

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 1-82

RESOLUTION ORGANIZING THE REDEVELOPMENT
AGENCY OF THE CITY OF MODESTO AND NAMING
OFFICERS

WHEREAS, the City Council of the City of Modesto has by Ordinance No. 2143-C.S. declared a need for a redevelopment agency to function within the City of Modesto; and

WHEREAS, it is necessary for the Redevelopment Agency of the City of Modesto to organize and select a chairman and vice-chairman in order to proceed with the business before it on October 26, 1982;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The members of the City Council of the City of Modesto organize themselves on October 26, 1982, as members of the Redevelopment Agency of the City of Modesto.

Section 2. The Mayor and Vice-Mayor of the City of Modesto, respectively, shall become the Chairman and Vice-Chairman of the Redevelopment Agency of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 26th day of October, 1982, by Agency member Lang, who moved its adoption, which motion being duly seconded by Agency member Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Agency members: None

ABSENT: Agency members: None

ATTEST:

Judy C. Hall, Acting
Secretary

(SEAL)

APPROVED AS TO FORM:

By

Elwyn Johnson
ELWYN JOHNSON General Counsel

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 2-82

RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF MODESTO ADOPTING BYLAWS FOR THE
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
AND APPOINTING OFFICERS

WHEREAS, the City Council of the City of Modesto has organized itself as the Redevelopment Agency of the City of Modesto (the "Agency"); and

WHEREAS, it is necessary for said Agency to establish bylaws for the conduct of its business; and

WHEREAS, it is necessary to appoint officers established in the bylaws;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The "Bylaws for the Redevelopment Agency of the City of Modesto," in the form attached to this resolution and incorporated herein by reference, are hereby adopted.

Section 2. The officers of the Agency, other than the Chairman and Vice-Chairman, as set forth in the Bylaws, are appointed to be as follows:

Executive Director: City Manager

Assistant Director: Director of Planning and Community Development

Secretary: City Clerk

Finance Officer: Director of Finance

General Counsel: City Attorney

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 26th day of October, 1982, by Agency member Siefkin, who moved its adoption, which motion being duly seconded by Agency member Muratore, was

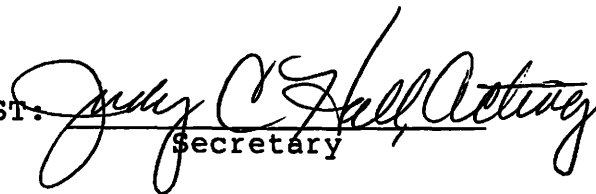
upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Agency members: None

ABSENT: Agency members: None

ATTEST:


Secretary

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN JOHNSON, General Counsel

BYLAWS OF THE
REDEVELOPMENT AGENCY
OF THE CITY OF MODESTO

ARTICLE I - THE AGENCY

Section 1.01. Name of Agency. The official name of the Agency shall be the "Redevelopment Agency of the City of Modesto."

Section 1.02. Seal of Agency. The seal of the Agency shall be in the form of a circle and shall bear the name of the Agency and the year of its organization.

Section 1.03. Office of Agency and Place of Meetings. The office of the Agency shall be at 801 11th Street, Modesto, California, but the Agency may hold its meetings at any place in the City of Modesto, California, which the Agency may from time-to-time designate.

Section 1.04. Powers. The powers of the Agency shall be vested in the members thereof then in office, who reserve unto themselves the right to delegate by resolutions such powers as are appropriate and permissible by law.

Section 1.05. Members. The members of the Agency shall be the members of the City Council of the City of Modesto.

ARTICLE II - OFFICERS

Section 2.01. Officers. The officers of the Agency shall be a Chairman and a Vice-Chairman. Other officials acting as its staff shall be an Executive Director, an Assistant Director, a Finance Officer, a General Counsel and a Secretary.

Section 2.02. Chairman. The Chairman of the Agency shall be the Mayor of the City of Modesto elected as provided by the Charter of the City of Modesto. The Chairman shall preside at all meetings of the Agency. Except as otherwise authorized by resolution of the Agency or the provisions of these Bylaws, the Chairman shall sign all contracts, deeds and other instruments made by the Agency. At each meeting, the Chairman shall submit recommendations and information as the Chairman may consider proper concerning the business, affairs and policies of the Agency.

Section 2.03. Vice-Chairman. The Vice-Chairman shall be the Vice-Mayor of the City of Modesto as designated and provided by the Charter of the City of Modesto. The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman. In the absence of the Chairman and Vice-Chairman, the Agency members shall elect a member present as Chairman pro tempore for the purpose of conducting meetings and performing the duties of the Chairman.

Section 2.04. Executive Director. The Executive Director shall be appointed by the Agency and shall serve at the pleasure of the Agency. The Executive Director shall have general supervision over administration of the Agency business and its affairs, subject to the direction of the Agency. The Executive Director shall sign all orders and checks for the payment of money as authorized by the Agency. The Executive Director shall give such bond for faithful performance of the Executive Director's duties as the Agency may determine.

Section 2.05. Assistant Director. The Assistant Director shall be appointed by the Agency and shall serve at the pleasure of the Agency. The Assistant Director

shall assist in the general supervision and administration of Agency business and its affairs, subject to the direction of the Executive Director and the Agency.

Section 2.06. Finance Officer. The Finance Officer shall be appointed by the Agency and shall serve at the pleasure of the Agency. The Finance Officer shall have the care and custody of all funds of the Agency and shall deposit the same in the name of the Agency in such bank or banks as the Agency may select. The Finance Officer shall prepare all orders and checks for the payment of money and shall pay out and disburse such monies. The Finance officer shall submit all such orders and checks to the Executive Director for signature and to the Secretary for co-signature. The Finance Officer shall keep regular books of account, showing receipts and expenditures and shall render to the Agency on a quarterly basis, or more often when requested, an account of the Agency's transactions and also the financial conditions of the Agency. The Finance Officer shall give such bond for faithful performance of the Finance Officer's duties as the Agency may determine.

Section 2.07. General Counsel. The General Counsel shall be appointed by the Agency and shall serve at the pleasure of the Agency. The General Counsel shall be the chief legal officer of the Agency and shall be responsible for the preparation of all proposed resolutions, laws, rules, contracts, bonds and all other legal papers for the Agency. The General Counsel shall give advice or opinions in writing to the Chairman or other Agency officers whenever required to do so. The General Counsel shall attend to all suits and other matters to which the Agency is a part or in which the Agency may be legally interested and do such other things pertaining to the General Counsel's office as the Agency may require.

