a four-year term, and one-third shall be for a five-year term.

Section 2: Subsequent to the initial appointment, the term of appointment shall be for three years, which may be renewed for additional three-year terms.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Measure L Oversight Committee will be expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences in any one calendar year, may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The appointing body may, at any time, recommend the removal of any member of the Measure L Oversight Committee.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The Measure L Oversight Committee shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be one year.
Section 2: The Measure L Oversight Committee shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert’s Rules of Order and the Brown Act.

Section 3: All references to “year” shall refer to the StanCOG fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Measure L Oversight Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Measure L Oversight Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Committee present and voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing to the members of the committee at least fifteen (15) days prior to the meeting at which a vote is to be taken.
RESOLUTION APPROVING THE AMENDMENT OF AN EXTENSION OF TERMINATION DATE WITH WEST COAST SAND AND GRAVEL, INC., MODESTO, CA FOR AN ADDITIONAL TWO ONE-YEAR EXTENSION OPTIONS FOR THE PURCHASE OF SLURRY ROCK; AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE THE EXTENDED TERMINATION DATE TO MAY 2, 2021 APPROVED BY COUNCIL

WHEREAS, City of Modesto Public Works Department Streets Division purchased a Slurry Truck in 2016 to start an in-house preventative maintenance program which includes applying a slurry treatment to city streets and roadways, and

WHEREAS, on May 3, 2016 the City Council approved Resolution 2016-190 to award the bid for the purchase of slurry rock for the Public Works Department, to West Coast Sand and Gravel, Modesto, CA, for a one-year agreement with two one-year extension options at the sole discretion of the City, for an estimated annual cost of $388,742, totaling $1,166,226 over a three year period, and

WHEREAS, Public Works has exercised the one-year extension and still has the opportunity to utilize one additional extension, and

WHEREAS, City staff recommend to add two one-year extension options changing the agreement terms for a one-year agreement with four one-year extension options extending the termination date to May 2, 2021 if all extension options are exercised under this agreement, and

WHEREAS, City staff has only spent about $365,320 of the agreement and no increase to the agreement will be requested.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of an extension of termination date with West
Coast Sand and Gravel, Inc., Modesto, CA for an additional two one-year extension
options for the purchase of slurry rock; and authorizing the Purchasing Manager, to issue
the extended termination date to May 2, 2021 approved by Council.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of October, 2018, 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: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
RESOLUTION APPROVING A TWO YEAR SOLE SOURCE AGREEMENT WITH PAYMENTUS CORPORATION, CHARLOTTE, NC, FOR A PAYMENT GATEWAY AND ONLINE CUSTOMER SERVICE PORTAL FOR UTILITY BILLING AND MISCELLANEOUS ACCOUNTS RECEIVABLES FOR AN ANNUAL COST NOT TO EXCEED $332,000 WITH THREE ONE-YEAR EXTENSION OPTIONS FOR A TOTAL NOT TO EXCEED $1,660,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Finance Department, Utility Billing and Accounts Receivable Divisions currently utilize the online application provided through their utility billing software vendor, and

WHEREAS, the current application uses the payment gateway provided by the utility billing software vendor application to securely collect and transfer funds to the City for utility and accounts receivable account payments, and

WHEREAS, the utility billing software vendor has made the business decision to discontinue the payment gateway requiring the City to find an alternate third party payment gateway and/or portal that can provide this service, and

WHEREAS, customers and staff have experienced continued frustration with the current online portal utilized for utility and accounts receivable accounts such as navigational issues, unplanned outages and the inability to provide a PDF of a billing statement online or eBill, and

WHEREAS, Paymentus would replace the existing online application providing both a payment gateway and a full-service, user-friendly online portal for utility billing and accounts receivable while ensuring the highest PCI compliance rating of Level I by the Payment Card Industry Data Security Standards (PCI DSS), and
WHEREAS, the utility billing software vendor has provided documentation to the City that Paymentus is the only vendor able to integrate with their software without requiring additional integration components or costs, using embedded solutions directly within the utility billing software, and

WHEREAS, staff recommends the City enter into a two-year sole source agreement with Paymentus Corporation, Charlotte, NC for a payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, for an annual cost not to exceed $332,000 with three (3) one-year extension options for a total not to exceed $1,660,000 over five years, 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. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), allows for the Purchasing Manager, in his or her discretion, to determine if a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, the fact that Paymentus is the only vendor who can integrate with the utility billing and accounts receivable software cash receipting system, the sole source award of an agreement to Paymentus Corporation will conform to MMC Section 8-3.204(d), and

WHEREAS, Paymentus is able to match this pricing, incurring no increase to the City for this Service with no charge for development, integration, deployment training or maintenance of the portal.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a two-year sole source agreement with Paymentus Corporation, Charlotte, NC, for a payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, for an annual cost not to exceed $332,000 with three one-year extension options for a total not to exceed $1,660,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, 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 23rd day of October, 2018, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AMENDMENT TO THE PURCHASING AGREEMENT WITH READYREFRESH, LOUISVILLE, KY, FOR BOTTLED WATER SERVICE TO INCREASE THE AGREEMENT AMOUNT BY $21,000 FROM $49,000 TO A NEW TOTAL AMOUNT OF $70,000 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Purchasing Division issued an informal Request for Quotation (RFQ) for the purchase and delivery of Bottled Water service, and

WHEREAS, the Purchasing Division issued RFQ No. 031315 Bottled Water Service to four (4) prospective vendors, two (2) of which were local companies, and

WHEREAS, quotes were reviewed by the Purchasing Manager. Two (2) companies chose to respond, and

WHEREAS, both companies provided responsive and responsible quotes, and

WHEREAS, Nestle Waters North America was awarded Annual Agreement 79941, and

WHEREAS, shortly after award, the company had a name change to ReadyRefresh and issued Annual Agreement 84002, and

WHEREAS, the annual agreement was for a one year term with four one year extension options with the agreement due to expire on May 28, 2019, and

WHEREAS, it was determined that the agreement would exceed the $50,000 contract limit, and

WHEREAS, in order to ensure continued services to the City, the authorization of the Council is required, and

