CITY OF RIVERBANK
REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY BOARD
MEETINGS
(The City Council also serves as the LRA Board)
City Hall North • Council Chambers
6707 Third Street • Suite B• Riverbank • CA • 95367

AGENDA

TUESDAY, OCTOBER 23, 2018– 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK'S OFFICE AND AT WWW.RIVERBANK.ORG)

CALL TO ORDER: Mayor/Chair Richard D. O'Brien

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Riverbank Ministerial Association

ROLL CALL: Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz

CHANGES TO THE AGENDA: Mayor/Chair Richard D. O'Brien

CONFLICT OF INTEREST
Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PRESENTATIONS

Item 1.1: Proclamation – Bells of Peace – November 11, 2018.

Item 1.2: State of Education – Stanislaus County Office of Education.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the October 9, 2018, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** Approving Amendments to the Stanislaus Council of Governments (StanCOG) Bylaws and Execution of an Amended and Restated Joint Powers Agreement.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS

There are no items to consider.

5. PUBLIC HEARINGS

The public notice for Item 5.1 was published in the legal section of the Riverbank News on 10/3/2018, and a Display ad on 10/10/2018.

Item 5.1: **A Resolution Adopting a 2.5% Consumer Price Index Increase in Rates for Solid Waste Disposal Services Pursuant to the 2014 Executed Franchise Agreement with Gilton Solid Waste, Inc.** – It is recommended that the City Council consider adopting a resolution approving a 2.5% Consumer Price Index (CPI) increase in rates for solid waste disposal services pursuant to the executed franchise agreement with Gilton Solid Waste, Inc.

6. NEW BUSINESS

Item 6.1: **A Resolution Amending the City of Riverbank Compensation Plan to Reflect the New Salary Range for the Accounting Manager Position from Range 146 to Range 166** – It is recommended that the City Council consider approving a Resolution amending the City of Riverbank's compensation plan to reflect the new salary range for the Accounting Manager position.

Item 6.2: **A Resolution to Award Bid for the Wastewater Treatment Plant (WWTP) Pond 9 Levee Project to Garrett Thompson Construction, Inc., and Authorize the City Manager to Execute Future Change Orders and Authorize the Re-Allocation of $275,000 from the Rate**

Study Funded Line Replacement Projects to the Rate Study-Funded Pond 9 at WWTP Project – It is recommended that City Council adopt a Resolution approving the following three (3) actions by a roll call vote:

1) Award bid to the lowest responsible bidder, Garrett Thompson Construction, Inc.; and
2) Authorize the City Manager to execute Change Orders within total project budget; and
3) Authorize the re-allocation of $275,000 from the Rate Study-Funded Line Replacement Projects to the Rate Study-Funded Pond 9 at WWTP Project.

Item 6.3: **Information on the 9th Circuit Decision Martin v. Boise Implications to Public Space** – It is recommended that the City Council receive an update on recent case law which has implications for the use of public spaces, and provide direction to create policy on this matter.

7. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of City business shall be made. The Brown Act does not allow for discussion or action of items by the City Council during this time.

Item 7.1: Staff

Item 7.2: Council/Authority Member

Item 7.3: Mayor/Chair

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board adjourning to Closed Session.

Item 8.1: **LIABILITY CLAIMS**
Pursuant to Government Code § 54956.95
Claimant: Berg Injury Lawyers on behalf of Enriqueta Casas
Agency claimed against: City of Riverbank

Item 8.2: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 062-031-005, 062-031-006, 062-031-007
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Aemetis, Inc.

Item 8.3: **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code § 54957.6
Agency representative: Sean Scully, City Manager
Employee organizations: Mid-Management Bargaining Unit

Item 8.4: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: (2) potential case

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session on Item 8.1: **LIABILITY CLAIMS**

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Item 9.3: Report from Closed Session on Item 8.3: **CONFERENCE WITH LABOR NEGOTIATORS** – City Manager and Mid-Management Bargaining unit

Item 9.4: Report from Closed Session on Item 8.4**: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** (2) potential case

ADJOURNMENT **(The next regular City Council meeting – Tuesday, Nov. 11 @ 6:pm; the November 27th City Council meeting is canceled.)**

UPCOMING EVENTS:

November 6 Tuesday	• **Election Day** – Polls open from 7:00 a.m. to 8:00 p.m.
2018 Canceled Regular City Council Meetings	• **City Council voted to cancel the following regular meetings:** o Tuesday, July 10, 2018 o Tuesday, August 14, 2018 o Tuesday, November 27, 2018 o Tuesday, December 25, 2018

AFFIDAVIT OF POSTING
I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the Brown Act.
Posted this 18th day of October, 2018
/s/ Annabelle H. Aguilar, CMC, City Clerk / LRA Recorder

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122 or cityclerk@riverbank.org. Notification of (72) hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

Meeting Schedule	Regular City Council Meetings: 6:00 p.m. on the 2nd and 4th Tuesday of every month, unless otherwise noticed. Local Redevelopment Authority Board: (The City Council also serves as the LRA Board.) Meets on an "as needed" basis. The City Council also serves as the LRA Board.
City Council / LRA Agenda & Reports	The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when available, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. **The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office**, **6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the City Council/LRA Board.** A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings	In general, a public hearing is an open consideration within a regular meeting of the City Council/LRA Board, for which special notice has been given. During a specified portion of the hearing, any interested party is invited to present written or oral protests or support for the subject matter under consideration. Written testimony sent or delivered to the City Clerk must be received no later than 5:00 p.m. on the day of the meeting to allow for their distribution to the City Council/LRA Board. Preparations for the meeting are conducted between 5:00 p.m. and 6:00 p.m. and therefore the City Clerk is not available during this time.
Televised / Video of Meetings	• Charter – Channel 2 • AT&T Uverse – Channel 99 • www.riverbank.org – video icon – under Agendas and Minutes link
City Hall Hours	City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	October 23, 2018
Subject:	Proclamation – Bells of Peace – November 11, 2018
From:	Sean Scully, City Manager
Submitted by:	Cheryl Stefani, Administrative Assistant

RECOMMENDATION

It is recommended that the City Council read a Proclamation for Bells of Peace, a World War I Centennial Armistice Remembrance.