Section 2.08. Secretary. The Secretary shall be appointed by the Agency and shall serve at the pleasure of the Agency. The Secretary shall keep the records of the Agency, shall act as secretary at meetings of the Agency and shall record all votes and keep a record of the proceedings of the Agency in a journal of proceedings to be kept for such purpose and shall perform all duties incident to the Secretary's office. The Secretary shall maintain a record of all official proceedings of the City Council of the City of Modesto relevant to the Agency and the redevelopment program. The Secretary shall countersign all orders and checks for the payment of money. The Secretary shall give such bond for faithful performance of the Secretary's duties as the Agency may determine.

Section 2.09. Expenses. Members of the Agency shall receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties.

Section 2.10. Additional Duties. The officers of the Agency shall perform such other duties and functions as may from time-to-time be required by the Agency or the Bylaws or rules and regulations of the Agency.

Section 2.11. Election or Appointment of Officers. Officers other than Chairman and Vice-Chairman shall be appointed at the annual meetings of the Agency.

Section 2.12. Vacancies. Should the offices of Chairman or Vice-Chairman become vacant, the Agency shall elect a successor in the same manner as provided for the Mayor and the Vice-Mayor in the Charter of the City of Modesto. Should any office other than Chairman or Vice-Chairman become vacant, the Agency shall appoint a successor within a reasonable time or by resolution determine that such office shall remain vacant for a definite or indefinite period of time.

Section 2.13. Additional Personnel. The Agency may from time-to-time appoint or employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the California Community Redevelopment Law and all other laws of the State of California applicable thereto. The selection, duties and compensation of such personnel shall be determined by the Agency, subject to the laws of the State of California.

ARTICLE III - MEETINGS

Section 3.01. Annual Meeting. The annual meeting of the Agency shall be held on the same day and at the same time as the meeting of the City Council of the City of Modesto as specified in the Charter of the City of Modesto for the designation of the Vice-Mayor, in the chambers of the City Council, 801 11th Street, Modesto, California.

Section 3.02. Regular Meeting. Regular meetings shall be held without official notice on the first and third Tuesdays of each month at 4:00 p.m. and on the second and fourth Tuesdays of each month at 7:30 p.m. in the chambers of the City Council. In the event a day of meeting shall be a legal holiday, said meeting shall be held on the next succeeding business day.

Section 3.03. Special Meetings. The Chairman of the Agency may, when he deems it expedient, and shall, upon the written request of two (2) members of the Agency, call a special meeting of the Agency for the purpose of transacting the business designated in the call. The means and method for calling such special meeting shall be as set forth in the Ralph M. Brown Act, Government Code Section 54950 et seq. At such special meeting, no business shall be considered other than as designated in the call.

Section 3.04. Quorum. Four (4) members of the Agency shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time-to-time until the quorum is obtained. Every official act of the Agency shall be adopted by a majority vote. A "majority vote" shall mean a majority of the full membership.

Section 3.05. Order of Business. At the regular meetings of the Agency, the following shall be the order of business:

- (1) Roll Call;
- (2) Consent items;
- (3) Approval of the minutes of the previous meeting;
- (4) Bills and correspondence;
- (5) Reports of committees;
- (6) Unfinished business;
- (7) New business; and
- (8) Adjournment.

All resolutions shall be in writing and designated by number, reference to which shall be inscribed in the minutes and an approved copy filed in the official book of resolutions of the Agency.

Section 3.06. Manner of Voting. The voting on formal resolutions and on such other matters as may be requested by a majority of the Agency members, shall be by roll call, and the ayes and noes shall be entered upon the minutes of such meeting.

Section 3.07. Rules of Procedure. Unless a different procedure is established by resolution of the Agency, or set forth in these Bylaws, the rules of procedure set forth in Chapter 1, Title II of the Modesto Municipal Code shall govern all meetings of the Agency.

ARTICLE IV - AMENDMENTS

Section 4.01. Amendments to Bylaws. The Bylaws of the Agency may be amended by the Agency at any regular or special meeting by majority vote, provided that no such amendment shall be adopted unless at least seven (7) days written notice thereof has been previously given to all members of the Agency. Such notice shall identify the section or sections of the Bylaws proposed to be amended.

ARTICLE V - CONFLICTS

Section 5.01. Conflicts. Conflicts shall be determined and governed by a Conflict of Interest Code to be adopted by the Agency and approved by the City Council.

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 3-82

RESOLUTION OF THE REDEVELOPMENT AGENCY
OF THE CITY OF MODESTO ADOPTING PERSONNEL
RULES

WHEREAS, Section 33126 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) provides that redevelopment agencies shall adopt personnel rules and regulations applicable to all employees;

NOW, THEREFORE, the Redevelopment Agency of the City of Modesto does hereby approve and adopt the personnel rules of the City of Modesto, California, as set forth in Exhibit A, entitled "Article XII--Personnel System," attached hereto and incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 26th day of October, 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Agency members:	Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES:	Agency members:	None
ABSENT:	Agency members:	None

ATTEST:

Judith C. Hall, Acting
Secretary

(SEAL)

APPROVED AS TO FORM:

By

Elwyn Johnson
ELWYN JOHNSON, General Counsel

EXHIBIT A

ARTICLE XII--PERSONNEL SYSTEM

SECTION 1200. PERSONNEL SYSTEM. MERIT PRINCIPLE. Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with personnel rules and regulations adopted in the manner provided in this Charter.

SECTION 1201. UNCLASSIFIED AND CLASSIFIED SERVICE. The administrative service of the City shall be divided into Unclassified and Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

- (1) All elected officers.
- (2) City Manager, Deputy City Manager, City Attorney, City Clerk, City Auditor, and all heads of departments.
- (3) All members of boards and commissions.
- (4) Persons employed as unskilled laborers.
- (5) Positions in any class or grade created for a special or temporary purpose for a period of not longer than ninety (90) days in any one (1) fiscal year.

(6) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.

(7) Part-time employees paid on an hourly or per diem basis.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

SECTION 1202. RULES AND REGULATIONS. The Personnel System provided by this Article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the Council upon the recommendation of the City Manager.