WHEREAS, based on providing a responsive and responsible quote, City staff
recommends the increase to the agreement for the purchase and delivery of Bottled Water Service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the Purchasing Agreement with ReadyRefresh, Louisville, KY, for Bottled Water Service by $21,000 from $49,000 to a new total amount of $70,000.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A FIRST AMENDMENT TO THE BUSINESS LICENSING AND TAX COLLECTION SOFTWARE AGREEMENT WITH HDL SOFTWARE, LLC, IN THE AMOUNT OF $34,133 FOR THE ADDITION OF THE CANNABIS LICENSING AND TAX COLLECTION MODULE, ESTIMATED TRAVEL EXPENSES, CUSTOM REPORTS, FUTURE SOFTWARE MODIFICATIONS AND INCREASED ANNUAL MAINTENANCE USER FEE, FOR A TOTAL REVISED AGREEMENT AMOUNT OF $206,881 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Finance Department requires the use of specialized tax collection software to manage approximately $14 million in General Fund revenues from the City’s 13,000 licensed businesses; and

WHEREAS, on August 2, 2017, by Resolution No. 2017-297, Council approved an agreement with HdL Software, LLC, Diamond Bar, CA for a new Business Licensing and Tax Collection Software; and

WHEREAS, on November 7, 2017 the municipal election was held and the Cannabis Business Tax was approved by a majority of the City’ voters; and

WHEREAS, effective November 27, 2017, Ordinance No 3672-C.S of the Municipal Code was amended to add the Cannabis Business Tax Article 11, Chapter 2 of Title 8 Finance, Revenue and Taxation; and

WHEREAS, since the Cannabis tax is structured differently than the Business License Mill Tax and has a different tax rate, penalties, interest rate and reporting needs, it requires a separate tax module; and

WHEREAS, this module would be added to the base software to accommodate and support the City’s processes to collect the Cannabis taxes and fees; and

WHEREAS, a one-time software, implementation cost not to exceed $18,170 for
the Cannabis Tax Module; and

WHEREAS, travel expenses will be billed at cost for one on-site visit with an estimated cost of $550; and

WHEREAS, future custom reports and software modifications costs of $8,000; and

WHEREAS, on-going user maintenance costs for subsequent years of $6,334 for 4 additional users licenses; and

WHEREAS, a 3% contingency due to CPI increase for years 4 and 5 for user maintenance costs not to exceed $1,079; and

WHEREAS, this amendment will increase the agreement by $34,133; and

WHEREAS, this will be primarily funded by the Cannabis Annual Permit Fee; and

WHEREAS, total cost of the agreement with HdL Software, LLC, will not exceed $206,881 for the period August 2, 2017 through August 1, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the First Amendment to the Business Licensing and Tax Collection Software Agreement with HdL Software, LLC, in the amount of $34,133 for the addition of the Cannabis Licensing and Tax Collection Module, estimated travel expenses, custom reports, future software modifications and increased annual Maintenance User Fee, for a total revised agreement amount of $206,881.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute an amendment, 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 23rd day of October, 2018, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN INCREASE TO PURCHASE ORDER NO. 134219 WITH MCCAIN INC., VISTA, CA, FOR THE PURPOSE OF UPGRADING CONFLICT MONITORS TO ETHERNET CONFLICT MONITORS FOR TRAFFIC SIGNALS UNDER RESOLUTION NO. 2018-57 BY INCREASING THE TOTAL AMOUNT BY $8,091 FOR A NEW AGREED LUMP SUM OF $468,661, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE AMENDED PURCHASE ORDER

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved Measure L projects which included the purchase of purchase 2070 LX traffic signal controllers with OMNI software, 2010 Conflict Monitors, Timing conversions, and

WHEREAS, purchase of this equipment is the first step in making our traffic signal network ready for future autonomous vehicles, and

WHEREAS, on February 6, 2018, by Resolution No. 2018-57, Council approved a sole source purchase of 2070 LX traffic signal controllers, OMNI software, 2010 conflict monitors, timing conversions, and Transparity Software from McCain Inc., Vista, CA with a one year Service Agreement in the amount of $460,570 for the modernization of our Advanced Traffic Management System (ATMS), and

WHEREAS, approximately 120 2010ECL conflict monitors were ordered from McCain, and

WHEREAS, July 25, 2018, staff received partial shipment of approximately 90 2010ECL conflict monitors and noticed they did not have an Ethernet port to transmit data, and

WHEREAS, Staff put a hold on the other 30 monitors and discussed with McCain the main difference between the 2010ECLs purchased (no Ethernet port) and 2010CELip (with Ethernet port), and
WHEREAS, the 2010ECLip’s had the capability to transmit a history of conflicts that have occurred and the ability to see what conflict was triggered before heading to the intersection, and

WHEREAS, staff determined that the information provided by the 2010ECLip was extremely valuable in determining conflict trends at specific intersections, timetables for replacement needs, and providing insight to maintenance crews before heading to the intersection to address the issue, and

WHEREAS, McCain provided a change order price to replace all 120 conflict monitors for $26,545, in which the manufacturer was charging $125 restocking fee per monitor already delivered, and

WHEREAS, Staff re-evaluated areas within the City that may be able to utilize the 2010ECL monitors already received and determined it could utilize approximately 60 of the 90 delivered, thus allowing the supplier to remove the restocking fee, and

WHEREAS, Staff recommends swapping 60 of the 2010ECL conflict monitors to 2010ECLip for a total additional cost of $8,091.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to Purchase Order No. 134219 with McCain Inc., Vista, CA, for the purpose of upgrading conflict monitors to Ethernet conflict monitors under Resolution 2018-57 by increasing the total amount by $8,091 for a new agreed lump sum of $468,661.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue the amended purchase order.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of October, 2018, 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: __________________________

(Seal)

APPROVED AS TO FORM:

By: __________________________

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-470

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENT FOR ON-CALL ELECTRICAL SERVICE TO CENTRAL VALLEY ELECTRIC, MODESTO, CA, FOR TWO YEARS WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $130,000, AND $650,000 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, the majority of electrical repairs and service of the Public Works and Utilities Departments are performed by City electricians, and

WHEREAS, occasionally contractors are utilized when the electrical repair and preventative maintenance workload exceeds the staff manpower available to perform the work, and

WHEREAS, on December 10, 2013, by Resolution No. 2013-444, Council authorized the Public Works and Utilities Departments to enter into a purchase agreement with Central Valley Electric, Modesto, CA for the furnishing of electrical services for a two year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $70,000, totaling $350,000 over a five year period, and

WHEREAS, on July 11, 2017, by Resolution No. 2017-280, Council authorized staff to amend the existing purchasing agreement with Central Valley Electric, Modesto, CA, increasing the amount from $350,000 to $575,000, and

