



CITY OF HUGHSON
CITY COUNCIL MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

AGENDA
MONDAY, JULY 9, 2012 – 7:00 P.M.

CALL TO ORDER: Mayor Ramon Bawan

ROLL CALL: Mayor Ramon Bawan
Mayor Pro Tem Matt Beekman
Councilmember Jill Silva
Councilmember George Carr
Councilmember Jeramy Young

FLAG SALUTE:

INVOCATION:

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the City Council on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the City Council cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: None.

3. CONSENT CALENDAR:

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

3.1: Approval of the June 25, 2012 Regular City Council Minutes.

3.2: Approval of the Warrants.

3.3: Approval of Resolution No. 2012-32, setting the Appropriation Limit for Fiscal Year 2012-2013.

- 3.4:** Approval of Resolution No. 2012-33, a resolution of the Hughson City Council recognizing July as Parks and Recreation month.
- 3.5:** Approve the proposed MOU between the City of Hughson and the City of Hughson Employees Association represented by Operating Engineers Local Union No. 3 (OE3) and authorize the City Manager to execute the agreement.

4. UNFINISHED BUSINESS: None.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

- 5.1:** Consider the Annual Review of Special Assessment Districts for FY 2012-2013 and adopt the following;
- a. Resolution No. 2012-030, Approving the Annual Report for the City of Hughson Landscaping and Lighting Districts and Benefit Assessment Districts for Fiscal Year 2012-2013.
 - b. Resolution No. 2012-031, Confirming the Assessment and Ordering the Levy for the City of Hughson Landscaping and Lighting Districts and Benefit Assessment Districts for Fiscal Year 2012-2013.

6. NEW BUSINESS:

- 6.1:** Discussion and Direction Regarding Stanislaus LAFCO's Draft Agricultural Preservation Policy.

7. CORRESPONDENCE: None.

8. COMMENTS:

- 8.1:** Staff Reports and Comments: (Information Only – No Action)

City Manager:

City Clerk:

Community Development Director:

Director of Finance:

Police Services:

City Attorney:

- 8.2:** Council Comments: (Information Only – No Action)

- 8.3:** Mayor's Comments: (Information Only – No Action)

9. CLOSED SESSION: None.

10. REPORT FROM CLOSED SESSION: None.

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the City Council/Redevelopment Agency in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

July 10	▪ National Night Out/Neighborhood Watch Meeting, 2413 3 rd St, 5:00pm
July 10	▪ Parks and Recreation Meeting, Council Chambers, 6:00pm
July 14	▪ Hughson Arboretum and Gardens- Open Garden- 8am to 12pm
July 16 - Aug 10	▪ Elections: Candidate Nomination Period for All Candidates
July 23	▪ City Council Meeting, Council Chambers, 7:00pm
August 7	▪ National Night Out, contact City Hall at 883-4054 for information
August 13	▪ City Council Meeting, Council Chambers, 7:00pm
August 14	▪ Parks and Recreation Meeting, Council Chambers, 6:00pm
August 21	▪ Planning Commission Meeting, Council Chambers, 6:00pm
August 24	▪ Hughson Historical Society 12 th Annual Appreciation Night of Longstanding Citizens, more information to come.
August 27	▪ City Council Meeting, Council Chambers, 7:00pm
September 10	▪ City Council Meeting, Council Chambers, 7:00pm
September 11	▪ Parks and Recreation Meeting, Council Chambers, 6:00pm
September 15-16	▪ SAVE THE DATE – HUGHSON HARVEST FESTIVAL
September 18	▪ Planning Commission Meeting, Council Chambers, 6:00pm
September 24	▪ City Council Meeting, Council Chambers, 7:00pm

RULES FOR ADDRESSING CITY COUNCIL

Members of the audience who wish to address the City Council are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON

This agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

AFFIDAVIT OF POSTING

DATE: July 6, 2012 **TIME:** 5:00pm
NAME: Dominique Spinale **TITLE:** Deputy City Clerk

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 Hughson City Council 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.

General Information: The Hughson City Council meets in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise noticed.

Council Agendas: The City Council agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054



CITY OF HUGHSON
CITY COUNCIL MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

MINUTES
MONDAY, JUNE 25, 2012 – 7:00 P.M.

CALL TO ORDER: Mayor Pro Tem Matt Beekman

ROLL CALL:

Present: Mayor Pro Tem Matt Beekman
Councilmember Jill Silva
Councilmember George Carr

Absent: Mayor Ramon Bawanon - excused
Councilmember Jeramy Young - excused

Staff Present: Bryan Whitemyer, City Manager
Dan Schroeder, City Attorney
Darin Gharat, Chief of Police Services
Thom Clark, Community Development Director
Dominique Spinale, Deputy City Clerk
Sam Rush, Public Works Superintendent
Lisa Whiteside, Finance Manager

FLAG SALUTE: Mayor Pro Tem Matt Beekman

INVOCATION: Mayor Pro Tem Matt Beekman

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Jean Henley-Hatfield advised the Council that the Hughson Historical Society will hold its 12th Annual Appreciation Night. This year they will honor the Serpa and Knoller families. Ms. Hatfield also advised that the Historical Society will hold their annual meeting on July 10 at the museum.

Ms. Hatfield also requested an update on the water tower painting project.

2. PRESENTATIONS: None.**3. CONSENT CALENDAR:**

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

- 3.1: Approval of the June 11, 2012 Regular City Council Minutes.
- 3.2: Approval of the Warrants.
- 3.3: Approval of the Treasurer's Report for May 2012.
- 3.4: Adopt Resolution No. 2012-29, declaring the Intention to Levy and Collect Assessments for the City of Hughson's Landscaping and Lighting Districts (LLD) and Benefit Assessment Districts (BAD) for Fiscal Year 2012-2013.
- 3.5: Approve designating Councilmember Jeramy Young as the Voting Delegate for the League of California Cities Annual Conference on September 5-7, 2012 in San Diego.

Consent Calendar Item 3.3 was pulled by Mayor Pro Tem Beekman for discussion.

Silva/Carr 3-0-0 (Bawanan/Young- Absent) motion passes to approve Consent Calendar Items 3.1, 3.2, 3.4, and 3.5.

Mayor Pro Tem Beekman asked for further clarifications concerning the Sewer DIF and WWTP fund accounts.

Beekman/Silva 3-0-0 (Bawanan/Young- Absent) motion passes to approve Consent Calendar Item 3.3.

4. UNFINISHED BUSINESS: None.**5. PUBLIC HEARINGS:** None.**6. NEW BUSINESS:**

- 6.1: Approval of Resolution No. 2012-28, a resolution of the Hughson City Council calling and giving Notice of the Holding of a General Municipal Election on Tuesday, November 6, 2012, for the Election of Certain Officers as required by the provisions of the Laws of the State of California relating to General Law Cities and requesting Consolidation of the Election with Stanislaus County.

Beekman/Silva 3-0-0 (Bawanan/Young- Absent) motion passes to adopt Resolution No. 2012-28, calling and giving Notice of the Holding of a General Municipal Election on Tuesday, November 6, 2012, for the Election of Certain Officers as required by the provisions of the Laws of the State of California relating to General Law Cities and requesting Consolidation of the Election with Stanislaus County.

- 6.2: Review and approve the Police Services 2011 Annual Report and Supplemental Law Enforcement Services Funds (SLESF) Update.

Beekman/Carr 3-0-0 (Bawanan/Young- Absent) motion passes to approve the Police Services 2011 Annual Report and Supplemental Law Enforcement Services Funds (SLESF) Update.

7. CORRESPONDENCE: None.

8. COMMENTS:

- 8.1: Staff Reports and Comments: (Information Only – No Action)

City Manager:

- 1. Discuss and Direct Staff on a letter received from the Stanislaus Regional Water Authority.

Council directed Staff to schedule a meeting with the SRWA to obtain more information and gain a greater understanding of the letter.

City Clerk: None.

Community Development Director:

Director Clark provided an update on all of the projects currently in process within the City.

Director of Finance: None.

Police Services: None.

City Attorney:

Attorney Schroeder advised that he will be absent for the July 9 meeting. Deputy Attorney Streeter will attend in his place.

- 8.2: Council Comments: (Information Only – No Action)

8.3: Mayor's Comments: (Information Only – No Action)

9. CLOSED SESSION: None.

10. REPORT FROM CLOSED SESSION: None.

ADJOURNMENT: The meeting was adjourned at 7:55p.m.

RAMON BAWANAN, Mayor

DOMINIQUE SPINALE, Deputy City Clerk

REPORT.: Jul 05 12 Thursday
 RUN....: Jul 05 12 Time: 11:24
 Run By.: KATHY DAHLIN

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 06-12 Bank Account.: 0100

PAGE: 001
 ID #: PY-DP
 CTL.: HUG

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
42584	6/25/2012	LEA01	LEAGUE OF CALIF. CITIES	\$ (35.00)	B20618u	Ck# 042584 Reversed
42591	6/25/2012	ZAR00	ZARAGOSA, SOFIA	\$ (210.00)	B20620u	Ck# 042591 Reversed
42592	6/27/2012	EMP01	STATE OF CALIFORNIA	\$ 1,263.66	B20627	PAYROLL TAXES
42593	6/27/2012	HAR02	THE HARTFORD	\$ 604.63	B20627	DEFERRED COMPENSATION
42594	6/27/2012	PER01	P.E.R.S.	\$ 7,727.73	B20627	RETIREMENT
42595	6/27/2012	STA23	CitiStreet	\$ 20.00	B20627	DEFERRED COMPENSATION
42596	6/27/2012	UNI07	UNITED WAY OF STANISLAUS	\$ 9.00	B20627	UNITED WAY
42597	6/27/2012	ABS00	ABS PRESORT	\$ 1,378.98	82187	UTILITY BILLS 6/12
42598	6/27/2012	BLU02	BLUE SHIELD OF CALIFORNIA	\$ 110.00	B20625	HEALTH PREMIUMS 7/12
42599	6/27/2012	BLU03	BLUE SHIELD OF CALIFORNIA	\$ 108.20	B20625	HEALTH PREMIUMS 7/12
42600	6/27/2012	CAR08	CAROLLO ENGINEERS	\$ 1,626.75	122648	WWTP UPGRADES & EXP PROJ
42601	6/27/2012	CON14	CONDOR EARTH TECHNOLOGIES	\$ 2,541.11	64025	WWTP GROUNDWATER MONITORING
42602	6/27/2012	FAR03	FARMERS BROTHERS COFFEE	\$ 57.97	566189646	COFFEE
42603	6/27/2012	FIR07	FIRST STREET FRAME	\$ 74.09	5864	FRAMING OF PROCLAMATION
42604	6/27/2012	HAN01	HANDEL, SHANNON	\$ 210.00	B20625	REFUND HALL DEPOSIT 6/9/12
42605	6/27/2012	NEU01	NEUMILLER & BEARDSLEE	\$ 1,200.00	249077	LEGAL SVCS- GENERAL 5/12
				\$ 7,095.94	249078	LEGAL SVCS-GENERAL/WATER 5/12
				\$ 280.00	249079	LEGAL SVCS- WATER
				\$ 883.00	249080	LEGAL SVCS- SPECIAL 5/12
				\$ 360.00	249081	LEGAL SVCS- SPECIAL 5/12
			Check Total:	\$ 9,818.94		
42606	6/27/2012	TID01	TURLOCK IRRIGATION DIST.	\$ 549.75	B20626	ELECTRIC -
42607	6/27/2012	VSP01	VISION SERVICE PLAN	\$ 377.33	B20625	MEDICAL INSURANCE WITHHELD
42608	6/27/2012	WIL01	CORBIN WILLITS SYSTEM	\$ 571.40	B206151	ENHANCEMENT & SERVICE FEES
42609	6/28/2012	AME16	AMERICAN SEALS WEST, INC	\$ 817.01	742377	WELL SITE 8 REPAIR
42610	6/28/2012	ARA00	ARAMARK UNIFORM SERVICE	\$ 386.90	B20628	UNIFORM SVC 6/12
42611	6/28/2012	BAN01	PETTY CASH	\$ 19.35	B20628	PETTY CASH
42612	6/28/2012	HER06	HERTZ EQUIPMENT RENTAL	\$ 330.11	262224391	BOBCAT & SKIDSTEER FOR CLEAN UP DAY
				\$ 53.69	262224471	WATER WAGON
			Check Total:	\$ 383.80		
42613	6/28/2012	HOM01	THE HOME DEPOT CRC	\$ 41.80	22110	SMALL TOOLS
42614	6/28/2012	MEN05	DARIO MENDOZA	\$ 99.90	000B207011	MEDICAL REIMB 2/2012
42615	6/28/2012	SAF01	SAFETLITE	\$ 96.48	286589	SAFETY FENCING
42616	6/28/2012	SAU00	SAUNDERS A/C & HEATING	\$ 104.44	T1038	SERVICE A/C AT WWTP
				\$ 147.00	T1039	REFRIGERATOR SVC
			Check Total:	\$ 251.44		

42617	6/28/2012	TUR12	TURLOCK, CITY OF	\$	195.00	2012-42	CNG FUEL
42618	6/28/2012	\P001	PRO COM INVESTMENTS,	\$	116.72	000B20701	MQ CUSTOMER REFUND FOR PR0003
42623	7/5/2012	PAC10	PACIFIC MUNICIPAL	\$	(7,835.00)	B20703u	Ck# 042623 Reversed
			Cash Account Total:	\$	21,377.94		
			Total Disbursements:	\$	21,377.94		

REPORT.: Jul 05 12 Thursday
 RUN.....: Jul 05 12 Time: 11:32
 Run By.: KATHY DAHLIN

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 07-12 Bank Account.: 0100

PAGE: 001
 ID #: PY-DP
 CTL.: HUG

Check Number	Check Date	Vendor Number	Name	Net Amount	-----Payment Information-----	
					Invoice #	Description
42619	7/5/2012	ATT03	AT&T	\$ 13.33	B20703	PHONE 6/12
42620	7/5/2012	AVA00	AVAYA, INC	\$ 60.11	273193797	PHONE SERVICE POLICE DEPT
42621	7/5/2012	CEN21	CENTRAL VALLEY ELECTRONIC	\$ 1,701.00	15098	CHANGE ORDER #2
				\$ 3,509.50	15099	RETENTION RELEASED
				\$ 585.00	14974A	CHANGE ORDER #1
			Check Total:	\$ 5,795.50		
42622	7/5/2012	DEP08	DEPT. OF CONSERVATION	\$ 296.42	B20705	QTR SMIP FEES APRIL/MAY/JUNE 2012
42623	7/5/2012	PAC10	PACIFIC MUNICIPAL	\$ 7,835.00	B20703	BLD INSPECTIONS & PLAN CHECKS 6/12
42624	7/5/2012	PGE01	PG & E	\$ 135.64	B20703	UTILITIES
42625	7/5/2012	R&R01	R & R DISPOSAL	\$ 95,125.03	B20703	GARBAGE LESS FRANCHISE FEE APRIL/MAY/JUNE 2012
42626	7/5/2012	STA01	STANISLAUS COUNTY	\$ 162,555.03	B20703	STAN. CO PUBLIC FACILITIES FEES
42627	7/5/2012	STA47	STANISLAUS COUNTY SHERIFF	\$ 1,754.99	1112368	VEHICLE CHARGES 5/2012
42628	7/5/2012	PAC05	PACIFIC PLAN REVIEW	\$ 7,835.00	B20705	BLD INSPECTIONS & PLAN CHECKS 6/12
			Cash Account Total:	\$ 281,406.05		
			Total Disbursements:	\$ 281,406.05		



CITY OF HUGHSON AGENDA ITEM NO. 3.3

SECTION 3: CONSENT CALENDAR

Meeting Date: July 9, 2012
Presented By: Margaret Souza
Subject: Setting Appropriations Limit for Fiscal Year 2012-13

Approved: 

Recommendation:

Approve Resolution No. 2012-32, Setting Appropriations Limit for Fiscal Year 2012-13.

Background:

The Appropriations Limitation imposed by Propositions 4 and 11 creates a restriction on the amount of revenue that can be appropriated in any fiscal year. The limit is based on the actual appropriations during the 1978-79 (base year established by Proposition 13) and is increased each year using the growth of population and inflation. The restricted revenue is those defined as "proceeds of taxes". This means that even though an agency may collect a large amount of tax, it cannot appropriate more than the established limit. Problems can arise when there is a strong flow of tax revenue and the population and/or inflation figures remain constant (or go down). In this situation, an agency will be required to return the excess tax proceeds.

Annually, the City is required to prepare a statement of Appropriations Limit in compliance with Section XIII B of the California Constitution and Section 7910 of the California Government Code. The attached and supporting documentation provides for this annual declaration.

The Appropriations Limit is the calculation combining per-capita personal income change and population growth. It restricts the ability to receive and appropriate proceeds of taxes.

Exhibit "A" shows the calculation. The 2010-2011 Limit was \$2,212,854. The 2011-12 Limit has increased to 2,292,215. This year (12-13) the Limit is \$2,418,355. The increase can be attributed to the 1.67% population growth and the 3.77% per capita personal income increase.

The City of Hughson's Appropriation Limit is \$2,418,355. This is compared to the Appropriations Subject to limit which is \$1,235,700 (the projected dollar of proceeds of taxes). We cannot spend more the \$2,418,355, but we are only planning to receive \$1,235,700. The Subject to Limit cannot exceed the Appropriation Limit.