SUMMARY

The United States World War One Centennial Commission was created by an Act of Congress in 2013. The Commission is responsible for planning, developing, and executing programs, projects, and activities to commemorate the centennial of World War One; and to encourage State and local governments to organize and participate in activities commemorating the centennial of World War I. On Sunday, November 11, 2018 at 11:00 a.m., the City of Riverbank is asked to join communities around our nation to participate in the tolling of the "Bells of Peace" as they toll 21 times in remembrance of the 4.5 million Americans who served, the 375,000 wounded, and the 116,516 American that died in World War I. To participate in the tolling of the bells by using a smart phone, go to ww1cc.org/YourACE to download a free app. As the built-in timer reaches 11:00 a.m. local time, the Bells of Peace will toll from your device so you may partake in this nationwide remembrance event to recognize those for their heroism and honor those who gave the ultimate sacrifice.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENT

1. Proclamation

CITY OF RIVERBANK

PROCLAMATION

BELLS OF PEACE

A WORLD WAR I CENTENNIAL ARMISTICE REMEMBRANCE

WHEREAS, a tolling of bells is a traditional expression of honor and remembrance; and

WHEREAS, a century ago, 4.7 million American sons and daughters put on the uniform to serve our nation and the world in this global conflict; and

WHEREAS, men and women from our own fair City of Riverbank served selflessly and honorably in World War I; and

WHEREAS, there were 375,000 American casualties including 116,516 deaths; and

WHEREAS, on the 11th hour, of the 11th day, of the 11th month in 1918, an armistice to the fighting was declared; and

WHEREAS, the United States World War One Centennial Commission has called upon all Americans across the nation to honor and remember those who served.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank in the State of California does hereby call upon the citizens and institutions of our community to toll the bells in Remembrance of the Armistice at 11:00 a.m. local time on November 11, 2018.

October 23, 2018

____
Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATIONS

Meeting Date:	October 23, 2018
Subject:	State of Education – Stanislaus County Office of Education
From:	Sean Scully, City Manager
Submitted by:	Cheryl Stefani, Administrative Assistant

RECOMMENDATION

City Council shall receive an update from Tom Changnon, Stanislaus County Superintendent of Schools, on the State of Education in Stanislaus County as of September 2018.

SUMMARY

Tom Changnon, Stanislaus County Superintendent of Schools, will present a State of Education in Stanislaus County as of September 2018. It will include a historical look back at the demographics of students enrolled in public schools, grades Kindergarten through grade 12, in the year 1980; and will compare those statistics to student enrollment in 2017 - 2018. Stanislaus County students compete with other students from all over the world in the economy, however it's been reported that high schools are falling short of providing students with the guidance needed to navigate them towards college or vocational schools so they can cope in the working world after graduation. An outline of the Stanislaus County Office of Education (SCOE) Initiatives will be shared and amongst the highlights include: increased partnerships and support from different entities; various instructional programming for the success of students including Destination Graduation; and national recognition that Stanislaus County has received.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENT

None.

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 23, 2018
Subject:	Waiver of Readings
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council; typically 72 hours prior to the scheduled date and time of the meeting.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY AGENDA ITEM NO. 3.B

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 23, 2018
Subject:	Approval of the October 9, 2018, City Council and Local Redevelopment Authority Minutes
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the October 9, 2018, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. October 9, 2018, City Council and LRA Minutes

AMENDED

City of Riverbank
REGULAR CITY COUNCIL AND LOCAL REDEVELOPMENT AUTHORITY BOARD
(The City Council also serves as the LRA Board)

MINUTES OF TUESDAY, OCTOBER 9, 2018

choose civility

Verbatim proceedings of the meetings may be viewed on-line or a copy may be provided for a fee.

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Pastor Fred Wood, Riverbank Ministerial Association

ROLL CALL:
Present
Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Leanne Jones Cruz
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 4 Darlene Barber-Martinez
Council/Authority Member Cal Campbell

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – ***There were no changes made.***

CONFLICT OF INTEREST
Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

No one declared a conflict.

1. PRESENTATIONS

Item 1.1: Proclamation – Walk to School Day – October 10, 2018. – ***Mayor O'Brien presented the proclamation to California Avenue Elementary School Principal Kathy Briggs and students Giselle Fernandez, Katie Alvarez, and Carlos Rios.***

Item 1.2: Proclamation for Code Enforcement Officer Appreciation Week. – ***Mayor O'Brien presented the proclamation to new Neighborhood Improvement Officer Mark Ellenburg, and Planning and Building Manager Donna Kenney.***

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

No one spoke.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the September 25, 2018, City Council and Local Redevelopment Authority Minutes.

Item 3.C: Award Bid for the Riverbank Community Center Roof Repair Project to Pacific Valley Roofing Inc.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

ACTION: ***By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.A, 3.B, and 3.C as presented; Motion carried by unanimous City Council and LRA Board roll call vote.***
AYES: Fosi, Campbell, Jones Cruz, Barber-Martinez, and Mayor/Chair O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

4. UNFINISHED BUSINESS **There were no items to consider.**

5. PUBLIC HEARINGS

The public hearing notice for Item 5.1 was published in the Riverbank News on 09/12/2018. A Notice of Continuance on this item was posted as required on 09/26/2018.

AMENDED

<u>**Item 5.1:**</u> **Conduct a Public Hearing for Consideration of a Resolution [No. 2018-068] Approving and Adopting a 5-Year Capital Improvement Plan for Fiscal Years 2018-20~~1~~23** – It is recommended that the City Council review and adopt the 5–Year Capital Improvement Plan (CIP) for Fiscal Years 2018-2023.

Development Services Administration Manager Kathleen Cleek presented the staff report.

Mayor O'Brien opened the public hearing at 6:26 p.m.; no one spoke, the hearing was closed.

<u>***ACTION:***</u> ***By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to approve the 5-Year Capital Improvement Plan for Fiscal Years 2018-2023 as presented by adoption of Resolution No. 2018-068, as presented.***
Motion carried by unanimous City Council roll call vote.
AYES: Fosi, Campbell, Jones Cruz, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

<u>6. NEW BUSINESS</u>

<u>**Item 6.1:**</u> **Consideration of the Proposed Resolutions and related Agreements:**

1) **A Resolution [No. 2018-069] Approving, Authorizing and Directing Execution by the City Manager of an amended and restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority; and**

2) **A Resolution [No. 2018-070] Approving Associate Membership by the City in the California Enterprise Development Authority; Authorizing and Directing the Execution by the City Manager of an Associated membership Agreement Relating to Associate membership of the City in the Authority: Authorizing the City to Join the Figtree Pace Program; Authoring the California Enterprise Development Authority to Conduct Contractual Assessment Proceedings and levy Contractual Assessments within the Territory of the City of Riverbank; Authorizing the Execution of the Indemnification Agreement, and Authorizing Related Actions; and**

3) **A Resolution [No. 2018-071] Consenting to the Inclusion of Properties Within the Territory of the City in the CSCDA Open Pace Programs; Authorizing the California Statewide Communities Development Authority to Accept Applications From Property Owners, Conduct Contractual Assessment Proceedings and Levy**

Contractual Assessments Within the Territory of the City; and Authorizing Related Actions.