WHEREAS, Central Valley Electric’s contract officially terminates December 9, 2018, and
WHEREAS, on September 9, 2017, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for an on-call electrical service agreement for general and high voltage electrical work, 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, and

WHEREAS, on May 9, 2018, the Purchasing Division issued RFB No. 1718-14 On-Call Electrical Services on the City’s website under the commodity codes for Electrical Cables and Wires, Electrical Equipment and Supplies, Construction and Upgrades, Wastewater Treatment Plant, Electrical, Electrical Equipment Maintenance and Repair, Scanning and Testing for Electrical Hot-Spots, Etc., and

WHEREAS, prospective bidders were notified online of the bid opportunity and eleven companies chose to download the RFB document, and

WHEREAS, on June 5, 2018, bids were formally opened in the City Clerk’s Office where one company chose to respond, in which it was a responsive and responsible bid, and it was from a local vendor, and

WHEREAS, the low bidder chose to bid on the general electric portion only and no responses were received for high voltage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for an on-call electrical service to Central Valley Electric, Modesto, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $130,000, and $650,000 over five years.
BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue this purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, 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: 

SEAL

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AMENDMENT NO. 3 TO AGREEMENT 10-397 BETWEEN THE CITY OF MODESTO AND CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE STATE ROUTE 99 AND PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a State Project to address the traffic congestion problem at Pelandale Avenue and Highway 99 Interchange, and

WHEREAS, the project is critical to increase traffic safety, relieve congestion and enhance traffic operations within the Interchange and along the adjacent streets, and will regionally benefit the operational capacity of SR 99 and the surrounding road network, and

WHEREAS, as the project is on a State Highway and construction is funded by “The highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 passed by voters in November 2006 included $1.0 billion for the State Route 99 Corridor”, and

WHEREAS, on May 22, 2012, , by Resolution No. 2012-176, Council approved a Cooperative Agreement (10-397) between the City of Modesto and California Department of Transportation (Caltrans) for the construction of State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on September 9, 2014, by Resolution No. 2014-343, Council approved Amendment No. 1 to the Cooperative Agreement (10-397) between the City of Modesto and Caltrans for the construction of State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and
WHEREAS, on August 11, 2015, by Resolution No. 2015-295, Council approved Amendment No. 2 to Agreement 397 between the City of Modesto and Caltrans for State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, On March 30, 2017, Caltrans submitted Invoice No. 17007250 requesting reimbursement for testing services provided during the construction of the SR 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, staff informed Caltrans per the first amendment signed on September 9, 2014, that Caltrans will draw from the bond funds directly to reimburse itself, and

WHEREAS, Caltrans informed staff that they could not directly pull from the bond funds and instead would need to submit an invoice for the City to pay to allow for reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 3 to Agreement 10-397 between the City of Modesto and Caltrans for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Amendment.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of October, 2018, 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

(Seal)

ATTEST:  STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By:  ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A PURCHASING AGREEMENT BY UTILIZING, “PIGGYBACKING” A COMPETITIVELY BID CONTRACT WITH THE STATE OF CALIFORNIA FOR FLEET TIRE PURCHASES BETWEEN THREE VENDORS BASED ON AVAILABILITY, COST AND NEEDS AT THE TIME OF PURCHASE, FOR AN OVERALL ANNUAL COST OF $290,000 WITH A TOTAL COST NOT TO EXCEED $1,450,000 OVER A FIVE YEAR PERIOD, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, the State of California has a purchasing agreement with contracted vendors to supply government agencies with all products identified in the contract at a specific rate, and

WHEREAS, the following vendors, America’s Tire Depot, McCoy Tire/McCoy Truck Tire and Valley Tire all of which are located in Modesto, CA shall supply the City of Modesto Fleet Services Division with all products identified in the contract, and

WHEREAS, these vendors will provide tires for passenger cars, light duty and heavy duty tricks, pursuit rated and emergency vehicles and transit buses at the contracted rate, and

WHEREAS, local government agencies are allowed to purchase these good in accordance with the requirements of contract# 1-18-26-01A, subsection 2, “Local government agencies are defined as “any city, county, city and county, district or other governmental body or corporation… empowered to expend public funds for the acquisition of products, per Public Contract Code, Chapter 2, Paragraph 10298 (a) (b)”, and

WHEREAS, the State contract is available for local government use and the Purchasing Division has determined that utilizing this contract will keep the City in
compliance and consistent with its procurement policies and practices; the City also recognizes that it shall adhere to the same responsibilities as do State agencies and that it does not have the authority to amend, modify or change any condition of this contract, and

WHEREAS, the Finance Department, Purchasing Division suggested “accessing the terms” i.e., a “piggyback” on an existing competitively bid contract for the State of California for new passenger pursuit, light duty trucks and bus tires, and

WHEREAS, current needs require the Fleet Services Division to budget $225,000 for the purchase of tires for the Corporation Yard and Cop Shop, and to budget $65,000 for the purchase of bus tires for transit buses, and

WHEREAS, budgeting $290,000 on an annual basis for a two year period with three one year extensions for a total cost not to exceed $1,450,000 over a five year period will allow room for any increase in cost from the contracted vendors, and

WHEREAS, MMC Section 8-3.204(d), is available where the Purchasing Manager, at her discretion, determines that a process other than the usual formal bid procedure set for in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality; acting within her discretion, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and the limited number of competitors, and by “accessing the terms of the State of California contract# 1-18-26-01A, will conform to MMC Section 8-3.204(d), and

WHEREAS, sufficient funds have been budgeted in the Fleet Maintenance budget, Fund No. 549-53255-53105 in Fiscal Year 18/19 for the immediate purchase of tires.
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreement by utilizing i.e. "piggybacking" a competitively bid contract with the State of California for fleet tire purchases between three vendors based on availability, cost and needs at the time of purchase, for an overall annual cost of $290,000 with a total cost not to exceed $1,450,000 over a five year period.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue this purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING VARIOUS PURCHASES WITH ADESA GOLDEN GATE AUCTION OF TRACY, CA AND ENTERPRISE VEHICLE EXCHANGE OF MODESTO, CA FOR A TWO YEAR TERM FOR AN ANNUAL REPLACEMENT VEHICLE ACQUISITION COST NOT TO EXCEED $361,000 WITH A TOTAL COST NOT TO EXCEED $722,000 SPLIT EQUALLY BETWEEN THE TWO VENDORS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT 