Exhibit A

City of Hughson Appropriation Limit Calculation

Fiscal Year 2012-13

The City of Hughson, in compliance with Article XIII-B of the California Constitution (Proposition 4) and Section 7910 of the California Government Code, hereby establishes the City of Hughson's Appropriation Limit for the Fiscal Year of 2011-12 to be:

Appropriation Limit Fiscal Year 2011-12	2,292,215
Calculation of Factor for Fiscal Year 2012-13	
Per Capita personal income percentage change: (% change of Per Capita Income - 3.77%)	1.0377
Percent change in population: (% change in population - 1.67%)	1.0167
Change Factor: 1.0377×1.0167	1.05503
Appropriation Limit Fiscal Year 2012-13	2,418,355
Appropriations Subject to Limit	1,235,700

CITY OF HUGHSON
Exhibit B - Proceeds of Taxes

6/26/2012

Description Revenue	Acct #	Proceeds	Non Proceeds	Total 2012-13
CURRENT PROPERTY	4001	196,200		196,200
PRIOR YEAR	4003	8,000		8,000
PROPERTY TAX - UNSEC OTHER	4004	15,000		15,000
PROP TAX - RDA CONTR	4006	25,000		25,000
SALES TAX	4101	320,000		320,000
IN LIEU SALES TAX	4102	115,000		115,000
PROPERTY TRANSFER TAX	4103	12,000		12,000
GAS UTILITY	4201	17,000		17,000
GARBAGE FRANCHISE	4202	67,500		67,500
CABLE/PHONE T.V.	4203	17,000		17,000
BUSINESS LICENSES	4301	25,000		25,000
BUILDING PERMITS	4401		90,000	90,000
PME FEES	4404		0	0
YARD SALE PERMITS	4405		740	740
ENCROACHMENT PERMITS	4407		5,000	5,000
ORDINANCE UPDATE	4408		200	200
OTHER PERMITS	4409		500	500
TRAFFIC FINES	4501		18,000	18,000
INTEREST EARNED	4601		900	900
RENTS, LEASE RIGHTS, & ROYALT	4602		3,000	3,000
GRANTS - BEV/OTHER	4706		5,000	5,000
MOTOR VEHICLE IN LIEU TAX	4710	410,000		410,000
HOMEOWNER'S PROP. TAX RELIEI	4720	7,000		7,000
SB813 SUPPLEMENTAL TAXES	4725	1,000		1,000
STANISLAUS COUNTY FEES	4728		1,200	1,200
PLANNING APPLICATION	4735		1,000	1,000
PROP 172-PUBLIC SAFETY AUG	4737		6,000	6,000
UTILITY PENALTIES	4803		60,000	60,000
PLAN CHECK FEES	4813		20,000	20,000
ENGINEERING PLAN REVIEW	4815		1,500	1,500
BLDG CODE VIOLATIONS	4821		2,000	2,000
VEHICLE RELEASE FEES	4827		5,080	5,080
MISC. FEES & CHARGES	4829		500	500
RETURNED CHECK CHARGES	4830		2,000	2,000
BOOKING FEES	4833		475	475
SALE OF DOCUMENTS	4902		50	50
SALE OF SURPLUS PROPERTY	4909		0	0
DIRECT ASSESSMENT	4910		0	0
REFUND	4915		10,000	10,000
SB 90 REIMBURSEMENTS	4918		0	0
SUNDRY REVENUES	4919		1,500	1,500
QUASI-EXTERNAL TRANSACTION	4920		360,000	360,000
RENTAL FEE	4931		6,000	6,000
SECURITY DEPOSIT	4933		0	0
AB 939 / TIRE AMNESTY	4935		5,000	5,000
GRANT - PLANNING	49XX		92,000	92,000
TRANSFERS-IN	4999		154,597	154,597
TOTAL REVENUE		1,235,700	852,242	2,087,942

Appropriations Subject to Limitation

1,235,700



May 2012

Dear Fiscal Officer:

Subject: Price and Population Information

Appropriations Limit

The California Revenue and Taxation Code, Section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2012, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2012-2013. Enclosure I provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2012-2013 appropriations limit. Enclosure II provides city and unincorporated county population percentage changes, and Enclosure IIA provides county and incorporated areas' summed population percentage change. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code, Section 2228 for further information regarding the appropriations limit. You can access the Code from the following website: "<http://www.leginfo.ca.gov/calaw.html>" check box: "Revenue and Taxation Code" and enter 2228 for the search term to learn more about the various population change factors available to special districts to calculate their appropriations limit. Article XIII B, Section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. Consult the following website: "http://www.leginfo.ca.gov/const/article_13B" for additional information. Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No State agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. Revenue and Taxation Code Section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2012.**

Please Note: Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

ANA J. MATOSANTOS
Director

By:

MICHAEL COHEN
Chief Deputy Director

Enclosures

May 2012

Enclosure I

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost-of-living factor to compute their appropriation limit by a vote of their governing body. The cost-of-living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the 2012-2013 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2012-2013	3.77

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2012-2013 appropriation limit.

2012-2013:

Per Capita Cost of Living Change = 3.77 percent
Population Change = 0.68 percent

Per Capita Cost of Living converted to a ratio: $\frac{3.77 + 100}{100} = 1.0377$

Population converted to a ratio: $\frac{0.68 + 100}{100} = 1.0068$

Calculation of factor for FY 2012-2013: $1.0377 \times 1.0068 = 1.0448$

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2011-2012	1-1-11	1-1-12	1-1-2012
Stanislaus				
Ceres	0.69	45,538	45,854	45,854
Hughson	1.67	6,687	6,799	6,799
Modesto	0.68	201,713	203,085	203,085
Newman	0.88	10,475	10,567	10,567
Oakdale	0.81	20,779	20,947	20,947
Patterson	0.65	20,501	20,634	20,634
Riverbank	0.65	22,775	22,924	22,924
Turlock	0.81	68,813	69,370	69,370
Waterford	0.65	8,478	8,533	8,533
Unincorporated	0.67	110,485	111,227	111,227
County Total	0.72	516,244	519,940	519,940

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2012-32**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON SETTING
THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2012-2013**

WHEREAS, annually, the City of Hughson is required to prepare a statement of appropriations limit in compliance with Section XIII B of the California Constitution and Section 7910 of the California Government Code; and

WHEREAS, new per capita personal income and population factors have been established for determining the City's appropriation limit.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City Hughson that:

1. Said appropriation limit for fiscal year 2012-2013 is \$2,418,355, and the total appropriations subject to limitation are \$1,235,700.
2. In the computation of such limitation, the price factor used is the percentage change in California per capita personal income over the prior year, or 3.77%.
3. In the computation of such limitation, the population factor used is the percentage change in the City of Hughson's population over the prior year, or 1.67%.

PASSED AND ADOPTED by the City Council of the City of Hughson, State of California, at a regular meeting held on this 9th day of July, 2012 by the following roll call vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.4

SECTION 3: CONSENT CALENDAR

Meeting Date: July 9, 2012
Presented By: Dominique Spinale, Management Analyst
Subject: July as Parks and Recreation Month

RECOMMENDATION:

Staff recommends adopting Resolution No. 2012-33, a resolution of the Hughson City Council recognizing July as Parks and Recreation month.

DISCUSSION:

Every year the City Council of the City of Hughson shows their commitment and support of Parks and Recreation by adopting a resolution in its honor.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION 2012-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
RECOGNIZING JULY AS PARKS & RECREATION MONTH**

WHEREAS, the Parks and Recreation profession in California “Creates Community through People, Parks and Programs”; and,

WHEREAS, our parks help to preserve and protect the natural and cultural resources of California; and,

WHEREAS, Parks and Recreation services support more productive workforces, enhance the desirability of locations for business and families, and stimulate tourism revenues to increase a total community development model; and,

WHEREAS, Parks and Recreation strengthens community image and sense of place, and increases cultural unity; and,

WHEREAS, Parks and Recreation promotes health and wellness and reduces health care costs; and,

WHEREAS, Parks and Recreation fosters human development, helping young people develop and grow into healthy adults, and helping adults continue to live longer; and,

WHEREAS, Parks and Recreation facilitates community problem solving; and,

WHEREAS, Parks and Recreation strengthens safety and security and reduces juvenile crime; and,

WHEREAS, as thousands of California children, adults and seniors benefit from the wide range of services, facilities and programs provided by parks and recreation programs and;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hughson urges all residents to enjoy and recognize the social, physical, mental, economic, and environmental and community benefits derived from our parks, which provides something of value to everyone, and recognize July as “Parks and Recreation Month”.

PASSED AND ADOPTED by the Hughson City Council at a regular meeting thereof, held on the 9th day of July 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.5 SECTION 3: CONSENT CALENDAR

Meeting Date: July 9, 2012
Presented By: Bryan Whitemyer, City Manager
Subject: Proposed MOU between the City of Hughson and the City of Hughson Employees Association represented by Operating Engineers Local Union No. 3 (OE3)

Approved: _____

Recommendation:

Staff recommends that the City Council review and approved the proposed MOU between the City of Hughson and the City of Hughson Employees Association represented by Operating Engineers Local Union No. 3 (OE3) and authorize the City Manager to execute the agreement.

Background:

On June 30, 2006 the Memorandums of Understanding (MOU) between the City of Hughson and the bargaining units represented by Operator Engineers Local Union No. 3 (OE3) expired. This MOU was extended by side letter agreement each year there after.

In May and June 2012 representatives from the City met with representatives from OE3 to discuss the terms of a new MOU. After holding several negotiating sessions and reviewing the previous MOUs the City and OE3 have agreed to the terms of a new MOU.

The new term of the new MOU is for one year running from July 1, 2012 to June 30, 2013. In previous years, represented employees fell under either the Skilled Trades MOU or the Professional and Technical MOU. Now there is just one MOU for represented employees. These represented employees are now part of a single bargaining unit called "The City of Hughson Employees Association".

Details of New MOU:

Most of the details of the new MOU have remained the same. Below is a listing of the changes found in the new MOU.

- 1) Bilingual pay of up to 2.5% of an employees base pay is available for represented front office employees.
- 2) Certificate pay is available for Public Works employees if they earn State certifications in Water Treatment and Water Distribution. Certificate pay is also available for one Public Works employee who holds a Qualified Applicator License for pesticide application. This certification pay is only available to those who are not required in their job description to hold these certificates.
- 3) Education pay is now available to all represented employees. Employees who have received an Associates Degree or a Bachelors Degree from an accredited college are eligible for education incentive pay of either 1.5% or 3.0%.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF
HUGHSON AND OPERATING ENGINEERS LOCAL UNION No. 3
ON BEHALF OF THE CITY OF HUGHSON EMPLOYEES
ASSOCIATION**



City of Hughson Employees Association

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City of Hughson Employees Association

SECTION 1. TERMS OF AGREEMENT

This Memorandum of Understanding shall be in full force and effect for a period commencing on July 1, 2012, and ending at midnight on June 30, 2013.

SECTION 2. PURPOSE

The purpose of this Memorandum of Understanding is to promote, and provide harmonious relations, peaceful resolution of disputes, and cooperation and understanding between the City and its employees covered herein, and to set forth the full and entire understanding reached as a result of meeting and conferring on hours, wages, and working conditions in accordance with state and federal law and city ordinances, rules and regulations.

SECTIONS. RECOGNITION

Operating Engineers Local 3, AFL-CIO, hereinafter referred to, as the "Union" is the recognized employee organization for the Professional and Technical Bargaining Unit, certified pursuant to Resolution 04-36, adopted by the City Council on April 26, 2004 and the Skilled Trades and Maintenance Unit, certified pursuant to Resolution 04-36 adopted by the City Council on April 26, 2004. As of July 1, 2012 both bargaining units will be merged into one group known as "The City of Hughson Employees Association" and Operating Engineers Local 3, AFL-CIO is recognized as the exclusive sole bargaining representative for all classifications in "The City of Hughson Employees Association".

This Memorandum of Understanding shall cover the following Job Classifications:

- Accounting Technician I/II
- Building Inspector
- Code Enforcement Officer
- Maintenance Worker I/II
- Mechanic/Maintenance Worker II
- Parks & Recreation Coordinator
- Planning and Building Assistant
- Public Works Supervisor
- Redevelopment and Housing Program Analyst
- Senior Accounting Technician
- Wastewater Treatment Plant Operator-In-Training
- Wastewater Treatment Plant Operator I/II
- Wastewater Chief Plant Operator

SECTION 4. UNION SECURITY

4.A. Dues Deduction

General. The Union may have the regular dues of its members within the representation unit deducted from employees' paychecks under procedures prescribed by the City for such deductions. The Union has the exclusive privilege of dues deduction for its members.

City of Hughson Employees Association

Authorization, cancellation or modification of payroll deductions shall be made upon forms provided or approved by the City. The payroll deduction authorization shall remain in effect until canceled or modified by the employee by written notice to the City or until the first day of the calendar month following the transfer of the employee to a unit represented by another employee organization as the representative of the unit to which the employee is assigned, or until employment with the City is terminated.

If an employee is promoted to a position, which is represented by another employee organization, or to an unrepresented unit, membership dues for the former unit will not be deducted from the employee's paycheck by the City.

Amounts deducted and withheld by the City shall be transmitted to the officer designated in writing by the Union as the person authorized to receive such funds, at the address specified.

The employee's earnings must be sufficient after all other required deductions are made, to cover the amount of the deductions herein authorized. When an employee is in a non-pay status for an entire pay period, no withholdings will be made to cover that pay period from future earnings nor will the employee deposit the amount with the City which would have been withheld if the employee had been in pay status during that pay period. In the case of an employee who is in a non-pay status during a part of the pay period, and the salary is not sufficient to cover the full withholding, no deduction shall be made.

In this connection, all other required deductions have priority over the employee organization deduction.

Indemnity and Refund. The Union shall indemnify, defend and hold the City harmless against any claim made and against any suit initiated against the City on account of check off of Union dues or premiums for benefits. In addition, the Union shall refund to the City any amounts paid to it in error upon presentation of supporting evidence.

SECTION 5. USE OF CITY FACILITIES

The Union shall be allowed by the City department in which it represents employees use of space on available bulletin boards for communications having to do with official Union business, such as times and places of meetings, provided such use does not interfere with the needs of the department. The Union may submit to the City Employee Relations officer written communications having to do with official Union business for distribution by the City to identified shop stewards. Distribution may be by e-mail.

Any representative of the Union shall give notice to the department head or designated representative when contacting department employees on City facilities during the duty period of the employees, provided that solicitation for membership or other internal Union business shall be conducted during the non-duty hours of all employees concerned. Pre-arrangement for routine contact may be made with individual department heads and when made shall continue until revoked by the department head.

City of Hughson Employees Association

City buildings and other facilities may be made available for use by City Employees of the Union or their representatives in accordance with such administrative procedures as may be established by the City Manager or department heads concerned.

SECTION 6. ADVANCE NOTICE

Except in cases of emergency, reasonable advance written notice shall be given to the Union if affected by any ordinance, resolution, rule or regulation directly relating to matters within the scope of representation proposed to be adopted by the City and shall be given the opportunity to negotiate if requested with the designated management representatives prior to adoption.

In cases of emergency when the foregoing procedure is not practical or in the best public interest, the City may adopt or put into practice immediately such measures as are required. At the earliest practicable date thereafter the Union shall be provided with the notice described about and be given an opportunity if requested to negotiate changes to said notice with the management representatives designated by the City Manager.

SECTION 7. ATTENDANCE AT MEETINGS BY EMPLOYEES

City employees who are official representatives or unit representatives of the Union shall be given reasonable time off with pay to attend meetings with City management representatives, or be present at City hearings where matters within the scope of representation or grievances are being considered. Such employee representatives shall submit a request for excused absence to their respective department heads, in a manner satisfactory prior to the scheduled meetings whenever possible.

Time spent for this purpose during the representatives scheduled hours of work shall count as hours worked.

Attendance at meetings during non-work hours will not be counted as hours worked except in extraordinary circumstances as determined by the City.

SECTION 8. EMPLOYER-EMPLOYEE RELATIONS

A. Access to Personnel File

Employees may inspect all their individual personnel files upon request, in writing, to the Personnel Officer, at reasonable intervals during regular-business hours of the City. Once a year, copies of personnel file contents can be requested. A copy of the file will be provided without cost to the employee.

B. Contracting Out Work

The City agrees to meet and confer with representatives of the bargaining unit prior to contracting out any work normally performed by bargaining unit employees, if such contracting out would displace a regular employee of the bargaining unit. The City further

City of Hughson Employees Association

agrees that work performed by employees of the bargaining unit will not be performed by non-bargaining unit employees, if such work would displace a regular employee of the bargaining unit.

SECTION 9. NO STRIKE

A. The employees covered by this Understanding recognize and agree that the rendering of services to the community cannot under any circumstances or conditions be withheld, interrupted, or discontinued, and that to do so could endanger the health, safety, and welfare of the inhabitants thereof. Therefore, during the term of this Understanding, neither the bargaining unit nor its agents or any employee, for any reason, will authorize, institute, aid, condone, or engage in a slowdown, work stoppage, strike, or any other interference with the work stoppage, strike, or any other obligations of the City, nor will it honor picket lines or sympathy strikes of other employers.

B. The bargaining unit agrees to notify all employees of their obligation and responsibility for maintaining compliance with this section, including their responsibility to remain at work during any interruption which may be caused or initiated by others, and to encourage employees violating this section to return to work.

C. The City may impose discipline, including discharge or suspension without pay, on any, some, or all of the employees participating therein, as the City may choose.

D. Nothing contained herein shall preclude the City from obtaining judicial restraint and damages in the event of a violation of this section.

SECTION 10. MANAGEMENT RIGHTS

- A. It is understood and agreed that the City possess the sole right and authority to operate and direct the employees of the City and its various departments in all aspects including, but not limited to:
1. The right to determine its mission and policies, and to set forth all standards of service offered to the public.
 2. To plan, direct, control, and determine the operations or services to be conducted by employee of the City.
 3. To direct the working forces.
 4. To determine the number of personnel needed to carry out the departmental mission.
 5. To hire, assign, schedule, and transfer employees within the department or other related functions.

City of Hughson Employees Association

6. To promote, demote, suspend, discipline, or discharge for just cause or release from probation.
 7. To establish work and productivity standards subject to meeting and conferring as required by law.
 8. To assign overtime.
 9. To lay off or relieve employees due to lack of work or funds, or for other legitimate reasons.
 10. To make, publish, and enforce rules and regulations subject to meeting and conferring as required by law.
 11. To introduce new or improved methods, equipment, or facilities.
 12. To determine whether goods and services shall be made or purchased.
 13. To take any and all actions as may be necessary to carry out the mission of the City in situations of civil emergency as may be declared by the Mayor, the City Council, the City Manager, or the Police Chief, provided that no right enumerated herein shall be exercised or enforced in a manner contrary to or inconsistent with the provisions of the Understanding.
- B. The preceding list is not intended to be exhaustive and this Understanding reserves the City all rights or powers not expressly limited by the terms of this Understanding. The Mayor, City Council, and City Manager have sole authority to determine the purpose and mission of the City and the amount of budget to be adopted thereto.
- C. Nothing contained in this Understanding shall be construed as a guarantee of permanent employment, and continuance of employment shall be subject to good behavior, satisfactory work performance, necessity for the performance of work, and the availability of funds.

SECTION 11. NONDISCRIMINATION

A. Discrimination Prohibited

Neither the City nor the bargaining unit shall discriminate against any employee covered by this Understanding in a manner which would violate any applicable laws because of race, religion, sex, creed, color, national origin, ancestry, medical condition, marital status, or age, or participation in the activities of any lawful organization.

B. Union Membership/Agency Shop

Neither the City nor the Union shall interfere with the right of employees covered by this Understanding to become or not to become members of a Union, and there shall

City of Hughson Employees Association

be no discrimination against any such employees because of lawful Union membership or non-membership activity or status.

Accordingly, membership in the Union shall not be compulsory. A bargaining unit member has the right to choose, either; to become a member of the Union; or, to pay to the Union a fee for representation services; or, to refrain from either of the above courses of action upon the grounds of a bona fide religious objection as defined by Section 3502.5 of the Government Code to the payment of any fee in support of a Union or "employee organization" as defined in Section 3540.1(d) of the Government Code.

Such exempt bargaining unit member shall, as an alternative to payment of a representation fee to the Union, pay an amount equivalent to such representation fee to a charity to be mutually agreed to by the bargaining unit member and the Union.

C. Union Fair Representation

The bargaining unit agrees to and acknowledges its responsibility to fairly represent all employees in the bargaining unit without regard to race, religion, color, creed, age, national origin, political affiliation or beliefs, sex, handicap, job classification, or employment status.

SECTION 12. SALARY/COMPENSATION

A. Retirement

Retirement for employees covered hereunder shall be 2.7% at 55 under the California Public Employee Retirement System.

B. Survivor's Benefit

The City shall provide PERS survivor benefits pursuant to California Government Code §21574, to the extent allowed by law. City and employee will each pay their own share.

C. Overtime

Time worked in excess of regularly scheduled work shift shall be compensated at one-and-one-half (1 ½) times the regular rate of pay, or compensatory time off at the rate of one-and-one-half (1 ½) hours credit per hour worked, except that, with the prior concurrence of the employee, time worked in excess of a regularly-scheduled work shift within a workweek (defined as the period from midnight on Sunday to midnight on the following Sunday) may be offset by reducing a shift within the same workweek by the same number of hours worked in excess of the regularly-scheduled work shift, and no overtime shall be incurred unless the total time worked in that workweek is in excess of the total of the regularly-scheduled work shifts for that workweek. Overtime is paid in 15-minute increments. It is the policy of the City to discourage employees from working in

City of Hughson Employees Association

excess of their regular schedule. Overtime will be required of any employee only when necessary for the protection of persons or property, or in other circumstances when the public interest requires overtime as established by the supervisor. Overtime may be authorized only by designated supervisory personnel.

Overtime shall be paid for in accordance with the Federal Fair Labor Standards Act. Compensatory time off will be granted to an employee under specific circumstances with prior approval from the Department head or Supervisor, in lieu of overtime pay, but in no event more than forty (40) hours. Compensatory time can be accumulated, and if so, the hours above forty (40) will be paid at the rate specified by law. Such overtime shall be compensated for on the basis of one and one-half hours off for each hour of overtime worked.

E. Longevity

A regular employee who has ten (10) years of service with the City of Hughson shall be eligible for a longevity pay bonus of five percent (5%) above the E Step of the range they occupy provided the performance of the employee is job standard. Longevity pay shall not be considered automatic, but will be based upon merit and consistent job standard performance. To receive said pay bonus, the employee shall be evaluated annually by his supervisor, recommended on an annual basis by his or her Department Head and approved by the City Manager in an effort to maintain the longevity pay status.

F. Pay for Employees in an "Acting" Capacity

Any employee who is formally assigned to and performs the duties of a higher level position on an "acting" basis for longer than thirty (30) continuous work days shall, commencing with the sixth (6) work day of such assignment, receive the first salary step of the assigned position to continue for so long as he performs the duties of the higher classification.

Any employee who is assigned to and performs the duties of a higher level position on an "acting" basis in an emergency situation such as an accident, injury, or sickness for longer than thirty (30) continuous work days shall receive compensation from the sixth (6) work day in the first salary step of the assigned position for so long as he or she performs the duties of the higher classification. Such pay shall be retroactive to the sixth (6) day. Such assignment shall be approved by the City Manager.

Any employee serving in an acting capacity that is already receiving that or more, he or she shall be paid one step above his or her current salary. There shall be no additional compensation for an employee in an acting capacity occurring because of annual vacation.

City of Hughson Employees Association

G Employee Benefits

The City provides certain benefits for its employees, depending on employee categories. The City reserves the right to eliminate or modify any of the benefits at any time, subject to such requirements for meet-and-confer as may be established by law.

(1) Workers' Compensation. All employees are covered by Workers' Compensation, as required by law. Any on-the-job injuries or illness must be immediately reported to the employee's supervisor and to the employee performing the Risk Management function.

(2) Group Medical-Dental-Life-Vision Insurance Benefits. Regular employees and their dependents may participate in the City's group medical, dental, life, and vision insurance programs. All regular employees shall be included automatically in the programs, unless the employee waives coverage. The City pays the cost for employee group insurance coverage as established by City Council resolution.

Pursuant to the Consolidated omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are entitled to a continuation option of group health plan benefits coverage at group rates plus costs to the City on the occurrence of certain qualifying events such as termination and retirement. These terms are applicable to those organizations consisting of twenty (20) or more employees.

SECTION 13. PAY RATES

Pay rates are set forth in Schedule A attached hereto.

SECTION 14. HOURS OF WORK

City Administration hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Works hours for Public Works are 7:30 a.m. to 12:00 p.m. and 12:30 p.m. to 4:00 p.m., Monday through Friday. Administration includes the Office of the City Manager, Finance Department, Planning Department, and the City Clerk's Department. Where deviations to this schedule are required, for the benefit of the City or the employees, the City agrees to meet and confer over the impacts and appropriateness of such a schedule change.

Employees are allowed an unpaid one-hour lunch break. Public Works employees take a half-hour lunch break. Employees are allowed two fifteen (15) minute break periods, one in the morning and one in the afternoon.

City of Hughson Employees Association

SECTION . 15. JURY DUTY AND COURT APPEARANCES

This section shall not apply to any employee who is named party to an action unrelated to the City and its activities or is serving as a paid expert witness. In such cases, employees may request vacation or personal leave.

When an employee is required to serve on inquest or jury trial duty or is subpoenaed as a witness to appear before a court, administrative agency, public body or commission, the employee must promptly notify his or her supervisor. While on jury duty, a regular employee will receive full pay, but shall pay to the City all fees received from the court, administrative agency, public body or commission, excluding reimbursement for mileage.

SECTION 16. SICK LEAVE

Sick leave with pay shall be granted to a regular employee who is unable to perform his or her regular duties because of a personal illness, off-duty injury, or because of confinement for medical treatment.

The department head or supervisor may require a physician's certificate explaining the reason for any employee's absence. At the discretion of the City Manager, an employee may be required to sign an affidavit stating he or she was ill.

Sick leave shall be accumulated at the rate of eight hours per month, to a maximum of not to exceed 125 working days (1000 hours). The use of accumulated sick leave of more than 960 hours must be verified by a physician. At the end of the payroll period in which the leave accumulation reaches or exceeds the stated maximum, the employee's sick leave will stop accruing, and no further sick leave will accrue until the balance is reduced below the stated limit. A thirty (30) day notice will be issued to those employees who are nearing the maximum number of accrued sick leave hours.

An employee having at least four (4) years of continuous employment with the City may, at the option of the employee, be paid up to 50% of his or her unused sick leave earned during the previous 12-month period or convert that or any portion of that amount to vacation time. The remaining percentage of unused sick leave shall be retained in the employee's accumulated total of unused sick leave.

Upon retirement, any employee having at least twenty (20) years of continued service with the City of Hughson, having unused accumulated sick leave shall be paid thereafter in an amount equivalent to 25% of his or her then current daily wage rate for each day of unused sick leave. The employee will have the option of converting the amount due to either paid medical/dental insurance premiums for coverage offered by the City to current employees, or receive a single lump sum cash payment. To be eligible for insurance premium payment, the employee must also be eligible for the insurance coverage as provided in the policy between the City and the carrier selected.

The employee shall report sick leave prior to the start of his or her work shift whenever possible and at least one-half hour after the start of the shift.

City of Hughson Employees Association

If an employee becomes ill while on vacation, his or her period of illness may be charged to sick leave upon presentation of a doctor's certificate stating the nature and extent of the illness. In the case of frequent use of sick leave, an employee may be requested to file a physician's statement for each illness. An employee may also be required to take an examination by a physician designated by the City and to authorize consultation with his or her own physician concerning his or her illness.

Employees shall, whenever possible, make dental, medical and similar appointments on Saturday, or other non-work days. If this is not possible, sick leave shall be used for these purposes for a minimum period of (1) hour and should not exceed four (4) hours except in unusual circumstances.

With the approval of the City Manager, any eligible employee may be granted up to five (5) days leave with pay in the event of a catastrophic illness on the part of a family member living in the employee's house. Use of leave with pay for this purpose is intended to apply in serious and unforeseen conditions where the presence of the employee in the home is required. For the purpose of this section, immediate family shall be defined as mother, father, sister, brother, spouse, child, grandchild, grandparent, mother-in-law, father-in-law of the employee.

For employee injury or disability falling within the provisions of the State Workman's Compensation Disability Act, disability compensation at the rate allowed under said Act shall be the basic remuneration during the employee's regular pay and his disability compensation allowance shall be granted for, but not to exceed, one (1) year, for any period of incapacity. In the case of the miscellaneous employee, the first seven (7) days of his absence shall be deemed to be sick leave and shall be paid by the City. Thereafter the only compensation payable to the miscellaneous employee shall be such as shall be payable by the insurance carrier under the Workman's Compensation Act, However, sick leave may be used by the employee, in which case the compensation shall be paid over to the City. During the time the City is required to pay and actually pays a public safety employee on disability leave or a miscellaneous employee for sick leave while disabled, the City shall be entitled to receive all payments which otherwise would be payable to such employees for temporary disability or retirement.

SECTION 17. VACATION LEAVE

A. Vacation Leave

The City provides benefits to eligible employees to enable them to take paid time off for rest and recreation. The City believes this time is valuable for employees in order to enhance their productivity and to make their work experience with the City personally satisfying. The city also provides long-service employees with additional vacation benefits as years of service are accumulated.

Vacation leave is a right; however, the use of same shall be approved by the Department Head, taking into account the desires and seniority of employees and more particularly,

City of Hughson Employees Association

the workload requirements of the department. Employees shall take vacation leave regularly each year and shall be encouraged to take vacation at least a full week at a time. Vacation may be scheduled at the request of the employee by the Department Head, but must consider all needs of the City.

All regular employees are eligible to accrue and take vacation benefits based on their continuous length of service, measured from the date of hire. "Continuous length of service" is defined as service that is uninterrupted by termination of employment.

The City shall respond to all annual leave requests within five (5) working days after the employee has submitted his or her request to the department head/supervisor.

Regular employees, except as provided in any applicable memorandum of understanding, shall earn annual leave at the following rates (subject to Section 17.B of this MOU):

- 1) Less than five years' service = 8 hours per month (12 days per year).
- 2) After five years' service = 11.32 hours per month (17 days per year).
- 3) After ten years' service = 14 hours per month (21 days per year).

B. Vacation Leave Accumulation

In order to give effect to this agreement and to realize the greatest benefit from vacation leave for both employees and the City, limitations shall be placed upon the amount of unused vacation leave an employee is allowed to accumulate. Maximum accumulation shall be 320 hours at the beginning of any calendar year.

At the end of the payroll period in which the leave accumulation reaches or exceeds the stated limit, the employee's vacation leave shall cease accruing, and no further vacation shall accrue until the balance is reduced below the stated limit. It is the employee's responsibility to seek the use of the vacation leave in a timely manner.

The City will, as a courtesy only without liability, endeavor to give thirty (30) days notice that employee will cease to accrue vacation leave unless the time is taken. If the employee is unable to use the time because of departmental staffing needs, he or she shall be paid for the amount of time in excess of the limit at the end of the month, and accrual may thereafter recur. Upon termination, an employee shall be paid for accrued and unused vacation time.

C. Cash Payment Option for Vacation

An employee may elect to receive a cash payment for up to a maximum of 40 hours of his/her accumulated vacation balance upon commencement of a scheduled vacation of forty (40) consecutive hours or more. To exercise the cash payment option an employee must have forty (40) hours of accumulated vacation time remaining after the cash option and scheduled vacation have occurred. This option may be exercised once within a fiscal year.

City of Hughson Employees Association

SECTION 18. Holidays

Regular employees shall be entitled to the following holidays with pay:

Two Floating Holidays	Memorial Day
New Year's Day	Independence Day (4 th of July)
Martin Luther King's Birthday	Labor Day Thanksgiving Day (4 th Thurs. in November)
Lincoln's Birthday	Day after Thanksgiving Day (4 th Fri. in November)
Washington's Birthday	Christmas Day - December 25

Any day or part of day declared by the City Manager to be a holiday.

When an employee gives adequate notice, the City will make reasonable accommodations for the employee to observe the Sabbath if it will not unduly interfere with City operations. Such release time may be charged to administrative leave, compensatory time off, vacation, or leave without pay at the discretion of the employee.

When a holiday falls on a Sunday, the following Monday shall be observed as a holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

To be paid for a holiday the employee must have been in paid status on the workdays for his or her classification, which immediately precedes and succeeds the holiday.

Any employee who might be required to work on any of the above holidays shall be compensated at overtime rates in accordance with Section 12.C of the Memorandum of Understanding. If a holiday falls on an employee's regular day off, he/she shall be entitled to equivalent time off at a later date.

The "Floating Holiday" is to be used during the calendar year and cannot be carried over to the next year.

SECTION 19. BEREAVEMENT LEAVE

Any eligible employee shall be granted bereavement leave with pay as necessary but not to exceed three (3) workdays upon the occasion of the date of a close relative. For purposes of the section, close relative shall be those specified in Section 16 of this MOU. Additional bereavement leave not to exceed five (5) calendar days for travel purposes may be granted by the City Manager when circumstances warrant the same.

SECTION 20. GRIEVANCES

A. Purpose of Grievance Procedure

City of Hughson Employees Association

The grievance procedures set forth herein are designed to resolve grievances informally and to provide an orderly procedure for such resolution. The grievance procedure is available only to regular employees.

B. Time Limits

Each person involved in a grievance shall act quickly so that the grievance may be solved promptly. Each person shall make every effort possible to complete action within the time limits contained within these grievance procedures, but with the written consent of the other parties involved, the time limits of any step may be extended.

C. Presentation of Grievance

An employee may present a grievance while on duty, provided such use of on-duty time is kept to a reasonable minimum as determined by the City Manger. Employees should present grievances as soon as possible after the events that gave rise to the employee's concerns by submitting a brief written grievance to his or her immediate supervisor. The written grievance should set forth the factual and other bases for the employee's complaint, and must identify the rule or issue allegedly being violated by the City. The employee shall strive to submit the written grievance within five (5) working days after the facts which gave rise to the complaint.

D. Grievance Procedure/First Step (Informal Discussions)

Initially, a grievance shall be personally discussed between the employee and his or her immediate supervisor. The employee shall have a decision or response from the immediate supervisor within five (5) working days.

E. Grievance Procedure/Second Step (Formal Grievance)

- (1) If an informal grievance is not resolved to the satisfaction of the grievant, the grievant may initiate a formal grievance in writing to the Department head (unless the Department Head is his or her immediate supervisor, or the grievant is a Department Head, in which event the grievance shall be to the City Manager). The formal grievance shall be initiated within fifteen (15) working days of the decision rendered in the informal grievance procedure. A formal written grievance shall state the date and nature of the grievance, and shall state all specific facts or omissions upon which the grievance is based. The formal grievance shall be filed with the Department Head.
- (2) Within five (5) working days after the filing of the formal grievance, the department head shall give his or her decision in writing to the grievant.

F. Grievance Procedure/Third Step (Appeal)

City of Hughson Employees Association

If the grievant is not satisfied with the decision rendered by the Department Head, the grievant may appeal the decision in writing within five (5) working days to the City Manager. If the grievant does not appeal the decision to the City Manager in writing within five (5) working days, the issue will be considered settled. The appeal shall state the date and nature of the grievance, and shall state all specific facts or omissions upon which the appeal is based.

G. Consideration of Appeal

Within ten (10) working days of the filing of an appeal, the City Manager shall have a meeting with the aggrieved and/or his or her representative, and other persons as the City Manager shall direct.

H. Decision of Appeal

Within ten (10) working days of the hearing of the appeal, the City Manager shall issue a written decision concerning the employee's appeal. The decision of the City Manager shall be final.

SECTION 21. "Y" Rate

When an employee's classification is changed to a lower paid classification as the result of a classification study or other action, the employee may be placed on a "Y" rate. A "Y" rate means that the monthly compensation for the employee shall remain in effect until such time as further changes in the pay range of the new classification exceeds the "Y" rate.

SECTION 22. Uniform Allowance

The City will provide uniforms and laundering thereof for each Public Works Department employee and said employees shall wear the uniforms on the job. Additionally the City will provide a winter weight safety coat in safety orange or yellow as part of the City's uniform. Any special uniform requirements will be determined with Department Head approval and as to appropriateness.

SECTION 23 Safety Equipment

The City shall provide or reimburse the employee for the cost of safety shoes where required and the cost shall be established by the City.

SECTION 24. STAND-BY LEAVE

When necessary and in the interest of City operations, a department head may assign employees to "standby" status.

Application of "standby" shall be as follows:

City of Hughson Employees Association

- (1) Each employee so assigned to "standby" shall be provided with a city issued cell phone or pager while on standby duty and shall be able to report to the work site within thirty (30) minutes.
- (2) Employees on standby shall have the option to trade days and/or weeks of standby status with another qualified employee in the same unit or division with department head approval.
- (3) Standby shall be assigned in a minimum of eight (8) hours blocks, i.e., Monday-Friday workweek standby may be 8, 16 or 24-hour blocks.

Standby for weekends i.e., Saturday, Sunday or extended holiday weekends (Friday-Sunday or Saturday-Monday) will be assigned in 8 to 48 hour blocks.

Compensation for "standby" shall be as follows:

- (1) Employees assigned to standby duty shall be paid two (2) hours of straight time pay for every eight (8) hours of standby, and time and one-half (1 ½) for all actual time worked while on standby duty status.
- (2) Employees assigned to standby duty on holidays observed by the City shall be paid two (2) hours of straight time pay for every eight (8) hours of standby, and double time and one-half (2 ½) for all time worked while on standby duty status.

SECTION 24. CALL BACK

When an employee returns to work duty at the request of the department head or his designee for an emergency or for some other need of the City after said employee has been released from work duty, said employee shall be entitled to call-back compensation.

Call back compensation shall be paid at time and one-half (1 ½) for all time actually worked with a minimum of two (2) hours pay. For the purposes of computing time for this provision, time will commence when the employee leaves their home to respond to the call back and will end when they return home.

SECTION 25. ENTIRE UNDERSTANDING

This Understanding supersedes and cancels all prior practices and agreements, whether written or oral, unless expressly stated to the contrary herein. The parties acknowledged that during the negotiations, which resulted in this Understanding, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Understanding. The bargaining unit recognizes that the City has the freedom to make changes in all operations or terms and conditions of employment without further negotiations with the

City of Hughson Employees Association

bargaining unit except as such may violate any expressed terms of this Understanding. This constitutes the complete and entire agreement between the parties and may only be amended during its term by the parties' mutual agreement in writing and, if required, approved by the City Council, except that for any matters not covered herein, but covered in the City's Personnel Rules or Regulations, the latter shall control.

SECTION 26. SAVINGS

If any provision of this Understanding is subsequently declared by legislative or judicial authority to be invalid, unlawful, unenforceable, or not in accordance with applicable statutes, all other provisions of this Understanding shall remain in full force and effect.

If any provisions of this Understanding are found to be in conflict with the statutory powers of the City, said statutory powers shall take precedence.

The provisions of this Understanding shall be subordinate and subject to any present or subsequent federal law, state law, or City Charter provision.

The terms of this Understanding supersedes any inconsistent provision in an ordinance, rule or other governing document with the City has power to amend.

SECTION 27. FULL UNDERSTANDING, MODIFICATION AND WAIVER

This Agreement sets forth the full and entire understanding of the parties regarding the matters set forth herein, and nay and all prior or existing Memoranda of Understanding, Understandings, and Agreements, regarding the matters set forth herein, whether formal or informal are hereby superseded and terminated in their entirety.

Existing practices and/or benefits, which have a direct effect on employee wages, hours, and other terms and conditions of employment, which are not referenced in the Agreement shall continue without change unless modified or abolished by mutual agreement of the parties.

It is the intent of the parties that Ordinances, Board resolutions, rules and regulations enacted pursuant to this Agreement be administered and observed in good faith.

Nothing in this Agreement shall preclude the parties' from mutually agreeing to meet and confer on any subject within the scope of representation during the term of this agreement.

SECTION 28. INCENTIVE PAY

The following incentives are available to employees within this bargaining unit. Those employees who are required through their job description to maintain a listed license, certificate or degree are not eligible for that incentive.

City of Hughson Employees Association

Maintenance Worker Classifications:

- | | |
|---|----|
| a. Water Distribution Operator I | 1% |
| b. Water Distribution Operator II | 1% |
| c. Water Treatment Operator I | 1% |
| d. Water Treatment Operator II | 1% |
| e. Pesticide Qualified Applicator License (QAL) | 1% |
- (Management will identify and select one member of Public Works who will receive the QAL incentive pay.)

Professional and Technical Classifications:

Bilingual Pay (Accounting Technician I/II only):

- a. Employees who are certified as bilingual in English –Spanish in the spoken word shall receive additional compensation in the amount of one and one-half percent (1.5%) of base pay.
- b. Employees who are certified as bilingual in English-Spanish both spoken and written shall receive additional compensation in the amount of two and one-half percent (2.5%) of base pay. Said certification shall be determined by the City subject to review and input by the union. Bilingual employees shall be fluent to a level so as to easily communicate with Spanish speaking customers and the public on City business matters.
- c. The maximum Bilingual Pay incentive that can be received is two and one-half percent (2.5%) of base pay.

Education Pay (All City of Hughson Employees Association members):

- a. Employees who have obtained a job related Associates of Science or Arts degree from and accredited college shall receive additional compensation in the amount of one and one-half percent (1.5%) of base pay.
- b. An employee who has obtained a Bachelor of Science or Arts Degree shall receive additional compensation of three percent (3%) of base pay.

The maximum incentive pay an employee can receive for qualified certificates is three percent (3%).

The maximum education incentive pay an employee can receive for a qualified degree is three percent (3%).

The maximum incentive pay an employee can receive for the combination of qualified certificates and degrees is five percent (5%).

City of Hughson Employees Association

Proof of certification must be presented to the City Manager for approval. The incentive pay will be included on the payroll following approval by the City Manager. It is the responsibility of the employee to provide certification.

City of Hughson Employees Association

EXHIBIT "A"

Job Title	Range Effective 7/1/2012
Accounting Technician I	44
Accounting Technician II	63
Building Inspector	90
Code Enforcement Officer	65
Maintenance Worker I	42
Maintenance Worker II	60
Mechanic/Maintenance Worker II	68
Parks & Recreation Coordinator	20
Planning and Building Assistant	90
Public Works Supervisor	85
Redevelopment and Housing Program Analyst	90
Senior Accounting Technician	75
Wastewater Treatment Plant Operator-In-Training	51
Wastewater Treatment Plant Operator I	72
Wastewater Treatment Plant Operator II	80
Wastewater Chief Plant Operator	88



CITY OF HUGHSON AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date: July 9, 2012
Presented By: Bryan Whitemyer, City Manager
Subject: Annual Review of Special Assessment Districts

Approved: _____

Recommendation:

Staff recommends the following:

1. Hear the Staff Report.
2. Open and Close the Public Hearing.
3. Adopt a Resolution Approving the Annual Report for the City of Hughson Landscaping and Lighting Districts and Benefit Assessment Districts for Fiscal Year 2012/13.
4. Adopt a Resolution Confirming the Assessment and Ordering the Levy for the City of Hughson Landscaping and Lighting Districts and Benefit Assessment Districts for Fiscal Year 2012/13.

Background:

At the June 25, 2012 City Council meeting the Council approved a resolution declaring the Council's intention to levy and collect assessment for the City of Hughson Landscaping and Lighting Districts and Benefit Assessment Districts for Fiscal Year 2012/13. The Council also set a public hearing for the July 9, 2012 meeting.

The City of Hughson ("City") utilizes special financing districts to provide various services and improvements to the property owners within the City. These are currently comprised of two types of assessments, Landscape and Lighting Districts and Benefit Assessment Districts. Each Landscape and Lighting District was formed and the annual assessments are levied pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "1972 Act"). Each Benefit Assessment District was formed and the

annual assessments are levied pursuant to the Benefit Assessment Act of 1982 (the "1982 Act"), Part 1 of Division 2 of the California Government Code.

The City annually reviews the anticipated costs of each district for the next year, establishes assessments attributable to each parcel, and orders such assessments to be levied through the County property tax roll. This Engineer's Report ("Report") describes the districts, any annexations or changes to the districts, the proposed assessments and the levies for Fiscal Year 2011/12. The proposed assessments and levies are based on the historical and estimated costs to maintain the improvements that provide a direct and special benefit to properties within each respective district.

The costs of the improvements and the annual levies include all expenditures, deficits, surpluses, revenues, and reserves. Parcels are assessed proportionately for special benefit provided by district improvements.

For the purposes of this Report, the word "parcel" refers to an individual property assigned its own Assessor's Parcel Number by the Stanislaus County Assessor's Office. The Stanislaus County Auditor/Controller uses Assessor's Parcel Numbers and specific Fund Numbers to identify properties assessed on the County Secured Property Tax Roll (the "Tax Roll").

Following final approval of the Report and confirmation of the assessments, the Council may order the levy and the collection of the assessments for Fiscal Year 2012/13 pursuant to the 1972 and 1982 Acts. In such case, the assessment information will be submitted to the County Auditor/Controller to be included on the Tax Roll for each benefiting parcel for Fiscal Year 2012/13.

Attached to this report is the Annual Engineer's Report. Staff is recommending that the Council hold the public hearing, adopt a resolution approving the Annual Report for the City of Hughson Landscaping and Lighting Districts and Benefit Assessment Districts for Fiscal Year 2011/12, and adopt a resolution confirming the assessment and ordering the levy for the City of Hughson Landscaping and Lighting Districts and Benefit Assessment Districts for Fiscal Year 2012/13.

District Descriptions:

Central Hughson

Central Hughson differs from the other districts in that it was formed and annexed to in accordance with parcel circumstances, type or other specific purpose as indicated by the original engineer's report. Consequently, a general description of locations is not practical. Assessments also differ in that they are formulated in most respects by parcel specific attributes rather than equal distribution to all included parcels.

Brittany Woods

Brittany Woods lies south of the Turlock Irrigation District Ceres Main Canal, and south of Hatch Road, and east of Seventh Street, within the boundaries of Tract 085 (Brittany Woods), and includes Assessor's Parcel Numbers for lots 018-085-

001 through 018-085-066 inclusive and Lot "A" as recorded in Book 40 of Maps, Page 73, of Stanislaus County Records.

Euclid North

Euclid North is a portion of the south half of Tract 20, west of Euclid Avenue, bordered on the west by the Brittany Woods Subdivision, on the north by the Euclid North Subdivision, and on the east by Euclid Avenue, and on the south by the Fontana North Subdivision.

Euclid South

Euclid South is a portion of the south half of Tract 20, west of Euclid Avenue, bordered on the west by the Starn Estates Subdivision, and on the north by the Euclid North Subdivision, and on the east by Euclid Avenue, and on the south by the Fontana North Subdivision.

Fontana Ranch North

Fontana Ranch North is a portion of Tract 22, west of Euclid Avenue, north of Fox Road, south of the Euclid South Subdivision, and east of the Fox Glen Subdivision.

Fontana Ranch South

Fontana Ranch South is a portion of Tract 24 south of Fox Road, west of Samaritan Village Facility, north of the extension of Locust Street, and east of the Bavaro Subdivision.

Feathers Glenn

Feathers Glenn lies directly south of the Rhapsody Subdivisions, and consists of those lots served by Metcalf Way between Charles Street and Seventh Street, and the Feathers and Adeline Courts.

Rhapsody Unit No. 1

Rhapsody Unit No. 1 lies south of the Turlock Irrigation District Ceres Main Canal, and south of Hatch Road, and west of Seventh Street, within the boundaries of Tracts 086 and 087 (Rhapsody), and includes Assessor's Parcel Numbers for lots 018-086-001 through 018-086-042 inclusive, and 018- 087-001 through 018-087-037 inclusive and Lots "A" and "B" as recorded in Book 40 of Maps, Page 74, Stanislaus County Records.

Rhapsody Unit No. 2

Rhapsody Unit No. 2 lies south of the Turlock Irrigation District Ceres Main Canal, and south of Hatch Road, and west of Seventh Street, within the boundaries of Tracts 086 and 087 (Rhapsody), and includes Assessor's Parcel Numbers for lots 018-086-044 through 018-086-078 inclusive, and 018- 087-039 through 018-087-062 inclusive and Lots "A" and "B" as recorded in Book 40 of Maps, Page 74, Stanislaus County Records.

Santa Fe Estates Phase 1

Santa Fe Estates Phase 1 lies east of Santa Fe Avenue, within Tract 083 (Santa Fe Estates Phase 1), and includes Assessor's Parcel Numbers for lots 018-083-001 through 018-083-055 inclusive as recorded in Book 40 of Maps, Page 56, and Stanislaus County Records.

Santa Fe Estates Phase 2

Santa Fe Estates Phase 2 lies east of Santa Fe Avenue, within Tract 084 (Santa Fe Estates Phase 2), and includes Assessor's Parcel Numbers for lots 018-084-002 through 018-084-053 inclusive and "Lot B" as recorded in Book 10 of Maps, Page 38, of Stanislaus County Records.

Starn Estates

Starn Estates lies directly south of the Brittany Woody Landscaping and Lighting District, east of Seventh Street, within Tract 081 (Starn Estates Phase 1 and 2), and includes Assessor's Parcel Numbers for lots 018-081-001 through 018-081-037 inclusive and lots 018-081-039 through 018-081-079 inclusive as recorded in Book 40 of Maps, Page 21, Stanislaus County Records.

Sterling Glenn III

Sterling Glenn III is located west of Tully Road, east of Santa Fe Estates Phase II Subdivision, north of an industrial zone, and south of the Walnut Haven Subdivision, and includes Assessor's Parcel Numbers 018-089-001 through 017-089-073.

Sun Glow Estates

Sun Glow Estates lies east of Tully Road and directly south of the Walnut Haven III Landscaping and Lighting District, within Tract 082 (Sun Glow Estates), and includes Assessor's Parcel Numbers for lots 018-082-001 through 018-082-090 inclusive as recorded in Book 39 of Maps, Page 98, of Stanislaus County Records.

Walnut Haven III

Walnut Haven III lies east of Tully Road and west of Charles Street, directly north of the Sun Glow Landscaping and Lighting District, within Tract 088 (Walnut Haven III), and includes Assessor's Parcel Numbers for lots 018-088-001 through 018-088-055 inclusive as recorded in Book 40 of Maps, Page 76, of Stanislaus County Records.

Environmental Review:

This is an administrative action which is not a project under CEQA.

Public Participation:

Public Participation is provided pursuant to the provisions of Proposition 218. Changes which require an affirming ballot process are not involved in this action.

Attachments:

- 1) Annual Engineer's Report for FY 2012-2013.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2011-030**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON,
CALIFORNIA, CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR
THE CITY OF HUGHSON LANDSCAPING AND LIGHTING DISTRICTS AND
BENEFIT ASSESSMENT DISTRICTS FOR FISCAL YEAR 2012/13**

The City Council (the "Council") of the City of Hughson (the "City") does resolve as follows:

WHEREAS, the Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500), and the Benefit Assessment Act of 1982, Part 1, Chapter 6.4 of the Government Code (commencing with section 54703) to establish the City's Brittany Woods Landscaping and Lighting District, Central Hughson Landscaping and Lighting District Zone 1, Central Hughson Landscaping and Lighting District Zone 2, Euclid North Landscaping and Lighting District, Euclid South Landscaping and Lighting District, Feathers Glen Landscaping and Lighting District, Fontana Ranch North Landscaping and Lighting District, Fontana Ranch South Landscaping and Lighting District, Rhapsody Unit No.1 Landscaping and Lighting District, Rhapsody Unit No.2 Landscaping and Lighting District, Santa Fe Estates Phase 1 Landscaping and Lighting District, Santa Fe Estates Phase 2 Landscaping and Lighting District, Starn Estates Landscaping and Lighting District, Sterling Glen III Landscaping and Lighting District, Sun Glow Estates Landscaping and Lighting District, Walnut Haven III Landscaping and Lighting District, Central Hughson Benefit Assessment District Zone 1, Central Hughson Benefit Assessment District Zone 2, Euclid North Benefit Assessment District, Euclid South Benefit Assessment District, Feathers Glen Benefit Assessment District, Fontana Ranch North Benefit Assessment District, Fontana Ranch South Benefit Assessment District, Sterling Glen III Benefit Assessment District (the "Assessment Districts"); and

WHEREAS, the City has retained NBS for the purpose of assisting with the annual levy of the Assessment Districts, and the preparation and filing of an Annual Report; and

WHEREAS, the City has, by previous resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment Districts; and

WHEREAS, a Public Hearing has been held and concluded and notice thereof was duly given in accordance with Section 22626 of the Landscaping and Lighting Act of 1972; and

WHEREAS, at the time and place specified in the Resolution of Intention the City conducted such hearing and considered all objections to the assessment.

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

Section. 1 The City Council hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the Clerk.

Section. 2 Pursuant to Section 22631 of the Landscaping and Lighting Act of 1972, the adoption of this resolution shall constitute the levy of an assessment for the Fiscal Year commencing July 1, 2012 and ending June 30, 2013.

Section. 3 The City Council hereby orders NBS to prepare and submit the levy of assessments to Stanislaus County for placement on the Fiscal Year 2012/13 secured property tax roll.

PASSED AND ADOPTED by the City Council of the City of Hughson, State of California, at a regular meeting held on this 9th day of July, 2012 by the following roll call vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2012-031**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON,
CALIFORNIA, APPROVING THE ANNUAL REPORT FOR THE CITY OF HUGHSON
LANDSCAPING AND LIGHTING DISTRICTS AND BENEFIT ASSESSMENT
DISTRICTS FOR FISCAL YEAR 2012/13**

The City Council (the "Council") of the City Hughson (the "City") does resolve as follows:

WHEREAS, the Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500), and the Benefit Assessment Act of 1982, Part 1, Chapter 6.4 of the Government Code (commencing with section 54703) to establish the City's Brittany Woods Landscaping and Lighting District, Central Hughson Landscaping and Lighting District Zone 1, Central Hughson Landscaping and Lighting District Zone 2, Euclid North Landscaping and Lighting District, Euclid South Landscaping and Lighting District, Feathers Glen Landscaping and Lighting District, Fontana Ranch North Landscaping and Lighting District, Fontana Ranch South Landscaping and Lighting District, Rhapsody Unit No.1 Landscaping and Lighting District, Rhapsody Unit No.2 Landscaping and Lighting District, Santa Fe Estates Phase 1 Landscaping and Lighting District, Santa Fe Estates Phase 2 Landscaping and Lighting District, Starn Estates Landscaping and Lighting District, Sterling Glen III Landscaping and Lighting District, Sun Glow Estates Landscaping and Lighting District, Walnut Haven III Landscaping and Lighting District, Central Hughson Benefit Assessment District Zone 1, Central Hughson Benefit Assessment District Zone 2, Euclid North Benefit Assessment District, Euclid South Benefit Assessment District, Feathers Glen Benefit Assessment District, Fontana Ranch North Benefit Assessment District, Fontana Ranch South Benefit Assessment District, Sterling Glen III Benefit Assessment District (the "Assessment Districts"); and

WHEREAS, the City has retained NBS for the purpose of assisting with the annual levy of the Assessment Districts, and the preparation and filing of the Annual Report; and

WHEREAS, the Council has, by previous resolution, ordered NBS to prepare and file such Annual Report; and

WHEREAS, NBS has prepared and filed such Annual Report with the Clerk.

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

Section 1. The City Council hereby approves the Annual Report concerning the levy of assessments as submitted by NBS for the Fiscal Year commencing July 1, 2012 and ending June 30, 2013.

PASSED AND ADOPTED by the City Council of the City of Hughson, State of California, at a regular meeting held on this 9th day of July, 2012 by the following roll call vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk



City of Hughson

Annual Engineer's Report

**Lighting & Landscaping and
Benefit Assessment Districts**

Fiscal Year 2012/13

Main Office

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

Regional Office

870 Market Street, Suite 1223
San Francisco, CA 94102
Toll free: 800.434.8349 Fax: 415.391.8439

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1. 2012/13 SUMMARY

LANDSCAPE AND LIGHTING DISTRICTS

District Name	2012/13 Estimated Budget Costs	Current EDUs	2012/13 Actual Rate Per EDU	2012/13 Maximum Rate per EDU
Brittany Woods	\$8,060.00	65	\$124.00	\$124.00
Central Hughson*	12,159.18	N/A	N/A	N/A
Euclid North	0.00	50	0.00	243.73
Euclid South	0.00	69	0.00	155.79
Feathers Glenn	12,307.76	43	286.23	286.23
Fontana Ranch North	15,872.69	89	178.34	178.34
Fontana Ranch South	9,623.79	56	171.85	171.85
Rhapsody Unit No. 1	6,794.00	79	86.00	86.00
Rhapsody Unit No. 2	6,490.00	59	110.00	110.00
Santa Fe Estates Phase 1	7,260.00	55	132.00	132.00
Santa Fe Estates Phase 2	6,630.00	51	130.00	130.00
Starn Estates	7,956.00	78	102.00	102.00
Sterling Glenn III**	13,942.00	71/1.7	189.23/297.85	189.23/297.85
Sun Glow Estates	8,939.84	91	98.24	98.24
Walnut Haven III	5,995.00	55	109.00	109.00

BENEFIT ASSESSMENT DISTRICTS

District Name	2012/13 Estimated Budget Costs	Current EDUs	2012/13 Actual Rate Per EDU	2012/13 Maximum Rate per EDU
Central Hughson*	\$25,076.38	N/A	N/A	N/A
Euclid North	0.00	50	0.00	212.52
Euclid South	0.00	69	0.00	170.01
Feathers Glenn	7,608.29	43	176.94	176.94
Fontana Ranch North	16,588.90	89	186.39	186.39
Fontana Ranch South	8,481.38	56	151.45	151.45
Sterling Glenn III**	9,662.11	71/1.7	130.86/218.11	130.86/218.11

*Includes too many individual factors to summarize maximum assessment rates, please contact NBS 800-676-7516 with questions or for details regarding the maximum assessment rates.

**Includes Annexations

2. OVERVIEW

2.1. Introduction

The City of Hughson (“City”) utilizes special financing districts to provide various services and improvements to the property owners within the City. These are currently comprised of two types of assessments; Landscape and Lighting Districts and Benefit Assessment Districts. Each Landscape and Lighting District was formed and the annual assessments are levied pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the “1972 Act”). Each Benefit Assessment District was formed and the annual assessments are levied pursuant to the Benefit Assessment Act of 1982 (the “1982 Act”), Part 1 of Division 2 of the California Government Code.

The City annually reviews the anticipated costs of each district for the next year, establishes assessments attributable to each parcel, and orders such assessments to be levied through the County property tax roll. This Engineer’s Report (“Report”) describes the districts, any annexations or changes to the districts, the proposed assessments and the levies for Fiscal Year 2012/13. The proposed assessments and levies are based on the historical and estimated costs to maintain the improvements that provide a direct and special benefit to properties within each respective district.

The costs of the improvements and the annual levies include all expenditures, deficits, surpluses, revenues, and reserves. Parcels are assessed proportionately for special benefit provided by district improvements.

For the purposes of this Report, the word “parcel” refers to an individual property assigned its own Assessor’s Parcel Number by the Stanislaus County Assessor’s Office. The Stanislaus County Auditor/Controller uses Assessor’s Parcel Numbers and specific Fund Numbers to identify properties assessed on the County Secured Property Tax Roll (the “Tax Roll”).

Following final approval of the Report and confirmation of the assessments, the Council may order the levy and the collection of the assessments for Fiscal Year 2012/13 pursuant to the 1972 and 1982 Acts. In such case, the assessment information will be submitted to the County Auditor/Controller to be included on the Tax Roll for each benefiting parcel for Fiscal Year 2012/13.

2.2. Proposition 218

In November 1996, California voters approved Proposition 218. The provisions of the Proposition are now contained in the California Constitution Articles XIIC and XIID. All assessments described in the Report and approved by the City Council are prepared in accordance with the 1972 and 1982 Acts and are in compliance with the provision of the California Constitution Article XIID.

Pursuant to California Constitution Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of the Article XIID Section 4 and the property owner balloting for the assessments is not required until such time that the assessments are increased or assessment methods changed.

Therefore, any pre-existing assessment amount (and any assessment identified in the Report) for those districts is subsequently exempt from the procedural requirements of Article XIID Section 4. However, any future assessment increases in excess of that will be subject to the new requirements identified in California Constitution Article XIID.

2.3. Benefit Analysis

Each of the improvements, the associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the California Constitution and either the 1972 Act and/or the 1982 Act. The improvements associated with each district have been identified as necessary, required and/or desired for the orderly development of the properties within the district to their full potential consistent with the proposed development plans and applicable portions of the City General Plan. As such, these improvements would be necessary and required of the individual property owners for the development of such properties, and the ongoing operation, servicing and maintenance of the improvements. Therefore, the improvements and the annual costs of ensuring the maintenance and operation of the improvements are of direct and special benefit to the properties.

The method of assessment/apportionment is based on the premise that each assessed parcel within the district receives special benefit from improvements provided by the district. The desirability and security of properties is enhanced by the presence of local improvements in close proximity to those properties.

The special benefits associated with landscape improvements are specifically:

- Enhanced desirability of properties through association with the improvements;
- Improved aesthetic appeal of properties providing a positive representation of the area;
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping;
- Environmental enhancement through improved erosion resistance, dust and debris control;
- Increased sense of pride in ownership of property within the district resulting from well maintained improvement associated with the properties;
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the district through well-maintained surroundings and amenities including abatement of graffiti;
- Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuating noise.

The special benefit associated with street lighting specifically:

- Enhanced deterrence of crime and the aid to police protection;
- Increased nighttime safety on roads and streets;
- Improved visibility of pedestrians and motorists to see;
- Improved ingress and egress to property;

- Reduced vandalism and other criminal act and damage to improvements or property;
- Improved traffic circulation and reduced nighttime accidents and personal property loss;
- Increased promotion of business during nighttime hours in the case of commercial properties.

The special benefits associated with the Benefit Assessment Districts are specifically, but not necessarily limited to:

- Improved flood controls;
- Improved water quality from storm waters;
- Improved and safer pedestrian facilities;
- Improved roadways and reduced vehicular wear;
- Improved public facilities;
- Enhanced visual characteristics by the undergrounding of utilities.

Based on the preceding special benefits, it has been determined that the improvements provided through the districts and for which parcels are assessed, contribute to the safety, security, aesthetic value and desirability of those properties. It has further been determined that these improvements, whether individually or collectively, are provided for the special benefit and enhancement of properties within the district and provide no measureable general benefit to properties outside the district or to the public at large.

Further, in reviewing the improvements in each of the districts, the proximity of those improvements to both properties within each district and those outside each district, as well as the reasons for installing and constructing such improvements, it is evident that the improvements are solely intended for the benefit of properties within each district, within the meaning contemplated by the Acts. The ongoing maintenance and operation of the improvements include public areas, easements, rights-of-way and other amenities available or visible to the public at large. The construction and installation of these improvements were for direct special benefit to the properties within each respective district and were not required or necessarily desired by any properties or developments outside each district boundary. Any public access or use of the improvements by others is incidental. Therefore, it has been determined that the improvements and ongoing maintenance serving the operation of those improvements provide no measurable special benefit to properties outside each of the districts or the public at large, but clearly provide distinct and special benefits to properties within each of the districts. Any benefit received by properties or individuals outside of the districts is general in nature.

3. PLANS AND SPECIFICATIONS

3.1. Description of the Districts and Benefits

For Fiscal Year 2012/13 there are fifteen landscape and lighting districts (“LMDs”). These are identified as Brittany Woods, Central Hughson, Euclid North (Legacy), Euclid South, Feathers Glen, Fontana Ranch North, Fontana Ranch South, Rhapsody Unit No. 1, Rhapsody Unit No. 2, Santa Fe Estates Phase 1, Santa Fe Estates Phase 2, Starn Estates, Sterling Glen III, Sun Glow Estates, and Walnut Haven III. For Fiscal Year 2012/13 there are seven benefit assessment districts (“BADs”). These consist of Central Hughson, Feathers Glenn, Euclid North (Legacy), Euclid South, Fontana Ranch North, Fontana Ranch South, and Sterling Glen III. The benefit assessment districts are geographically identical to their counterpart landscape and lighting districts, with the exception of the certain zones within the Central Hughson Benefit Assessment District.

Each LMD provides and ensures the continued maintenance, servicing, administration, and operation of various landscape and lighting improvements and associated appurtenances located within the public rights-of-way and dedicated landscape easements in various tracts throughout the City. Each LMD is identified as a district area within the City with specific costs and benefits to the parcels within each LMD. The spreading of the improvement costs is based upon the total cost of the improvements within each LMD and is proportionately spread among all benefiting properties within each LMD as determined under §22503 of the California Streets and Highways Code.

Each property is assessed only for the cost of the improvements from which special benefit is received. Improvements within the LMDs may include but are not limited to street lighting, planting materials, irrigation systems, drainage systems, detention basins, open space areas, public pedestrian paths, and entry monuments, and may include a combination of grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.

Each BAD may provide the costs of various improvements to roads, sidewalks, public facilities, storm water facilities, undergrounding of utilities and any other benefits allowed under the Act.

4. DISTRICT BOUNDARIES

4.1. Central Hughson

Central Hughson differs from the other districts in that it was formed and annexed to in accordance with parcel circumstances, type or other specific purpose as indicated by the original engineer's report. Consequently, a general description of locations is not practical. Assessments also differ in that they are formulated in most respects by parcel specific attributes rather than equal distribution to all included parcels.

4.2. Brittany Woods

Brittany Woods lies south of the Turlock Irrigation District Ceres Main Canal, and south of Hatch Road, and east of Seventh Street, within the boundaries of Tract 085 (Brittany Woods), and includes Assessor's Parcel Numbers for lots 018-085-001 through 018-085-066 inclusive and Lot "A" as recorded in Book 40 of Maps, Page 73, of Stanislaus County Records.

4.3. Euclid North

Euclid North is a portion of the south half of Tract 20, west of Euclid Avenue, bordered on the west by the Brittany Woods Subdivision, on the north by the Euclid North Subdivision, and on the east by Euclid Avenue, and on the south by the Fontana North Subdivision.

4.4. Euclid South

Euclid South is a portion of the south half of Tract 20, west of Euclid Avenue, bordered on the west by the Starns Estates Subdivision, and on the north by the Euclid North Subdivision, and on the east by Euclid Avenue, and on the south by the Fontana North Subdivision.

4.5. Fontana Ranch North

Fontana Ranch North is a portion of Tract 22, west of Euclid Avenue, north of Fox Road, south of the Euclid South Subdivision, and east of the Fox Glen Subdivision.

4.6. Fontana Ranch South

Fontana Ranch South is a portion of Tract 24 south of Fox Road, west of Samaritan Village Facility, north of the extension of Locust Street, and east of the Bavaro Subdivision.

4.7. Feathers Glenn

Feathers Glenn lies directly south of the Rhapsody Subdivisions, and consists of those lots served by Metcalf Way between Charles Street and Seventh Street, and the Feathers and Adeline Courts.

4.8. Rhapsody Unit No. 1

Rhapsody Unit No. 1 lies south of the Turlock Irrigation District Ceres Main Canal, and south of Hatch Road, and west of Seventh Street, within the boundaries of Tracts 086 and 087 (Rhapsody), and includes Assessor's Parcel Numbers for lots 018-086-001 through 018-086-042 inclusive, and 018-087-001 through 018-087-037 inclusive and Lots "A" and "B" as recorded in Book 40 of Maps, Page 74, Stanislaus County Records.

4.9. Rhapsody Unit No. 2

Rhapsody Unit No. 2 lies south of the Turlock Irrigation District Ceres Main Canal, and south of Hatch Road, and west of Seventh Street, within the boundaries of Tracts 086 and 087 (Rhapsody), and includes Assessor's Parcel Numbers for lots 018-086-044 through 018-086-078 inclusive, and 018-087-039 through 018-087-062 inclusive and Lots "A" and "B" as recorded in Book 40 of Maps, Page 74, Stanislaus County Records.

4.10. Santa Fe Estates Phase 1

Santa Fe Estates Phase 1 lies east of Santa Fe Avenue, within Tract 083 (Santa Fe Estates Phase 1), and includes Assessor's Parcel Numbers for lots 018-083-001 through 018-083-055 inclusive as recorded in Book 40 of Maps, Page 56, and Stanislaus County Records.

4.11. Santa Fe Estates Phase 2

Santa Fe Estates Phase 2 lies east of Santa Fe Avenue, within Tract 084 (Santa Fe Estates Phase 2), and includes Assessor's Parcel Numbers for lots 018-084-002 through 018-084-053 inclusive and "Lot B" as recorded in Book 10 of Maps, Page 38, of Stanislaus County Records.

4.12. Stern Estates

Stern Estates lies directly south of the Brittany Woody Landscaping and Lighting District, east of Seventh Street, within Tract 081 (Stern Estates Phase 1 and 2), and includes Assessor's Parcel Numbers for lots 018-081-001 through 018-081-037 inclusive and lots 018-081-039 through 018-081-079 inclusive as recorded in Book 40 of Maps, Page 21, Stanislaus County Records.

4.13. Sterling Glenn III

Sterling Glenn III is located west of Tully Road, east of Santa Fe Estates Phase II Subdivision, north of an industrial zone, and south of the Walnut Haven Subdivision, and includes Assessor's Parcel Numbers 018-089-001 through 017-089-073.

4.14. Sun Glow Estates

Sun Glow Estates lies east of Tully Road and directly south of the Walnut Haven III Landscaping and Lighting District, within Tract 082 (Sun Glow Estates), and includes Assessor's Parcel Numbers for lots 018-082-001 through 018-082-090 inclusive as recorded in Book 39 of Maps, Page 98, of Stanislaus County Records.

4.15. Walnut Haven III

Walnut Haven III lies east of Tully Road and west of Charles Street, directly north of the Sun Glow Landscaping and Lighting District, within Tract 088 (Walnut Haven III), and includes Assessor's Parcel Numbers for lots 018-088-001 through 018-088-055 inclusive as recorded in Book 40 of Maps, Page 76, of Stanislaus County Records.

5. ASSESSMENTS

5.1. Method of Assessment/Apportionment

Pursuant to the 1972 Act and/or the 1982 Act, the costs of a District may be apportioned by a formula or method that fairly distributes the net amount to be assessed, among all assessable parcels in proportion to the special benefits to be received by each such parcel for the improvements. The benefit formula used within each district may vary, but reflects the composition of the parcels, and the improvements and services provided to fairly proportion the costs based on the special benefit to each assessable parcel. Parcels dedicated to public easements, open space areas and rights-of-way, public greenbelts and parkways, utility rights-of-way, common areas, sliver parcels and bifurcated lots or any other property that cannot be developed, park properties and other publicly owned properties that are part of each district improvements or that have little or no improvement value receive little or no benefit from district improvements and are not assessed.

When a number of the districts were established and the existing assessments were approved, it was determined that the most appropriate apportionment of maintenance costs and special benefit was an equal per parcel distribution. Therefore, the total amount to be levied in each of these districts is shared and assessed equally for each parcel in the sub area. The following formula is used to arrive at the levy amount for each parcel within these sub areas.

Total Balance to Levy for District x Total Assessable Parcels in District = Parcel Levy Amount

In contrast the Central Hughson Benefit Assessment District apportions costs on the basis of parcel specific attributes, such as lot size and street frontage.

5.2. Exempt Parcels

Properties within each district that are not assessed for special benefit include but are not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, parks or other publicly owned properties that are part of the District improvements or may provide other benefits to private properties within the District;
- Private properties that cannot be developed independently from an adjacent property, such as common areas, silver parcels or bifurcated lots or properties with very restrictive development use.

These types of parcels are considered to receive little or no special benefit from the improvements and are therefore exempt from assessment, but shall be reviewed annually by the assessment engineer to confirm the parcels current development status. Government owned properties or public properties are not necessarily exempt and shall be subject to special benefit assessment unless it qualifies for an exempt status. For example, those portions of parcels which are used for storm water detention basins in order to provide flood control and drainage systems, are subject to Article XIID Section 5a. Status determinations for existing districts were established by prior assessment reports, and are not within the scope of this report.

5.3. Annual Inflationary Adjustment

Increases to the annual assessment and levy are indexed to the Consumer Price Index plus three percent based on the U.S. Department of Labor, Bureau of Labor Statistics, reported by the San Francisco/Oakland Urban Wage Earners and Clerical Workers increase. This will annually establish the new inflation adjusted maximum assessment that may be levied without the necessity of conducting a Proposition 218 ballot proceeding. Although the maximum rate is likely to increase each year, the actual amount to be assessed is based on the annual budget and may be less than the maximum rate.

Additionally, not all of the City's Districts include annual inflationary adjustments. The following list shows the Districts with allowable inflationary adjustments, as described above.

- Euclid North LMD & BAD
- Euclid South LMD & BAD
- Feathers Glen LMD & BAD
- Fontana Ranch North LMD & BAD
- Fontana Ranch South LMD & BAD
- Sterling Glen LMD & BAD
- Central Hughson LMD & BAD

All other Districts listed in this report have established, non-increasing maximum annual assessment rates.

5.4. Summary of Budgets for Fiscal Year 2012/13

The Fiscal Year 2012/13 budgets for each District can be found on the following pages.

Description	Sun Glow Estates LMD	Starn Estates LMD	Santa Fe Estates, Phase 1 LMD	Walnut Haven III LMD
Direct Costs				
Total Personnel Labor & Fringe	\$5,224.00	\$3,794.00	\$6,542.00	\$3,681.00
Contract Services	0.00	0.00	0.00	0.00
Other Services – City Forces	0.00	0.00	0.00	0.00
Utilities: Water, Sewer, Electricity	1,019.13	973.59	1,255.87	747.36
Equipment & Material Costs	1,613.00	1,308.00	2,604.00	1,349.00
Capital Improvement	0.00	0.00	0.00	0.00
Other Incidental Costs (Insurance)	73.41	37.15	37.15	31.09
Total Direct Costs	\$7,929.54	\$6,112.73	\$10,439.02	\$5,808.45
Indirect Costs				
Program Administration	\$1,585.91	\$1,222.55	\$2,087.80	\$1,161.69
Contingency	0.00	0.00	0.00	0.00
Engineer's Annual Report	1,001.97	1,001.97	1,001.97	1,001.97
Stanislaus County Assessor's Fee	0.00	0.00	0.00	0.00
Regulatory Programs	0.00	0.00	0.00	0.00
Total Indirect Costs	\$2,587.88	\$2,224.52	\$3,089.77	\$2,163.66
Total Costs	\$10,517.42	\$8,337.25	\$13,528.79	\$7,972.11
Reserve and Other Contribution				
Reserve Balance	\$18,279.61	\$12,335.37	\$8,669.87	\$6,835.76
Reserve Collection/Credit	(1,577.58)	(381.25)	(6,268.79)	(1,977.11)
City Contribution (Budget Shortfall)	0.00	0.00	0.00	0.00
Subtotal Reserve and Other Cont.	\$16,702.03	\$11,954.12	\$2,401.08	\$4,858.65
Balance to Levy	\$8,939.84	\$7,956.00	\$7,260.00	\$5,995.00

Description	Rhapsody Unit No.1 LMD	Brittany Woods LMD	Rhapsody Unit No.2 LMD	Santa Fe Estates, Phase 2 LMD
Direct Costs				
Total Personnel Labor & Fringe	\$5,200.00	\$4,806.00	\$4,179.00	\$8,463.00
Contract Services	0.00	0.00	0.00	0.00
Other Services – City Forces	0.00	0.00	0.00	0.00
Utilities: Water, Sewer, Electricity	1,231.52	1,588.78	1,525.26	528.75
Equipment & Material Costs	1,355.00	1,338.00	1,383.00	1,490.00
Capital Improvement	0.00	0.00	0.00	0.00
Other Incidental Costs (Insurance)	67.39	85.51	67.39	37.15
Total Direct Costs	\$7,853.91	\$7,818.30	\$7,154.65	\$10,518.90
Indirect Costs				
Program Administration	\$1,570.78	\$1,563.66	\$1,430.93	\$2,103.78
Contingency	0.00	0.00	0.00	0.00
Engineer's Annual Report	1,001.97	1,001.97	1,001.97	1,001.97
Stanislaus County Assessor's Fee	0.00	0.00	0.00	0.00
Regulatory Programs	0.00	0.00	0.00	0.00
Total Indirect Costs	\$2,572.75	\$2,565.63	\$2,432.90	\$3,105.75
Total Costs	\$10,426.66	\$10,383.92	\$9,587.55	\$13,624.65
Reserve and Other Contribution				
Reserve Balance	\$11,392.99	\$11,241.06	\$7,546.27	\$17,414.88
Reserve Collection/Credit	(3,632.66)	(2,323.92)	(3,097.55)	(6,994.65)
City Contribution (Budget Shortfall)	0.00	0.00	0.00	0.00
Subtotal Reserve and Other Cont.	\$7,760.33	\$8,917.14	\$4,448.72	\$10,420.23
Balance to Levy	\$6,794.00	\$8,060.00	\$6,490.00	\$6,630.00

Description	Sterling Glen III LMD	Feathers Glen LMD	Central Hughson LMD Zone 2	Euclid North LMD
Direct Costs				
Total Personnel Labor & Fringe	\$9,982.00	\$7,009.00	\$5,136.00	\$0.00
Contract Services	0.00	0.00	0.00	0.00
Other Services – City Forces	0.00	0.00	0.00	0.00
Utilities: Water, Sewer, Electricity	6,286.82	242.62	60.15	0.00
Equipment & Material Costs	1,342.00	1,331.00	1,331.00	0.00
Capital Improvement	3,000.00	0.00	0.00	0.00
Other Incidental Costs (Insurance)	67.39	67.39	152.88	0.00
Total Direct Costs	\$20,678.22	\$8,650.02	\$6,680.03	\$0.00
Indirect Costs				
Program Administration	\$4,135.64	\$1,730.00	\$1,336.01	\$0.00
Contingency	0.00	0.00	0.00	0.00
Engineer's Annual Report	1,001.97	1,001.97	1,001.97	0.00
Stanislaus County Assessor's Fee	0.00	0.00	0.00	0.00
Regulatory Programs	0.00	0.00	0.00	0.00
Total Indirect Costs	\$5,137.61	\$2,731.97	\$2,337.98	\$0.00
Total Costs	\$25,815.83	\$11,381.99	\$9,018.01	\$0.00
Reserve and Other Contribution				
Reserve Balance	\$12,805.18	\$17,660.13	(\$16,617.84)	(\$23.85)
Reserve Collection/Credit	(11,873.83)	925.77	3,141.17	0.00
City Contribution (Budget Shortfall)	0.00	0.00	0.00	0.00
Subtotal Reserve and Other Cont.	\$931.35	\$18,585.90	(\$13,476.67)	(\$23.85)
Balance to Levy	\$13,942.00	\$12,307.76	\$12,159.18	\$0.00

Description	Euclid South LMD	Fontana Ranch North LMD	Fontana Ranch South LMD	Sterling Glen III BAD
Direct Costs				
Total Personnel Labor & Fringe	\$0.00	\$7,861.00	\$8,504.00	\$8,112.00
Contract Services	0.00	0.00	0.00	0.00
Other Services – City Forces	0.00	0.00	0.00	0.00
Utilities: Water, Sewer, Electricity	0.00	5,685.26	5,797.30	0.00
Equipment & Material Costs	0.00	1,381.00	1,337.00	313.00
Capital Improvement	0.00	0.00	0.00	0.00
Other Incidental Costs (Insurance)	0.00	67.39	67.39	424.00
Total Direct Costs	\$0.00	\$14,994.66	\$15,705.69	\$8,849.00
Indirect Costs				
Program Administration	\$0.00	\$2,998.93	\$3,141.14	\$1,769.80
Contingency	0.00	0.00	0.00	0.00
Engineer's Annual Report	0.00	1,001.97	1,001.97	1,001.97
Stanislaus County Assessor's Fee	0.00	0.00	0.00	0.00
Regulatory Programs	0.00	0.00	0.00	0.00
Total Indirect Costs	\$0.00	\$4,000.90	\$4,143.11	\$2,771.77
Total Costs	\$0.00	\$18,995.56	\$19,848.80	\$11,620.77
Reserve and Other Contribution				
Reserve Balance	\$12,428.62	\$8,816.87	(\$15,388.08)	\$4,743.72
Reserve Collection/Credit	0.00	(3,122.87)	0.00	(1,958.66)
City Contribution (Budget Shortfall)	0.00	0.00	(10,225.01)	0.00
Subtotal Reserve and Other Cont.	\$12,428.62	\$5,694.01	(\$25,613.10)	\$2,785.06
Balance to Levy	\$0.00	\$15,872.69	\$9,623.79	\$9,662.11

Description	Feathers Glen BAD	Fontana Ranch North BAD	Fontana Ranch South BAD	Euclid North BAD
Direct Costs				
Total Personnel Labor & Fringe	\$8,112.00	\$6,084.00	\$7,098.00	\$0.00
Contract Services	0.00	0.00	0.00	0.00
Other Services – City Forces	0.00	0.00	0.00	0.00
Utilities: Water, Sewer, Electricity	0.00	0.00	0.00	0.00
Equipment & Material Costs	313.00	313.00	313.00	0.00
Capital Improvement	0.00	0.00	0.00	0.00
Other Incidental Costs (Insurance)	202.14	466.31	236.62	0.00
Total Direct Costs	\$8,627.14	\$6,863.31	\$7,647.62	\$0.00
Indirect Costs				
Program Administration	\$1,725.43	\$1,372.66	\$1,529.52	\$0.00
Contingency	0.00	0.00	0.00	0.00
Engineer's Annual Report	1,001.97	1,001.97	1,001.97	0.00
Stanislaus County Assessor's Fee	0.00	0.00	0.00	0.00
Regulatory Programs	0.00	0.00	0.00	0.00
Total Indirect Costs	\$2,727.40	\$2,374.63	\$2,531.49	\$0.00
Total Costs	\$11,354.53	\$9,237.94	\$10,179.11	\$0.00
Reserve and Other Contribution				
Reserve Balance	\$7,291.47	\$21,508.24	\$5,865.46	\$867.63
Reserve Collection/Credit	(3,746.24)	7,350.95	(1,697.73)	0.00
City Contribution (Budget Shortfall)	0.00	0.00	0.00	0.00
Subtotal Reserve and Other Cont.	\$3,545.23	\$28,859.19	\$4,167.72	\$867.63
Balance to Levy	\$7,608.29	\$16,588.90	\$8,481.38	\$0.00

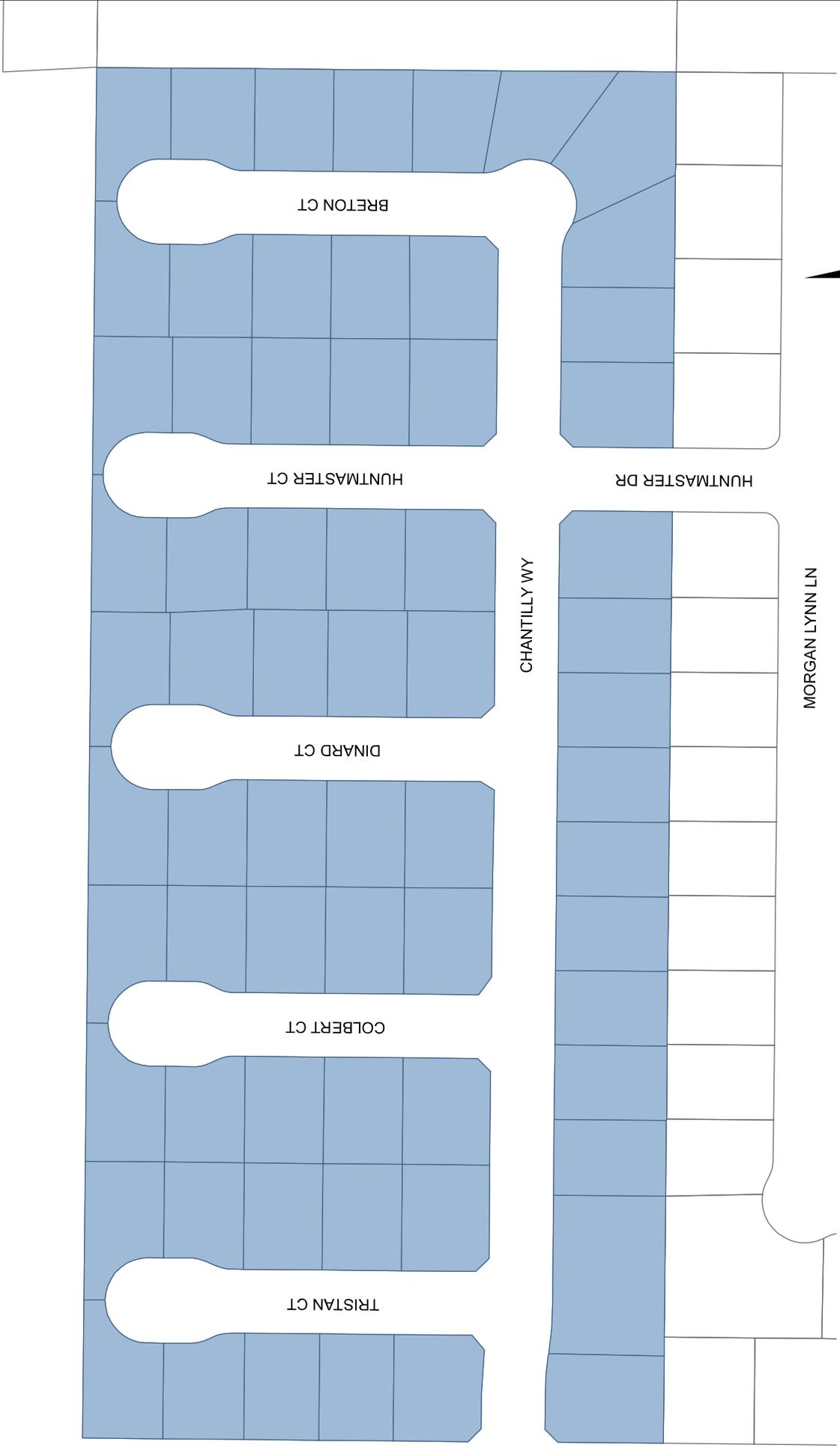
Description	Euclid South BAD	Central Hughson BAD Zone 2
Direct Costs		
Total Personnel Labor & Fringe	\$0.00	\$20,280.00
Contract Services	0.00	0.00
Other Services – City Forces	0.00	0.00
Utilities: Water, Sewer, Electricity	0.00	0.00
Equipment & Material Costs	0.00	313.00
Capital Improvement	0.00	0.00
Other Incidental Costs (Insurance)	0.00	449.21
Total Direct Costs	\$0.00	\$21,042.21
Indirect Costs		
Program Administration	\$0.00	\$4,208.44
Contingency	0.00	0.00
Engineer's Annual Report	0.00	1,001.97
Stanislaus County Assessor's Fee	0.00	0.00
Regulatory Programs	0.00	0.00
Total Indirect Costs	\$0.00	\$5,210.41
Total Costs	\$0.00	\$26,252.62
Reserve and Other Contribution		
Reserve Balance	\$4,638.57	\$15,034.75
Reserve Collection/Credit	0.00	(1,176.24)
City Contribution (Budget Shortfall)	0.00	0.00
Subtotal Reserve and Other Cont.	\$4,638.57	\$13,858.51
Balance to Levy	\$0.00	\$25,076.38

6. ASSESSMENT DIAGRAMS

Assessment Diagrams for each of the districts are on file with the City of Hughson. The lines and dimensions of each lot or parcel are those lines and dimensions shown on the maps of the County Assessor of the County of Stanislaus and are incorporated herein by reference and made part of this Engineer's Report. Representations of the parcels within each District can be found on the following pages.

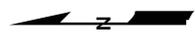
CITY OF HUGHSON
BRITTANY WOODS
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

E HATCH RD



Legend

- Brittany Woods
- Other City Parcels

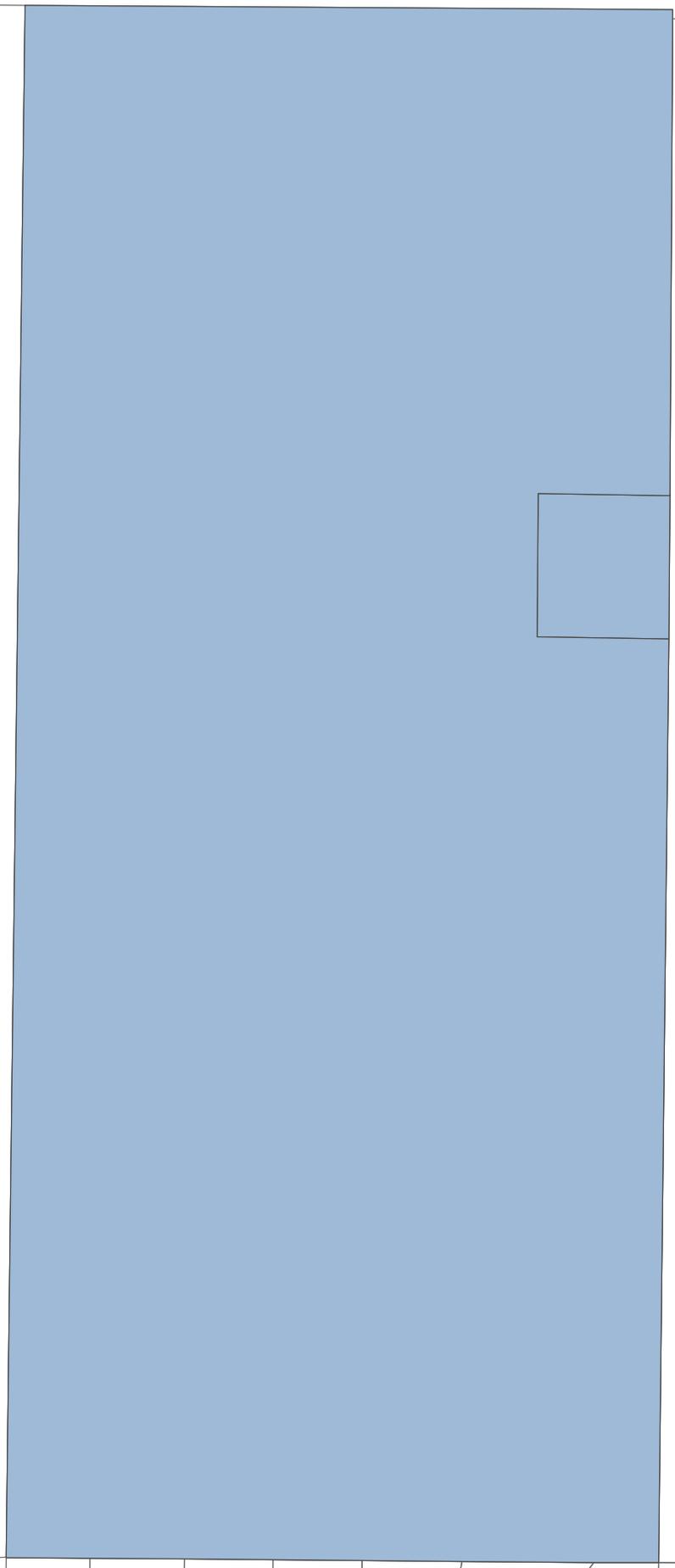


N B S

CITY OF HUGHSON
EUCLID NORTH
LANDSCAPE & LIGHTING / BENEFIT ASSESSMENT DISTRICT

E HATCH RD

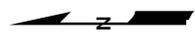
EUCLID AVE



Legend

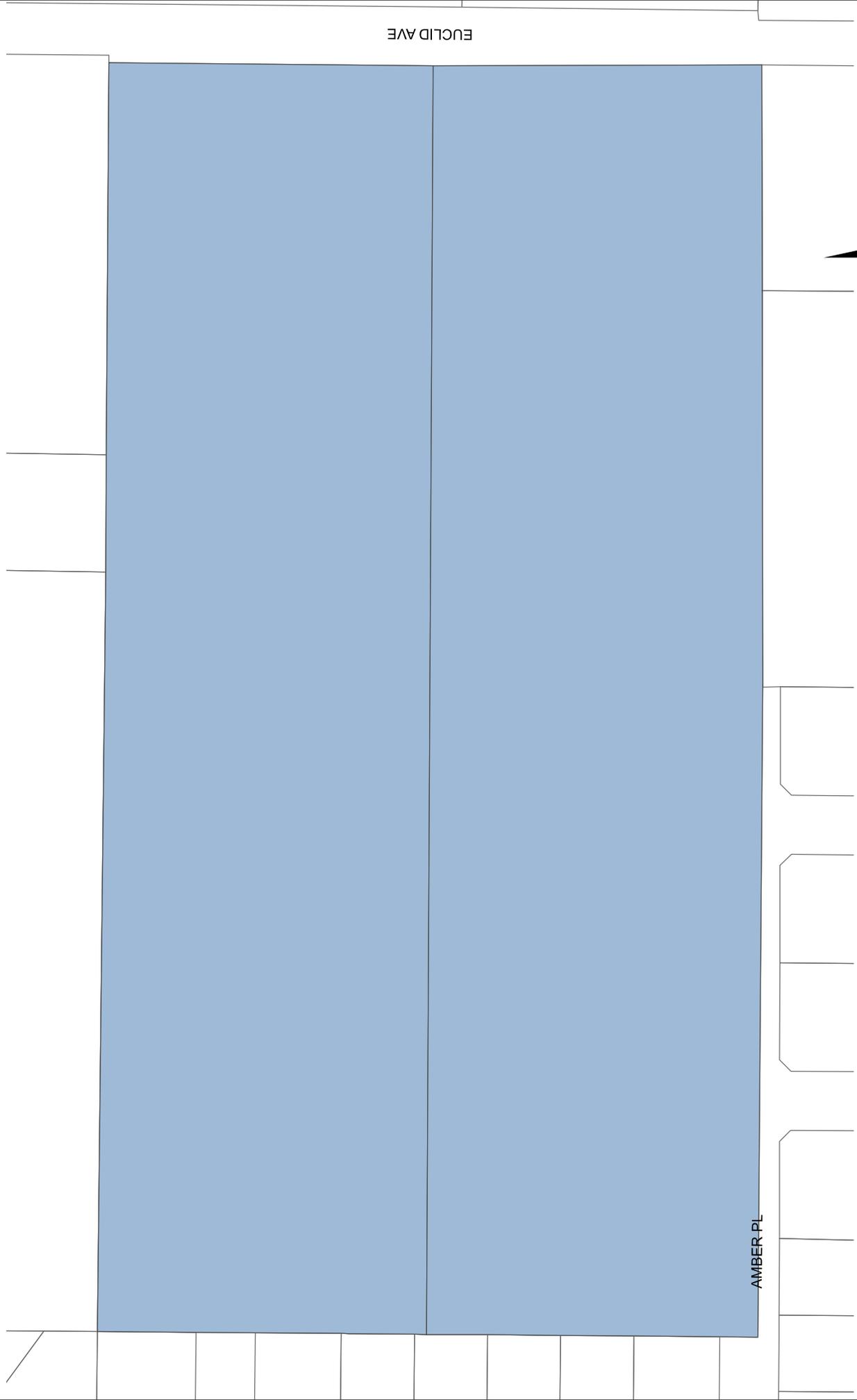
■ Euclid North

□ Other City Parcels



N B S

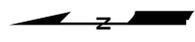
CITY OF HUGHSON
EUCLID SOUTH
LANDSCAPE & LIGHTING / BENEFIT ASSESSMENT DISTRICT



Legend

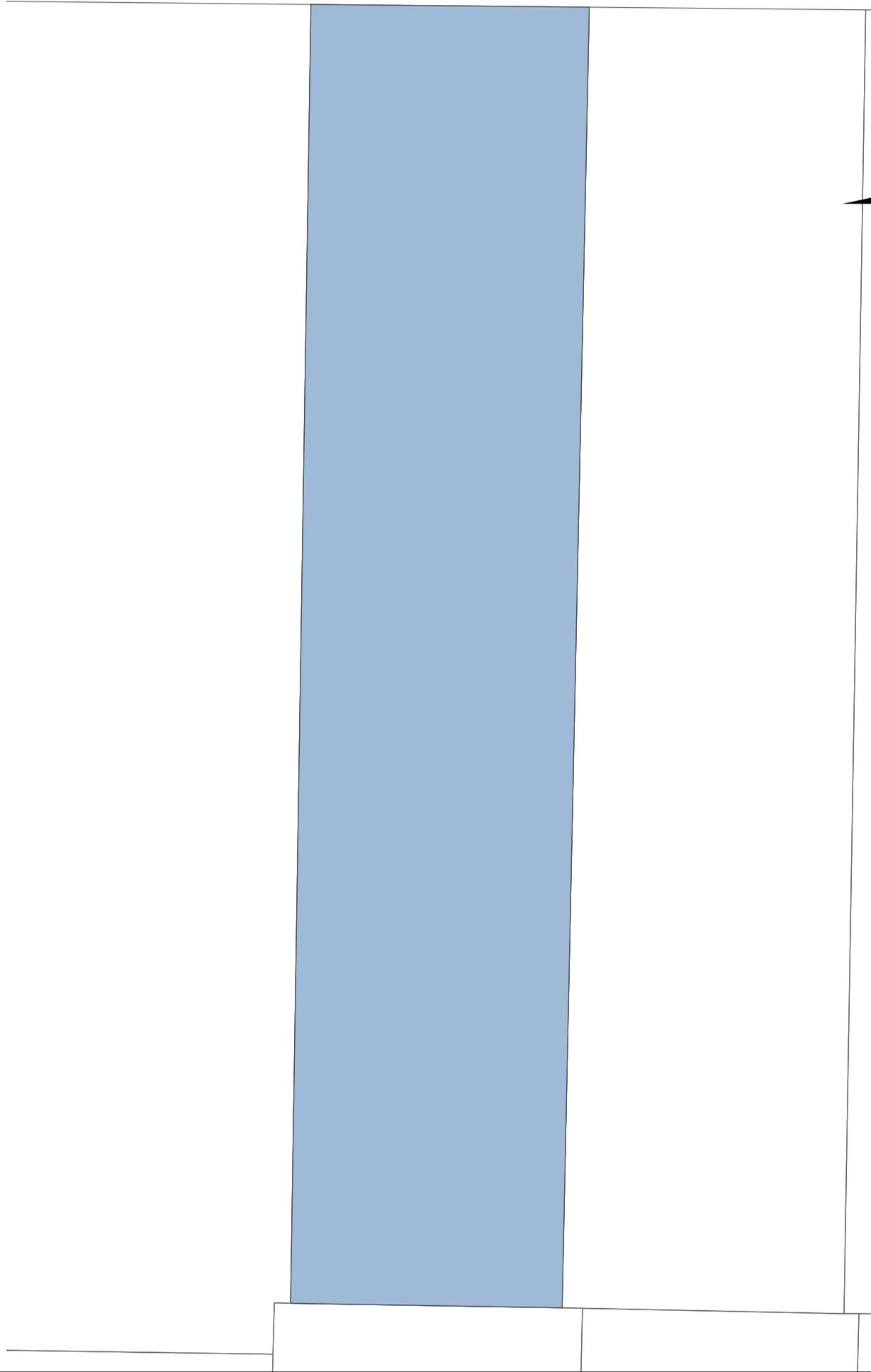
Euclid South

Other City Parcels



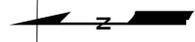
N B S

CITY OF HUGHSON
FEATHERS GLEN
LANDSCAPE & LIGHTING / BENEFIT ASSESSMENT DISTRICT



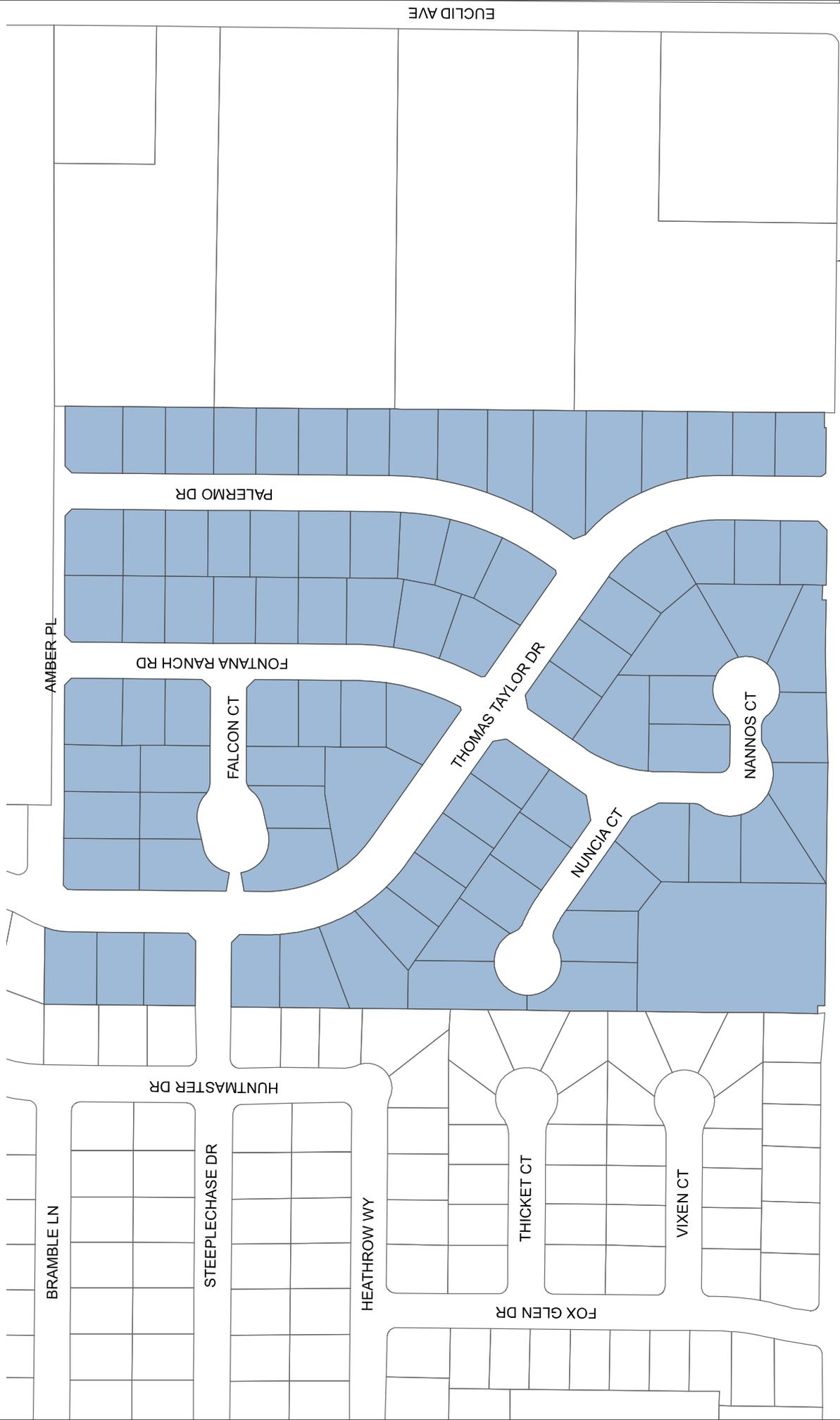
Legend

- Feathers Glen
- Other City Parcels



N B S

CITY OF HUGHSON
FONTANA RANCH NORTH
LANDSCAPE & LIGHTING / BENEFIT ASSESSMENT DISTRICT



Legend

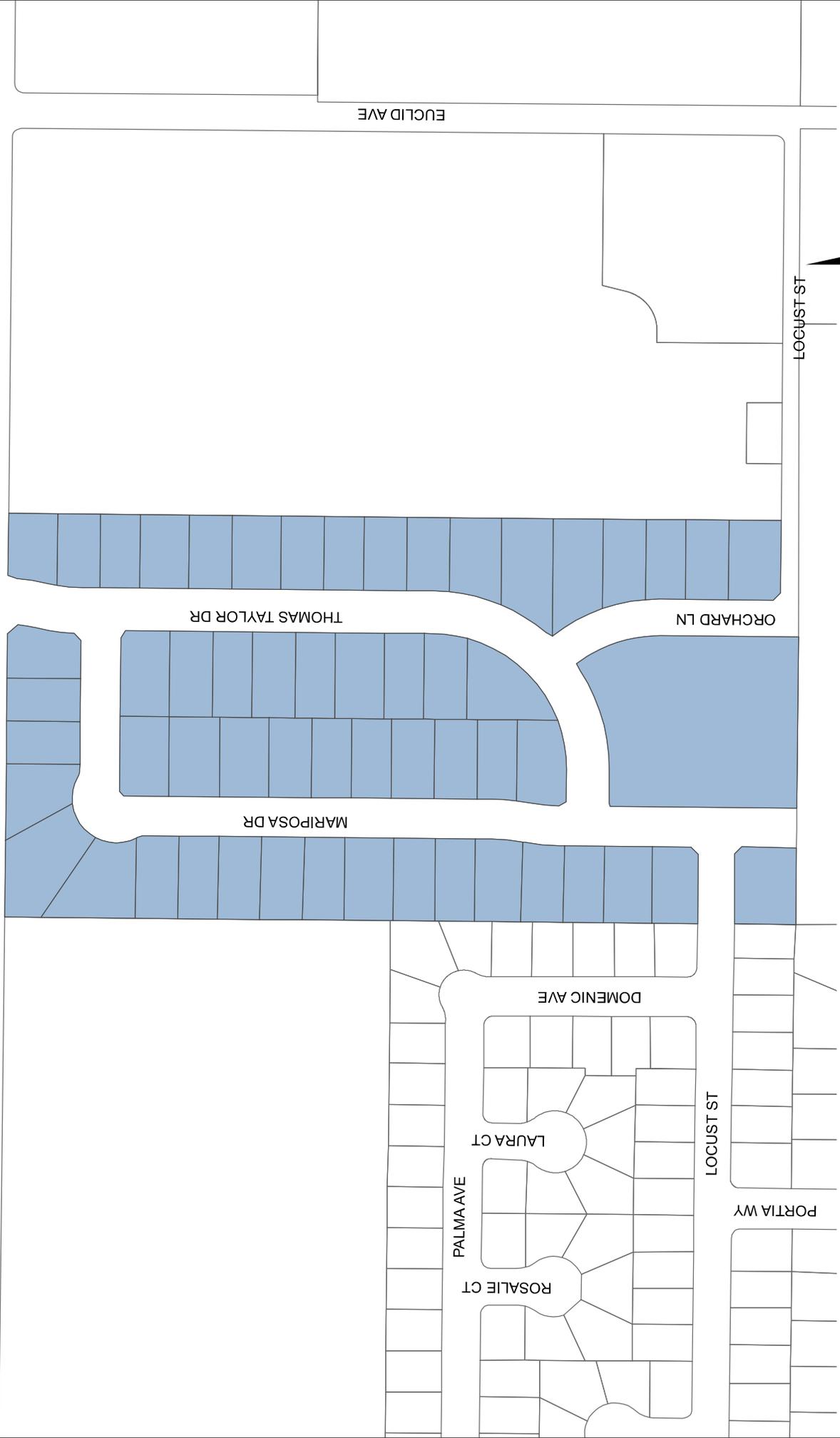
- Fontana Ranch North
- Other City Parcels



NBS

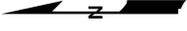
CITY OF HUGHSON
FONTANA RANCH SOUTH
LANDSCAPE & LIGHTING / BENEFIT ASSESSMENT DISTRICT

FOX RD



Legend

- Fontana Ranch South
- Other City Parcels



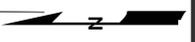
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CITY OF HUGHSON
RHAPSODY UNIT 1
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT



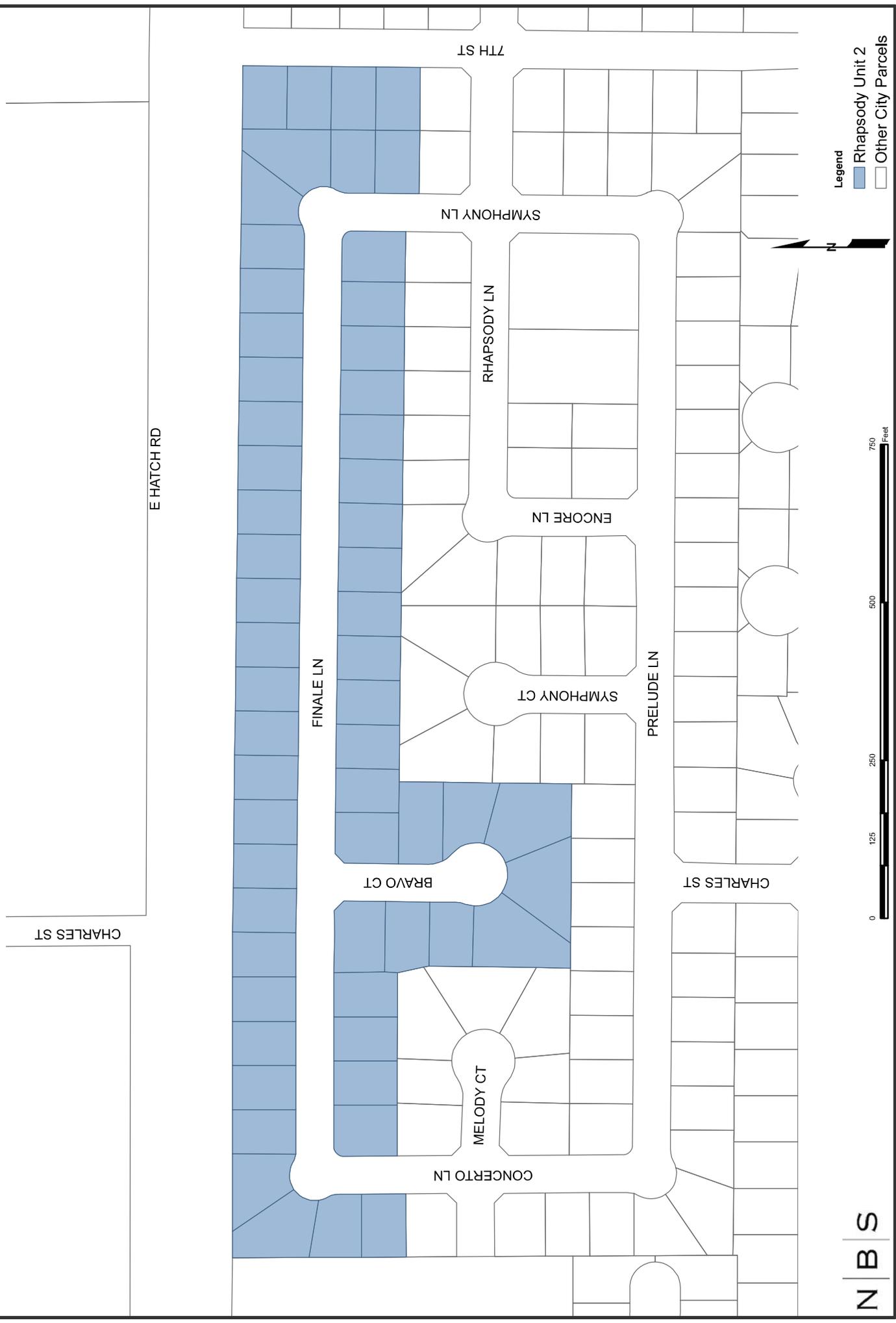
Legend

- Rhapsody Unit 1
- Other City Parcels



NBS

CITY OF HUGHSON
RHAPSODY UNIT 2
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT



CITY OF HUGHSON
SANTA FE ESTATES, PHASE 1
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

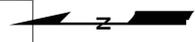


CITY OF HUGHSON
SANTA FE ESTATES, PHASE 2
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT



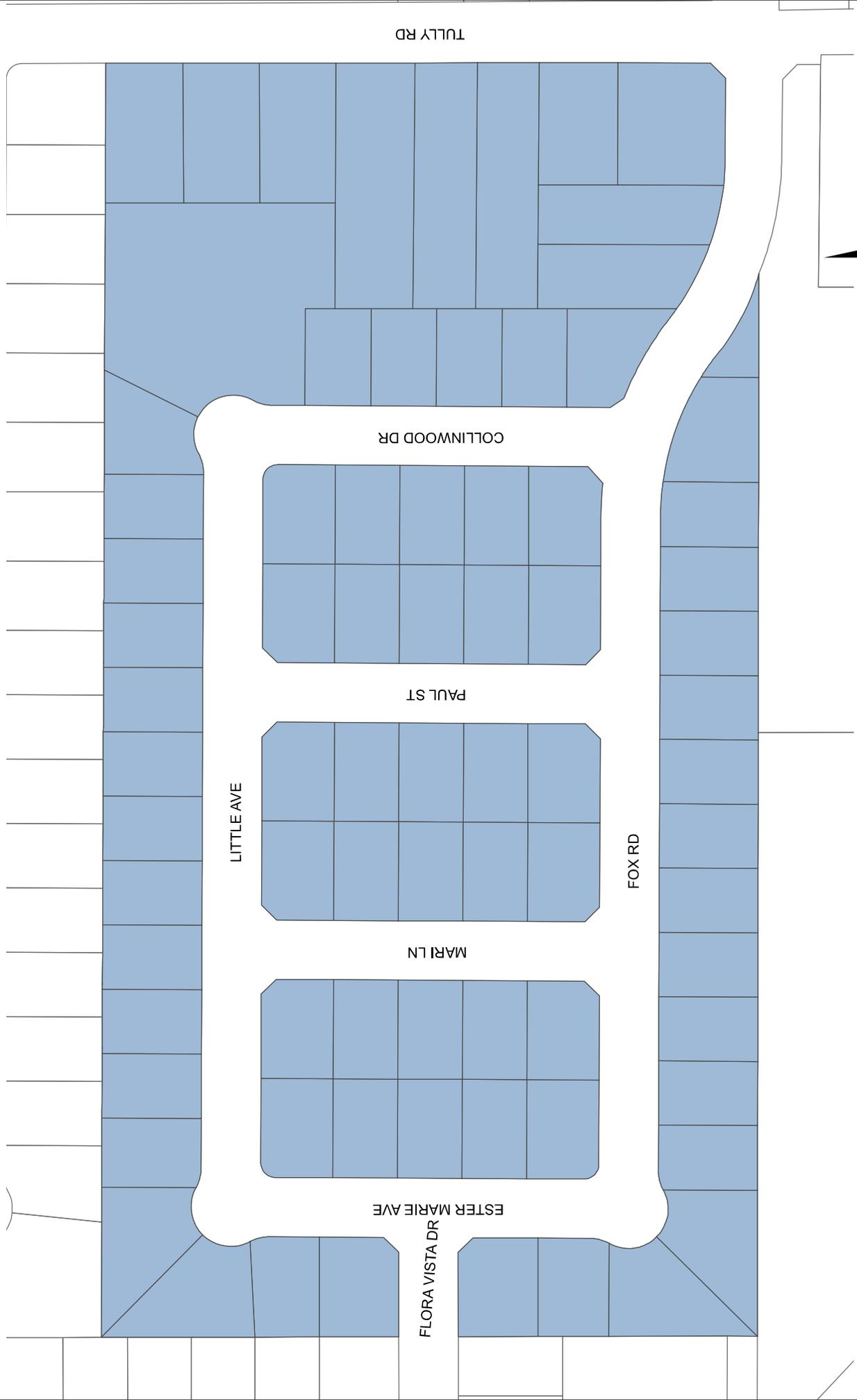
Legend

- Santa Fe Estates, Phase 2
- Other City Parcels



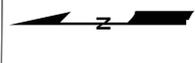
NBS

CITY OF HUGHSON
STERLING GLEN
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT



Legend

- Sterling Glen
- Other City Parcels



NBS

CITY OF HUGHSON
STARN ESTATES
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