SECTION 1203. POLITICAL ACTIVITIES PROHIBITED. No employee of the City shall, during the hours the employee is working for the City, take an active part in any municipal or other political campaign, nor seek or accept contributions for or against any candidate or issue therein, nor seek or accept signatures to any petition for or against any such candidate or issue. Nothing in this section shall be construed to prevent any such employee from seeking election or appointment to public office.

(As amended November 4, 1980)

SECTION 1204. CONTRACT FOR PERFORMANCE OF ADMINISTRATIVE FUNCTIONS. The Council may contract with the governing body of a city, or county within this State, or with a State department or other public or private agency for the preparation or conducting of competitive examinations for positions in the City service or for the performance of any other personnel administration service.

SECTION 1205. HEARING OFFICERS. An appeal of any person in the Classified Service relative to any suspension, demotion or dismissal, where the right of appeal is granted by the Personnel System of the City of Modesto, shall be heard by a hearing officer, who shall be selected by the Board of Personnel Appeals. The findings and recommendations of a hearing officer shall be made to the City Manager, who shall make the final determination relative to any suspension, demotion or dismissal.

Hearing officers shall have the power to administer oaths and affirmations in any appeals pending before them. Hearing officers shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before them. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of this State.

(Added November 4, 1980)

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 4-82

RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF MODESTO AUTHORIZING THE EXECU-
TION OF A COOPERATION AGREEMENT WITH THE
CITY OF MODESTO

WHEREAS, the City Council of the City of Modesto, acting pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), has activated the Redevelopment Agency of the City of Modesto (the "Agency") and declared itself to constitute the Agency by Ordinance No. 2143-C.S. adopted on September 21, 1982; and

WHEREAS, pursuant to the Community Redevelopment Law, the Agency is performing a public function of the City and may have access to services and facilities of the City; and

WHEREAS, the City and the Agency are undertaking proceedings for the adoption of a redevelopment project in the City, and the City and the Agency desire to enter into this Cooperation Agreement in anticipation of the adoption of such a redevelopment project in order to:

A. Set forth activities, services and facilities which the City will render for and make available to the Agency in furtherance of the activities and functions of the Agency under the Community Redevelopment Law; and

B. Provide that the Agency will reimburse the City for actions undertaken and costs and expenses incurred by it for and on behalf of the Agency;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The "Cooperation Agreement" between the City of Modesto and the Redevelopment Agency of the City of Modesto, in the form attached to this resolution and incorporated herein by reference, is hereby approved, and the Executive Director and Secretary of the Agency are hereby directed and authorized to execute said Cooperation Agreement.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 26th day of October, 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Agency members: None

ABSENT: Agency members: None

ATTEST:

Judy C. Hall Acting
Secretary

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, General Counsel

COOPERATION AGREEMENT

THIS AGREEMENT is entered into as of the 26th day of October, 1982, by and between the CITY OF MODESTO (herein the "City") and the REDEVELOPMENT AGENCY OF THE CITY OF MODESTO (herein the "Agency").

Recitals

A. The City Council of the City of Modesto, acting pursuant to the provisions of the California Community Redevelopment Law (Health & Safety Code Section 33000 et seq.), has activated the Agency and has declared itself to constitute the Agency, by Ordinance No. 2143-C.S., adopted on September 21, 1982.

B. Pursuant to the Community Redevelopment Law, the Agency is performing a public function of the City and may have access to services and facilities of the City.

C. The City and the Agency desire to enter into this Agreement:

(1) To set forth activities, services and facilities which the City will render for and make available to the Agency in furtherance of the activities and functions of the Agency under the Community Redevelopment Law; and

(2) To provide that the Agency will reimburse the City for actions undertaken and costs and expenses incurred by it for and on behalf of the Agency.

Agreements

1. The City agrees to provide for the Agency such staff assistance, supplies, technical services and other services and facilities of the City as the Agency may require in carrying out its functions under the Community

Redevelopment Law. Such assistance and services may include the services of officers and employees and special consultants.

2. The City may, but is not required to, advance necessary funds to the Agency or to expend funds on behalf of the Agency for the preparation and implementation of a redevelopment plan, including, but not limited to, the costs of surveys, planning, studies and environmental assessments for the adoption of a redevelopment plan, the costs of acquisition of property within the project area, demolition and clearance of properties acquired, building and site preparation, public improvements and relocation assistance to displaced residential and nonresidential occupants as required by law.

3. The City will keep records of activities and services undertaken pursuant to this Agreement and the costs thereof in order that an accurate record of the Agency's liability to the City can be ascertained. The City shall periodically, but not less than annually, submit to the Agency a statement of the costs incurred by the City in rendering activities and services of the City to the Agency pursuant to this Agreement. This Agreement may include a proration of the City's administrative and salary expense attributable to services of City officials, employees and departments rendered for the Agency.

4. The Agency agrees to reimburse the City for all costs incurred for services by the City pursuant to this Agreement from and to the extent that funds are available to the Agency for such purpose pursuant to Section 33670 of the Health & Safety Code or from other sources; provided, however, that the Agency shall have the sole and exclusive right to pledge any such sources of funds to the repayment of other indebtedness incurred by the Agency in carrying out the redevelopment project. The costs of the City under

this Agreement will be shown on statements submitted to the Agency pursuant to Section 3 above. Although the parties recognize that payment may not occur for a few years and that repayment may also occur over a period of time, it is the express intent of the parties that the City shall be entitled to repayment of the expenses incurred by the City under this Agreement, consistent with the Agency's financial ability, in order to make the City whole as soon as practically possible.

5. The City agrees to include the Agency within the terms of the City's insurance policies and fidelity bonds. The Agency shall pay to the City its pro rata share of the costs of insurance and bonds applicable to its activities resulting from the Agency's inclusion in the City's policies and bonds.