WHEREAS, every fiscal year, a Fleet Replacement list is submitted to Council and is approved as a part of the new fiscal year’s Fleet Replacement Budget, and 

WHEREAS, once a unit is replaced and placed into City service, funds for its replacement are charged out as monthly recurring charges until the end of a unit’s life; these funds are specifically designated for the replacement of City vehicles and equipment, and 

WHEREAS, these units will be assigned primarily to the Police Department, with a few exceptions in other areas, and 

WHEREAS, these units will replace various police undercover detective vehicles that will reach the end of their service life during a fiscal year or will replace units that have been involved in a collision and are considered a total loss, and 

WHEREAS, the Fleet Services Division has obtained a dealership license that allows the purchase of vehicles through a wholesalers auction (Adesa Golden Gate Auction or a wholesale inventory sale (Enterprise Vehicle Exchange), and 

WHEREAS, this is advantageous in that Fleet can purchase current model year vehicles with extremely low mileage for about of the cost of a new vehicle, and the City has a need to purchase approximately 19 replacement vehicles including contingency for accidents each fiscal year, and
WHEREAS, the Fleet Services Division currently purchases these vehicles with the dealership license for undercover police vehicles and cars and SUVs as needed for the City's fleet, and

WHEREAS, the Fleet Services Division is seeking approval to purchase once vehicles are selected and the City is the highest bidder, with Adesa Golden Gate Auction of Tracy, CA and Enterprise Vehicle Exchange of Modesto, CA, and

WHEREAS, the purchase of these replacement vehicles does not fall into the formal bidding process under Modesto Municipal Code (MMC) Section 8-3.203 which generally requires all purchases, which meet or exceed $50,000 for material equipment or contractual services to be formally bid, and

WHEREAS, purchasing vehicles at wholesale pricing and in a bid setting does conform with Section 8-3.204(d) where the Purchasing Manager, in her discretion, determines that a process other than the form bid procedure set forth in Section 8-3.203 will results in a procurement for the City at the lowest possible cost to commensurate with the desired quality, and

WHEREAS, having approval to purchase from both vendors would allow the Fleet Manager, or his designee to purchase vehicles at either auction, and

WHEREAS, the Director of Finance, or her designee, would ensure that the department does not exceed the annual totals and will make adjustments between the two vendors based on availability of vehicles but not to exceed the totals by monitoring the payment and tracking of each vendor, and once the two year term has ended purchasing options will be reevaluated, and

WHEREAS, sufficient funds for all replacement vehicles have been encumbered
in Various Funds, the fund will depend on whether this is a routine replacement vehicle or the Department is adding to their fleet.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for various purchases with Adesa Golden Gate Auction of Tracy, CA and Enterprise Vehicle Exchange of Modesto, CA for a two year term for an annual replacement vehicle not to exceed $361,000 with a total cost not to exceed $722,000 split equally between the two vendors.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue this purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A FIRST AMENDMENT TO THE SERVICES AGREEMENT WITH THYSSENKRUPP ELEVATOR CORP. FOR ELEVATOR MAINTENANCE AND REPAIR, IN THE AMOUNT OF $150,560, FOR A REVISED TOTAL NOT TO EXCEED $383,960 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City owns, operates and manages elevators and elevator-type equipment in eleven City facilities, and

WHEREAS, in June 2015 the City issued a formal Request for Proposals (RFP) to provide elevator maintenance and repair services, and

WHEREAS, ThyssenKrupp Elevator Corp., West Sacramento, CA ("ThyssenKrupp") ranked highest, and

WHEREAS, on September 22, 2015, by Resolution No. 2015-352, Council approved a two year Agreement with three one-year extension options with ThyssenKrupp to provide elevator maintenance and repair services, for an estimated annual cost of $46,680, and

WHEREAS, the annual cost of $46,680 was the total of the monthly inspections and maintenance costs, but did not establish a spending limit for additional repairs and emergency services, and

WHEREAS, the hourly rates for additional repairs and emergency services were approved in the agreement, and range from $250 to $810 per hour depending on time of day and number or type of technicians needed, and

WHEREAS, repairs and emergency work expenses have averaged $26,000 per year for the first three years of the contract, and
WHEREAS, the proposed amendment seeks to include the costs of essential repairs that the City is obligated to make in order to comply with state requirements and that were previously not included in the total annual cost in the Agreement, and

WHEREAS, the proposed amendment will increase the maximum annual compensation by $75,280, for a total increase not to exceed $150,560 over two years, and for a new total five-year spending limit not to exceed $383,960, and

WHEREAS, the increase to the contract covers cost of anticipated essential repairs to the elevator systems in multiple City facilities, and

WHEREAS, the annual cost for repairs is included in the adopted Fiscal Year 2018-2019 operating budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Services Agreement with ThyssenKrupp Elevator Corp. for elevator maintenance and repair, in the amount of $150,560, for a revised total not to exceed $383,960 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment, 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 23\textsuperscript{rd} day of October, 2018, 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:

\textbf{AYES:} Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

\textbf{NOES:} Councilmembers: None

\textbf{ABSENT:} Councilmembers: None

\underline{ATTEST:} \\
STEPHANIE LOPEZ, City Clerk

(SEAL)

\underline{APPROVED AS TO FORM:} \\
By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE QUARTERLY FUEL ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES FOR AN INCREASE OF $0.22 PER MONTH FOR RESIDENTIAL SERVICES AND AN INCREASE OF $0.20 PER CUBIC YARD PER MONTH FOR COMMERCIAL SERVICES, RETROACTIVE TO OCTOBER 1, 2018, AND RESCINDING RESOLUTION NO. 2018-241 FOR THE JULY 1, 2018 QUARTERLY FUEL ADJUSTMENT AND RESOLUTION NO. 2018-242 FOR THE JULY 1, 2018 ANNUAL RATE ADJUSTMENT TO THE MAXIMUM RATE SCHEDULE

WHEREAS, with the adoption of Ordinance No. 3068-C.S., November 19, 1992, the City no longer sets rates for the collection of garbage in Modesto, but instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets the maximum rate that the haulers may charge for various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City’s Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as per the Agreements with the City’s garbage collection companies, and

WHEREAS, the City analyzes the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and
WHEREAS, on June 27, 2006, by Resolution No. 2006-410, Council approved making routine quarterly adjustments as needed to the component of the maximum rates attributable to the cost of fuel, and

WHEREAS, the fuel rates analyzed for this rate adjustment were based on the Department of Energy average diesel fuel prices from April 2018 through June 2018, and

WHEREAS, this action is to adjust maximum rates for fuel and therefore does not require environmental review, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the quarterly adjustments to the fuel component of the maximum rates should be made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the quarterly fuel adjustments from April 2018 through June 2018 to the Maximum Rate Schedule for Garbage Services, Attachment A, dated October 1, 2018, of $0.22 per month for residential services and $0.20 per cubic yard per month for commercial services and shall become effective retroactive to October 1, 2018 and shall remain in effect until rescinded.

