



CITY OF HUGHSON  
**CITY COUNCIL MEETING**  
CITY HALL COUNCIL CHAMBERS  
7018 Pine Street, Hughson, CA

**AGENDA**  
**MONDAY, MARCH 11, 2013 – 7:00 P.M.**

- CALL TO ORDER:** Mayor Matt Beekman
- ROLL CALL:** Mayor Matt Beekman  
Mayor Pro Tem Jeramy Young  
Councilmember Jill Silva  
Councilmember George Carr  
Councilmember Harold Hill
- FLAG SALUTE:** Mayor Matt Beekman
- INVOCATION:** Hughson Ministerial Association
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**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:**

- 2.1:** Conduct Interviews to fill the two (2) vacant seats on the Planning Commission.
- 2.1.a:** Hold Nominations for two (2) appointments to the Planning Commission.
- 2.1.b:** City Clerk to administer the Oath of Office to the Commissioners.

**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 February 25, 2013 Special Joint Meeting with the Planning Commission Minutes and the Regular City Council Meeting Minutes.
- 3.2: Approval of the Warrants.
- 3.3: Approval of Resolution No. 2013-08, accepting the Well No. 7 Replacement-Exploratory Test Well Project and Authorizing the City Clerk to file a Notice of Completion.

**4. UNFINISHED BUSINESS:     None.****5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:**

- 5.1: Approve the Introduction and First Reading of Ordinance No. 2013-01, an Ordinance of the City Council of the City of Hughson Amending Hughson Municipal Code Chapter 12 Streets, Sidewalks and Public Places, Section 12.08, Excavations and Installations.

**6. NEW BUSINESS:**

- 6.1: Consideration of Resolution No. 2013-09, opposing the State Water Resources Control Board's Proposal to Require the Release of 35% of Unimpaired Flows on the Stanislaus, Tuolumne, and Merced Rivers.
- 6.2: Consideration of a Memorandum of Agreement between the County of Stanislaus and the City of Hughson for the California Office of Traffic Safety General Traffic Records Safety Program.

**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 TO DISCUSS THE FOLLOWING:**

**9.1: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

Two (2) potential cases

**9.2: CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6.**

Agency Negotiator: Mike Harden, Interim City Manager  
Thom Clark, Community Development Director

Employee Organizations: Operating Engineers Local No. 3  
(Skilled Trades, Professional and Technical)

Management

**10. REPORT FROM CLOSED SESSION:**

**ADJOURNMENT:**

**WAIVER WARNING**

If you challenge a decision/direction of the City Council 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:**

<b>March 19</b>	▪ Planning Commission Meeting, Council Chambers, 6:00pm
<b>March 23</b>	▪ Lorraine’s Luncheon - “High Tea” @ Samaritan Village- 3pm
<b>March 25</b>	▪ Economic Development Committee Meeting, Council Chambers, 5:30pm
<b>March 25</b>	▪ City Council Meeting, Council Chambers, 7:00pm
<b>April 8</b>	▪ City Council Meeting, Council Chambers, 7:00pm
<b>April 16</b>	▪ Planning Commission Meeting, Council Chambers, 6:00pm
<b>April 22</b>	▪ City Council Meeting, Council Chambers, 7:00pm







## **CITY OF HUGHSON AGENDA ITEM NO. 2.1**

### **SECTION 2: PRESENTATIONS**

**Meeting Date:** March 11, 2013  
**Subject:** Planning Commission Interviews and Appointments  
**Presented By:** Dominique Spinale, Deputy City Clerk

**Approved By:** \_\_\_\_\_

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#### **BACKGROUND AND OVERVIEW:**

The Planning Commission has had a vacant seat since January 1, when Commissioner Little's term expired. Staff began advertising this seat with the vacant Council seat in the newsletter and newspaper, but was not receiving any applications for the Commission seat.

Councilmember Hill was a member of the Planning Commission prior to his Council appointment on January 28. The application deadline for Planning Commission was then extended to March 1 with two (2) seats now vacant.

As of March 1, the City Clerk received four (4) applications:

Sanjay Patel  
Zachary Davis  
Hans Picinich  
Jamie Carlson

#### **RECOMMENDATION:**

Staff recommends conducting interviews, discussing the applicants, and appointing two (2) of the applicants to the Hughson Planning Commission. Upon appointment, the City Clerk will administer the Oath of Office.



CITY OF HUGHSON  
**SPECIAL JOINT MEETING**  
**CITY COUNCIL & PLANNING COMMISSION**  
CITY HALL COUNCIL CHAMBERS  
7018 Pine Street, Hughson, CA

**MINUTES**  
**MONDAY, FEBRUARY 25, 2013 – 7:00 P.M.**

**CALL TO ORDER:** Mayor Matt Beekman

**ROLL CALL:**

Present:

City Council: Mayor Matt Beekman  
Mayor Pro Tem Jeramy Young  
Councilmember Jill Silva  
Councilmember George Carr  
Councilmember Harold Hill

Planning Commission: Jared Costa, Chair  
Julie Strain, Vice Chair  
Karen Minyard, Commissioner

**FLAG SALUTE:** Mayor Matt Beekman

**INVOCATION:** Hughson Ministerial Association

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

No Public Comments.

**2. PRESENTATIONS:**

2.1: Unmet Transit Needs Assessment, Mike Costa, StanCOG.

**Mike Costa provided the City Council and Planning Commission with an informational power point discussing the unmet transit needs assessment and process.**

**2.2:** Valley Vision Stanislaus Public Workshop, Jaylen French, StanCOG.

**Kendall Flint with Flint Strategies provided the City Council and Planning Commission with an informational power point discussing the Valley Vision Stanislaus. She also conducted an interactive survey with the Council, Commissioners, and audience.**

**Ms. Flint provided the results of each survey question with audience and discussed each question with the audience for their feedback.**

**ADJOURNMENT: This meeting adjourned at 7:45P.M.**

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**MATT BEEKMAN, Mayor**

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**DOMINIQUE SPINALE, Deputy City Clerk**



CITY OF HUGHSON  
**CITY COUNCIL MEETING**  
CITY HALL COUNCIL CHAMBERS  
7018 Pine Street, Hughson, CA

**MINUTES**  
**MONDAY, FEBRUARY 25, 2013 – 7:00 P.M.**

**CALL TO ORDER:** Mayor Matt Beekman

**ROLL CALL:**

Present: Mayor Matt Beekman  
Mayor Pro Tem Jeramy Young  
Councilmember Jill Silva  
Councilmember George Carr  
Councilmember Harold Hill

Staff Present: Thom Clark, Community Development Director  
Daniel J. Schroeder, City Attorney  
Darin Gharat, Chief of Police  
Dominique Spinale, Management Analyst/Deputy City Clerk  
Lisa Whiteside, Finance Manager  
Sam Rush, Public Works Superintendent

**FLAG SALUTE:** Mayor Matt Beekman

**INVOCATION:** Hughson Ministerial Association

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

Cyrus Amirfar asked the status of the installation of a signal light at the four way stop located on Hatch Road and Santa Fe Avenue. Mr. Amirfar advised that the traffic congestion continues to get worse at the location and he believes the signal light will improve the traffic conditions.

Director Clark responded to Mr. Amirfar by advising him that he has spoken to Stanislaus County and the signal light is scheduled to be completed in Fall of 2013.

**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 February 12, 2013 Regular Council Meeting Minutes.

3.2: Approval of the Warrants.

3.3: Adoption of Resolution No. 2013-07, opposing any Discretionary Development within the City's Sphere of Influence denying all projects with Stanislaus County.

**Carr/Silva 5-0 motion passes to approve the Consent Calendar.**

**ADJOURN TO THE SUCCESSOR AGENCY TO THE HUGHSON REDEVELOPMENT AGENCY MEETING**

**RECONVENE TO THE CITY COUNCIL MEETING**

**4. UNFINISHED BUSINESS:       None.****5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:       None.****6. NEW BUSINESS:**

6.1: Consider Resolution No. 2013-06, approving the First Amendment to Cost Sharing Agreement to Defray Expenses Associated with Preparation of an Integrated Regional Water Management Plan and Authorizing the City Manager to Sign Said Document.