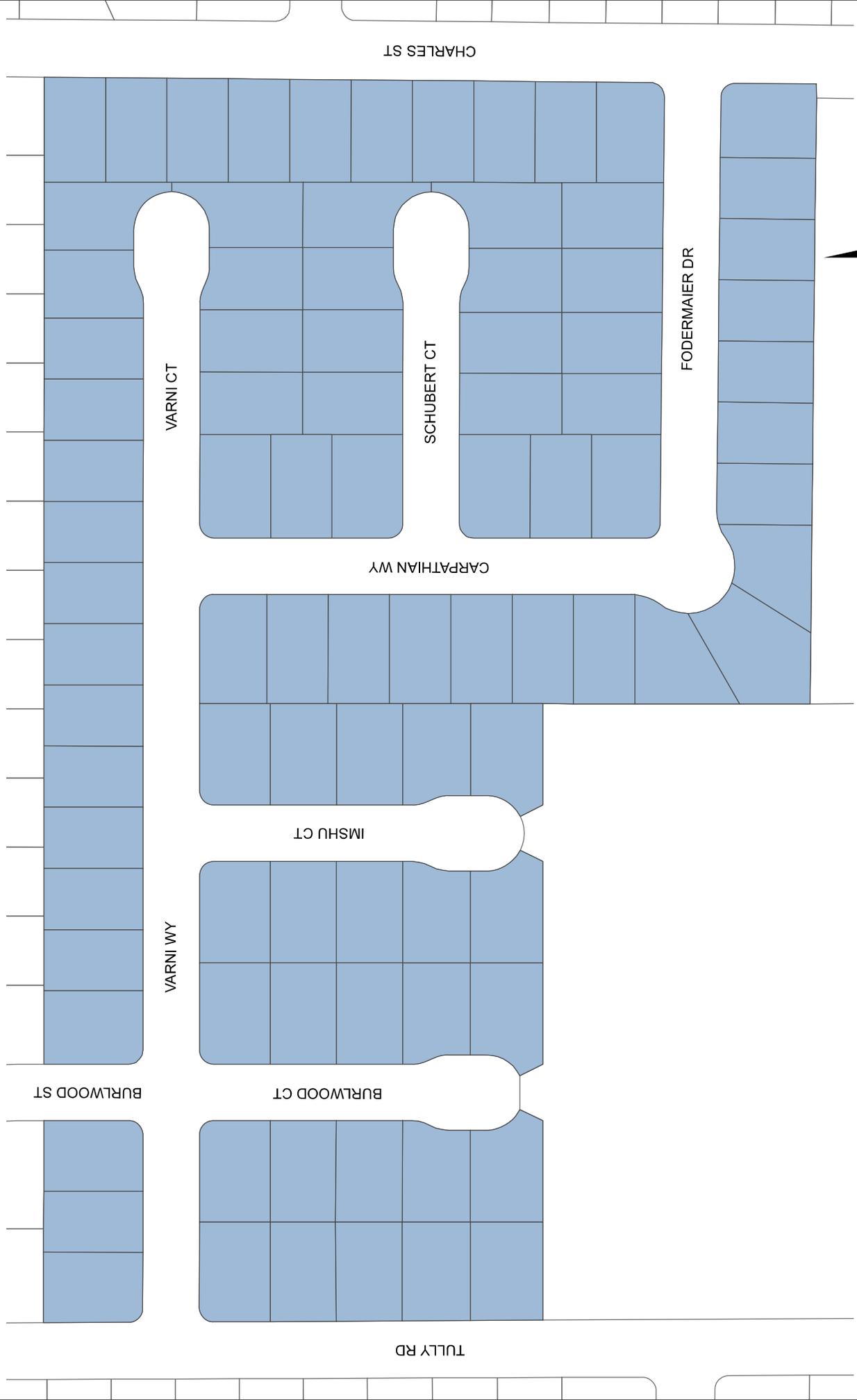


Legend

- Starn Estates
- Other City Parcels

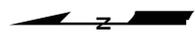


CITY OF HUGHSON
SUN GLOW ESTATES
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

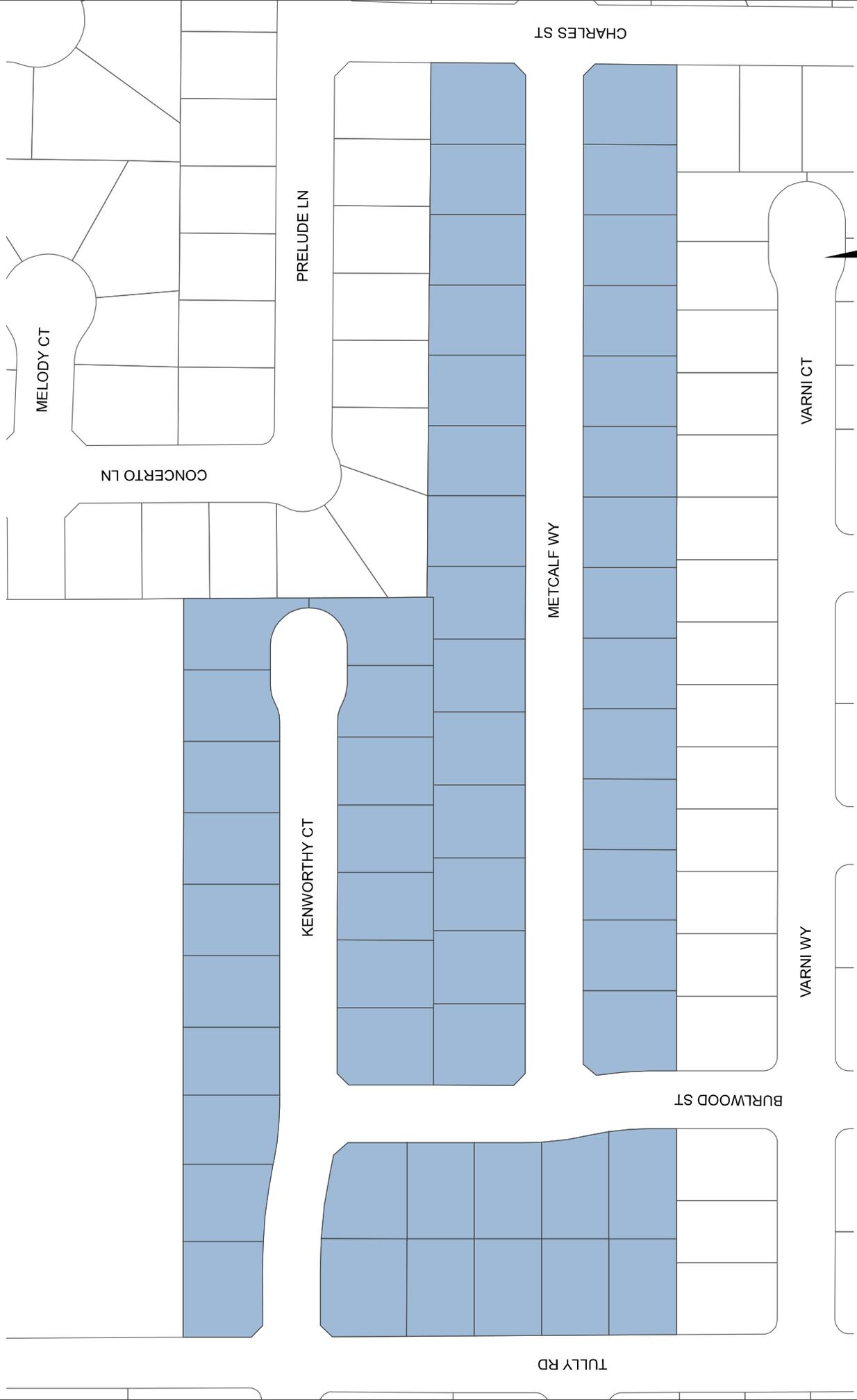


Legend

-  Sun Glow Estates
-  Other City Parcels



CITY OF HUGHSON
WALNUT HAVEN III
LANDSCAPE & LIGHTING ASSESSMENT DISTRICT



Legend

- Walnut Haven III
- Other City Parcels

NBS

7. ASSESSMENT ROLL 2012/13



CITY OF HUGHSON AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: July 9, 2012
Presented By: Thom Clark, Community Development Director
Subject: Discussion and Direction Regarding Stanislaus LAFCO's Draft Agricultural Preservation Policy.
Attachments: Stanislaus LAFCO's Revised Draft Agricultural Preservation Policy

Approved By: _____

RECOMMENDATION:

Review, discuss, and direct staff as appropriate.

BACKGROUND AND OVERVIEW:

This item was placed on the agenda by Mayor Bawanan. In recent months there has been much dialog in Stanislaus County regarding the future of our agricultural lands. The LAFCO Board in particular has shown interest in development of an agricultural preservation policy. The nine Mayors in the County made an effort in 2011 to preserve farmland by setting urban growth boundaries. Although seven of the nine cities in the County did ultimately adopt urban growth boundaries, the effort did not satisfy the LAFCO Board and they continued to move forward with an agricultural preservation policy of their own which would take effect upon application for annexation of land into a city.

Attached is a referral and public hearing notice for LAFCO's draft agricultural preservation policy. The hearing is set for July 25th at 6:00 PM and comments are due by July 17th. The policy basically will require agricultural preservation, through permanent easements, at a ratio of 1:1 for every acre annexed into a city. There are different options in the policy but the main thrust is for preservation of agricultural lands at the 1:1 ratio.

Stanislaus County adopted an Agricultural Element with their last General Plan update. After a sequence of trial and appeal, the County prevailed over the Building Industry Association and the Agricultural Element with its Farmland Mitigation Policy took effect. The Agricultural Element requires agricultural

preservation at a 1:1 ratio upon an application for a zone change that would allow land uses other than agriculture.

PLANNING COMMISSION

At its regularly scheduled meeting of May 15, 2012, the Hughson Planning Commission directed staff to comment on the first draft of LAFCO's agricultural preservation policy. The comments were mostly aimed at strengthening the policy by replacing vague language with specifics. The Planning Commission also wanted a statement included in the comment letter that they were in support of the policy in concept. Staff did send a letter with comments on the first draft of LAFCO's policy.

The Planning Commission has also directed staff to develop an agricultural preservation policy of our own for consideration. There is much language in our General Plan concerning agriculture, including a goal of developing an agricultural easement program, aimed at voluntary preservation of farmlands. Staff has developed a draft policy and is intending to hold a public hearing on August 21, 2012 for the Planning Commission to consider an ordinance amendment to the Municipal Code for an agricultural land preservation policy effective upon an application for annexation into the City.

1010 TENTH STREET, 3RD FLOOR
MODESTO, CA 95354



PHONE: (209) 525-7660
FAX: (209) 525-7643
www.stanislauslafco.org

CEQA Exempt Referral and Notice of Public Hearing



DATE: June 25, 2012
TO: Affected Agencies and Interested Parties
FROM: Marjorie Blom, Executive Officer
SUBJECT: **STANISLAUS LAFCO – REVISED DRAFT AGRICULTURAL PRESERVATION POLICY**

The Stanislaus Local Agency Formation Commission (LAFCO) is considering an amendment to its existing Policies and Procedures document to include detailed evaluation standards and policies with regards to agricultural preservation. A revised draft of the policy is included in this referral for your review and comment. The initial draft (circulated on April 17, 2012) and red-lined changes are also available for reference on our website at:

<http://www.stanislauslafco.org/info/PublicNotices.htm>

The proposed amendment is being made in accordance with the Cortese-Knox-Hertzberg Act (Government Code Section 56000 et. seq.), which requires LAFCOs to consider the effects that a proposal may have on agricultural lands (Government Code Sections 56425 and 56668(e)).

Under the California Environmental Quality Act of 1970 (CEQA) Section 15061(b)(3), the proposal is considered exempt from CEQA review. A copy of the draft Notice of Exemption is also included.

The Commission will consider the item at its regular meeting scheduled for July 25, 2012 at 6:00 p.m. in the Basement Chambers at Tenth Street Place (1010 10th Street, Modesto).

Stanislaus LAFCO is soliciting comments from affected agencies and interested parties. Please return all comments as soon as possible or no later than July 17, 2012 to be included with the Commission's mailed agenda. Comments will also be accepted prior to and at the Commission's July 25th meeting.

Thank you in advance for your assistance and cooperation.

Enclosures

Stanislaus LAFCO
AGRICULTURAL PRESERVATION POLICY

Agriculture is a vital and essential part of the Stanislaus County economy and environment. Accordingly, boundary changes for urban development should only be proposed, evaluated, and approved in a manner which, to the fullest extent feasible, is consistent with the continuing growth and vitality of agriculture within the County.

LAFCO's mission is to discourage urban sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies. The Commission has declared its intent to guide development away from agricultural lands and encourage development of existing vacant lands within an agency's boundaries prior to conversion of additional agricultural lands. Additionally, Government Code Section 56668(e) requires LAFCO to consider "the effect of the proposal on maintaining the physical and economic integrity of agricultural lands."

The Commission encourages local agencies to identify the loss of agricultural land as early in their processes as possible, and to work with applicants to initiate and execute plans to mitigate for that loss, in a manner consistent with this Policy, as soon as feasible. Local agencies may also adopt their own agricultural preservation policies, consistent with this Policy, in order to better meet their own circumstances and processes.

The Commission shall consider this Agricultural Preservation Policy, in addition to its existing goals and policies, as an evaluation standard for review of those proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of agricultural land.

A. Plan for Agricultural Preservation Requirement

Upon application for a sphere of influence expansion or annexation to a city or special district providing one or more urban services (i.e. potable water, sewer services) that includes agricultural lands, a Plan for Agricultural Preservation must be provided with the application to LAFCO.

The purpose of a Plan for Agricultural Preservation is to assist the Commission in determining how a proposal balances preservation of agricultural lands against the need for orderly development. Proposals involving a boundary expansion that contains agricultural land will not be approved if the Commission determines there is sufficient alternative land available within the existing sphere of influence or boundaries of the agency.

The Plan for Agricultural Preservation shall include: a detailed analysis of direct and indirect impacts to agricultural resources on the site and surrounding area; a detailed description of the agricultural resources affected; information regarding Williamson Act Lands; a vacant land inventory and absorption study evaluating lands within the existing boundaries of the jurisdiction that could be developed for the same or similar uses; existing and proposed densities (persons per acre); relevant County and City General Plan policies and specific plans; consistency with regional planning efforts (e.g. the San Joaquin Valley Blueprint and the Sustainable Communities Strategy); and an analysis of mitigation measures that could offset impacts to agricultural resources. The Plan for Agricultural Preservation shall be consistent with documentation prepared by the Lead Agency in accordance with the California Environmental Quality Act (CEQA).

The Plan for Agricultural Preservation shall specify the method or strategy proposed to minimize the loss of agricultural lands. The Commission encourages the use of one or more of the following strategies:

1. Removal of agricultural lands from the existing sphere of influence in order to offset, in whole or in part, a proposed sphere of influence expansion or redirection.
2. An adopted policy or condition requiring agricultural mitigation at a ratio equivalent to or greater than the requirements of the Stanislaus County Agricultural Element.
3. A permanent greenbelt or buffer that has been adopted by the agency.
4. A voter-approved urban growth boundary designed to limit the extent to which urban development can occur during a specified time period.
5. Other adopted local policies that encourage efficient urban development accompanied by information demonstrating the proposal's reduced impact to agricultural lands.

B. Commission Evaluation of a Plan for Agricultural Preservation

1. The Commission may only approve a proposal that contains agricultural land when it finds that there is sufficient evidence within the Plan for Agricultural Preservation that demonstrates all of the following:
 - a. Insufficient alternative land is available within the existing sphere of influence or boundaries of the agency.
 - b. The loss of agricultural lands has been minimized based on the selected agricultural preservation strategy.
 - c. Use of compact urban growth patterns and the efficient use of land and services, that result in a reduced impact to agricultural lands measured by an increase over the current average density within the agency's boundaries (e.g. persons per acre) by the proposed average density of the proposal area.
 - d. Use of adopted specific or master plans and phasing to promote planned, orderly, and efficient development.
2. For those proposals utilizing agricultural mitigation lands or in-lieu fees, the Commission may only approve a proposal if it determines all of the following:
 - a. The mitigation lands are of equal or better soil quality, have an adequate water supply, and are located within Stanislaus County.
 - b. An adopted ordinance or resolution has been submitted by the agency confirming that mitigation has occurred, or requires the applicant to have the mitigation measure in place before the issuance of a grading permit, building permit, or final map approval for the site, whichever comes first.
 - c. The agricultural conservation entity is a city or a public or non-profit agency that has the legal and technical ability to hold and administer agricultural

preservation easements and in-lieu fees for the purposes of conserving and maintaining lands in agricultural production; and has adopted written standards, policies and practices (such as the Land Trust Alliance's "Standards and Practices") and are operating in compliance with those standards.

- d. The agricultural mitigation land is not already effectively encumbered by a conservation easement of any nature.

C. Exceptions

The following applications may be considered exempt from the requirement for a Plan for Agricultural Preservation and its implementation, unless otherwise determined by the Commission:

1. Proposals consisting solely of the inclusion of lands owned by a city or special district and currently used by that agency for public uses.
2. Proposals which have been shown to have no significant impact to agricultural lands, including, but not limited to:
 - a. Proposals consisting solely of lands which are substantially developed with urban uses.
 - b. Proposals brought forth for the purpose of providing irrigation water to agricultural lands.

DEFINITIONS

Agricultural Lands: Land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under crop rotational program, or land enrolled in an agricultural subsidy or set-aside program (Government Code Section 56016). As used in this section, "agricultural lands" also includes those lands defined in Government Code Section 56064 as "prime agricultural land" and those lands identified as "prime farmland", "farmland of statewide importance", and "unique farmland" as part of the California Department of Conservation's Farmland Mapping and Mitigation Program.

Agricultural Mitigation Land: Agricultural land encumbered by an agricultural conservation easement or other conservation mechanism acceptable to LAFCO.

Agricultural Preservation Easement: An easement over agricultural land for the purpose of restricting its use to agriculture. The interest granted pursuant to an agricultural preservation easement is an interest in land which is less than fee simple. Agricultural preservation easements acquired shall be established in perpetuity (or shall be permanently protected from future development via enforceable deed restriction).

Prime Agricultural Land: An area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not the land is actually irrigated, provided that irrigation is feasible.

- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years (Government Code Section 56064).

Sphere of Influence: A plan for the probable physical boundaries and service area of a local agency, as determined by the commission (Government Code Section 56076). The area around a local agency within which territory is eligible for annexation and the extension of urban services within a twenty year period.

CEQA NOTICE OF EXEMPTION

TO: Lee Lundrigan, County Clerk-Recorder
Stanislaus County
1021 "I" Street
Modesto, CA 95354

FROM: Stanislaus LAFCO
1010 Tenth Street, 3rd Floor
Modesto, CA 95354
(209) 525-7660

TITLE: STANISLAUS LOCAL AGENCY FORMATION COMMISSION AGRICULTURAL PRESERVATION POLICY

DESCRIPTION: The Stanislaus Local Agency Formation Commission (LAFCO) will consider an amendment to its existing Policies and Procedures document to include detailed evaluation standards and policies with regards to agricultural preservation. The proposed amendment is being made in accordance with the Cortese-Knox-Hertzberg Act (Government Code Section 56000 et. seq.), which requires LAFCOs to consider the effects that a proposal may have on agricultural lands (Government Code Sections 56425 and 56668(e)).

LOCATION: Countywide

PUBLIC AGENCY APPROVING PROJECT: Stanislaus Local Agency Formation Commission

CONTACT PERSON: Sara Lytle-Pinhey, Assistant Executive Officer, (209) 525-7660.

ENVIRONMENTAL DETERMINATION: In this case, it has been determined with certainty that there is no possibility that the proposed policy may have a significant effect on the environment and therefore it is found to be exempt from CEQA pursuant to Section 15061(b)(3) of the State Guidelines. The Local Agency Formation Commission will file this Notice of Exemption upon approval of the policy.

REASONS FOR EXEMPTION: LAFCO approval of such policies is encouraged under Government Code 56000 et al. The policy does not involve, authorize, or permit the construction of any facilities associated with any subject property. The Cortese-Knox-Hertzberg Act calls for LAFCO to discourage urban sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies. The policy is consistent with the intent of the Act and will allow the Commission discretion in their application. As such, it has been determined with certainty that there is no possibility that the policy may have a significant environmental effect on the environment.

Signature: _____
Name & Title: Marjorie Blom
Executive Officer

Date: _____