BE IT FURTHER RESOLVED that Resolution No. 2018-241 and Resolution No. 2018-242 are hereby rescinded effective October 1, 2018.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of October, 2018, 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
MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Maximum Monthly Rates (Once a Week Pickup Service)

Standard container service maximum rates shall include the following:
- One 96-gallon container for garbage and one 96-gallon container for organics recycling
- Two bulky item collections per year by appointment
- Maintenance of City trees, including collection & composting of Green Waste/Forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for Household Hazardous Waste at the HHW Facility

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

1. Standard container service
   a. The maximum rate for new sign-ups for service or changes in service that occur after October 1, 1996, shall be **$33.31 per month** regardless of size of container. A fuel component of $1.24 per month is included in the maximum rate based on diesel fuel rates for April 2018 through June 2018. The fuel component may be adjusted quarterly as needed.
   b. The maximum rate for each additional garbage container shall be **$21.44 per month, and $10.27 per month** for each additional organics recycling container.

2. 60-gallon container service (grandfathered customers)
   a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **$24.41 per month**. A fuel component of $1.24 per month is included in the maximum rate based on diesel fuel rates for April 2018 through June 2018. The fuel component may be adjusted quarterly as needed
   b. The maximum rate for each additional 60-gallon garbage container shall be **$20.90 per month**.
3. **Fuel Component adjustments** - The fuel component will be analyzed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency.

**DETACHABLE CONTAINERS**

**Maximum Monthly Rates**

<table>
<thead>
<tr>
<th>Container Size</th>
<th>Regular Container Maximum Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>NUMBER OF COLLECTIONS PER WEEK</td>
<td>1</td>
</tr>
<tr>
<td>1 CY</td>
<td>$44.12</td>
</tr>
<tr>
<td>2 CY</td>
<td>$88.24</td>
</tr>
<tr>
<td>3 CY</td>
<td>$132.36</td>
</tr>
<tr>
<td>4 CY</td>
<td>$176.48</td>
</tr>
<tr>
<td>5 CY</td>
<td>$220.60</td>
</tr>
<tr>
<td>6 CY</td>
<td>$264.72</td>
</tr>
</tbody>
</table>

**Organic Recycling Participants signed prior to 2016 Container Maximum Rates**

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 CY</td>
<td>$66.18</td>
<td>$132.36</td>
<td>$198.54</td>
<td>$264.72</td>
<td>$330.90</td>
<td>$397.08</td>
<td></td>
</tr>
<tr>
<td>3 CY</td>
<td>$99.27</td>
<td>$198.54</td>
<td>$297.81</td>
<td>$397.08</td>
<td>$496.35</td>
<td>$595.62</td>
<td></td>
</tr>
<tr>
<td>4 CY</td>
<td>$132.36</td>
<td>$264.72</td>
<td>$397.08</td>
<td>$529.44</td>
<td>$661.80</td>
<td>$794.16</td>
<td></td>
</tr>
<tr>
<td>5 CY</td>
<td>$165.45</td>
<td>$330.90</td>
<td>$496.35</td>
<td>$661.80</td>
<td>$827.25</td>
<td>$992.70</td>
<td></td>
</tr>
<tr>
<td>6 CY</td>
<td>$198.54</td>
<td>$397.08</td>
<td>$595.62</td>
<td>$794.16</td>
<td>$992.70</td>
<td>$1,191.24</td>
<td></td>
</tr>
<tr>
<td>90-gallon</td>
<td>$24.98</td>
<td>$49.97</td>
<td>$74.95</td>
<td>$99.93</td>
<td>$124.91</td>
<td>$149.90</td>
<td></td>
</tr>
</tbody>
</table>

1. **Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pick-up per week for each size container.

2. **Fuel Component** - A fuel component of $1.08 per cubic yard per month per pick-up is included in the maximum rate for April 2018 through June 2018. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June;
January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy.

**DROP BOX CONTAINERS**

1. **Pick up charge** - $383.00 per pick-up  
2. **Rental**  
   - $0.85 per day up to 7 day maximum rental  
   - $3.00 per day for boxes kept 7 or more days without servicing  
   - $10.00 per day for boxes kept 21 or more days without servicing  
3. **Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of $15.64 per ton is added to the disposal charges.

**COMPACTORS**

**Front Loader Type:**

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>3 CY</td>
<td>$397.08</td>
</tr>
<tr>
<td>4 CY</td>
<td>$529.44</td>
</tr>
<tr>
<td>6 CY</td>
<td>$794.16</td>
</tr>
</tbody>
</table>

**Roll-Off Types:**

1. 6 CY to 40 CY  
2. Hospital waste compactors  
3. Washing compactor  
4. Disposal Charge:  
5. AB 939 Green Waste Diversion Fee  

**EXTRA PICKUPS**

1. Standard containers or equivalent  
2. Detachable containers

**SPECIAL SERVICE CONDITIONS**

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.
DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

<table>
<thead>
<tr>
<th></th>
<th>1 CY</th>
<th>1½ CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>$10.12</td>
<td>$11.00</td>
<td>$12.10</td>
<td>$15.40</td>
<td>$20.24</td>
<td>$25.08</td>
<td>$29.92</td>
</tr>
</tbody>
</table>

NOTATIONS

1. **Recycling Fee:** The above maximum rates include a $0.41 per month residential recycling fee; a $0.97 per cubic yard per month commercial recycling fee; and a $14.07 per pull industrial recycling fee.

2. **Litter Abatement Fee:** The above maximum rates include a $0.59 per cubic yard per month commercial litter abatement fee.

3. **AB 939 Green Waste Diversion Fee:** The above maximum rates include a $4.82 per household per month residential AB 939 Green Waste Diversion Fee; a $9.45 per cubic yard per month commercial bin and front-loader compactor AB 939 Green Waste Diversion Fee; and a $15.64 per ton industrial drop box AB 939 Green Waste Diversion Fee.