**Director Clark presented this Item to the City Council and the Council deliberated on this Item. Mayor Pro Tem Young asked Staff to check into a minor discrepancy in the budget numbers of this Item.**

**Silva/Carr 5-0 motion passes to adopt Resolution No. 2013-06, approving the First Amendment to Cost Sharing Agreement to Defray Expenses Associated with Preparation of an Integrated Regional Water Management Plan, Authorizing the City Manager to Sign Said Document, and authorizing Staff to adjust the budget numbers accordingly.**

**Attorney Schroeder advised the Council that when Staff updates the Council on the findings of the budget discrepancy, if Council wishes, they can ask to have this Item re-agenized for a re-vote.**

**6.2: Review and Approve the Hughson Police Services Annual Report for 2012.**

**Chief Gharat reviewed this item with the Council. Mayor Pro Tem Young requested that the Council receive quarterly reports on the crime statistics.**

**Hill/Beekman 5-0 motion passes to approve the Hughson Police Services Annual Report for 2012.**

**7. CORRESPONDENCE: None.**

**8. COMMENTS:**

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

**City Manager:**

**City Clerk: Deputy City Clerk Spinale provided an update on the City Manager recruitment and the Council's completion of their annual Form 700.**

**Community Development Director:**

**Director of Finance:**

**Police Services:**

**City Attorney:**

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

**Mayor Pro Tem Young updated the Council on his attendance at the Fontana Ranch North Grand Opening Event.**

**Councilmember Hill updated the Council on his attendance at the Economic Development Action Committee meeting.**

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

**Mayor Beekman updated the Council on his attendance at the Fontana Ranch North Grand Opening and the Stan COG meeting. The Mayor also advised that a 2+2 Fire Committee meeting is scheduled for March 11 at 6pm. He asked that Staff add the following items to the Fire Committee Agenda: Community Facilities Districts and DIF Structures- Commercial and Industrial.**

**9. CLOSED SESSION TO DISCUSS THE FOLLOWING: 8:40P.M.**

**9.1: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

One (1) potential case

**10. REPORT FROM CLOSED SESSION:**

**Council returned from Closed Session at 9:45p.m. All five (5) Council members were present for the duration of the session. No reportable action was taken.**

**ADJOURNMENT:**

**Mayor Beekman motioned to adjourn the meeting. Councilmember Silva followed with a second motion.**

**The meeting adjourned at 9:45P.M.**

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**MATT BEEKMAN, Mayor**

\_\_\_\_\_  
**DOMINIQUE SPINALE, Deputy City Clerk**



REPORT.: Mar 01 13 Friday  
 RUN....: Mar 01 13 Time: 11:26  
 Run By.: KATHY DAHLIN

City of Hughson  
 Cash Disbursement Detail Report  
 Check Listing for 02-13 Bank Account.: 0100

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

*PH*

Check Number	Check Date	Vendor Number	Vendor Name	Net Amount	Payment Information	
					Invoice #	Description
43539	2/28/2013	CAL44	CALIFORNIA CONTRACTORS SU	\$ 130.58	54388	TOOLS
43540	2/28/2013	CEN14	CENTRAL JANITOR'S SUPPLY	\$ 84.70	401954	LATEX GLOVES
43541	2/28/2013	EMP01	STATE OF CALIFORNIA	\$ 1,361.99	B30228	PAYROLL TAXES
43542	2/28/2013	EXPO0	EXPRESS PERSONNEL SERVICE	\$ 1,079.58	121025902	WEEK ENDING 2/3/13
43543	2/28/2013	FED02	FED EX	\$ 50.05	217793521	SHIPPING
43544 2/28/2013 GEO01 GEOANALYTICAL LABORATORIE				\$ 25.00	Z3B0707	LAB TESTING WATER
				\$ 850.78	Z3B1218	LAB TESTING WATER
				\$ 125.00	Z3B1404	LAB TESTING WATER
Check Total:				\$ 1,000.78		
43545	2/28/2013	GRE00	GREEN RUBBER	\$ 92.19	M341117	REPLACEMENT BELTS
43546	2/28/2013	HAR02	THE HARTFORD	\$ 532.50	B30228	DEFERRED COMPENSATION
43547	2/28/2013	HOM01	THE HOME DEPOT CRC	\$ 130.43	2022642	MISC SUPPLIES
				\$ (16.93)	2261369C	RETURN
Check Total:				\$ 113.50		
43548	2/28/2013	HUG11	HUGHSON FARM SUPPLY	\$ 288.78	0437181IN	SPRAYER AND MISC
				\$ 129.29	0437387IN	BACKPACK SPRAYER & PARTS
				\$ 56.71	0437625IN	PARTS FOR REPAIR
				\$ 43.04	0437834IN	PUMP FOR CHEMICALS
Check Total:				\$ 517.82		
43549	2/28/2013	IND05	INDUSTRIAL ELECTRICAL CO	\$ 360.00	1042169	LABOR TO CONNECT WELL 6
				\$ 1,110.27	1042240	ANNUAL INSPECTION WELL SITE
				\$ 1,003.77	1042266	ANNUAL SERVICE WELL SITE 8
				\$ 1,072.01	1042267	ANNUAL SERVICE FOX RD RESERVIOR
				\$ 1,122.87	1042268	ANNUAL SERVICE WELL SITE 3
				\$ 985.60	1042269	ANNUAL SERVICE LIFT STATION
Check Total:				\$ 5,654.52		
43550	2/28/2013	KUB00	KUBWATER RESOURCES, INC	\$ 4,071.61	3248	POLYMER
43551	2/28/2013	PER01	P.E.R.S.	\$ 6,593.99	B30228	RETIREMENT
43552	2/28/2013	REG00	REGIONAL GOVERNMENT SERVI	\$ 6,413.42	3191	CONTRACT SVCS - JAN 2013
43553	2/28/2013	RUS01	RUSH, SAM	\$ 545.40	B30225	MEDICAL NOT PAID BY TASC
43554	2/28/2013	STA23	CalPERS SUPPLEMENTAL INCO	\$ 20.00	B30228	DEFERRED COMPENSATION
43555	2/28/2013	SYN02	SYNAGRO WEST, LLC	\$ 6,636.77	30-101866	SLUDGE REMOVAL
43556	2/28/2013	TID01	TURLOCK IRRIGATION DIST.	\$ 24,269.65	B30225	ELECTRIC
43557	2/28/2013	TUR12	TURLOCK, CITY OF	\$ 407.40	2013-21	FUEL
43558	2/28/2013	UNI07	UNITED WAY OF STANISLAUS	\$ 2.00	B30228	UNITED WAY
43559	2/28/2013	UNI11	UNIVAR USA, INC	\$ 505.63	SJ534263	SODIUM HYPOCHLORITE
43560	2/28/2013	USA01	USA BLUE BOOK	\$ 132.40	882767	TESTING SUPPLIES
43561	2/28/2013	VSP01	VISION SERVICE PLAN	\$ 349.90	B30225	MEDICAL INSURANCE WITHHEL
43562	2/28/2013	WIL01	CORBIN WILLITS SYSTEM	\$ 571.40	B302151	ENHANCEMENT & SERVICE FEES
Cash Account Total:				\$ 61,137.78		
Total Disbursements:				\$ 61,137.78		

REPORT.: Mar 08 13 Friday  
 RUN....: Mar 08 13 Time: 12:15  
 Run By.: KATHY DAHLIN

City of Hughson  
 Cash Disbursement Detail Report  
 Check Listing for 03-13 Bank Account.: 0100

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
43563	3/8/2013	ALL05	ALLIED ADMINISTRATORS	\$ 2,006.82	B30304	DELTA DENTAL 4/13
43564	3/8/2013	ARA00	ARAMARK UNIFORM SERVICE	\$ 335.80	B30304	UNIFORMS
43565	3/8/2013	ATT01	AT&T	\$ 20.70	B30308	PHONE
43566	3/8/2013	ATT02	AT&T MOBILITY	\$ 48.98	287249079	PHONE
43567	3/8/2013	ATT03	AT&T	\$ 14.62	4134677	PHONE
43568	3/8/2013	BIL03	BILL'S SAFE & LOCK	\$ 18.69	49431	NEW LOCK FOR PAYMENT BOX
43569	3/8/2013	CHA01	CHARTER COMMUNICATION	\$ 84.99	B30304	IP ADDRESS
43570	3/8/2013	CON14	CONDOR EARTH TECHNOLOGIES	\$ 1,787.09	65696	ENVIRONMENTAL MONITORING
43571	3/8/2013	EZN00	EZ NETWORK SOLUTIONS	\$ 2,342.85	TS25999	IT SERVICES
43572	3/8/2013	GIB00	GIBBS MAINTENANCE CO	\$ 685.00	14275	JANITOR SVCS 2/2013
43573	3/8/2013	GRO01	FERGUSON ENTERISES, INC 1	\$ 565.56 \$ 77.87	877145 877155	REPAIR PARTS TOOLS
			Check Total:	\$ 643.43		
43574	3/8/2013	HUG03	HUGHSON CHRONICLE	\$ 64.68 \$ 104.48	102038 102125	LEGAL #7284 COMMUNITY MEETING LEGAL #7312 FARMLAND PRESERVATION
			Check Total:	\$ 169.16		
43575	3/8/2013	HUG11	HUGHSON FARM SUPPLY	\$ 176.23 \$ 5.65 \$ 9.82	0437688IN 0438716IN 0440641IN	REPAIR OF WEED SPRAYER COUPLER REPAIR PARTS FOR WELL #8
			Check Total:	\$ 191.70		
43576	3/8/2013	HUG34	VALLEY PARTS WAREHOUSE, I	\$ 12.88 \$ 12.89 \$ 89.52 \$ 9.65	81842 82461 83581 83790	OIL MARKING PAINT BATTERY WIPER SOLVENT
			Check Total:	\$ 124.94		
43577	3/8/2013	IND05	INDUSTRIAL ELECTRICAL CO	\$ 200.00	1041662	INSPECTION AT WELL #7
43578	3/8/2013	LEG00	LEGENDS SPORTS TROPHY	\$ 21.48	1591	NAMEPLATES
43579	3/8/2013	LEG01	LEGAL SHIELD	\$ 51.80	B30308	LEGAL SVCS
43580	3/8/2013	MIS01	MISSION UNIFORM SERVICE	\$ 130.54	B30308	UNIFORM SERVICE
43581	3/8/2013	MOD04	CITY OF MODESTO	\$ 160.59 \$ 294.42	R126-03 R126-04	PLANNING SVCS - DEC. 2013 PLANNING SVCS JAN.2013
			Check Total:	\$ 455.01		
43582	3/8/2013	MOS01	MOSS, LEVY & HARTZHEIM, L	\$ 3,510.00	4262	COMPLETION OF 6/30/12 AUDIT
43583	3/8/2013	PER02	CalPERS	\$ 912.00	13948981	1959 SURVIVOR BENEFIT 2012/2013
43584	3/8/2013	PGE01	PG & E	\$ 593.10	B30304	UTILITIES