6. The obligations of the Agency under this Agreement shall constitute an indebtedness of the Agency within the meaning of Section 33670 et seq. of the Community Redevelopment Law, to be repaid to the City by the Agency with interest at twelve percent (12%) per annum.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

ATTEST:

CITY OF MODESTO

City Clerk

By _____
City Manager

"CITY"

ATTEST:

REDEVELOPMENT AGENCY OF THE
CITY OF MODESTO

Secretary

By _____
Executive Director

"AGENCY"

RESOLUTION OF THE REDEVELOPMENT AGENCY
OF THE CITY OF MODESTO DESIGNATING THE
MODESTO BEE AS A NEWSPAPER OF GENERAL
CIRCULATION FOR PUBLICATION OF OFFICIAL
NOTICES

WHEREAS, Section 6040 et seq. of the Government Code of the State of California requires the publication of official notices in a newspaper of general circulation within the jurisdiction of a public entity; and

WHEREAS, the Modesto Bee is a newspaper of general circulation within the jurisdiction of the Redevelopment Agency of the City of Modesto;

NOW, THEREFORE, the Redevelopment Agency of the City of Modesto does hereby resolve that the Modesto Bee is the newspaper of general circulation in which the official notices of the Redevelopment Agency of the City of Modesto shall be published.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 26th day of October, 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Agency members: None

ABSENT: Agency members: None

ATTEST: Judy C. Hall, Acting
Secretary

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, General Counsel

102002

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 6-82

RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF MODESTO ADOPTING A CONFLICT OF
INTEREST CODE APPLICABLE TO THE MEMBERS OF
THE AGENCY PURSUANT TO THE POLITICAL REFORM
ACT OF 1974

THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES
HEREBY RESOLVE AS FOLLOWS:

Section 1. Adoption of Conflict of Interest Code. In compliance with Section 87300 of the Government Code, the Redevelopment Agency of the City of Modesto (the "Agency") hereby adopts this Conflict of Interest Code.

Section 2. Application of Code. This Conflict of Interest Code shall be applicable to members of the Agency.

Section 3. Disclosure. Agency members, in their capacities as members of the City Council of the City of Modesto, are already required to disclose investments, interests in real property and income under Section 87200 et seq. of the Government Code within the jurisdiction of the Agency. Therefore, no other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Section 4. Circumstances Requiring Disqualification. No Agency member shall make, participate in making or use his or her official position to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on a financial interest as defined in Section 87103 of the Government Code unless his or her participation is legally required for the decision to be made.

Section 5. Send to Code-Reviewing Body. The Agency Secretary is directed to forward a certified copy of this resolution to the City Council for review and filing.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto

held on the 26th day of October, 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Agency members: None
ABSENT: Agency members: None

ATTEST:

Judy C. Hall, Acting
Secretary

(SEAL)

APPROVED AS TO FORM:

By

Elwyn Johnson
ELWYN JOHNSON, General Counsel

CONFLICT OF INTEREST CODE
OF THE
REDEVELOPMENT AGENCY [Agency]
OF THE
CITY OF MODESTO [Code-Reviewing Body]

The Agency designated above hereby submits the attached Conflict of Interest Code to the City Council of the City of Modesto as the Code-Reviewing Body of the Agency.

Redevelopment Agency of the
City of Modesto

Chairman

Received on behalf of the City Council of the City of Modesto as the Code-Reviewing Body:

Date: _____ City of Modesto

Mayor

The attached Conflict of Interest Code, having been submitted by the Agency designated above, was approved by order of the City Council of the City of Modesto on November 2, 1982.

City Clerk

CONFLICT OF INTEREST CODE
OF THE
OFFICERS AND EMPLOYEES
OF THE
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO

Section 100. Purpose. The Political Reform Act, Government Code Section 81000 et seq., requires every state or local governmental agency to adopt and promulgate a Conflict of Interest Code.

Section 200. Designated Positions. The positions listed on Exhibit A, attached hereto, are designated positions. Officers and employees holding these positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material financial effect on a financial interest.

Section 300. Existing Code. Designated employees, in their capacities as officials and employees of the City of Modesto, are already designated employees pursuant to various Conflict of Interest Codes of the City of Modesto adopted for each City department and adopted under the Political Reform Act of 1974 for the jurisdiction of the Agency, and pursuant to those Codes are already required to file disclosure statements and are prohibited from making or participating in the making of any governmental decision which will foreseeably have a material financial effect upon a financial interest of the designated employee. Therefore, no other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Section 400. Incorporation by Reference. The terms and provisions of each departmental Conflict of Interest Code of the City of Modesto, and any amendments to them duly adopted which apply to an Agency officer or employee in his or her capacity as a City officer or employee, along with Exhibit A attached hereto, are hereby incorporated by reference and constitute the Conflict of Interest Code of the

Officers and Employees of the Redevelopment Agency of the City of Modesto and shall apply to the Agency officers and employees in the same manner as if the Agency officers or employees were acting as City officers and employees.

Section 500. Compliance. Compliance with all of the terms and conditions of the various applicable Conflict of Interest Codes of the City of Modesto shall be deemed to be compliance with this Conflict of Interest Code.

EXHIBIT A

Persons holding the following positions are designated employees of the Agency:

Executive Director (City Manager)
Assistant Director (Director of Planning and Community
Development)
Secretary (City Clerk)
Finance Officer (Director of Finance)
General Counsel (City Attorney)
Senior Planner (Senior Planner)
Associate Planner, Advanced Planning (Associate Planner,
Advanced Planning)

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 7-82

RESOLUTION OF THE REDEVELOPMENT AGENCY
OF THE CITY OF MODESTO AUTHORIZING THE
SECRETARY TO FILE A STATEMENT OF ORGANI-
ZATION WITH THE SECRETARY OF STATE AND
THE COUNTY CLERK OF STANISLAUS COUNTY

WHEREAS, Government Code Section 53051 requires the filing of a statement of organization with the Secretary of State and the County Clerk of the County within which a governmental entity is located; and

WHEREAS, the Redevelopment Agency of the City of Modesto has been organized on October 26, 1982;

NOW, THEREFORE, be it resolved by the Redevelopment Agency of the City of Modesto that the Secretary of the Agency is authorized and directed, pursuant to Section 53051 of the Government Code, to file information concerning the Redevelopment Agency with the Secretary of State and the County Clerk of Stanislaus County, as set forth in Exhibit A attached hereto and incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 26th day of October, 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Agency members: None
ABSENT: Agency members: None

ATTEST:

Judy C. Hall, Acting
Secretary

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, General Counsel

EXHIBIT A

STATEMENT OF FACTS

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO

1. OFFICIAL NAME:

Redevelopment Agency of the City of Modesto

2. OFFICIAL MAILING ADDRESS:

P.O. Box 642
Modesto, CA 95353

3. NAME AND RESIDENCE OF MEMBERS OF GOVERNING BOARD:

Thomas A. Bright, 3304 Chalfant Court, Modesto, CA 95350

Robert T. Elliott, 622 Chabot Avenue, Modesto, CA 95354

Richard A. Lang, 2705 Stafford Way, Modesto, CA 95350

Peggy Mensinger, 1320 Magnolia Avenue, Modesto, CA 95350

Frank Muratore, 712 Brady Avenue, Modesto, CA 95354

Richard G. Patterson, 1832 Scenic Drive, #2261, Modesto, CA 95355

Susan D. Siefkin, 1225 Brady Avenue, Modesto, CA 95350

4. NAME AND RESIDENCE OF THE CHAIRMAN AND SECRETARY OF THE GOVERNING BOARD:

Chairman:

Peggy Mensinger, 1320 Magnolia Avenue, Modesto, CA 95350

Secretary:

Norrine Coyle, 1604 Jacquelyn Way, Modesto, CA 95355

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 8-82

RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF MODESTO ADOPTING PROCEDURES
FOR THE PREPARATION, PROCESSING AND REVIEW
OF ENVIRONMENTAL DOCUMENTS

WHEREAS, the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and the Guidelines for Implementation of the California Environmental Quality Act promulgated by the Secretary for Resources, State of California, 14 Cal. Adm. Code Section 15000 et seq. (the "State CEQA Guidelines") require public agencies to adopt guidelines for the preparation and review of environmental documents; and

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has prepared local guidelines in accordance with the California Environmental Quality Act and the State CEQA Guidelines;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Agency does hereby approve and adopt "Procedures for the Preparation, Processing and Review of Environmental Documents" in the form attached hereto and by this reference made a part hereof.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 26th day of October, 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Siefkin, was

upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: **Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger**

NOES: Agency members: **None**

ABSENT: Agency members: **None**

ATTEST:


Secretary

(SEAL)

APPROVED AS TO FORM:

By


ELWYN JOHNSON, General Counsel

**PROCEDURES FOR THE PREPARATION, PROCESSING
AND REVIEW OF ENVIRONMENTAL DOCUMENTS**

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO

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PROCEDURES FOR THE PREPARATION, PROCESSING
AND REVIEW OF ENVIRONMENTAL DOCUMENTS

I. [§100] GENERAL

A. [§101] Purpose

The purpose of these procedures and criteria (hereinafter referred to as the "Agency EIR Procedures") is to implement the requirements of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the California Environmental Quality Act ("CEQA," Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (hereinafter referred to as the "Guidelines") adopted by the Secretary for Resources of the State of California (Title 14, California Administrative Code, Section 15000 et seq.), particularly with respect to redevelopment agencies.

B. [§102] Application

These Agency EIR Procedures are intended to govern the procedures pursuant to which the Agency will prepare, process and review Initial Studies, Negative Declarations and Environmental Impact Reports (referred to as "EIRs") and make related environmental determinations. CEQA and the Guidelines will govern such substantive matters as the definition of a "significant effect" on the environment. Where a procedure is not specified herein, the procedure to be followed by the Agency shall be consistent with CEQA and the Guidelines.

C. [§103] Definitions

As used herein, the following definitions apply:

"Agency" means the Redevelopment Agency of the City of Modesto.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto.

"Development project" means any project for the construction, demolition, alteration or rehabilitation of any structure in a redevelopment project area by a private

PROCEDURES FOR THE PREPARATION, PROCESSING
AND REVIEW OF ENVIRONMENTAL DOCUMENTS

I. [§100] GENERAL

A. [§101] Purpose

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As used herein, the following definitions apply:

"Agency" means the Redevelopment Agency of the City of Modesto.

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"City Council" means the City Council of the City of Modesto.

"Development project" means any project for the construction, demolition, alteration or rehabilitation of any structure in a redevelopment project area by a private

person in furtherance of a redevelopment plan pursuant to a disposition and development agreement, owner participation agreement, any other agreement with the Agency, or any lease, permit, license, certificate or other entitlement for use which requires the approval of the Agency.

"Project applicant" means a person who proposes a development project to the Agency. Project applicants include developers who are acquiring property from the Agency pursuant to a disposition and development agreement and property owners who enter into an owner participation agreement with the Agency.

"Responsible Agency" means a public agency other than the Redevelopment Agency of the City of Modesto which has discretionary approval power over the project.

"Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.

D. [§104] Harmonizing with City Procedures

To the greatest extent possible, these Agency EIR Procedures shall be interpreted in a manner that makes them consistent with procedures adopted by the City concerning the preparation, processing and review of environmental documents in order that environmental assessment may be completed efficiently and without duplication of time and effort. The Agency may delegate any of its functions hereunder to City staff or advisory bodies to accomplish that objective.

E. [§105] Amendments

These Agency EIR Procedures may be revised from time to time to conform to amendments to CEQA and the Guidelines or for any other reason.

II. [§200] DETERMINING TYPE OF ENVIRONMENTAL ASSESSMENT
 REQUIRED

A. [§201] EIR Required

The Agency shall prepare or cause to be prepared an EIR in connection with the following activities:

- (1) Adoption by the City Council of a redevelopment plan for a particular redevelopment

project pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); or

- (2) Adoption by the City Council of an amendment to a redevelopment plan for a particular redevelopment project pursuant to the provisions of the Community Redevelopment Law where the Agency or the City Council determines, after an Initial Study, that substantial changes are proposed in the project which may cause a significant effect on the environment not considered at the time the redevelopment plan was adopted.

B. §202] Evaluation of Projects in Furtherance of a Redevelopment Plan

CEQA and the Guidelines provide that all public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project which shall be deemed approved at the time of adoption of the redevelopment plan by the City Council. Thus, only one EIR need be prepared and certified in connection with the adoption of the redevelopment plan, and subsequent developmental activities in the redevelopment project area do not require independent environmental assessment.

The Agency may, however, prepare an Initial Study or other environmental assessment to assist the Agency and City Council in considering and implementing any redevelopment project activities and development projects. Subsequent EIRs or Negative Declarations should be prepared for such activities and projects in the following situations:

- (1) The redevelopment activity involves new significant environmental impacts not considered in a previous redevelopment plan EIR; or
- (2) Substantial changes have occurred with respect to the circumstances under which the redevelopment project is to be undertaken which will require important revisions in the redevelopment plan EIR; or
- (3) New information of substantial importance to the redevelopment project becomes available; and

- (a) The information was not known and could not have been known at the time the redevelopment plan EIR was certified as complete; and
- (b) The new information shows any of the following:
 - 1. The redevelopment activity will have one or more significant effects not discussed previously in the redevelopment plan EIR; or
 - 2. Significant effects previously examined will be substantially more severe than shown in the redevelopment plan EIR; or
 - 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the redevelopment activity; or
 - 4. Mitigation measures or alternatives which were not previously considered in the redevelopment plan EIR would substantially lessen one or more significant effects on the environment.

The Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described above would require the preparation of a subsequent EIR and only minor additions or changes would be necessary to make a previous redevelopment plan EIR adequately apply to the project in the changed situation.

The supplement to the redevelopment plan EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. The supplement shall be given the same kind of notice and public review as is given to a draft EIR under Section 306 of these Agency EIR Procedures, however, it may be circulated by itself without recirculating the previous redevelopment plan EIR.

When the Agency decides whether to approve the project, the City Council shall consider the previous EIR

as revised by the supplemental EIR and a finding in accordance with Section 309 of these Agency EIR Procedures shall be made for each significant effect shown in the previous EIR as revised.

The Agency or staff making such environmental determination under this Section shall maintain in the records of the Agency the preliminary analysis constituting said environmental determination.

C. [§203] No Environmental Assessment Necessary

All activities of the Agency and the City prerequisite to or preparatory to the adoption of a redevelopment plan or amendment to a redevelopment plan by the City Council are exempt from CEQA. Included within this category are informational studies and negotiations with developers.

The Agency has not determined any list of ministerial projects or categorically exempt activities in addition to those set forth in the Guidelines.

III. [§300] ENVIRONMENTAL REVIEW PROCEDURES

A. [§301] Initial Study

The Agency shall prepare an Initial Study where it desires a written determination of whether a Negative Declaration or an EIR shall be prepared. If any aspects of the project, either individually or cumulatively, may cause a significant effect on the environment, then an EIR must be prepared unless potential adverse effects are mitigated to a point where no significant effects would occur. Since an EIR must be prepared for a redevelopment plan, no Initial Study is necessary. An Initial Study may be prepared for redevelopment plan amendments, development projects or other activities in furtherance of a redevelopment plan.

An Initial Study shall contain in brief form:

- (1) a description of the project, including the location of the project;
- (2) an identification of the environmental setting;
- (3) an identification of environmental effects;
- (4) a discussion of ways to mitigate significant effects identified, if any;
- (5) an examination of whether the project is compatible with existing zoning and plans; and
- (6) the name of the person or persons who prepared or participated in the Initial Study.

B. [\$302] Processing a Negative Declaration

With respect to projects or activities for which an Initial Study has been prepared, if the Agency finds on the basis of the Initial Study that the project under review will not have a significant effect on the environment, the Agency shall prepare a Negative Declaration. The Negative Declaration shall include: (1) a brief description of the project, including a commonly used name for the project, if any; (2) the location of the project and name of the project proponent; (3) a finding that the project will not have a significant effect on the environment; (4) an attached copy of the Initial Study documenting reasons to support the finding; and (5) mitigation measures, if any, included in the project to avoid potentially significant effects.

Before completing the Negative Declaration, the Agency shall consult with the City and all Responsible Agencies. Notice of the preparation of a draft Negative Declaration shall be provided to the public at least ten days prior to final adoption of the Negative Declaration by the Agency. Notice shall be by publication at least once in a local newspaper or by any other means authorized by CEQA and the Guidelines. Notice shall also be given to all organizations and individuals who have previously requested such notice. The Agency shall transmit the Negative Declaration prepared in connection with an amendment to a redevelopment plan to the Planning Commission of the City and the Project Area Committee, if such an organization is in existence, for their review and consideration.

After the decision to carry out or approve the project has been made, the Agency shall file with the County Clerk a Notice of Determination. The Notice of Determination shall include: (1) an identification of the project, including its common name, where possible, and its location; (2) a brief description of the project; (3) the date on which the Agency approved the project; (4) the determination of the Agency that the project will not have a significant effect on the environment; (5) a statement that a Negative Declaration has been prepared pursuant to the provisions of CEQA; and (6) the address where a copy of the Negative Declaration may be examined.

C. [\$303] Preparing the Draft EIR

When an EIR is required, the Agency shall first prepare or cause to be prepared a draft EIR. The Agency

may require a project applicant to submit necessary information and data to it; the Agency may compile lists and criteria which specify in detail the information required from a project applicant. Determination of whether or not a development project application is complete may be made by Agency staff in compliance with Government Code Section 65920 et seq. and the Permit Guidelines contained in the State Administrative Manual Section 1070 et seq.

The draft EIR shall contain the information required by the Guidelines in sufficient detail, as determined by the Agency, to permit adequate evaluation and review of the environmental impact of the proposed project. The draft EIR shall contain a brief summary of the proposed action and its consequences in language sufficiently simple that the issues can be understood by the average member of the lay public. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives and how to mitigate the significant effects). The draft EIR shall contain a table of contents or an index. The project shall be described by containing the precise location and boundaries, a statement of objectives sought and a general description of the project's technical, economic and environmental characteristics. The EIR must also include a description of the environment in the vicinity of the project as it exists before commencement of the project, from both a local and regional perspective. The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans. In considering the planning, acquisition, development and operation of the project, the following subjects shall be included for discussion separately: (1) the significant effects of the proposed actions on the environment, directly and indirectly; (2) any significant environmental effects which cannot be avoided if the proposal is carried out; (3) proposed mitigation measures to minimize the significant effects including those suggested for the conservation of energy; (4) reasonable alternatives to the project as planned; (5) relationship between short-term uses proposed and the long-term, cumulative effects of the project; (6) description of any significant irreversible changes that may be produced by the project; and (7) growth-inducing impacts of the proposed project.

Effects dismissed in the Initial Study, if any, as clearly insignificant and unlikely to occur need not be discussed further in the EIR, unless the Agency subsequently receives information inconsistent with the finding

in the Initial Study. A copy of the Initial Study shall be attached to the EIR to provide the basis for limiting the impacts discussed.

D. [\$304] Consultation on Preparation of Draft EIR

Before completing the draft EIR, the Agency shall consult with the City and all other public agencies involved in carrying out or approving the project. The Agency shall send to the City and any other Responsible Agencies and to any Trustee Agency responsible for resources affected by the project a Notice of Preparation in the form set forth in the Guidelines stating that an EIR will be prepared. In addition, the Agency may hold one or more meetings with the City and/or a project applicant to discuss the scope and content of the environmental assessment; such meetings shall be convened by the Agency no later than 30 days after the meetings are requested.

The Agency shall also secure all conflicting views prior to the final preparation of a draft EIR by consulting directly with any person or organization that has expressed an interest in the proposed project or with any person or organization the Agency believes will be concerned with the environmental effects of the project.

E. [\$305] Notice of Completion

As soon as the draft EIR is completed, the Agency shall cause to be filed with the Secretary for the Resources Agency a Notice of Completion in the form set forth in the Guidelines and containing a brief description of the project, its proposed location, the address where copies of the EIR are available, and the period during which comments will be received.

F. [\$306] Consultation, Public Review and Notice

After completing the draft EIR, the Agency shall circulate for comment copies of the draft EIR to, and shall consult with, all public agencies having jurisdiction by law. The Agency may also consult with any person who has special expertise with respect to any environmental impact involved. To facilitate the consultation process, the Agency may use existing state, regional or local clearinghouses to distribute EIRs and may compile listings of other agencies which have jurisdiction by law and/or special expertise with respect to redevelopment projects.

The Agency shall provide public notice of the completion of a draft EIR at the same time it sends a Notice of Completion to the Resources Agency. Public notice shall be given by publication at least once in a local newspaper or by any other means authorized by CEQA and the Guidelines. Notice shall also be given to all individuals and organizations who have previously requested such notice. The period during which the Agency shall receive comments on the draft EIR shall be no less than 30 or more than 90 days.

The Agency shall transmit the draft EIR prepared in connection with the adoption of a redevelopment plan or amendments thereto to the Planning Commission of the City and the Project Area Committee, if such an organization is in existence, for review and consideration. In the event that the proposed project is of statewide, regional or areawide significance as defined in the Guidelines (Section 15161.6), the draft EIR shall be submitted to the State Clearinghouse and may also be submitted to the metropolitan area council of governments for review and comment.

The Agency may furnish copies of the draft EIR to appropriate public libraries to facilitate review by the public. Additionally, the Agency may hold a public hearing for the purpose of obtaining comments from the public, either in separate proceedings or in conjunction with other proceedings of the Agency.

G. [§307] Evaluation of Comments by Agency and Preparation of Final EIR

The Agency shall review and evaluate the comments received from persons, entities and agencies who reviewed the draft EIR.

Following the period established by the Agency for receipt of comments on the draft EIR, the Agency shall prepare or cause to be prepared a final EIR. The final EIR shall consist of: the draft EIR or a revision of the draft EIR; comments and recommendations received on the draft EIR either verbatim or in summary; a list of persons, organizations and public agencies commenting on the draft EIR; and the responses of the Agency to significant environmental points raised in the review and consultation process.

H. [§308] Hearing and Notice

Prior to its certification of the final EIR, the Agency shall consider the final EIR at a public hearing.

The public hearing may be held at the same time and in conjunction with the public hearing on a redevelopment plan, amendments to a redevelopment plan, or on a development project or at any other time. The purpose of the public hearing on the final EIR shall be to consider the adequacy of the final EIR and not matters that should be raised in the review of the draft EIR.

Public hearing notice shall be given in the same form and time as notice for any other regularly conducted public hearings before the Agency, provided that in every case notice of review of an EIR shall be published in the local newspaper not less than ten days prior to the public hearing on the EIR.

Notice of the public hearing on review of an EIR may be combined with notice of the public hearing on the redevelopment plan, amendments to the redevelopment plan or development project.

I. [§309] Certification by the Agency; Findings

In the event that the EIR has been prepared in connection with the adoption of a redevelopment plan or amendments thereto, the Agency shall certify the final EIR prior to the City Council's adoption of such redevelopment plan or amendments; provided, however, that if the Agency and the City Council hold a joint public hearing as provided in Sections 33355-33359 or Section 33458 of the Health and Safety Code, then the Agency may certify the final EIR following the joint public hearing and before final action by the City Council adopting the redevelopment plan or amendments thereto.

In the event that the EIR has been prepared in connection with any project activity or undertaking in furtherance of the redevelopment plan, the Agency shall certify the final EIR prior to the Agency's approval of said activity or undertaking.

The certification of the final EIR shall state that the final EIR has been completed in compliance with CEQA and the Guidelines and that the decision-making body or administrative official having final approval authority over the project has reviewed and considered the information contained in the EIR prior to the approval of the project.

A project for which an EIR has been completed which identifies one or more significant effects of the

project shall not be approved unless the Agency makes one or more of the following written findings for each of those significant effects accompanied by a statement of the facts supporting each finding:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR; or
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or
- (3) Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

The Agency shall not approve or carry out a project as proposed unless the significant environmental effects have been reduced to any acceptable level, as defined in the Guidelines, except as allowed therein.

Where the Agency approves a project which would allow the occurrence of significant effects identified in the final EIR but are not mitigated, the Agency shall make a statement of overriding considerations stating the reasons to support its action.

J. [\$310] Submission to the City Council

An EIR prepared in connection with a redevelopment plan or amendments to a redevelopment plan shall be submitted to the City Council as part of the report required by Section 33352 of the Health and Safety Code, prior to the adoption of said redevelopment plan or amendments by the City Council.

An EIR prepared in connection with a development project shall be submitted to the City Council for its review and consideration prior to City Council action on said development project, if necessary.

K. [§311] Notice of Determination

Where an EIR has been prepared, the Agency shall file or cause to be filed a Notice of Determination with the County Clerk following final action on the project. The statement shall include: (1) an identification of the project by its common name, where possible, and its location; (2) a brief description of the project; (3) the date when the Agency approved the project; (4) the determination as to whether the project in its approved form will have a significant effect on the environment, (5) whether mitigation measures were made a condition of the approval of the project; (6) a statement that the EIR was prepared and certified pursuant to the provisions of CEQA; (7) whether a statement of overriding considerations was adopted for the project; and (8) the address where a copy of the EIR and the record of project approval may be examined. With respect to the adoption of a redevelopment plan or an amendment to a redevelopment plan requiring an EIR, the Notice of Determination shall be filed after final action by the City Council which shall be the adoption of an ordinance adopting the redevelopment plan or amendment thereof.

IV. [§400] TIME LIMITS FOR PROCESSING APPLICATIONS FOR DEVELOPMENT PROJECTS

A. [§401] Determination of Type of Environmental Assessment

Within 45 days after accepting an application for a development project as complete, the Agency shall make an initial determination of whether said project will need an EIR, a Negative Declaration or no further environmental assessment. The Agency shall be deemed to have accepted an application for a development project as complete on the date that it approves publication of notice of a public hearing on the application.

B. [§402] Environmental Assessment

In the event that further environmental assessment is necessary or appropriate for a development project, the Agency shall complete and certify an EIR in not more than one year or complete and adopt a Negative Declaration in not more than 105 days after the Agency has accepted the application for a development project as complete.

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REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 9-82

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF
MODESTO CREATING A GENERAL ADMINISTRATIVE FUND

BE IT RESOLVED by the Redevelopment Agency of the City of Modesto

as follows:

1. That a fund is hereby created to record financial transactions of the Redevelopment Agency of the City of Modesto.
2. That the title of said fund shall be "Redevelopment Agency-General Administrative Fund."
3. That the purpose of said fund is to account for all financial transactions, including temporary borrowing of money, receiving revenues, paying expenses, recording liabilities, and other financial transactions deemed necessary by the Finance Officer, in accordance with generally accepted accounting procedures.

BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 14th day of December 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Elliott, was upon roll call carried and

the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson,
Siefkin, Mayor Mensinger

NOES: Agency members: None

ABSENT: Agency members: None

ATTEST: *Monica Cogh*
Secretary

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, General Counsel

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 10-82

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF
MODESTO ADOPTING A BUDGET FOR THE 1982-83 FISCAL YEAR.

BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that a budget for the Redevelopment Agency of the City of Modesto for the fiscal year ending June 30, 1983, as set forth below, is hereby adopted and the several amounts stated therein as anticipated expenditures are hereby appropriated for the various objects described:

Appropriations

<u>Budget Category</u>	<u>Object Account</u>	<u>Anticipated Expenditure</u>	<u>Appropriation</u>
200	Professional & Contractual Services		\$ 48,200
	207 Conference Expense	\$ 500	
	208 Business Expense	200	
	235 Rod Gunn & Associates - UDAG Application	7,500	
	235 McDonough, Holland & Allen - Special Counsel	10,000	
	235 Rod Gunn & Associates - Redevelopment Consultant	10,000	
	235 Traffic Consultant for EIR on Agritrade Center	20,000	
	Total Budget Category 200	20,000	\$ 48,200

<u>Budget Category</u>	<u>Object Account</u>		<u>Anticipated Expenditure</u>	<u>Appropriation</u>
400		Other Operating Expenses		\$ 850
	401	Membership & Dues	\$ 650	
	429	Other Special Charges	200	
		Total Budget Category 400		\$ 850
		Total Appropriation and Anticipated Expenditure		<u>\$ 49,050</u>

Proposed Indebtedness

Loan Proceeds from the City of Modesto \$ 49,050

BE IT FURTHER RESOLVED that the Executive Director is authorized to transfer funds between object accounts within budget categories.

BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 14th day of December, 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Elliott, was upon roll call carried and

the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson,
Siefkin, Mayor Mensinger

NOES: Agency members: None

ABSENT: Agency members: None

ATTEST:


Secretary

(SEAL)

APPROVED AS TO FORM:

By


ELWYN L. JOHNSON, General Counsel

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 11-82

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF
MODESTO ACCEPTING A LOAN OF \$49,050 FROM THE CITY OF
MODESTO

WHEREAS, the Redevelopment Agency of the City of Modesto (RDA) does not yet have money available to carry out its functions, and

WHEREAS, the City of Modesto and the RDA have entered into a Cooperation Agreement dated October 26, 1982 whereby the City of Modesto can advance money to the RDA, and

WHEREAS, the RDA requires an advance of money from the City of Modesto to finance its annual budget for the 1982-83 fiscal year, and

WHEREAS, the City of Modesto has agreed to advance the amount of \$49,050 to the RDA,

NOW, THEREFORE, BE IT RESOLVED by the members of the Redevelopment Agency of the City of Modesto that a loan of \$49,050 from the City of Modesto is hereby accepted subject to the following:

1. Said loan shall be drawn down by the Finance Officer in incremental amounts as needed by the Agency from time to time.
2. The Finance Officer shall take appropriate steps to document the indebtedness owed by the RDA to the City of Modesto, including principle and interest.
3. Said documentation shall show the date of each incremental drawdown.

4. Repayment of the principle and interest of said loan will be made in accordance with the provisions of the Cooperation Agreement between the City and the RDA dated October 26, 1982.

BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 14th day of December, 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Agency members: None

ABSENT: Agency members: None

ATTEST:

Marianne Coyle
Secretary

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, General Counsel

REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 12-82

RESOLUTION OF THE REDEVELOPMENT AGENCY
OF THE CITY OF MODESTO ACCEPTING THE PRE-
LIMINARY PLAN FOR THE MODESTO REDEVELOP-
MENT PROJECT

WHEREAS, by Resolution No. 82-193, adopted on December 20, 1982, the Planning Commission of the City of Modesto selected and designated the boundaries of the Project Area for the Modesto Redevelopment Project (the "Project"), approved a Preliminary Plan for the Project and submitted said Preliminary Plan to the Redevelopment Agency of the City of Modesto (the "Agency");

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO DOES RESOLVE AS FOLLOWS:

Section 1. The Preliminary Plan for the Modesto Redevelopment Project, as formulated and approved by the Planning Commission of the City of Modesto, is hereby accepted by the Agency and the Agency hereby directs that an official Redevelopment Plan for the Project be prepared.

Section 2. The Executive Director of the Agency is hereby authorized and directed to file the information required by Sections 33327 and 33328 of the Health and Safety Code with the appropriate taxing officials and the State Board of Equalization.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 28th day of December, 1982, by Agency member Bright, who moved its adoption, which motion being duly seconded by Agency member Lang, was

upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bright, Elliott, Lang, Muratore

NOES: Agency members: None

ABSENT: Agency members: Patterson, Siefkin, Chairperson Mensinger

ATTEST: *Norrine Coyle*
NORRINE COYLE, Secretary

(SEAL)

APPROVED AS TO FORM:

By: *Elwyn Johnson*
ELWYN JOHNSON, General Counsel