4. **Carpenter Road Landfill Mitigation Fee:** The above maximum rates include a $.50 per household per month residential Carpenter Road Landfill Mitigation Fee; a $.95 per cubic yard per month commercial Carpenter Road Landfill Mitigation Fee, and a $13.79 per pull Carpenter Road Landfill Mitigation Fee on industrial wastes.

5. **Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code,** the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-476

RESOLUTION APPROVING AN AGREEMENT CONSENTING TO COMMON USE WITH MODESTO IRRIGATION DISTRICT FOR THE CROSSING OF ITS HIGHLINE LATERAL ADJACENT TO YOSEMITE AVENUE, FOR AN AREA OF APPROXIMATELY 300 SQUARE FEET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, FOR THE EMPIRE SEWER TRUNK LINE REPLACEMENT PROJECT

WHEREAS, the City is making improvements to the Empire Sewer Trunk Collection System, and

WHEREAS, the project is known as the Empire Sewer Trunk Line Replacement Project, and

WHEREAS, the existing system has been identified for upgrade and replacement, and

WHEREAS, a part of the work will replace an older 10” sewer line with a new 15” line and cross Modesto Irrigation District’s Highline Lateral, and

WHEREAS, the crossing area contains approximately 300 square feet, and

WHEREAS, Modesto Irrigation District requires an Agreement Consenting to Common Use for this purpose, and

WHEREAS, the Agreement is required to construct project improvements and to cross Modesto Irrigation District’s Highline Lateral.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement Consenting to Common Use, to cross a 300 square feet area, located adjacent to Yosemite Avenue, at no cost to the City, for the Empire Sewer Trunk Line Replacement Project.
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 23rd day of October, 2018, 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]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A LICENSE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR THE CROSSING OF ITS LATERAL NO. 1 ADJACENT TO GARNER ROAD, FOR AN AREA OF APPROXIMATELY 750 SQUARE FEET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, FOR THE EMPIRE SEWER TRUNK LINE REPLACEMENT PROJECT

WHEREAS, the City is making improvements to the Empire Sewer Trunk Collection System, and

WHEREAS, the project is known as the Empire Sewer Trunk Line Replacement Project, and

WHEREAS, the existing system has been identified for upgrade and replacement, and

WHEREAS, a part of the work will replace an older 15" sewer line with a new 18" line and cross Modesto Irrigation District’s Lateral No. 1, and

WHEREAS, the crossing area contains approximately 750 square feet, and

WHEREAS, Modesto Irrigation District requires a License Agreement for this purpose, and

WHEREAS, the Agreement is required to construct project improvements and to cross Modesto Irrigation District’s Lateral No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the License Agreement, to cross a 750 square feet area, located adjacent to Garner Road, at no cost to the City, for the Empire Sewer Trunk Line Replacement Project.
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 23rd day of October, 2018, 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
RESOLUTION REQUESTING THE STATE WATER RESOURCES CONTROL BOARD PURSUE A COMPREHENSIVE SOLUTION, WHICH PRIORITIZES NON-FLOW MEASURES TO PROTECT NATIVE FISH SPECIES BEFORE REQUIRING FLOW INCREASES FOR BAY-DELTA PLAN - SUBSTITUTE ENVIRONMENTAL DOCUMENT, AND OPPOSES ANY ACTION AND PLAN THAT DOES NOT ADDRESS THESE ITEMS

WHEREAS, the State Water Resources Control Board's (SWRCB) Bay-Delta Plan, Phase 1 Draft Substitute Environmental Document (SED) issued in December 2012 proposed to require the Stanislaus, Tuolumne, and Merced rivers release 35 percent of unimpaired flows from February to June each year for environmental benefit; and

WHEREAS, the SWRCB, after a hearing in March 2013 and submittal of comments regarding the adequacy and sustainability of the SED, has now revised and increased the recommendations of the Draft SED to 40% unimpaired flows, with the ultimate intention of finalizing the SED and updating the Bay-Delta Water Quality Control Plan with its Board for adoption at a date to be determined; and

WHEREAS, flows described in the SED will create "significant and unavoidable" lasting impacts that will harm the socioeconomic welfare of those within Stanislaus, San Joaquin and Merced Counties as well as Northern California counties which will be impacted under Phase 2; and

WHEREAS, water supply impacts of flows described in the SED include the loss of hundreds-of-thousands of acre-feet of surface water that is used to supply drinking water, and water for agriculture - the region's economic engine. This loss of water would destroy communities and have the most severe impacts on the drinking water for some of our poorest minority communities; and
WHEREAS, groundwater impacts of flows described in the SED include increased groundwater pumping at a time when California is working to implement the landmark Sustainable Groundwater Management Act. The SED estimates additional and significant groundwater impacts resulting from an increased reliance on groundwater pumping. The reduced surface water deliveries proposed in the SED will severely hamper the ability to conjunctively use surface water deliveries on farms adequately recharge groundwater; and

WHEREAS, electrical power impacts of flows described in the SED include public power agencies being resigned to generating more hydropower at a time of low demand, meaning less water is available to generate hydropower in summer when power demand is at its peak. This has economic impacts to public power agencies, and such impacts bear a direct relation to local customer utility rates; and

WHEREAS, there is reasonable and significant doubt that the flows described in the SED will benefit native fish populations or promote ecosystem restoration. The SED focuses narrowly on flows as a solution to environmental concerns while ignoring non-flow alternatives such as predator suppression and fish habitat restoration. Such non-flow management measures are often less costly and more effective; and

WHEREAS, the cities and Irrigation Districts within San Joaquin, Stanislaus and Merced Counties have made significant investments in diversifying their drinking water sources to include the use of water from the Stanislaus, Tuolumne and Merced rivers. With the implementation of the SED, the use of river water for drinking water is threatened, leaving local communities even more vulnerable to the impacts of drought and potentially stranding significant investments in these vital assets.
NOW, THEREFORE BE IT RESOLVED THAT the Modesto City Council request the State Water Resources Control Board to pursue a comprehensive solution, which takes into account, rather than dismisses, the impacts listed above. This solution must prioritize non-flow measures to protect native fish species, such as predation reduction programs, before requiring flow increases that would threaten the economic vitality of our region.