43585	3/8/2013	QUI03	QUICK N SAVE	\$ 197.96	1-3081	DIESEL
				\$ 28.02	1-4965	DIESEL
			Check Total:	\$ 225.98		
43586	3/8/2013	RIV02	RIVERA, CARLA	\$ 210.00	B30308	DAMAGE & KEY DEPOSIT
43587	3/8/2013	RUS01	RUSH, SAM	\$ 216.35	B30304	MEDICAL NOT PAID BY TASC
43588	3/8/2013	SAN05	SAN JOAQUIN VALLEY	\$ 479.00	N7449	WWTP REPAIR
43589	3/8/2013	STA01	STANISLAUS COUNTY	\$ 2,567.37	121329	VEHICLE CHARGES 1/2013
				\$ 11,894.64	1213217	SLESF - DEPUTY
			Check Total:	\$ 14,462.01		
43590	3/8/2013	UNI08	UNION BANK OF CALIFORNIA	\$ 69,581.15	B30304	RNA TAX ALLOCATION BOND OF 2006
43591	3/8/2013	URB00	URBAN FUTURES INCORP	\$ 1,012.50	1112-013	PROFESSIONAL SVCS 10/12
43592	3/8/2013	USA02	USA MOBILITY	\$ 11.64	W0190776C	PAGER SERVICE
43593	3/8/2013	WIL10	WILSON TECHNOLOGIES	\$ 190.00	8422	WWTP REPAIR
43594	3/8/2013	\A009	ANDERSON, PAUL	\$ 6.51	000B30301	MQ CUSTOMER REFUND FOR AND0017
43595	3/8/2013	\M018	MELENDEZ, KAREN & RAYMOND	\$ 80.00	000B30301	MQ CUSTOMER REFUND FOR MEL0004
43596	3/8/2013	\N002	NAVARRO, JESUS & LILIANA	\$ 131.01	000B30301	MQ CUSTOMER REFUND FOR NAV0006
			Cash Account Total:	\$ 100,954.85		
			Total Disbursements:	\$ 100,954.85		



## **CITY OF HUGHSON AGENDA ITEM NO. 3.3**

### **SECTION 3: CONSENT CALENDAR**

**Meeting Date:** March 11, 2013

**Subject:** Consideration of Resolution No. 2013-08, A Resolution of the City Council of the City of Hughson Accepting the Well No. 7 Replacement – Exploratory Test Well Project and Authorizing the City Clerk to file a Notice of Completion

**Enclosures:** Resolution No. 2013-08

**Presented By:** Thom Clark, Community Development Director

**Approved By:** \_\_\_\_\_

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#### **BACKGROUND AND OVERVIEW:**

At its regularly scheduled meeting of August 13, 2012, the City Council awarded a bid to low-bidder Johnson Drilling Company in the amount of \$109,000 for a test well project intended to replace Well No. 7 which was lost to high nitrates.

#### **FISCAL IMPACT**

The project came in on time and under budget. This job had no change orders and so no contingency monies were used.

#### **RECOMMENDATION:**

Adopt Resolution No. 2013-08, A Resolution of the City Council of the City of Hughson Accepting the Well No. 7 Replacement – Exploratory Test Well Project and Authorizing the City Clerk to File a Notice of Completion.

**CITY OF HUGHSON**  
**CITY COUNCIL**  
**RESOLUTION NO. 2013-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
ACCEPTING THE WELL NO. 7 REPLACEMENT –EXPLORATORY TEST WELL  
PROJECT AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF  
COMPLETION**

**WHEREAS**, the City of Hughson water system lost Well No. 7 in 2011, due to nitrate contamination; and

**WHEREAS**, the City of Hughson is moving forward with the future planning and development of a new municipal well, Well No. 9, as a replacement well to Well No. 7; and

**WHEREAS**, in order to drill a new municipal well, completion of a test well is required; and

**WHEREAS**, on August 13, 2012, the City Council awarded a bid to low bidder Johnson Drilling Company in the amount of \$109,000 for a test well project; and

**NOW THEREFORE BE IT RESOLVED THAT** the City Council of the City of Hughson accept the Well No. 7 Replacement-Exploratory Test Well Project, and authorize the City Clerk to File the Notice of Completion for the project.

**PASSED AND ADOPTED** by the Hughson City Council at a regular meeting thereof held on March 11, 2013, by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

\_\_\_\_\_  
**MATT BEEKMAN, Mayor**

**ATTEST:**

\_\_\_\_\_  
**DOMINIQUE SPINALE, Deputy City Clerk**



## CITY OF HUGHSON AGENDA ITEM NO. 5.1

### SECTION 5: PUBLIC HEARING

**Meeting Date:** March 11, 2013  
**Subject:** Public Hearing to Consider Ordinance No. 2013-01, an Ordinance of the City Council of the City of Hughson Amending Hughson Municipal Code Chapter 12 Streets, Sidewalks and Public Places, Section 12.08, Excavations and Installations  
**Enclosures:** Ordinance No. 2013-01  
**Presented By:** Thom Clark, Community Development Director

**Approved By:** \_\_\_\_\_

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#### **BACKGROUND AND OVERVIEW:**

This amendment of Hughson Municipal Code (HMC) Chapter 12 is intended to give the City the ability to modify or amend fees relating to encroachment permits. Encroachment permits are permits issued to utility companies, contractors, homeowners, or developers who are performing work in the public right-of way. Except in rare circumstances, work in the public right-of-way is performed by utility companies.

Current language in HMC Section 12.08.050 Plans and inspections, reads:

All proposed siphons, culverts, bridges, excavations and installations in, along, upon or across a city street shall be made in accordance with the plans and descriptions approved by and filed in the office of the director, and shall be subject to the conditions imposed in this section:

The proposed amendment to this Section is highlighted below:

All proposed siphons, culverts, bridges, excavations and installations in, along, upon or across a city street shall be made in accordance with the plans and descriptions approved by and filed in the office of the director, and shall be subject to the conditions imposed in this section and any fees adopted or imposed by the city council whether by ordinance or resolution.

## **FISCAL IMPACT**

A fee adopted pursuant to this Chapter of the Municipal Code will have a positive fiscal impact. Encroachment permit fees are intended to recoup any costs to the City caused by other entities working in our streets.

## **RECOMMENDATION:**

1. Hold the public hearing and receive testimony from the public.
2. Introduce Ordinance No. 2013-01 and waive the first reading.

**CITY OF HUGHSON**  
**CITY COUNCIL**  
**ORDINANCE NO. 2013-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON AMENDING  
HUGHSON MUNICIPAL CODE TITLE 12 STREETS, SIDEWALKS, AND PUBLIC  
PLACES, SECTION 12.08 EXCAVATIONS AND INSTALLATIONS**

The City Council of the City of Hughson does ordain as follows:

**Section 1.** The introductory paragraph of Section 12.08.050 of the Hughson Municipal Code is hereby amended in its entirety to read as set forth below. The remainder of Section 12.08.050 remains unchanged.

**“12.08.050 Plans and inspections.**

All proposed siphons, culverts, bridges, excavations and installations in, along, upon or across a city street shall be made in accordance with the plans and descriptions approved by and filed in the office of the director, and shall be subject to the conditions imposed in this section and any fees adopted or imposed by the city council whether by ordinance or resolution.

**Section 2.** *Severability.* Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**Section 3.** *Effective Date; Transitional Clause.* This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937. However, any claim that would have been timely if presented on the day before this Ordinance becomes effective which claim would be untimely under the requirements of the this Ordinance may, notwithstanding this Ordinance, be presented not later than the 45<sup>th</sup> day after the adoption of this Ordinance.

**Section 4.** *Certification.* The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be published according to law.

**Section 5.** *Publication.* Within 15 days after its final passage, the City Clerk shall cause this Ordinance to be published, and the ordinance posted in full, in accordance with California Government Code section 36933.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on March 11, 2013 and by a unanimous vote of the council members present, further reading was waived.