It is recommended that the City Council consider the approval of the agreements and the adoption of the resolutions for the following Property Assessed Clean Energy (PACE) programs:

- California Statewide Communities Development Authority (CSCDA) Open PACE Program
- Figtree PACE Program

This approval will grant the City Manager the authority to execute the agreements and all necessary steps to carry out the intent of the resolutions.

City Manager Sean Scully presented the staff report.

Written comments were received by Mr. Rick Jones, Central Valley Association of Realtors, requesting to delay approval of the item.

City Council and Staff discussed the item and comments received; Councilmember Jones Cruz proposed continuing the item to receive additional information.

ACTION: ***By motion moved and seconded (Fosi / Campbell / passed 4-1) to adopt Resolution No. 2018-069, 2018-070, and 2018-071; respectively, as presented.***
Motion carried by ~~unanimous~~ City Council roll call vote.
AYES: Fosi, Campbell, Barber-Martinez, and Mayor O'Brien
NAYS: Jones Cruz / ABSENT: None / ABSTAINED: None

Item 6.2: **A Resolution [No. 2018-072] Approving the Memorandum of Understanding between Stanislaus County, Department of Environmental Resources and the City of Riverbank Regarding Onsite Wastewater Treatment Systems (OWTS) and Authorizing the City Manager to Execute the Agreement** – It is recommended that the City Council approve the Memorandum of Understanding.

Public Works Director Michael Riddell presented the staff report.

ACTION: ***By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to adopt Resolution No. 2018-072 Approving the Memorandum of Understanding between Stanislaus County, Department of Environmental Resources and the City of Riverbank Regarding Onsite Wastewater Treatment Systems (OWTS) and Authorizing the City Manager to Execute the Agreement as presented.***
Motion carried by unanimous City Council roll call vote.
AYES: Fosi, Campbell, Jones Cruz, Barber-Martinez, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

7 COMMENTS/REPORTS

A brief report on attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

Item 7.1: Staff

- ***City Manager Sean Scully announced: 1) that the Request for Proposals for a spatial analysis was currently open, as well as the RFP for Information Technology services; 2) Thursday, October 18th will be ~~was~~ the Great Shakeout Exercise as part of the Emergency Preparedness drill; and 3) that he and Councilmember Jones Cruz are working on a nomination submittal for the League of California Cities Helen Putman Award.***

Item 7.2: Council/Authority Member

- ***Council/Authority Member Fosi commented on the start of the Roselle and Claribel Road intersection construction.***
- ***Vice Mayor/Chair Barber-Martinez commented on the Crossroads Elementary "Walk to School Day" recognition.***

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: 1) spoke on a strategic plan item of the housing Crisis and proposing a new method of mitigation to LAFCO; and 2) announced that it is the 100th anniversary of Armistice Day, which is now known as Veteran's Day, and he will be requesting churches and anyone else that is able to ring their bells on the 11th hour, of the 11th day, of the 11th month.

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 062-031-005, 062-031-006, 062-031-007
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Aemetis, Inc.

Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code § 54957.6
Agency representative: Sean Scully, City Manager
Employee organizations: Mid-Management Bargaining Unit

Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: (2) potential case

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND OPENED THE ITEMS FOR PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE RECESSED AND CITY COUNCIL WENT INTO CLOSED SESSION AT 6:56 P.M.

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 7:07 P.M.

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Mayor O'Brien reported that direction was provided to staff.

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS** – City Manager and Mid-Management Bargaining unit

Mayor O'Brien reported that direction was provided to staff.

Item 9.3: Report from Closed Session on Item 8.3**: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** (2) potential case

Mayor O'Brien reported that direction was provided to staff.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 7:08 p.m.

ATTEST: (*Adopted 10/09/2018*) **APPROVED:**

____________________________ ____________________________

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 23, 2018
Subject:	A **Resolution** Approving Amendments to the Stanislaus Council of Governments (StanCOG) Bylaws and Execution of an Amended and Restated Joint Powers Agreement
From:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council consider the adoption of the resolution to approve the amendment to the Stanislaus Council of Governments (StanCOG) Joint Powers Agreement and Bylaws.

SUMMARY

StanCOG is the Metropolitan Planning Organization (MPO) for the Stanislaus Region as designated by the federal government, the Regional Transportation Planning Agency (RTPA) as designated by the State of California, and the Local Transportation Authority. It is a council of city and county governments that was established to address regional transportation issues in the Stanislaus Region.

StanCOG is a joint powers agency that was created by a joint powers agreement originally entered into on May 11, 1971, and last amended on July 18, 2017. The member agencies of StanCOG are Stanislaus County and the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford.

Due to the passage of the Federal Moving Ahead for Progress in the 21st Century Act ("Map-21"), StanCOG is required to designate from among its Policy Board members a "Public Transportation Provider" representative.

The StanCOG Policy Board adopted the amendment at its August 15, 2018 meeting. As a member agency of StanCOG, the City of Riverbank is asked to ratify the amendment.

DISCUSSION

The amendment to the Joint Powers Agreement and the Bylaws would require the Policy Board to designate a "Public Transportation Provider" representative. 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. The "Public Transportation Provider" Representative will serve a term consistent with his or her term of office. This designated individual has only one "vote" as the representative of his/her jurisdiction.

STRATEGIC PLAN

This item is indirectly related to the City's Strategic Plan, as the City's participation in StanCOG does provide funding for infrastructure maintenance and upgrades. Therefore this item relates to maintenance and improvement of the City's infrastructure and service delivery systems.

FINANCIAL IMPACT

No financial impact as a result of this decision is expected.

ATTACHMENT

1. Letter from StanCOG Executive Director RE: JPA Amendment
2. Resolution
3. StanCOG JPA Amendment with Changes Highlighted

StanCOG
Stanislaus Council of Governments

1111 I Street, Ste 308
Modesto, CA 95354
209.525.4600 Main
209.558.7833 Fax
www.stancog.org

September 26, 2018

Mr. Sean Scully, City Manager
City of Riverbank
via email sscully@riverbank.org

Dear Mr. Scully:

The Policy Board of the Stanislaus Council of Governments (StanCOG) adopted an amendment on August 15, 2018 to the StanCOG Joint Powers Agreement (JPA) and the Bylaws, attached as Exhibit A to the JPA.