BE IT FURTHER RESOLVED the Modesto City Council opposes any action by the SWRCB that does not take these factors into account and opposes any plan that does not directly address these items.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, 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

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

Stephanie Lopez, City Clerk

10/23/2018/Utilities/W Wong/Item 18

2018-478
RESOLUTION ACCEPTING THE AIRPORT HANGAR 1S ROOF REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $364,201.35 TO BEST CONTRACTING SERVICES, INC. OF GARDENA, CA

WHEREAS, on September 5, 2017, by Resolution No. 2017-344, Council awarded a contract to Best Contracting Services, Inc., for the construction of the Airport Hangar 1S Roof Replacement project, and

WHEREAS, staff provided the construction management, inspection, survey staking, and project administration, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of September 18, 2017, and

WHEREAS, all contract and administrative work was completed by May 25, 2018, and

WHEREAS, the Airport Hangar 1S Roof Replacement project has been completed by Best Contracting Services, Inc. of Gardena, CA. in accordance with the contract agreement dated September 5, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Airport Hangar 1S Roof Replacement project is hereby accepted as complete by Best Contracting Services, Inc. of Gardena, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $364,201.35 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 23rd day of October, 2018, 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]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A FIRST AMENDMENT TO THE CITY MANAGER’S EMPLOYMENT AGREEMENT TO INCLUDE THE CITY MANAGER’S PERFORMANCE GOALS, AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on July 10, 2018, by Resolution No. 2018-297, Council approved an Employment Agreement with Joseph P. Lopez to serve as the City Manager (“Employment Agreement”); and

WHEREAS, Section 12, “Performance Evaluation,” of the Employment Agreement required that a list of goals be presented to the City Council by August 31, 2018; and

WHEREAS, a presentation on the list of goals were provided to the City Council on August 14, 2018; and

WHEREAS, the City Council extended the deadline for submittal and approval of the City Manager’s Performance Goals to the end of October and created a subcommittee comprised of two City Councilmembers to further evaluate these goals; and

WHEREAS, the performance goals have been evaluated and are recommended to be forwarded to the full City Council for approval.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council for the City of Modesto, approves the City Manager’s Performance Goals and approves the First Amendment to the Employment Agreement with Joseph P. Lopez to include the City Manager’s Performance Goals.

BE IT FURTHER RESOLVED THAT the approval of the City Manager’s Performance Goals and approval of the First Amendment to the Employment Agreement
with Joseph P. Lopez is pursuant to Section 12, “Performance Evaluation,” of the Employment Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, 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: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE LAND EXCHANGE AGREEMENT BETWEEN THE CITY AND STANISLAUS FOOD PRODUCTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City is the fee owner of certain real property (the “City Property”), known as 11th Street between D Street and Morton Blvd., 12th Street between B Street and Morton Blvd., and B Street between 12th Street and 10th Street, located in the City; and

WHEREAS, Stanislaus Food Products (SFP) is the fee owner of certain real property (the “Stanislaus Property,”) located in the City, formerly known as a portion of 10th Street between B Street and D Street, and strips of land bordering 10th Street between B Street and Morton Blvd., and a strip of land from 11th Street to Morton Blvd. on both sides of 11th Street, and a strip of land along 9th and B Streets; and

WHEREAS, SFP owns the property adjacent to the City Property and desires to acquire ownership of the City Property with no restrictions in order to close 11th Street between D Street and Morton Blvd, 12th Street between B Street and Morton Blvd., and B Street between 12th Street and 10th Street, and to make permanent improvements that will benefit SFP; and

WHEREAS, the City desires to purchase the SFP Property for future public Purposes; and

WHEREAS, the City and SFP have negotiated a land exchange agreement (the “Land Exchange Agreement”) that was approved by the City Council on October 10, 2017 by Resolution No. 2017-404; and
WHEREAS, the City and SFP now desire to amend certain provisions of the Land Exchange Agreement to allow both parties more time to meet conditions precedent set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Land Exchange Agreement between the City and Stanislaus Food Products.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the First Amendment to the Land Exchange Agreement, in a form approved by the City Attorney, and to take all other actions and execute all other documents that are necessary to carry out the intent of this Resolution and to exchange the properties, as set forth in the Land Exchange Agreement and the First Amendment thereto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, by Councilmember Madrigal, 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, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING ANNUAL RATE INCREASES AND PROPERTY TAX PAYMENTS FOR WELLS 291, 292, AND 308 LEASED FROM MODESTO AND EMPIRE TRACTION COMPANY IN THE AMOUNT OF $10,344 AND A TOTAL AMOUNT NOT TO EXCEED $720,145 THROUGH DECEMBER OF 2024, RATIFYING PAST EXPENDITURES THAT EXCEEDED COUNCIL AUTHORITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO APPROVE ANY FUTURE CONSUMER PRICE INDEX INCREASES

WHEREAS, with the acquisition of the Del Este water system in 1995, the City began leasing several well sites from Beard Land Improvement Company and M&ET, and

WHEREAS, the City is currently leasing three well sites (291, 292, and 308) from M&ET, and

WHEREAS, on October 28, 2014, by Resolution Nos. 2014-432 and 433, Council approved water well/right-of-way lease agreements for Wells 291, 292, and 308 for a ten year term for a total annual cost of $90,000, and

WHEREAS, the agenda report and resolutions did not include annual Consumer Price Index (CPI) increases or the County Property Tax that the City pays, which were specified in the signed agreements, and

WHEREAS, the three well sites leased from M&ET (291, 292, and 308) have exceeded the annual amounts authorized in Resolutions 2014-432 and 2014-433 by a total of $10,344 since Council approval on October 28, 2014, and

WHEREAS, staff has estimated the annual CPI increases at 5% each year for the remaining six (6) years and four (4) months of the agreements, and
WHEREAS, the total estimated expense for the lease payments, with annual CPI increases and annual property taxes, is $720,145 until the end of the agreements, and

WHEREAS, staff recommends approval of the annual CPI increases and property tax payments to provide for continued support of the City’s water supply and distribution within the Modesto Regional Water System, and

WHEREAS, sufficient funding is available in the Water Fund for the lease increases in account 4100-45050-53070.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves annual rate increases and property tax payments for Wells 291, 292, and 308 leased from Modesto and Empire Traction Company in the amount of $10,344 and a total amount not to exceed $720,145 through December of 2024, and ratifies past expenditures that exceeded Council authority.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to approve any future Consumer Price Index increases.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING ANNUAL RATE INCREASES TO THE LAND LICENSE FOR PROPERTY AT 236 CODONI IN THE AMOUNT OF $57,204 AND A TOTAL AMOUNT NOT TO EXCEED $67,003 THROUGH FEBRUARY OF 2020, RATIFYING PAST EXPENDITURES THAT EXCEEDED COUNCIL AUTHORITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO APPROVE ANY FUTURE CONSUMER PRICE INDEX INCREASES