On motion of Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, the forgoing ordinance was duly passed by the City Council of the City of Hughson at a regular meeting thereof held on \_\_\_\_\_, 2013 by the following vote:

**AYES:**

**NOES:**

**ABSTENTION:**

**ABSENT:**

\_\_\_\_\_  
**MATT BEEKMAN, Mayor**

**ATTEST:**

\_\_\_\_\_  
**DOMINIQUE SPINALE, Deputy City Clerk**



## **CITY OF HUGHSON AGENDA ITEM NO. 6.1**

### **SECTION 6: NEW BUSINESS**

**Meeting Date:** March 11, 2013

**Subject:** Consideration of Resolution No. 2013-09, A Resolution of the City Council of the City of Hughson Opposing the State Water Resources Control Board's Proposal to Require the Release of 35% of Unimpaired Flows on the Stanislaus, Tuolumne, and Merced Rivers

**Enclosures:** 1. Resolution No. 2013-09  
2. Fact Sheet from the San Joaquin Tributaries Authority

**Presented By:** Thom Clark, Community Development Director

**Approved By:** \_\_\_\_\_

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#### **BACKGROUND AND OVERVIEW:**

The State Water Resources Control Board has issued a Draft Substitute Environmental Document (SED) in support of potential changes to the water quality control plan for the Bay Delta: San Joaquin River flows and southern Delta water quality (Bay-Delta Plan). The SED is open for public review and comment until noon on March 29, 2013.

Turlock Irrigation District (TID) is concerned with one of the proposed stream-flow requirements which will require 35% unimpaired flows on the Stanislaus, Tuolumne, and Merced Rivers from February 1 to June 30 of each year. The increased flows are intended to provide more water for incoming anadromous fish populations, such as Chinook Salmon and Steelhead Trout. The fish migration and irrigation season overlap during this period. It will also impact their hydroelectric production. TID is requesting that the City Council send a resolution to the Water Board opposing the 35% unimpaired flows on these rivers. A TID representative will be at the meeting. A fact sheet from the San Joaquin Tributaries Authority is enclosed for your information.

#### **RECOMMENDATION:**

Adopt Resolution No. 2013-09, A Resolution of the City Council of the City of Hughson Opposing the State Water Resources Control Board's Proposal to Require the Release of 35% Unimpaired Flows on the Stanislaus, Tuolumne, and Merced Rivers.

**CITY OF HUGHSON**  
**CITY COUNCIL**  
**RESOLUTION NO. 2013-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON OPPOSING  
THE STATE WATER RESOURCES CONTROL BOARD'S PROPOSAL TO REQUIRE  
THE RELEASE OF 35% OF UNIMPAIRED FLOWS ON THE STANISLAUS,  
TUOLUMNE, AND MERCED RIVERS**

**WHEREAS**, the State Water Resources Control Board's Draft Environmental Document proposes to require the Stanislaus, Tuolumne, and Merced Rivers release 35 percent of unimpaired flow from February to June each year; and

**WHEREAS**, the proposed requirements will create significant and unavoidable impacts to the economy, agriculture, and groundwater basins in Stanislaus, San Joaquin, and Merced Counties; and

**WHEREAS**, those impacts include approximately \$69 million in economic impacts in an economically distressed region of our state, including \$23.5 million to Merced Irrigation District, \$30 million to Turlock Irrigation District, and \$15.5 million to Modesto Irrigation District each year; and

**WHEREAS**, the impacts result in a loss of \$4.5 million in energy revenue every year including \$1.5 million to each of the Merced, Turlock, and Modesto Irrigation Districts; and

**WHEREAS**, the proposed requirement could fallow approximately 128,295 acres of prime farmland and result in the loss of over 800 family farms in the region; and

**WHEREAS**, the proposed requirement will result in over-drafting groundwater basins; and

**WHEREAS**, approximately 460 jobs will be permanently lost including 160 in Merced Irrigation District, 200 in Turlock Irrigation District, and 100 in Modesto Irrigation District; and

**WHEREAS**, the proposed requirement will not necessarily benefit native fish populations or promote ecosystem restoration; and

**WHEREAS**, the proposed requirement ignores non-flow alternatives that are less costly and more effective; and

**WHEREAS**, the proposed requirement compromises attaining the dual goals of ecosystem restoration and water supply reliability under SB7x-7.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Hughson does hereby proclaim that the State Water Resources Control Board should pursue a comprehensive solution that is consistent with the timing of the overall comprehensive Bay-Delta planning process and which takes into account the potential impact on hydroelectric energy generation. This solution should prioritize non-flow measures to protect native fish species, such as predation reduction programs, before demanding flow increases that would threaten the economic vitality of these California counties, cities, and small family farms.

**PASSED AND ADOPTED** by the Hughson City Council at a regular meeting thereof held on March 11, 2013, by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

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**MATT BEEKMAN, Mayor**

**ATTEST:**

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**DOMINIQUE SPINALE, Deputy City Clerk**



# SAN JOAQUIN TRIBUTARIES AUTHORITY

[www.calsmartwater.org](http://www.calsmartwater.org)

## State Water Board San Joaquin River Flow Proposal

### *Key Facts and Impacts*

#### **Divisive and Disruptive to Other Processes**

- State Water Board STAFF is proposing that the Merced, Tuolumne and Stanislaus Rivers' dedicate 35 percent of unimpaired flow from Feb. 1 to June 30 for fish and wildlife beneficial uses.
- Conflicts with the Legislature's mandate for a comprehensive Delta Plan under SB X7-7.
- Undermines support for the Bay Delta Conservation Plan, a holistic solution championed by many state leaders from both parties.
- Conflicts with the Delta Stewardship Council's co-equal goals of Delta restoration by destroying regional self-sufficiency.
- The State Water Board admits the water cuts will result in **"significant and unavoidable"** impacts.

#### **Localized Impact**

- Reductions in water deliveries require 100,000 acres of farmland to be fallowed.
- Agricultural sector income loss would total \$28 million a year, a major hit in a region stuck in a lingering recession.
- Job losses would exacerbate unemployment, which stands at 15.7% in Merced County, 14.5% in Stanislaus County and 14.1% in San Joaquin County.
- With less water and power available, rates for both would rise, further straining households.
- Flow requirements target only three rivers and three counties. Why is there no contribution required of other tributaries and water users in the basin?
- Two districts (Modesto and Turlock Irrigation Districts) will sacrifice 300,000 acre-feet of water.
- Local input ignored by State Water Board staff.\*

#### **Impacts to Hydropower, California's Green Energy Push, Groundwater Supply**

- Increasing flow from February to June generates more energy at a time of *low* energy demand.
- Leaving less water in reservoirs in summer means less hydropower at time of *peak* demand.
- Cuts in hydro production create need to buy costly supplemental power from carbon-producing conventional sources, undermining California's goal of 33% of energy from renewable resources.
- To account for lost surface water, users will increase pumping of groundwater by approximately 25 percent, overdrafting the water table and increasing energy use and costs.
- Hydropower is a valuable contributor to obtaining California's goal of 33% because it is highly flexible, unlike hydro, wind and solar cannot be generated by demand.

Modesto Irrigation District • Turlock Irrigation District • South San Joaquin Irrigation District

Merced Irrigation District • Oakdale Irrigation District • City and County of San Francisco

(916) 329-9180 • P.O. Box 4060 • Modesto, CA • 95352



# SAN JOAQUIN TRIBUTARIES AUTHORITY

[www.calsmartwater.org](http://www.calsmartwater.org)

## **No Estimate of Benefit**

- Despite the high stakes and tremendous costs, the State Water Board does not estimate the benefit to fish and wildlife. Why an increase of 35%, instead of 34% or 60%? No facts explain the choice.
- Assumption that increased flow will benefit the system is NOT supported; State Water Board does not provide any scientific support or analysis in support.
- Bottom Line: The Board makes unilateral demands without defining the benefit or goal to be achieved.

## **Flow-Centric Approach Misses the Real Issues**

- Predator suppression is vital. One new study found that only 7% of juvenile Chinook salmon on the Tuolumne River survive predation by striped bass and other non-native fish.
- Ocean harvest practices must be revisited.
- Changes in hatchery operations.
- Habitat restoration is critical. Work on the Stanislaus River supported by the Oakdale Irrigation District, in the Honolulu Bar Recreation District, is but one example.

## **The SJTA's Approach**

- Our members have been leaders in developing and maintaining water supply systems that are reliable and regionally self-sufficient.
- We are stewards of the system; our goal is to maintain a healthy ecosystem and fishery – this proposal does NOT get us there.
- We urge legislators, regulators and fish and wildlife agencies to seriously consider the multiple non-flow alternatives that exist and have scarcely been explored.

*The SJTA is a coalition of water agencies whose mission is to promote sound, environmentally responsible solutions to water supply management within a framework that recognizes the historic rights of its members and the concerns of ratepayers.*

\*[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/bay\\_delta\\_plan/water\\_quality\\_control\\_planning/pub\\_cmmnt\\_ltrs.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/pub_cmmnt_ltrs.shtml)



# SAN JOAQUIN TRIBUTARIES AUTHORITY

[www.calsmartwater.org](http://www.calsmartwater.org)

## **PUBLIC HEARING FOR RECEIPT OF ORAL COMMENTS ON THE ADEQUACY OF THE SED**

In accordance with California Code of Regulations, title 23, section 3779, the State Water Board will conduct a public hearing for the receipt of oral comments on the adequacy of the SED for the draft revised Bay-Delta Plan objectives and program of implementation. The Board will not consider adoption of the proposed Bay-Delta Plan update or the draft SED at this hearing. Oral comments should be submitted at this hearing. The board is not required to consider any oral comment that is received after the public hearing. Oral comments will be limited to **ten minutes** or as directed by the hearing officer. Although a quorum of the State Water Board may be present at the hearing, the State Water Board will not take an action during the hearing. Approval of the SED will take place at a future Board Meeting.

The **Public Hearing** will commence on  
**Wednesday, March 20, 2013**  
at 9:00 a.m.,  
and continuing, if necessary, on  
**Thursday, March 21 and Friday, March 22, 2013** in  
the Coastal Hearing Room  
Joe Serna, Jr.-Cal/EPA Building  
1001 "I" Street, Second Floor  
Sacramento, CA

## **SUBMISSION OF WRITTEN COMMENTS**

The State Water Board welcomes written comments on the content of the draft objectives, program of implementation, and on the adequacy of the SED and supporting technical documents. Please include the subject line, "**Comment Letter – Bay-Delta Plan SED.**" Written comments must be **received by 12 noon on March 29, 2013** and are to be addressed and submitted to:

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95814-0100

You may also submit your comments to Ms. Townsend by fax at (916) 341-5620, by email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



## **CITY OF HUGHSON AGENDA ITEM NO. 6.2**

### **SECTION 6: NEW BUSINESS**

**Meeting Date:** March 11, 2013

**Subject:** Consideration of a Memorandum of Agreement Between the County of Stanislaus and the City of Hughson for the California Office of Traffic Safety General Traffic Records Safety Program

**Enclosures:**

1. Memorandum of Agreement
2. Stanislaus County Board of Supervisors' Resolution No. 2012-563
3. Grant Award Letter

**Presented By:** Thom Clark, Community Development Director

**Approved By:** \_\_\_\_\_

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#### **BACKGROUND AND OVERVIEW:**

The County of Stanislaus has received a grant in the amount of \$355,000 to fund automated traffic citation devices. These hand-held citation writers come with docking stations and software and will enable users to electronically interface with the Stanislaus Court and the Stanislaus County District Attorney's Office's records management system.

Signatories to the agreement with the County are the Cities of Modesto, Riverbank, Patterson, Newman, Ceres, Waterford, and Hughson.

Hughson is scheduled to get one hand-held device and one six position docking station. This will allow expansion for adding more devices in the future. The City will own the equipment.

#### **FISCAL IMPACT:**

After the initial one-year warranty period, the Agreement specifies that the cities will reimburse the County for their share of the vendor's hosted services. The current costs for these services are \$500 per year for each device and \$50 per year for each docking station.

**RECOMMENDATION:**

Approve the Memorandum of Agreement with Stanislaus County for the California Office of Traffic Safety General Traffic Records Safety Program and authorize the City Manager to sign the agreement.

**MEMORANDUM OF AGREEMENT  
BETWEEN THE COUNTY OF STANISLAUS AND  
CITY OF MODESTO AND  
CITY OF RIVERBANK AND  
CITY OF PATTERSON AND  
CITY OF NEWMAN AND  
CITY OF CERES AND  
CITY OF WATERFORD AND  
CITY OF HUGHSON  
FOR THE CALIFORNIA OFFICE OF TRAFFIC SAFETY  
GENERAL TRAFFIC RECORDS GRANT PROGRAM**

This Agreement is made and entered into this \_\_\_ day of \_\_\_\_\_, 2013, by and between The County of Stanislaus, hereinafter referred to as COUNTY, and the City of Modesto, hereinafter referred to as MODESTO, and the City of Riverbank, hereinafter referred to as RIVERBANK, and the City of Patterson, hereinafter referred to as PATTERSON, and the City of Newman, hereinafter referred to as NEWMAN, City of Ceres, hereinafter referred to as CERES, City of Waterford, hereinafter referred at as WATERFORD, and the City of Hughson, hereinafter referred to as HUGHSON, collectively referred to as the "Parties". to distribute the General Traffic Grant funds:

**WHEREAS**, the PARTIES in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments or equipment purchased from current revenues legally available to that party, and

**WHEREAS**, the PARTIES find that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of equipment and costs fairly compensates the performing party for the services or functions under this Agreement, and

**WHEREAS**, the PARTIES share of the California Office of Traffic Safety grant award to purchase hand held citation writers, docking stations, and related software for use by each of the participating agencies, and

**WHEREAS**, the COUNTY and MODESTO, RIVERBANK, PATTERSON, NEWMAN, CERES, WATERFORD and HUGHSON believe it to be in their best interest to electronically interface the citations written into the Stanislaus Court and the Stanislaus County District Attorney's Office records management system electronically from device docking stations located at each law enforcement agency. The data from each citation will be provided to the Court and District Attorney's Office by the vendor and interfaced to the records management systems by I.T. staff for both agencies.

**WHEREAS**, the PARTIES have applied for and been awarded a grant in the amount of \$361,800. to purchase hardware and software to implement an electronic traffic citation program. The equipment and software will be purchased by COUNTY as the administrator of the grant and awarded to each of the PARTIES by the following agreement.

**WHEREAS**, THE parties agree to reimburse COUNTY for their share of the vendor's Autocite processing software stored and maintained by the vendor on the vendor's servers and accessible remotely to each participating party.

**WHEREAS**, the PARTIES agree the overall grant administrator will be the Records Manager for the Stanislaus County Sheriff's Department.

#### **Section 1.**

PARTIES agree MODESTO be awarded ten (10) electronic citation handheld devices with one (1) six position docking station and reimbursement of the actual cost of the third party interface to the MODESTO Police records management system in an amount not to exceed \$30,000.

PARTIES agree RIVERBANK be awarded six (6) electronic citation handheld devices with one (1) six position docking station.

PARTIES agree PATTERSON be awarded four (4) electronic citation handheld devices with one (1) six position docking station.

PARTIES agree NEWMAN be awarded FOUR (4) electronic citation handheld devices with one (1) six position docking station and will be reimbursement of the actual cost of the third party interface to the NEWMAN Police records management system "not to exceed" \$20,000.

PARTIES agree CERES be awarded twelve (12) electronic citation handheld devices with one (1) six position docking station.

PARTIES agree WATERFORD to be awarded one (1) electronic citation handheld device with one (1) six position docking station.

PARTIES agree HUGHSON be awarded one (1) electronic citation handheld device with one (1) six position docking station.

PARTIES agree by awarding these devices to each agency they will become the sole property of the agency awarded the devices. Repairs, shipment and service of the devices during and after the initial warranty period shall become the responsibility of each agency for the number of devices provided.

COUNTY agrees the share of the award in the amount of \$6,000., be spent on end user training on the hand held devices and vendor project management.

### **Section 2**

Each City agrees to reimburse COUNTY for their share of the vendor's hosted solution, after the first year, in the amount of the maintenance contract divided by the number of devices being supported by the connection for each individual agency, not to exceed the actual cost of the hosted solution. (For example the initial year of hosting costs is \$4,800 divided by the total number of purchased devices (50) will be \$96 per device annually). COUNTY agrees to provide to the participating agencies a copy of any vendor increases in hosting services.

### **Section 3**

PARTIES agree to reimburse COUNTY for their share of the individual hardware and software warranties on the devices, after the initial one year warranty period. The contracted price for year two and three will be \$500 annually for each device and \$50 for each docking station.

#### **Section 4**

PARTIES agree to provide the COUNTY a quarterly financial and programmatic report not later than fifteen (15) calendar days after the end of the quarter following the official grant award date. The report will be delivered sufficiently in advance and will contain the data necessary to submit the final report on the grant in the required thirty (30) calendar days after the end of each quarter following the grant award.

#### **Section 5**

PARTIES agree to meet quarterly the first year of the grant then annually after the initial first year of the grant to discuss recommended changes in the vendor hosted connectivity. Any changes or modifications to the connectivity will be handled as an amendment to this agreement.

#### **Section 6**

MODESTO, RIVERBANK, PATTERSON, NEWMAN, CERES, WATERFORD, and HUGHSON, may terminate this Agreement or any part hereof upon giving COUNTY at least thirty (30) days written notice prior to the effective date of such termination, which date shall be specified in such notice. PARTIES agree to pay for all ancillary agreements and warranties for the three year period of the vendor agreement.

#### **Section 7**

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

#### **Section 8**

Nothing in the performance of this Agreement shall impose any liability for claims against MODESTO, RIVERBANK, PATTERSON, NEWMAN, CERES, WATERFORD and HUGHSON other than claims for which liability may be imposed by the Tort Claims Act.

#### **Section 9**

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

**Section 10**

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**Section 9**

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

The signature of the parties below designate acceptance of the terms of this Agreement and shall be binding upon the parties upon the effective date of the Agreement.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2012-\_\_\_\_, adopted by the Council of the City of Modesto on the \_\_\_\_ day of \_\_\_\_, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS	CITY OF MODESTO
By: _____ Adam Christianson SHERIFF-CORONER "County"	By: _____ William O'Brien, City Manager  "Modesto"
	ATTEST:  By: _____ Stephanie Lopez, City Clerk
APPROVED AS TO FORM:	APPROVED AS TO FORM:
By: _____ John P. Doering, County Counsel	By: _____ Susana Alcalá Wood, City Attorney

IN WITNESS WHEREOF, the City of Patterson, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2012-\_\_\_\_, adopted by the Council of the City of Patterson on the \_\_\_\_ day of \_\_\_\_, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS	CITY OF PATTERSON
By: _____ Adam Christianson SHERIFF – CORONER  "County"	By: _____ _____, City Manager  "Patterson"
	ATTEST:  By: _____ _____, City Clerk
APPROVED AS TO FORM:  By: _____ John P. Doering, County Counsel	APPROVED AS TO FORM:  By: _____ _____, City Attorney

IN WITNESS WHEREOF, the City of Riverbank, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2012-\_\_\_\_, adopted by the Council of the City of Riverbank on the \_\_\_\_ day of \_\_\_\_, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

<p><b>COUNTY OF STANISLAUS</b></p> <p>By: _____  Adam Christianson  SHERIFF – CORONER  "County"</p>	<p><b>CITY OF RIVERBANK</b></p> <p>By: _____  _____, City Manager  "Riverbank"</p>
	<p>ATTEST:</p> <p>By: _____  _____, City Clerk</p>
<p>APPROVED AS TO FORM:</p> <p>By: _____  John P. Doering, County Counsel</p>	<p>APPROVED AS TO FORM:</p> <p>By: _____  _____, City Attorney</p>

IN WITNESS WHEREOF, the City of Newman, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2012-\_\_\_\_, adopted by the Council of the City of Newman on the \_\_\_\_ day of \_\_\_\_, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

<p><b>COUNTY OF STANISLAUS</b></p> <p>By: _____  Adam Christianson  SHERIFF – CORONER</p> <p>"County"</p>	<p><b>CITY OF NEWMAN</b></p> <p>By: _____  _____, City Manager</p> <p>"Newman "</p>
	<p>ATTEST:</p> <p>By: _____  _____, City Clerk</p>
<p>APPROVED AS TO FORM:</p> <p>By: _____  John P. Doering, County Counsel</p>	<p>APPROVED AS TO FORM:</p> <p>By: _____  _____, City Attorney</p>

IN WITNESS WHEREOF, the City of Ceres, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2012-\_\_\_\_, adopted by the Council of the City of Ceres on the \_\_\_\_ day of \_\_\_\_, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

<p><b>COUNTY OF STANISLAUS</b></p> <p>By: _____  Adam Christianson  SHERIFF – CORONER</p> <p>"County"</p>	<p><b>CITY OF CERES</b></p> <p>By: _____  _____, City Manager</p> <p>"Ceres"</p>
	<p>ATTEST:</p> <p>By: _____</p>
<p>APPROVED AS TO FORM:</p> <p>By: _____  John P. Doering, County Counsel</p>	<p>APPROVED AS TO FORM:</p> <p>By: _____</p>

IN WITNESS WHEREOF, the City of Waterford, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2012-\_\_\_\_, adopted by the Council of the City of Waterford on the \_\_\_\_ day of \_\_\_\_, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

<p><b>COUNTY OF STANISLAUS</b></p> <p>By: _____  Adam Christianson  SHERIFF – CORONER</p> <p>"County"</p>	<p><b>CITY OF WATERFORD</b></p> <p>By: _____  _____, City Manager</p> <p>"Waterford"</p>
	<p>ATTEST:</p> <p>By: _____</p>
<p>APPROVED AS TO FORM:</p> <p>By: _____  John P. Doering, County Counsel</p>	<p>APPROVED AS TO FORM:</p> <p>By: _____</p>

IN WITNESS WHEREOF, the City of Hughson, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2012-\_\_\_\_, adopted by the Council of the City of Hughson on the \_\_\_\_ day of \_\_\_\_, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

<p><b>COUNTY OF STANISLAUS</b></p> <p>By: _____  Adam Christianson  SHERIFF – CORONER</p> <p>"County"</p>	<p><b>CITY OF HUGHSON</b></p> <p>By: _____  _____, City Manager</p> <p>"Hughson"</p>
	<p>ATTEST:</p> <p>By: _____</p>
<p>APPROVED AS TO FORM:</p> <p>By: _____  John P. Doering, County Counsel</p>	<p>APPROVED AS TO FORM:</p> <p>By: _____</p>

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: November 13, 2012

No. 2012-563

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # \*B-4

THE FOLLOWING RESOLUTION WAS ADOPTED:

**IN RE: Authorization for the Sheriff's Department to Accept the California Office of Traffic Safety General Traffic Records Grant Funding and to Negotiate a Memorandum of Understanding with the Cities of Modesto, Patterson, Riverbank, Ceres, Newman, Hughson and Waterford for Implementation of the Program:**

WHEREAS, the State of California, Office of Traffic Safety financial aid program is to provide financial aid to local government agencies to aid in the reduction of injury or fatal auto accidents. The program is intended to augment existing local resources and enforcement activities with no local funding match required for the financial aid;

WHEREAS, the Stanislaus County Sheriff's Department through a collaborative effort with Stanislaus Superior Court, City of Modesto, City of Patterson, City of Riverbank, City of Ceres, City of Newman, City of Waterford and the City of Hughson has a need for additional funding to implement automated traffic citation issuance to support a safe community;

NOW, THEREFORE, BE IT RESOLVED, that the Stanislaus County Board of Supervisors, State of California hereby authorizes the acceptance of funding in an amount up to \$355,000 from the State of California, Office of Traffic Safety, through the General Traffic Records Grant Financial Aid Program.

BE IT FURTHER RESOLVED, that the Stanislaus County Board of Supervisors authorizes the Sheriff-Coroner, to negotiate a Memorandum of Understanding with the Cities of Modesto, Patterson, Riverbank, Ceres, Newman, Hughson and Waterford for Implementation of the Program.

BE IT FURTHER RESOLVED, that the Stanislaus County Board of Supervisors authorizes the Sheriff-Coroner, or his designee, to sign each reimbursement claim.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
Stanislaus County Board of Supervisors,  
State of California

*Christine Ferraro*

I hereby certify that the foregoing is a full,  
true and correct copy of the Original entered  
in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By *Elizabeth King* File No. \_\_\_\_\_



STATE OF CALIFORNIA

EDMUND G. BROWN JR., GOVERNOR

**OFFICE OF TRAFFIC SAFETY**

2208 KAUSEN DRIVE, SUITE 300  
ELK GROVE, CA 95758  
www.ots.ca.gov  
(916) 509-3030  
(800) 735-2929 (TT/TDD-Referral)  
(916) 509-3055 (FAX)



February 15, 2013

Grant No. TR1306

Sue Harper  
Records Manager  
Sheriff's Department  
Stanislaus County  
250 East Hackett Road  
Modesto, CA 95358

Dear Ms. Harper:

The Office of Traffic Safety (OTS) has approved your traffic safety grant as part of the California Traffic Safety Program.

Costs incurred must be in accordance with your grant agreement, and recorded in your accounting system. No other costs can be allowed without OTS approval. Costs incurred prior to the starting date or subsequent to the closing date of this grant are not reimbursable.

Within the first quarter of your grant period, your Coordinator will provide you with information about operational and fiscal requirements, as well as tools to manage your new grant.

any questions, please contact Mitch Zehnder, Regional Coordinator, at (916) 509-3026 or e-mail at [mitch.zehnder@ots.ca.gov](mailto:mitch.zehnder@ots.ca.gov).

Sincerely,

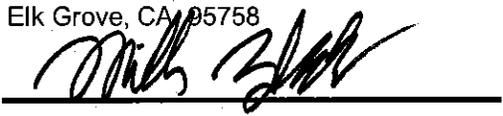
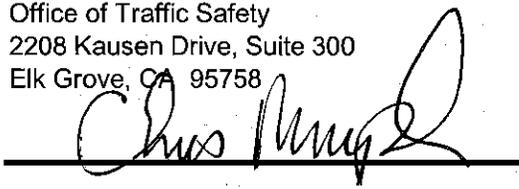
  
CHRISTOPHER J. MURPHY  
Director

MZ:lkd

Enclosures

cc: Fiscal



<b>EFFECTIVE DATE OF AGREEMENT:</b> 12/1/2012		<b>GRANTEE</b> COUNTY OF STANISLAUS		<b>GRANT NO.</b> TR1306	
<b>8. Action No.</b> 1 <b>Date:</b> 2/7/2013		<b>10. TYPE OF AGREEMENT</b>		<b>Initial</b> <input checked="" type="checkbox"/>	<b>Revision</b> <input type="checkbox"/>
<b>Revision No.</b> <b>Date:</b>		PAID MEDIA      PROGRAM INCOME		<b>TASK NO.</b> 3	
				<b>F.F.Y.</b> 2013	
<b>9. Action Taken</b>			<b>11. FUNDING DISPOSITION &amp; STATUS</b>		
Initial approval 2013 HSP funds obligated.			Fiscal Year      Amount		
			2012-13      361,800.00		
			_____		
			_____		
			_____		
			Total      361,800.00		
			Obligated This Action      361,800.00		
			Previously Obligated      0.00		
			Total Amount Obligated      361,800.00		
			Amount Suspended      0.00		
			TOTAL FUNDS PROGRAMMED      361,800.00		
<b>FUNDING DETAIL</b>					
<b>FUND</b>	<b>CFDA</b>	<b>ITEM/APPROPRIATION</b>	<b>FY</b>	<b>AMOUNT</b>	
408	20.610	2700-101-0890 (33/11)	2011-12	\$ 361,800.00	
<b>12. BUDGET SUMMARY (From Schedule B Detail) - FISCAL YEAR GRANT PERIOD ENDING:</b> 9/30/2013					
<b>COST CATEGORY</b>	<b>2012-13 GRANT PERIOD</b>	<b>PRIOR GRANT</b>	<b>2012-13 TOTAL GRANT</b>	<b>TOTAL GRANT BUDGET ESTIMATE</b>	
A. Personnel Costs	0.00	0.00	0.00	0.00	
B. Travel Expenses	0.00	0.00	0.00	0.00	
C. Contractual Services	50,000.00	0.00	50,000.00	50,000.00	
D. Equipment	309,127.00	0.00	309,127.00	309,127.00	
E. Other Direct Costs	2,673.00	0.00	2,673.00	2,673.00	
F. Indirect Costs	0.00	0.00	0.00	0.00	
<b>TOTAL FEDERAL FUNDS</b>	<b>361,800.00</b>	<b>0.00</b>	<b>361,800.00</b>	<b>361,800.00</b>	
<b>13. GRANT APPROVAL &amp; AUTHORIZATION TO EXPEND OBLIGATED FUNDS</b>					
<b>A. APPROVAL RECOMMENDED BY</b>			<b>B. AGREEMENT &amp; FUNDING AUTHORIZED BY</b>		
<b>NAME:</b> MITCH ZEHNDER <b>TITLE:</b> Regional Coordinator <b>PHONE:</b> (916) 509-3026 <b>E-MAIL:</b> mitch.zehnder@ots.ca.gov Office of Traffic Safety 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758			<b>NAME:</b> CHRISTOPHER J. MURPHY <b>TITLE:</b> Director  Office of Traffic Safety 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758		
Signature 			Signature 		

SCHEDULE A

GRANT NO: TR1306

GRANT DESCRIPTION

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PROBLEM STATEMENT

“Roadside traffic stops are the second most deadly incidents encountered by law enforcement officers (second only to domestic violence incidents). One of the major contributors to the high death rate for traffic stops is prolonged amount of time officers are on the side of the road with the violator. The longer a traffic stop lasts, the higher likelihood an officer is injured by a passing motorist or violators who become agitated due to the long delay. An electronic ticketing solution enables officers to clear traffic stops three to five times faster – significantly increasing officer safety.” *PoliceOne.com dated July 25, 2007.*

LEAs do not possess the means to electronically write and issue traffic citations. Numerous patrol hours are spent issuing handwritten citations in the field. Officers then must enter the issued traffic citation data into our record management systems using labor intensive methods removing officers from their primary duty of traffic enforcement. Office staff spends numerous staff hours duplicating data from the field and preparing it for court.

Annual filings of traffic citations for the Superior Court are on average 73,000 per year. This equates to over 6,000 per month. Due to budget cuts, increasing traffic violation activity the court is looking at alternative methods of entering citations. Currently it takes approximately 4-4 ½ minutes to enter each citation. This causes untimely access to current and complete traffic data needed by LEAs, the Court and the public.

At 73,000 per year, 6,000 per month, 300 per day @ 4 ½ minutes each =1,350 minutes or 22.5 hours in data entry daily. Realistically this equates to over 2 ½ staff entering citations for 8 hours per day. Between errors in written citations, interpretation of written citations and returned citations which make up approximately 20% or 60 citations will require a second entry adding on 270 minutes or 4.5 hours added on to the 22.5 hours needed per day for intake. Judicial time is also wasted when the citation is unclear, incorrect and sometimes requires dismissal due to the circumstance.

Officers will scan a driver’s license and select applicable violation(s) and vehicle descriptions from drop down menus, reducing in half, the time it takes to write a citation. All data collected from the citation will be electronically transferred to the court and law enforcement back end systems. This time savings – when applied to each of the patrol officers who conduct traffic stops each day – results in an enormous increase in productivity, allowing additional enforcement and potentially reducing the number of injured or fatal car accidents in Stanislaus County, in addition to mitigating critical traffic collision locations. For example, if our agencies have 20 patrol officers who each issue five citations per day, with just a five-minute time savings per citation, the result during just one year is an increase of over 1,600 hours of enforcement time and time devoted to traffic safety issues. Less lost citations will also hold more people accountable for their actions.

In addition our goal is to reduce by 20-25% the number of citations being amended or dismissed by the court for incorrect statute numbers, incorrect violations and/or administrative data errors. Violators held accountable for the citations issued are proven to be less likely to violate traffic laws in the future. With the number of manual citations entered currently revenue to the law enforcement agencies takes approximately 45 days before they see their distribution. Accurate citations automatically entered redirect clerical time to process payments faster thus providing for revenue to be sent to the agencies faster. When revenue is not received timely there is cause for

## SCHEDULE A

GRANT NO: TR1306

### GRANT DESCRIPTION

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decisions, planning and projecting with an unknown. Timely, accurate and effective reports will result from automated citation entry.

By switching to an electronic citation program LEA would gain valuable tracking of high risk areas redirecting focus on traffic enforcement. This would reduce the number of injury traffic collisions within the city and reduce traffic fatalities.

Proven technology with automated citations between Turlock Police Department and Superior Court has cut that time in half saving 22.5 hours per week or 56% in time alone. Revenue is also received by TPD in half the time it used to take. Revenue is distributed between 20-25 days after payment is received on the citations.

### PERFORMANCE MEASURES

#### GRANT GOALS

1. To reduce the number of persons killed in traffic collisions.
2. To reduce the number of persons injured in traffic collisions.

#### GRANT OBJECTIVES

1. To issue a press release announcing the kick-off of the grant by January 15, 2013. The press releases and media advisories, alerts, and materials should be emailed to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
2. To send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), with a copy to your OTS Coordinator. If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed a draft press release should first be sent to the OTS PIO for approval. Drafts should be sent for approval as early as possible to ensure adequate turn-around time. Optimum lead time would be 10-20 days prior to the operation.
3. To use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
4. To implement an automated, electronic traffic citation issuance and tracking system, enabling faster, and more accurate data transfer, between agencies within the jurisdiction, and the Superior Court by August 30, 2013.
5. To develop an operational plan establishing policies and procedures for the project by December 31, 2012.
6. To develop an electronic database and data transfer system, that enables the secure and confidential exchange of traffic citation data, taking into consideration standard protocols from the Administrative Office of the Courts and National Information Exchange Model (NIEM) compliance, between agencies within the jurisdiction, and the Superior Court by August 30, 2013.

SCHEDULE A

GRANT NO: TR1306

**GRANT DESCRIPTION**

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7. To purchase cost-effective, hand-held, traffic citation data entry devices for seven law enforcement agencies, including Hughson Police Department, Modesto Police Department, Newman Police Department, Patterson Police Department, Riverbank Police Department, Ceres Police Department, Waterford Police Department, Oakdale Police Department, Turlock Police Department, and the Stanislaus County Sheriff's Department, by June 30, 2013.
8. To test the interface with Modesto Superior Court and the individual agencies, by July 30, 2013.
9. To train staff on defined roles and duties, including data collection, reporting requirements, and maintenance by July 30, 2013.
10. To transmit all traffic infraction citation data, electronically, to the individual agency's data warehouse system (RMS), and between agencies within the jurisdiction, and the Superior Court by August 30, 2013.
11. To reduce redundant data entry and the number of data errors on traffic citations submitted to the courts for adjudication by September 30, 2013.
12. To provide the ability to generate and disseminate daily, weekly, monthly or annual activity reports by September 30, 2013. Reports should be customizable and contain data relevant to traffic enforcement and/or traffic adjudication activities.

**METHOD OF PROCEDURE**

**Phase 1 – Program Preparation (1<sup>st</sup> Quarter of Grant Year 12-1-2012 – 12-31-2012)**

Issue press release(s) announcing the award of the grant and what the grant funds will help the department's achieve.

Develop an operational plan, with all involved agencies, establishing policies and procedures for the project.

Research equipment, software and programming to select a vendor, and enter into a contract with a vendor using the approved County procurement process.

**Phase 2 – Program Operations (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Quarters of the Grant Year)**

Schedule meetings with vendor and each agency to discuss equipment installation, connectivity issues, security, and any interface details needed.

Prepare MOU for agency signatures for equipment to be ordered, disbursed and installed.

Order equipment, software, etc.

Receive equipment, software, etc.

Schedule for installation of equipment, software for each agency.

Test equipment, software between each agency and the Superior Court.

Training will be conducted for those personnel with access.

**SCHEDULE A**

**GRANT NO: TR1306**

**GRANT DESCRIPTION**

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Deploy hand held devices to the field. Re-test equipment, software.

Schedule GO-LIVE date for each agency.

Coordinate and release all promotional and press materials, using the standard required language.

Determine requirements for custom reports. Formulate custom reports for agencies, court and OTS based on requirements. Reports to be included but not limited to:

- Number of citations returned to agency with errors to compare with project reports.
- Time report from officers utilizing auto citation system to compare with current manual times.

Evaluate and analyze reports to prove the effectiveness of the system and reflecting goals and objectives of grant that have been met.

Final meeting, lessons learned, focus on improvements, agency support from here. Next steps(if any).

**Phase 3 – Data Gathering & Reporting – (Throughout Grant Period)**

Monthly status meetings will be scheduled for agency representatives to check-in, provide status, discuss action items, any issues, and ask questions.

Agencies are required to collect and report quarterly, appropriate data that supports the progress of each goals and objective.

Statistical data relating to the grant goals and objectives will be collected, analyzed, and incorporated in Quarterly Performance Reports (QPRs). QPRs for the quarter ending September 30 will include year-to-date comparisons of goals and objectives. If required, a quarterly data reporting form will be completed each quarter and submitted as part of the QPR.

Reports will compare actual grant accomplishments with the planned accomplishments. They will include information concerning changes made by the Grant Director in planning and guiding the grant efforts.

Reports shall be completed in accordance with OTS requirements specified in the Grant Program Manual, Chapter 7, and submitted in compliance with the signed Acceptance of Conditions and Certifications (OTS-33) included within this agreement.

**METHOD OF EVALUATION**

Using the data compiled during the grant, the Grant Director will evaluate: (1) briefly state the original problem, (2) specify the most significant goals and objectives, (3) highlight the most significant activities that contributed to the success of the program and the strategies used to accomplish the goals, and (4) describe the program's accomplishments as they related to the goals and objectives.

**ADMINISTRATIVE SUPPORT**

This program has full support of the County of Stanislaus. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B  
 DETAILED BUDGET ESTIMATE  
 GRANT NO. TR1306

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION
408	20.610	State Traffic Safety Information System Improvement Grants

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 12/1/12 thru 9/30/13		
<b>A. PERSONNEL COSTS</b>				
Positions and Salaries				
<u>Full-Time</u>				
NONE				
<u>Overtime</u>				
NONE				
Category Sub-Total		\$ -		\$ -
<b>B. TRAVEL EXPENSE</b>				
In-State				\$ -
Out-of-State				\$ -
Category Sub-Total		\$ -		\$ -
<b>C. CONTRACTUAL SERVICES</b>				
RMS System Interface programming		\$ 50,000.00		\$ 50,000.00
				\$ -
Category Sub-Total		\$ 50,000.00		\$ 50,000.00
<b>D. EQUIPMENT</b>				
Electronic Citation Data Collection Devices		\$ 309,127.00		\$ 309,127.00
Category Sub-Total		\$ 309,127.00		\$ 309,127.00
<b>E. OTHER DIRECT COSTS</b>				
Citation Thermal Print Blanks		\$ 2,673.00		\$ 2,673.00
				\$ -
Category Sub-Total		\$ 2,673.00		\$ 2,673.00
<b>F. INDIRECT COSTS</b>				
NONE		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
<b>GRANT TOTAL</b>				
		<b>\$ 361,800.00</b>		<b>\$ 361,800.00</b>

SCHEDULE B-1

GRANT NO. TR1306

**BUDGET NARRATIVE**

Page 1

**PERSONNEL COSTS**

None

**TRAVEL EXPENSE**

None

**CONTRACTUAL SERVICES**

**RMS System Interface** –Programming required to interface existing agencies' Record's Management Systems to the new electronic Traffic Citation Device System.

**EQUIPMENT**

**Handheld Citation Data Collection Devices** – (50 ea.) Handheld devices that traffic officers will use to collect the data, print the citation in the field, and transfer it electronically to the agency's RMS system and the courts. This system will be used by traffic officers to improve the efficiency of writing traffic citations. Costs include the purchase of electronic citation device, with integral mag-strip reader, thermal printer, audio recorder, camera, software, docking/charger station, training, and associated shipping and taxes.

**OTHER DIRECT COSTS**

**Citation Thermal Print Blanks** – (15200 ea.) Thermal print paper for issuing of hardcopy citations, and associated shipping and taxes.

**INDIRECT COSTS**

None

**PROGRAM INCOME**

There will be no program income generated from this grant.

SCHEDULE B  
SUB-Contract Budget Estimate  
GRANT NO. TR1306

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION
408	20.610	State Traffic Safety Information System Improvement Grants

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 12/1/12 thru 9/30/13		
<b>A. PERSONNEL COSTS</b>				
Positions and Salaries				
<u>Full-Time</u>				
NONE				
<u>Overtime</u>				
NONE				
Category Sub-Total		\$ -		\$ -
<b>B. TRAVEL EXPENSE</b>				
In-State				\$ -
Out-of-State				\$ -
Category Sub-Total		\$ -		\$ -
<b>C. CONTRACTUAL SERVICES</b>				
RMS System Interface programming		\$ 50,000.00		\$ 50,000.00
				\$ -
Category Sub-Total		\$ 50,000.00		\$ 50,000.00
<b>D. EQUIPMENT</b>				
				\$ -
Category Sub-Total		\$ -		\$ -
<b>E. OTHER DIRECT COSTS</b>				
				\$ -
				\$ -
Category Sub-Total		\$ -		\$ -
<b>F. INDIRECT COSTS</b>				
NONE		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
<b>GRANT TOTAL</b>		<b>\$ 50,000.00</b>		<b>\$ 50,000.00</b>

**SCHEDULE B-1**

**GRANT NO. TR1306**

**SUB-CONTRACT  
BUDGET NARRATIVE**

Page 1

**PERSONNEL COSTS**

None

**TRAVEL EXPENSE**

None

**CONTRACTUAL SERVICES**

**RMS System Interface** –Programming required to interface existing agencies' Record's Management Systems with the new electronic Traffic Citation Device System.

**EQUIPMENT**

None

**OTHER DIRECT COSTS**

None

**INDIRECT COSTS**

None

**PROGRAM INCOME**

There will be no program income generated from this grant.

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**EXHIBIT A**  
**CERTIFICATIONS AND ASSURANCES**

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 49 CFR §18.12.

The officials named on the Grant Agreement, certify by way of signature on the Grant Agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Chapter II - (§§1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

**Certifications and Assurances**

The Grantee Agency will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including:

- National law enforcement mobilizations,
- Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits,
- An annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative,
- Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.

The Grantee Agency shall actively encourage all relevant law enforcement personnel in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (b) (1) (E))

**Other Federal Requirements**

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. (49 CFR 18.21)

The same standards of timing and amount, including the reporting of cash disbursement and balances, apply to grantees as they do the State. (49 CFR 18.41)

Failure to adhere to these provisions may result in the termination of State drawdown privileges.

Equipment acquired under this Grant Agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the Grantee Agency; or the State, by formal agreement with appropriate

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21);

The Grantee Agency will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20;

**Federal Funding Accountability and Transparency Act**

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsrs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; , and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if-- of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;

(i) the entity in the preceding fiscal year received—

(I) 80 percent or more of its annual gross revenues in Federal awards; and (II) \$25,000,000 or more in annual gross revenues from Federal awards; and (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;

- Other relevant information specified by OMB guidance.

The Grantee Agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq. PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse and alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights

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EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

**The Drug-free Workplace Act of 1988 (41 U.S.C. 702);**

The Grantee Agency will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
  1. The dangers of drug abuse in the workplace.
  2. The grantee's policy of maintaining a drug-free workplace.
  3. Any available drug counseling, rehabilitation, and employee assistance programs.
  4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
- c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
  1. Abide by the terms of the statement.
  2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
- f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:
  1. Taking appropriate personnel action against such an employee, up to and including termination.
  2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

**Buy America Act**

The Grantee Agency will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

**Political Activity (Hatch Act)**

The Grantee Agency will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

**Certification Regarding Federal Lobbying**

**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

The Grantee Agency official certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Grantee Agency official shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

EXHIBIT A  
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**Restriction on State Lobbying**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

**Certification Regarding Debarment And Suspension**

Instructions for Primary Certification

1. By signing and submitting this Grant Agreement, the Grantee Agency official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Grantee Agency official shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The Grantee Agency official shall provide immediate written notice to the department or agency to which this Grant Agreement is submitted if at any time the Grantee Agency official learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this Grant Agreement is being submitted for assistance in obtaining a copy of those regulations.
6. The Grantee Agency official agrees by submitting this Grant Agreement that, should the covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The Grantee Agency official further agrees by submitting this Grant Agreement that it will include the clause

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titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters –  
Primary Covered Transactions:**

1. The Grantee Agency official certifies to the best of its knowledge and belief, that its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - b. Have not within a three-year period preceding this Grant Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
  - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the Grantee Agency official is unable to certify to any of the Statements in this certification, such Grantee Agency official shall attach an explanation to this Grant Agreement.

**Instructions for Lower Tier Certification**

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1. By signing and submitting this Grant Agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Grant Agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this Grant Agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this Grant Agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency

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with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion –  
Lower Tier Covered Transactions:**

1. The prospective lower tier participant certifies, by submission of this Grant Agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this Grant Agreement.

**Policy to Ban Text Messaging While Driving**

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, Grantee Agencies are encouraged to:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving-
  - a. Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or
  - b. Privately-owned when on official Government business or when performing any work on or on behalf of the Government.
2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as-
  - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
  - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

**Environmental Impact**

The Grantee Agency official has reviewed the Grant Agreement and hereby declares that no significant environmental impact will result from implementing this traffic safety program. If, under a future revision, this program will be modified in such a manner that a program would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).