The amendment made a change to allow for a Public Transportation Provider representative to be designated from among the Policy Board members, as required by the Moving Ahead for Progress in the 21st Century Act (Map-21).

As a member agency of the StanCOG JPA, you are being asked to ratify the above described amendment by taking the item to your City Council for consideration at your next available meeting. We have attached a sample resolution and the JPA with the change highlighted to assist in this process.

We appreciate your attention to this matter. Should you have any questions on the enclosed, please contact Cindy Malekos at 209-525-4634 or cmalekos@stancog.org.

Sincerely,

Rosa De León Park
Executive Director

cc: Annabelle Aguilar, City Clerk

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING AMENDMENTS TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) BYLAWS AND EXECUTION OF AN AMENDED AND RESTATED JOINT POWERS AGREEMENT

WHEREAS, the City of Riverbank 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 City Council of the City of Riverbank does hereby determine and declare as follows:

1. The City of Riverbank, as a party to the JPA, hereby approves the amendments to the JPA and the Bylaws as shown in Attachment A.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of October, 2018; motioned by Councilmember , seconded by Councilmember , and upon roll call was carried by the following City Council vote of :

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:	**APPROVED:**
______________________________	______________________________
Annabelle H. Aguilar, CMC **City Clerk**	**Richard D. O'Brien** **Mayor**

Attachment: Copy of JPA with Amendment "A"

AMENDED AND RESTATED 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."

W I T N E S S E T H:

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.

1.5. Predecessor. The foregoing need led to the creation and establishment of the Stanislaus Area Association of Governments on May 11, 1971, the subsequent approval of a Revised Joint Powers Agreement on May 28, 1974, and a subsequent approval of a Joint Powers Agreement establishing the Stanislaus Council of Governments on June 5, 2001.

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 Unites 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. <u>COOPERATION</u>

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. <u>MEMBER AGENCIES</u>**.**

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. <u>BOARD AND VOTING</u>

6.1. <u>Board.</u> 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. <u>EXECUTIVE COMMITTEE</u>

7.1. <u>Executive Committee.</u> 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. <u>Powers of Executive Committee.</u> 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. <u>Alternate Representatives.</u> 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. <u>MANAGEMENT AND FINANCE COMMITTEE</u>.

8.1. <u>Management and Finance Committee.</u> 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. <u>SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL</u>

9.1. <u>Social Services Transportation Advisory Council</u>. 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. <u>BYLAWS</u>

15.1. <u>Bylaws.</u> 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. <u>EXECUTIVE DIRECTOR</u>

16.1. <u>Powers and Duties</u>. 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 to 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. SUCCESSORS 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

EXHIBIT "A"

STANISLAUS COUNCIL OF GOVERNMENTS
AMENDED AND RESTATED BYLAWS

R E C I T A L S:

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 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. <u>Valley Vision Stanislaus Steering Committee.</u>

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 1 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. <u>Measure L Oversight Committee</u>.

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: <u>Special Committees</u>.

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.

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.

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 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.

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
<u>TERM OF OFFICE</u>

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
<u>MEETINGS</u>

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
<u>ATTENDANCE</u>

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
<u>REMOVAL</u>

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:

- Citizens Advisory Committee
- Health Industry
- Agriculture Industry
- Environment/Conservation
- Economic Development
- Building Industry
- Transit User/Provider
- Education
- Environmental Justice

ARTICLE III
<u>TERM OF OFFICE</u>

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
<u>MEETINGS</u>

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
<u>ATTENDANCE</u>

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.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	October 23, 2018
Subject:	A **Resolution** Adopting a 2.5% Consumer Price Index Increase in Rates for Solid Waste Disposal Services Pursuant to the 2014 Executed Franchise Agreement with Gilton Solid Waste, Inc.
From:	Sean Scully, City Manager
Submitted By:	Marisela H. Garcia, Assistant City Manager/Director of Finance

RECOMMENDATION

It is recommended that the City Council consider adopting a resolution approving a 2.5% Consumer Price Index (CPI) increase in rates for solid waste disposal services pursuant to the executed franchise agreement with Gilton Solid Waste, Inc.

SUMMARY

On October 28, 2014 the City Council adopted Resolution No. 2014-080 adopting revised rates for Solid Waste Disposal services after holding a Proposition 218 Protest Hearing and receiving a less than a majority protest. In addition, Resolution 2014-080 authorized the execution of a Franchise Agreement with Gilton Solid Waste, Inc. to provide said services. Section 9.1 *Rates* of the Franchise Agreement, the City will adjust the maximum charges made to Customers to reflect annual changes in the Consumer Price Index ("CPI") for All Urban Consumers published by the U.S. Department of Labor for San Francisco-Oakland-San Jose statistical area (renamed as the San Francisco-Oakland-Hayward statistical area). The proposed CPI adjustment is 2.5%.

BACKGROUND

Gilton Solid Waste Management (Gilton) has been providing waste management services to the residents and businesses of Riverbank for the past 40 years. The most recent Franchise Agreement negotiated with Gilton Solid Waste Management, Inc. began on November 1, 2014 and will expire on October 31, 2019. Said Franchise Agreement was approved following the Proposition 218 hearing held on October 28, 2014 where less than a majority protests were received with regards to increases in solid waste rates.

The revised rates adopted by the City Council provides our residents with the following services:

- 90 gallon trash pickup
- 90 gallon green/organic waste pickup
- Curbside Electronic Waste Program (2 times per year),
- Curbside Bulky Item Program (2 times per year),
- Illegal Dump Program
- Christmas Tree Pick-up Program

CONSUMER PRICE INDEX

Section 9.1 *Rates* of the franchise agreement stipulates that in years two, three, four and five of the Agreement Term, the City will adjust the maximum charges made to Customers under this Agreement to reflect annual changes in the Consumer Price Index for All Urban Consumers ("CPI") published by the U.S. Department of Labor for the San Francisco-Oakland-San Jose, CA statistical area (renamed as the San Francisco-Oakland-Hayward statistical area). Such adjustments shall not exceed two and a half percent (2.5%) per year. The adjustment shall become effective on the anniversary of the Effective Date and be based on the previous twelve month index analysis from July to August.

As reflected in Attachment 3, the Consumer Price Index for July 2017-August 2018 was calculated as 4.3%. Based on the Franchise Agreement, rates shall not be adjusted by more than 2.5% per year. **Therefore a 2.5% increase is recommended.**

PROPOSED RATES:

The proposed solid waste services rates are as follows:

Rate Code	Rate Type	Current Monthly Rate	CPI Increase 2.5%	New Monthly Rate Effective 11/01/2018	New Bi-Monthly
501-GA01	RESIDENTIAL (90 Gal.)	$22.83	$0.57	$23.40	$46.80
502-GA02	RESIDENTIAL (30 Gal.)	$20.08	$0.50	$20.59	$41.17
503-GA03	RESIDENTIAL SENIOR DISCOUNT (90 Gal.)	$17.12	$0.43	$17.55	$35.10
504-GA04	RESIDENTIAL SENIOR DISCOUNT (30 Gal.)	$15.07	$0.38	$15.44	$30.88
505-GA05	BUSINESS NON-RESIDENTIAL (90 Gal.)	$22.83	$0.57	$23.40	$46.80
506-GA06	BUSINESS NON-RESIDENTIAL (30 Gal.)	$20.08	$0.50	$20.59	$41.17
507-GA07	COMMERCIAL 1 YD BIN P/U 1X	$55.66	$1.39	$57.06	$114.11
508-GA08	COMMERCIAL 2 YD BIN P/U 1X	$88.42	$2.21	$90.63	$181.27
509-GA09	COMMERCIAL 2 YD BIN P/U 2X	$161.28	$4.03	$165.31	$330.61
510-GA10	COMMERCIAL 2 YD BIN P/U 3X	$234.27	$5.86	$240.12	$480.25
511-GA11	COMMERCIAL 2 YD BIN P/U 4X	$314.94	$7.87	$322.82	$645.63
512-GA12	COMMERCIAL 2YD BIN P/U 5X	$351.43	$8.79	$360.22	$720.43
513-GA13	COMMERCIAL 3 YD BIN P/U 1X	$121.66	$3.04	$124.70	$249.40
514-GA14	COMMERCIAL 3 YD BIN P/U 2X	$220.64	$5.52	$226.16	$452.32

515-GA15	COMMERCIAL 3 YD BIN P/U 3X	$308.81	$7.72	$316.53	$633.06
516-GA16	COMMERCIAL 3 YD BIN P/U 4X	$415.85	$10.40	$426.25	$852.50
517-GA17	COMMERCIAL 3 YD BIN P/U 5X	$468.64	$11.72	$480.36	$960.72
518-GA18	COMMERCIAL 4 YD BIN P/U 1X	$158.78	$3.97	$162.75	$325.49
519-GA19	COMMERCIAL 4 YD BIN P/U 2X	$292.12	$7.30	$299.42	$598.84
520-GA20	COMMERCIAL 4 YD BIN P/U 3X	$407.37	$10.18	$417.55	$835.10
521-GA21	COMMERCIAL 4 YD BIN P/U 4X	$488.77	$12.22	$500.99	$1,001.98
522-GA22	COMMERCIAL 4 YD BIN P/U 5X	$600.90	$15.02	$615.93	$1,231.86
523-GA23	COMMERCIAL 4 YD BIN P/U 6X	$721.39	$18.03	$739.42	$1,478.84
524-GA24	COMMERCIAL 6 YD BIN P/U 1X	$217.67	$5.44	$223.11	$446.23
525-GA25	COMMERCIAL 6 YD BIN P/U 2X	$402.29	$10.06	$412.35	$824.70
526-GA26	COMMERCIAL 6 YD BIN P/U 3X	$579.36	$14.48	$593.84	$1,187.68
527-GA27	COMMERCIAL 6 YD BIN P/U 4X	$676.41	$16.91	$693.32	$1,386.63
528-GA28	COMMERCIAL 6 YD BIN P/U 5X	$813.03	$20.33	$833.35	$1,666.70
529-GA29	COMMERCIAL 6 YD BIN P/U 6X	$846.15	$21.15	$867.31	$1,734.61
530-GA30	RESIDENTIAL (2-90 Gal.)	$30.10	$0.75	$30.85	$61.70
531-GA31	BUSINESS NON-RESIDENTIAL (3-90 Gal.)	$37.37	$0.93	$38.30	$76.60
532-GA32	BUSINESS NON-RESIDENTIAL (4-90 Gal.)	$44.64	$1.12	$45.75	$91.51
533-GA33	RESIDENTIAL (3-90 Gal.)	$37.37	$0.93	$38.30	$76.60
534-GA34	RESIDENTIAL (1 SR Rate, 1 Residential Rate)	$31.72	$0.79	$32.51	$65.02
540-GA40	RESIDENTIAL SENIOR DISCOUNT (2-90 Gal.)	$23.78	$0.59	$24.37	$48.74
541-GA41	BUSINESS NON-RESIDENTIAL (2-90 Gal.)	$30.10	$0.75	$30.85	$61.70
542-GA42	COMMERCIAL 4 YD - RESIDENTIAL 2 90 Gal.	$211.18	$5.28	$216.46	$432.91
543-GA43	COMM. (2-90 Gal.) & RESIDENTIAL (1-90 Gal.)	$52.93	$1.32	$54.25	$108.50

The typical single-family residence will experience an annual increase of $6.84. Seniors eligible for the discounted rate will experience an annual increase of $5.16.

STRATEGIC PLAN

This report has been prepared to accomplish the following Three-Year Goal established during the June 25, 2018 Strategic Planning Session:

"Achieve and Maintain Financial Stability and Sustainability"

FINANCIAL IMPACT

Waste collection and disposal fees are paid by the customers that receive service, therefore residents and commercial customers will note the increase in rates in their January 2019 billing (which bills from November 1, 2018-December 31, 2018).

The City will collect additional franchise fees on the gross revenues generated which are placed in the General Fund.

ATTACHMENT

1. Resolution
2. Exhibit A: November 1, 2018-October 31, 2019 Monthly Solid Waste Disposal Rates
3. Consumer Price Index

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, ADOPTING A 2.5% CONSUMER PRICE INDEX INCREASE IN RATES FOR SOLID WASTE DISPOSAL SERVICES PURSUANT TO THE 2014 EXECUTED FRANCHISE AGREEMENT WITH GILTON SOLID WASTE, INC.

WHEREAS, on November 1, 2014 the City of Riverbank ("City") entered into a franchise agreement for the collection, transportation and disposal of solid waste, green waste and recyclables ("Franchise Agreement") with Gilton Solid Waste Management, Inc. ("Gilton"); and,

WHEREAS, s Solid Waste Rate Study, dated August 18, 2014, prepared by Bartle Wells Associates ("Rate Study"), found that the various rates proposed by Gilton and adjusted pursuant to Section 9.1 *Rates* of the Franchise Agreement and hereby presented as Exhibit A, herein attached, are reasonably related to the cost of service; and,

WHEREAS, the City complied with Proposition 218 requirements in connection with the proposed rate increase and franchise agreement; and,

WHEREAS, pursuant to Section 9.1 *Rates* of the Franchise Agreement, the City will adjust the maximum charges made to Customers to reflect annual changes in the Consumer Price Index for All Urban Consumers ("CPI") published by the U.S. Department of Labor for San Francisco-Oakland-San Jose statistical area (now referred to as the San Francisco-Oakland-Hayward statistical area), and

WHEREAS, the CPI is to be based on the previous twelve month index analysis from July to August as calculated by the Department of Labor which was determined to be 4.3%, and

WHEREAS, the Franchise Agreement states that the adjustment shall not exceed 2.5% per year, and

WHEREAS, the revised rates reflecting a 2.5% increase are presented in **Exhibit A,** herein attached.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby adopts the revised rates as presented in Exhibit A, and which may be amended from time to time based on the franchise agreement, for Solid Waste Disposal Services which will be made effective as of November 1, 2018.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of October, 2018; motioned by Councilmember , seconded by Councilmember , and upon roll call was carried by the following City Council vote of :

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

____
Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

____
Richard D. O'Brien
Mayor

Attachment: Exhibit A November 1, 2018-October 31, 2019 Monthly Solid Waste Disposal Rates

EXHIBIT A

NOVEMBER 1, 2018 – OCTOBER 31, 2019

MONTHLY SOLID WASTE DISPOSAL RATES

Rate Code	Rate Type	Current Monthly Rate	CPI Increase 2.5%	New Monthly Rate Effective 11/01/2018	New Bi-Monthly
501-GA01	RESIDENTIAL (90 Gal.)	$22.83	$0.57	$23.40	$46.80
502-GA02	RESIDENTIAL (30 Gal.)	$20.08	$0.50	$20.59	$41.17
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543-GA43	COMM. (2-90 Gal.) & RESIDENTIAL (1-90 Gal.)	$52.93	$1.32	$54.25	$108.50

Note: Rate codes 530-543 are calculated by standard monthly service charge plus the charge for an extra bin

- The Charge for an additional 90-gallon trash container is $6.75 per month per additional container.

CONSUMER PRICE INDEXES PACIFIC CITIES AND U. S. CITY AVERAGE
August 2018
ALL ITEMS INDEXES
(1982-84=100 unless otherwise noted)

MONTHLY DATA	All Urban Consumers (CPI-U)						Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes			Percent Change			Indexes			Percent Change		
				Year ending		1 Month ending				Year ending		1 Month ending
	Aug 2017	Jul 2018	Aug 2018	Jul 2018	Aug 2018	Aug 2018	Aug 2017	Jul 2018	Aug 2018	Jul 2018	Aug 2018	Aug 2018
U. S. City Average...............................	245.519	252.006	252.146	2.9	2.7	0.1	239.448	246.155	246.336	3.2	2.9	0.1
(1967=100)..	735.466	754.898	755.317	-	-	-	713.243	733.221	733.760	-	-	-
Los Angeles-Long Beach-Anaheim……	256.739	266.007	266.665	3.9	3.9	0.2	247.260	256.632	257.318	4.0	4.1	0.3
(1967=100)..	758.521	785.904	787.846	-	-	-	730.727	758.426	760.453	-	-	-
West	255.282	263.971	264.395	3.6	3.6	0.2	246.978	255.931	256.311	3.9	3.8	0.1
(Dec. 1977 = 100)	412.649	426.695	427.380	-	-	-	397.375	411.779	412.390	-	-	-
West – A*..	262.522	272.296	272.606	3.9	3.8	0.1	252.086	262.441	262.699	4.2	4.2	0.1
(Dec. 1977 = 100)	428.079	444.016	444.522	-	-	-	408.079	424.842	425.259	-	-	-
West – B/C**(Dec. 1996=100).............	149.255	153.464	153.797	3.2	3.0	0.2	148.925	153.326	153.625	3.3	3.2	0.2

BI-MONTHLY DATA	All Urban Consumers (CPI-U)						Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes			Percent Change			Indexes			Percent Change		
				Year ending		2 Months ending				Year ending		2 Months ending
	Aug 2017	Jun 2018	Aug 2018	Jun 2018	Aug 2018	Aug 2018	Aug 2017	Jun 2018	Aug 2018	Jun 2018	Aug 2018	Aug 2018
San Francisco-Oakland-Hayward.........	275.893	286.062	287.664	3.9	4.3	0.6	269.827	280.219	281.536	4.0	4.3	0.5
(1967=100)..	848.172	879.435	884.358	-	-	-	821.645	853.291	857.300	-	-	-
Seattle-Tacoma-Bellevue.....................	263.333	272.395	271.625	3.3	3.1	-0.3	259.528	268.957	267.757	3.6	3.2	-0.4
(1967=100)..	802.742	830.365	828.019	-	-	-	769.761	797.727	794.166	-	-	-

* A = greater than 2,500,000 population ** B/C = 2,500,000 population or less Dash (-) = Not Available.

Release date Sep. 13, 2018. The next monthly releases are scheduled for Oct. 11, 2018. The next bi-monthly releases are scheduled for Nov. 14, 2018.

Due to the 2018 geographic revision, Anchorage, Honolulu, Phoenix, and San Diego area index numbers are now published bi-monthly. Semi-annual averages can be accessed online at www.bls.gov/cpi/data.htm. The Portland CPI has been discontinued. Additional information on the geographic revision is available at www.bls.gov/regions/west/factsheet/2018cpigeorevision.htm. For questions, please contact us at BLSinfoSF@BLS.GOV or (415) 625-2270.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	October 23, 2018
Subject:	A **Resolution** Amending the City of Riverbank Compensation Plan to Reflect the New Salary Range for the Accounting Manager Position from Range 146 to Range 166
From:	Sean Scully, City Manager
Submitted by:	Marisela H. Garcia, Assistant City Manager/Director of Finance

RECOMMENDATION

It is recommended that the City Council consider approving a Resolution amending the City of Riverbank's compensation plan to reflect the new salary range for the Accounting Manager position.

SUMMARY

Adjustment to the Salary Range for the Accounting Manager Position to bring the position in line with the salary range of similar Managerial positions.

BACKGROUND

In 2013, the City Council authorized the creation of the Accounting Manager position. The position was created in order to accurately reflect the job duties that were being performed by the Accountant at that time, including the overall supervision of the Finance Department staff, implementing customer service enhancements, and the preparation of System Development Fee and Special Fund Annual Budgets. The Accounting Manager is also in charge of utility billing, accounts payable, accounts receivable, payroll and special accounting/finance related projects.

In 2013, when creating the salary range for the position, the City took the current Accountant position salary range and inflated that by 20%. Common practice would normally be to prepare a market study in order to gauge the typical salary range for a similar position. The City's 2017 Compensation Study left the salary range "as is" due to the fact that the position was vacant at the time of its preparation, part of the review of the compensation of the position required actual feedback from a person performing the Account Manager job at the time of the study (obviously not feasible at that time). Another common technique is to structure salary in line with similar types of positions internally. With that said, this position is paid substantively lower than other very similar management positions with similar levels of departmental responsibility, supervisorial requirements and technical capability.

Our recommendation is to provide an equity adjustment to the Accounting Manager salary range in order to bring it closer to similar managerial positions, which have similar supervisorial and required technical capability, such as the Development Services Administration Manager or the Planning and Building Manager. The proposal is as follows:

Salary Range	Step A	Step B	Step C	Step D	Step E
146-Current	$5,791.71	$6,081.30	$6,385.37	$6,704.64	$7,039.87
166-Proposed	$7,067.01	$7,420.36	$7,791.38	$8,180.95	$8,590.00
Difference	**$1,275.30**	**$1,339.06**	**$1,406.01**	**$1,476.31**	**$1,550.13**

If approved, the current Accounting Manager would receive a salary adjustment from Step 146-E to Step 166-B.

STRATEGIC PLAN

This item directly relates to the City's Three Year Goal to Attract, Develop, and Retain Quality Staff. Staff believes making this adjustment will create a compensation package for this position with more equity to other similar positions.

FINANCIAL IMPACT

$4,300 financial impact for FY 2018-19 as a result of the salary range adjustment for the Accounting Manager (from step 146-E to 166-B). The initial salary difference on a monthly basis from current step to propose would be approximately $380.49. The proposal allows for the possibility of three additional step raises C-E. This position is primarily paid by utility and other enterprise funds so significant impact to the General Fund is not expected.

ATTACHMENT

1. Resolution

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING THE CITY OF RIVERBANK COMPENSATION PLAN TO RELFECT THE NEW SALARY RANGE FOR THE ACCOUNTING MANAGER POSITION FROM RANGE 146 TO RANGE 166

WHEREAS, In June 2018, the City Council established a Three-Year Goal to Attract, Develop, and Retain Quality Staff; and

WHEREAS, The Accounting Manager salary range was created based on the Accountant position and not on a market-rate study as is customary; and

WHEREAS, An equity adjustment to the Accounting Manager salary range should be made in order to bring the position in line with other managerial positions; and

WHEREAS, the adjustment from Range 146 to Range 166 of the City of Riverbank Compensation Plan is prudent.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby amends the City of Riverbank Compensation Plan to reflect the new salary range for the Accounting Manager position from Range 146 to Range 166 as follows:

Salary Range	Step A	Step B	Step C	Step D	Step E
146-Current	$5,791.71	$6,081.30	$6,385.37	$6,704.64	$7,039.87
166-New	$7,067.01	$7,420.36	$7,791.38	$8,180.95	$8,590.00

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of October, 2018; motioned by Councilmember ______, seconded by Councilmember ______, and upon roll call was carried by the following City Council vote of ______:

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

____

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

____

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	October 23, 2018
Subject:	A **Resolution** to Award Bid for the Wastewater Treatment Plant (WWTP) Pond 9 Levee Project to Garrett Thompson Construction, Inc., and Authorize the City Manager to Execute Future Change Orders and Authorize the Re-Allocation of $275,000 from the Rate Study Funded Line Replacement Projects to the Rate Study-Funded Pond 9 at WWTP Project
From:	Sean Scully, City Manager
Submitted by:	Michael Riddell, Public Works Director Laura Graybill, Project Coordinator

RECOMMENDATION

It is recommended that City Council adopt a Resolution approving the following three (3) actions by a roll call vote:

1) Award bid to the lowest responsible bidder, Garrett Thompson Construction, Inc.; and

2) Authorize the City Manager to execute Change Orders within total project budget; and

3) Authorize the re-allocation of $275,000 from the Rate Study-Funded Line Replacement Projects to the Rate Study-Funded Pond 9 at WWTP Project.

SUMMARY

The bid opening was held on Wednesday, October 3, 2018 to consider the bids for the WWTP Pond 9 Levee Project. The following bids were received:

Garrett Thompson Construction, Inc.	$406,300.00
Machado and Sons Construction, Inc.	$413,520.00
Nichelini General Engineering, Inc.	$421,060.00

Work on the project includes, but is not limited to, furnishing all labor, materials, equipment, transportation, and incidentals necessary for the construction of treatment pond levees, earthwork, soil compaction, base rock installation, monitoring well adjustment to new grade and all other work shown on the plans.

The project will provide additional effluent disposal capacity which is much needed at the Waste Water Treatment Plant in order to accommodate short-term growth.

Bids have been reviewed and Garrett Thompson Construction, Inc. has been identified as the lowest responsible bidder for the project.

It is requested that the City Council provide the City Manager authorization to execute Change Orders if they are within total budget.

During the preparation of the 2015 Sewer Rate Study, this project was identified as a High Priority Project to be performed in FY 2016-17 in the amount of $98,000. When engineering was completed, the engineering estimate required the additional appropriation from WWTP Maintenance Funds of $43,900 for a total project cost of $141,900. This total included approximately $16,500 in Engineering. Through the bidding process it was evident that the City would not have sufficient funding for this high priority project. The City Engineer has advised that the large discrepancy in estimate to actual bids is due to a number of factors. Some of those factors include, increase in prevailing wage rates, increase in fuel cost (this project is extremely fuel intensive as it will require large scale diesel equipment to move the ground) and general increase regionally in construction activity which creates greater demand for these types of construction services (thus increasing price).

In order to complete the project, staff is recommending transferring $275,000 from the 6" Sanitary Sewer (SS), Sierra – Patterson Alley from 1st to 8th Street Line Replacement Project to the Pond 9 at the WWTP Project. It is the opinion of the Public Works Director that the line replacement project can be postponed without significant effect to the system. Public Works will perform additional monitoring and maintenance of the line to extend its usable life. The pond 9 project is important as the disposal area is crucial to avoid any potential hydraulic overflow situations (especially during the wet weather months). In future Rate Studies, staff will include the line replacement project so as to collect funding for the future project.

FINANCIAL IMPACT

Construction costs to be covered by funds collected via the 2015 Rate Study CIP and Sewer Maintenance Funds as follows:

2015 Rate Study CIP (106-424):	$373,000
WWTP Maintenance Funds (106-424):	27,400
Sewer Capital Improvement Fund (108-427):	10,000
	$410,400

ATTACHMENT

1) Resolution
2) Site Map
3) 2015 Sewer Rate Study Capital Improvement Program

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO AWARD BID FOR THE WASTEWATER TREATMENT PLANT (WWTP) POND 9 LEVEE PROJECT TO GARRETT THOMPSON CONSTRUCTION INC., AUTHORIZE THE CITY MANAGER TO EXECUTE FUTURE CHANGE ORDERS, AND AUTHORIZE THE RE-ALLOCATION OF $275,000 FROM THE RATE STUDY-FUNDED LINE REPLACEMENT PROJECTS TO THE RATE STUDY-FUNDED POND 9 AT WWTP PROJECT

WHEREAS, in 2015 the City Council approved the Sewer Rate Study which established a five-year Capital Improvement Project (CIP) list to be funded by newly adopted rates; and

WHEREAS, the Pond 9 at WWTP Project was listed as a High Priority Project on said CIP due to the additional effluent disposal capacity needed at the Waste Water Treatment Plant in order to accommodate short-term growth that is currently under construction; and

WHEREAS, the Engineer's Estimate received required the additional allocation of funds from the Waste Water Maintenance Fund; and

WHEREAS, the lowest responsible bidder came in over the budgeted amount and requires an additional allocation of funding; and

WHEREAS, it is recommended that $275,000 from the Sewer Rate Study-Funded Line Replacement Project (6" Sanitary Sewer (SS), Sierra – Patterson Alley from 1st to 8th Street) be re-allocated to the Pond 9 at WWTP Project; and

WHEREAS, the City will include the line replacement project (6" Sanitary Sewer (SS), Sierra – Patterson Alley from 1st to 8th Street) for funding from a future rate study.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby awards the bid for the WWTP Pond 9 Levee project to Garrett Thompson Construction, Inc., authorizes the City Manager to execute future change orders, and authorizes the re-allocation of $275,000 from the rate study-funded line replacement project to the rate study-funded Pond 9 at WWTP Project.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of October, 2018; motioned by Councilmember ___, seconded by Councilmember ___, and upon roll call was carried by the following City Council vote of ___:

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:	**APPROVED:**
______________________________	______________________________
Annabelle H. Aguilar, CMC **City Clerk**	**Richard D. O'Brien** **Mayor**


City of Riverbank WWTP
WWTP Pond 9 Levee Project
J7
Google Earth
©2018 Google
1000 ft
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Capital Improvement Program

The City has identified a five-year capital improvement program to be funded by the rates proposed in this study. The capital program is shown below in **Table 5**.

Major projects include a Biolac System for the Wastewater Treatment Plant (WWTP) funded in FY 2015, a sewer line improvement and cross connection reduction program to be completed from FY 2016 to FY 2020, and an SS lift station electrical pane upgrade in FY 2020.

Table 5: Sewer Enterprise Capital Projects
City of Riverbank
Water and Wastewater Rate Study

		0	1	2	3	4	5	
Sanitary Sewer Utility	**Project #**	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	Total Projected Capital Cost FY 2011-2020
Project Name								
High Priority Projects								
Utility Service Seperation	SS-013	36,000						36,000
Cross Connection Reduction	SS-012		200,000	200,000	200,000	200,000		800,000
Biolac System	WWTP-020	3,549,843						3,549,843
Equipment Protection -Overhead Structure	WWTP-023		10,000					10,000
Resurface Entry Road to WWTP (Demo, prep, resurface) [1]			110,000					110,000
Finish Pond 9 at WWTP [2]				98,000				98,000
Total High Priority Projected Capital Cost		**3,585,843**	**320,000**	**298,000**	**200,000**	**200,000**		**4,603,843**
Additional CIP								
6" SS, Stanislaus - Sierra Alley from 1st to 3rd			75,000					75,000
6" SS, Sierra - Patterson Alley from 1st to 8th			275,000					275,000
6" SS, Topeka - 108 Alley 4th to 5th			50,000					50,000
6" SS, Topeka - Santa Fe Alley 7th to 8th			50,000					50,000
6" SS, Santa Fe - Stanislaus Alley 7th to 8th			50,000					50,000
6" SS, Terminal from Kentucky to Castle Park Drive				85,000				85,000
6" SS, Texas - Kansas Alley from 8th to Chief Tucker				80,000				80,000
8" SS, Galaxy to Jackson Ave.					50,000			50,000
6" & 8" SS, 7 State Streets from Terminal to 8th						1,000,000		1,000,000
8" SS, Oakdale Road from Patterson to Cedarwood						150,000		150,000
6" SS in Cedarwood from Oakdale Road to Wood Haven						125,000		125,000
6" SS, Orange Ave from Bruneyville to 2nd St.							1,000,000	1,000,000
Crawford Lift Station project upgrades and force main							250,000	250,000
CCTV all sanitary sewer lines city wide							250,000	250,000
Upgrade all electrical panes on SS lift stations							1,000,000	1,000,000
Survey all lift stations							50,000	50,000
Total Additional CIP			**500,000**	**165,000**	**50,000**	**1,275,000**	**2,550,000**	**4,540,000**
Total Capital Projects		**3,585,843**	**820,000**	**463,000**	**250,000**	**1,475,000**	**2,550,000**	**9,143,843**

Source: City of Riverbank 2014-2019 Capital Improvement Plan
[1] E-mail from Staff, 5-19-15
[2] E-mail from Staff, 10.6.2014

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date:	October 23, 2018
Subject:	Information on the 9th Circuit Decision Martin v. Boise Implications to Public Space
From:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council receive an update on recent case law which has implications for the use of public spaces, and provide direction to create policy on this matter.

SUMMARY

At the time of the Council meeting staff will update Council on a recent 9th Circuit United States Court of Appeals case titled Martin v. Boise which has widespread implications for the camping/sleeping in public spaces (parks, plazas etc). The decision will require that the City (at a future meeting) reviews and (if necessary) amends its policies regarding the use of public space in order to remain compliant with this most recent decision. Staff will present a background of the case, the decision, the practical implications for Riverbank, and the possibility of needed policy changes and next steps.

ATTACHMENTS

None