WHEREAS, on March 25, 2003, by Resolution No. 2003-151, Council approved License and Environmental Indemnity Agreements with Beard Land Improvement company in the amount of $2,790 per month and also entered into a rental agreement for a modular building for the purpose of housing a satellite corporation yard at 236 Codoni Ave., and

WHEREAS, since 2003, the City's Water Services Division has had an ongoing land license with no established end date, no allowance for Consumer Price Index (CPI), as well as an ongoing modular rental agreement with no established end date, and

WHEREAS, the City has conducted a comprehensive review of past and current contracting and purchasing practices and the review findings concluded that the Land License for 236 Codoni Ave. was approved by Council but the approvals did not include the annual CPI increases or an established end date, and

WHEREAS, the Codoni Land License was a Revocable License with no end date established. Staff believes the intention of the land license was to be temporary in anticipation of the City acquiring land for a new Water Corporation Yard; however, due to budget constraints this acquisition did not happen until 2016, and
WHEREAS, the new Water Corporation Yard is currently under construction with an estimated completion date of February 29, 2020, which should allow sufficient time to relocate the staff and equipment to the new Water Corporation Yard, and

WHEREAS, the land license payments have exceeded the original agreement by $57,204 due to annual CPI increases, and

WHEREAS, staff estimates the land license total with an additional 5% for the CPI not to exceed $67,003 for the remaining eighteen (18) months of the agreement, and

WHEREAS, sufficient funding is available in the Water Fund for the lease increases in account 4100-45050-53070.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves annual rate increases to the land license for the property at 236 Codoni in the amount of $57,204 and a total amount not to exceed $67,003 through February of 2020, and ratifying past expenditures that exceeded Council authority.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any future Consumer Price Index increases.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Grewal

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-484

RESOLUTION RATIFYING THE PAYMENTS MADE PER THE RENTAL AGREEMENT WITH PACIFIC MOBILE STRUCTURES FOR THE MODULAR AT 236 CODONI OVER THE $50,000 IN THE AMOUNT OF $377,576 AND A TOTAL AMOUNT NOT TO EXCEED $61,078 THROUGH FEBRUARY OF 2020, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO APPROVE ANY FUTURE CONSUMER PRICE INDEX INCREASES

WHEREAS, on March 25, 2003, by Resolution No. 2003-151, Council approved License and Environmental Indemnity Agreements with Beard Land Improvement Company in the amount of $2,790 per month and also entered into a rental agreement for a modular building for the purpose of housing a satellite corporation yard at 236 Codoni Ave., and

WHEREAS, since 2003, the City’s Water Services division has had an ongoing land license with no established end date, no allowance for Consumer Price Index (CPI), as well as an ongoing modular rental agreement with no established end date, and

WHEREAS, the City has conducted a comprehensive review of past and current contracting and purchasing practices and the review findings concluded the modular rental for 236 Codoni Ave. was approved by Council; however, when the total paid to the vendor exceeded $50,000 it was not returned to Council for approval, and

WHEREAS, when the modular rental was established in 2003, the annual amount was under $50,000 and required City Manager approval; however, continued usage and rental payments for the modular over the last fifteen (15) years have exceeded the $50,000 limit by a total of $377,576, and

WHEREAS, staff estimates the total modular rental for the remaining eighteen (18) months not to exceed $61,078, which includes estimated “tear down” fees of
$15,000, and rental of the modular will cease when staff moves into the new Water Corporation Yard, and

WHEREAS, sufficient funding is available in the Water Fund for the lease increases in account 4100-45050-53070.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby ratifies the payments made per the rental agreement with Pacific Mobile Structure for the modular at 236 Codoni over the $50,000 in the amount of $377,576 and a total amount not to exceed $61,078 through February of 2020.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to approve any future Consumer Price Index increases.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of October, 2018, by Councilmember Kenoyer,
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, Kenoyer, Madrigal, Ridenour,
                   Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: Stephanie López, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2018-485

RESOLUTION APPROVING ANNUAL RATE INCREASES AND PROPERTY TAX PAYMENTS FOR WELLS 225 AND 279 LEASED FROM BEARD LAND IMPROVEMENT COMPANY IN THE AMOUNT OF $14,098 AND A TOTAL AMOUNT NOT TO EXCEED $489,067 THROUGH DECEMBER OF 2024, RATIFYING PAST EXPENDITURES THAT EXCEEDED COUNCIL AUTHORITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO APPROVE ANY FUTURE CONSUMER PRICE INDEX INCREASES

WHEREAS, with the acquisition of the Del Este water system in 1995, the City began leasing several well sites from the Beard Land Improvement Company and Modesto and Empire Traction Company (M&ET), and

WHEREAS, over the years, some well sites have been demolished and the City is currently leasing two well sites (225 and 279) from the Beard Land Improvement Company, and

WHEREAS, on October 28, 2014, by Resolutions Nos. 2014-430 and 2014-431, Council approved water well/right-of-way lease agreements with Beard Land Improvement Company for Wells 225 and 279 for a ten year term for a total annual cost of $60,000, and

WHEREAS, the agenda report and resolutions did not include the annual Consumer Price Index (CPI) increases or the County Property Tax the City pays, which were both specified in the signed agreements, and

WHEREAS, the two well sites (225 and 279) have exceeded the annual amounts authorized in Resolution Nos. 2014-430 and 2014-431 by a total of $14,098 since Council approval on October 28, 2014, and
WHEREAS, staff has estimated the annual CPI increase at 5% each year for the remaining six (6) years and four (4) months of the agreement, and
WHEREAS, the total estimated expense for the lease payment with CPI increase and property taxes is $489,067, and
WHEREAS, staff recommends approval of the annual CPI increases and property tax payments to provide for continued support of the City’s water supply and distribution within the Modesto Regional Water System, and
WHEREAS, sufficient funding is available in the Water Fund for the lease increases in account 4100-45050-53070.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves annual rate increases and property tax payments for Wells 225 and 279 leased from Beard Land Improvement company in the amount of $14,098 and a total amount not to exceed $489,067 through December of 2024, and ratifies past expenditures that exceeded Council authority.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to approve any future Consumer Price Index increases.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2018, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney