



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

**AGENDA
MONDAY JUNE 13, 2016 – 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: Reverend Ernie Spears

RULES FOR ADDRESSING CITY COUNCIL

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

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: Mayor Beekman will Administer the Oath of Office to the New Deputy City Clerk, Susana Diaz.

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: Approve the Minutes of the Regular Meeting of May 23, 2016.
- 3.2: Approve the Warrants Register.
- 3.3: Approve the Treasurer's Report for April 2016.
- 3.4: Approval of City Contribution to the Stanislaus County Focus on Prevention Initiative for Planning, Facilitation and Outcomes Development.
- 3.5: Approval of the 2016-2017 Allocation Agreement for Community Development Block Grant (CDBG) Entitlement Funds with Stanislaus County.
- 3.6: Accept the Quarterly City of Hughson Legislative Report.

4. UNFINISHED BUSINESS:

- 4.1: Consideration to Amend the Residency Requirements of the Hughson Parks and Recreation Commission.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.**6. NEW BUSINESS:**

- 6.1: Adopt Resolution 2016-19, Approving the Transportation Expenditure Plan and Requesting Stanislaus County Board of Supervisors Place Retail Transaction and Use Tax Measure on the November 8, 2016 General Election Ballot.
- 6.2: Adopt Resolution No. 2016-21, a Resolution of the Hughson City Council Calling and Giving Notice of the Holding of a General Municipal Election on Tuesday, November 8, 2016, for the Election of Certain Officers as required by the provisions of the Laws of the State of California relating to

General Law Cities and requesting Consolidation of the Election with Stanislaus County.

- 6.3: Adopt Resolution No. 2016-20, Directing the Filing of the Annual Reports for Fiscal Year 2016-2017 for the Special Assessment Districts (Benefit Assessment Districts and Landscape and Lighting Districts) in the City of Hughson.

7. CORRESPONDENCE:

- 7.1: Parks Recreation Commission Agenda for June 14, 2016.

8. COMMENTS:

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

City Manager:

Recreational Marijuana Tax Measure Update
Stanislaus County Civil Grand Jury “Stanislaus County Building Report”

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: PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager.

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:

May 5 – Sept 29	▪ Hughson Farmers’ Market (Thursday), 5:00 pm – 9:00 P.M.
June 14	▪ Parks and Recreation Commission, City Hall Chambers, 6:00 P.M.
June 21	▪ Planning Commission, City Hall Chambers, 6:00 P.M.
June 27	▪ Hughson Economic Development Committee Meeting, Hughson Senior Center, 5:30 P.M.
June 27	▪ City Council Meeting, Hughson Senior Center, 7:00 P.M.

AFFIDAVIT OF POSTING

DATE: June 9, 2016 **TIME:** 5:00 pm
NAME: Susana Diaz **TITLE:** City Clerk

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

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

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

Notice Regarding Non-English Speakers:

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

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

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

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



CITY OF HUGHSON AGENDA ITEM NO. 3.1 SECTION 3: CONSENT CALENDAR

Meeting Date: June 13, 2016
Subject: Approval of the City Council Minutes
Presented By: Christine Tallman, Interim City Clerk

Approved By: _____

Staff Recommendation:

Approve the Minutes of the Regular Meeting of May 23, 2016

Background and Overview:

The draft minutes of the May 23, 2016 meeting are prepared for the Council's review.



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

**MINUTES
MONDAY, MAY 23, 2016 – 7:00 P.M.**

CALL TO ORDER: Mayor Matt Beekman

ROLL CALL:

Present: Mayor Matt Beekman
Councilmember George Carr
Councilmember Harold Hill
Councilmember Jill Silva

Absent: Mayor Pro Tem Jeramy Young

Staff Present: Raul L. Mendez, City Manager
Christine Tallman, Interim City Clerk
Daniel J. Schroeder, City Attorney
Jaylen French, Community Development Director
Larry Seymour, Chief of Police Services
Shannon Esenwein, Finance Director
Lisa Whiteside, Finance Manager
Sam Rush, Public Works Superintendent
John Padilla, City Treasurer

FLAG SALUTE: Mayor Matt Beekman

INVOCATION: Reverend Kenny Little

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

Heather Bailey from the Hughson Public Library provided information on the upcoming summer reading program.

Dana Ferreira, staff person for Congressman Jeff Denham, thanked the City Council on behalf of the Congressman, Assembly Member Olsen and Senator Berryhill for allowing their staff for the use of the City Council Chambers to meet with constituents. She also said that she and the Congressman are available to assist the City with any Federal matters as needed.

2. PRESENTATIONS:

- 2.1: The City of Hughson Proclamation Declaring June as Disability Awareness Month was presented to Carolyn Teixeira Gomes, Director of Development for the Society for disABILITIES.**
- 2.2: Supervisor Vito Chiesa and Ruben Imperial, Manager IV from Stanislaus County updated the Council on the Stanislaus County Focus on Prevention - Phase 1 efforts.**

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: Approve the Minutes of the Regular Meeting of May 9, 2016.**
- 3.2: Approve the Warrants Register.**
- 3.3: Approve the City of Hughson Treasurer's Report for Report for March 2016.**
- 3.4: Adopt Resolution No. 2016-14, Setting the Appropriations Limit for Fiscal Year 2016-2017.**
- 3.5: Adopt Resolution No. 2016-17, Update the Publicly Available Salary Schedule Consistent with the Requirement of California Code of Regulations Title 2 Section 570.5.**
- 3.6: Approve the Lease Agreement renewal with Tenant Stanislaus County for Property Located at 2413 3rd Street in Hughson - APN 018-042-025.**

BEEKMAN/CARR 4-0 (YOUNG – ABSENT) motion passes to approve the Consent Calendar as presented.

4. UNFINISHED BUSINESS: NONE.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.**6. NEW BUSINESS:**

- 6.1:** Consideration to Include Arts and Entertainment Matters to the Powers and Duties of the Hughson Parks and Recreation Commission.

Director French presented the staff report on this item.

BEEKMAN/SILVA 4-0 (YOUNG – ABSENT) motion passes to direct staff to draft an amendment to City Ordinance to add arts and entertainment matters to the Powers and Duties of the Hughson Parks and Recreation Commission.

- 6:2** Consider the Adoption of Resolution No. 2016-18, Approving an Agreement with Stanislaus County to Perform Law Enforcement Services for the City of Hughson and Related Actions.

City Manager Mendez presented the staff report on this item.

CARR/SILVA 4-0 (YOUNG – ABSENT) motion passes to adopt Resolution No. 2016-18, approving an agreement with Stanislaus County to perform Law Enforcement Services for the City of Hughson and related actions.

- 6:3** Consider Releasing Request for Proposal (RFP) for Street Sweeping Services.

Public Works Superintendent Rush presented the staff report on this item.

SILVA/CARR 4-0 (YOUNG – ABSENT) motion passes to direct staff to release a RFP for Street Sweeping Services and to request the inclusion of the cost of additional winter time services.

- 6:4** Review and Approve the City of Hughson's Fiscal Year 2016-2017 Preliminary Budget.

Director Esenwein presented the staff report on this item.

BEEKMAN/CARR 4-0 (YOUNG – ABSENT) motion passes to approve the City of Hughson's Fiscal Year 2016-2017 Preliminary Budget.

7. CORRESPONDENCE: No action was taken on these items.

- 7.1:** Minutes from April 19, 2016 Planning Commission.

8. COMMENTS:

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

City Manager: City Manager Mendez introduced to the Council the new Management Analyst/Deputy City Clerk Susana Diaz. He informed the Council that the RFP process is underway for the City property (Lower Ponds) consisting of 35 acres and located at Leedom Road. He also reported that the redevelopment of the City orchard has begun and that the older block would be replanted with peaches.

City Clerk: The Interim City Clerk informed the Council that the polling location for the City's June 7, 2016 Primary Election is at the Hughson Methodist Church at 2007 6th Street in Hughson.

Community Development Director: Director French informed the Council that at today's Economic Development Committee meeting he provided a presentation on the vacant buildings and lots in the downtown area. He noted that Congressman Denham's staff offered to assist with BNSF for the Hatch/Santa Fe signalization project.

Director of Finance: Director Esenwein advised the Council that the auditors finished their preliminary fieldwork and will be returning the week of September 19th to complete the year-end fieldwork.

Police Services: Chief Larry Seymour provided the City Council with the latest Crime Statistic Report.

City Attorney: None.

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

Councilmember Carr noted that he attended today's Economic Development Committee meeting and appreciated the presentation on the properties that are available for potential businesses.

Councilmember Silva reported that she recently attended the StanCOG meeting where an update was provided on the ½ cent transportation sales tax. She also noted that she attended the Recreational Marijuana Workgroup meeting saying progress is being made to coordinate the agencies within the County but that there is additional work that needs to be done on this matter.

Councilmember Hill said that he also attended the Economic Development Committee meeting which he found very informative and that it was good to know what properties were available.

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

Mayor Beekman said that he recently attended the monthly Mayor's Meeting and the topic of recreational marijuana was discussed.

9. CLOSED SESSION TO DISCUSS THE FOLLOWING:

9.1: CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: David Chase v. San Joaquin Valley Risk Management
Authority et al., Workers Compensation Appeals Board, Case No. WCAB
No.: ADJ7139354.

10. REPORT FROM CLOSED SESSION:

9:15 P.M.

All of the Councilmembers were present with exception of Councilman Young who was absent and there was no reportable action.

ADJOURNMENT:

CARR/BEEKMAN 4-0 (YOUNG – ABSENT) motion passes to adjourn the meeting at 9:15 P.M.

MATT BEEKMAN, Mayor

CHRISTINE TALLMAN, Interim City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.2

SECTION 3: CONSENT CALENDAR

Meeting Date: June 13, 2016
Subject: Approval of Warrants Register
Enclosure: Warrants Register
Presented By: Shannon Esenwein, Director of Finance

Approved By: _____

Staff Recommendation:

Approve the Warrants Register as presented.

Background and Overview:

The warrants register presented to the City Council is a listing of all expenditures paid from May 24, 2016 through June 9, 2016.

Fiscal Impact:

There are reductions in various funds for payment of expenses.

SE

REPORT.: Jun 09 16 Thursday
RUN....: Jun 09 16 Time: 08:53
Run By.: Lisa Whiteside

City of Hughson
Cash Disbursement Detail Report
Check Listing for 06-16 Bank Account.: 0100

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

Check Numbe	Check Date	Vendor Numbe	Vendor Name	Net Amount	Invoice #	Payment Information Description
47791	5/24/2016	DUR01	DURST CONTRACT INTERIORS	\$ 16,358.87	2016-190	CITY HALL REMODEL-FURNITURE & INSTALLATION
47792	5/24/2016	GOL11	GOLDEN STATE FARMERS' MARKET	\$ 4,000.00	B60524	2016 HUGHSON FARMERS' MARKET
47793	5/27/2016	RIC04	RICOH USA, INC	\$ 2,975.44	Q8283090	TERMINATE LEASE AGREEMENT
Cash Account Total:				\$ 23,336.31		
Total Disbursements:				\$ 23,334.31		
47794	6/2/2016	ABS00	ABS PRESORT	\$ 5,000.00	20160519	POSTAGE
47795	6/2/2016	AGU03	AGUILAR, CHRISTIAN	\$ 100.00	B60601	DAMAGE DEPOSIT PARK
47796	6/2/2016	ALV03	ALVAREZ, MARIA	\$ 210.00	B60601	DAMAGE DEPOSIT REFUND SR CENTER
47797	6/2/2016	AME04	AMERICAN WATER WORKS	\$ 185.50	1283936	SAFETY LITERATURE
47798	6/2/2016	AND02	ANDREWS ELECTRIC	\$ 2,596.36	78761	PUMP REBUILD
47799	6/2/2016	ATT01	AT&T	\$ 2,362.38	B60601	PHONE
47800	6/2/2016	ATT02	AT&T MOBILITY	\$ 178.67	B60601	PHONE
47801	6/2/2016	ATT03	AT&T	\$ 9.06	8115511	PHONE
47802	6/2/2016	AVA00	AVAYA, INC	\$ 112.01	B60601	PHONE
				\$ 87.39	733678070	PHONE
Check Total:				\$ 199.40		
47803	6/2/2016	AVI04	AVINA, MONICA	\$ 100.00	B60601	DAMAGE DEPOSIT REFUND
47804	6/2/2016	AYE00	AYERA TECHNOLOGIES INC.	\$ 84.00	51353	WIRELESS & IP FOR INTERNET FOR REMOTE SCADA ACCESS
47805	6/2/2016	BAR07	BARCO PRODUCTS	\$ 494.50	31601330	PET LITTER BAGS
47806	6/2/2016	BRE01	W.H. BRESHEARS	\$ 477.21	278264	FUEL
47807	6/2/2016	BUD00	BUDGET TIRE	\$ 2,152.50	1TR16795	NEW TIRES FOR THE BOBCAT
47808	6/2/2016	CAL52	CA LUXURY AUTO DETAILING	\$ 350.00	B60601	SAFETY DETAIL-SEWER CLEANING VEHICLE
47809	6/2/2016	CAR10	CARROT-TOP INDUSTRIES	\$ 608.90	30064600	AMERICAN FLAGS FOR EVENTS ON HUGHSON AVE
47810	6/2/2016	CAS07	CASTELLANOS, ERIKA	\$ 175.00	B60601	DAMAGE DEPOSIT REFUND SR CENTER 5/14/16
47811	6/2/2016	CEN14	CENTRAL SANITARY SUPPLY	\$ (364.89)	13971C	CREDIT FOR MISC. SANITARY SUPPLIES
				\$ 1,117.94	692042	MISC. SANITARY SUPPLY
Check Total:				\$ 753.05		
47812	6/2/2016	CHA01	CHARTER COMMUNICATION	\$ 191.81	B60601	IP ADDRESS-PINE ST
47813	6/2/2016	CLA03	CLARK'S PEST CONTROL	\$ 159.00	B60601	PEST CONTROL
47814	6/2/2016	ENV02	ENVIRONMENTAL SYSTEMS	\$ 1,788.93	27416	STREET SWEEPING FOR MAY 2016
47815	6/2/2016	EXP00	EXPRESS PERSONNEL SERVICE	\$ 608.00	171773278	EXTRA HELP 4/10/16
47816	6/2/2016	EZN00	EZ NETWORK SOLUTIONS	\$ 2,560.45	TS31400	IT SERVICES

SE

47817	6/2/2016	GEO01	GEOANALYTICAL LABORATORIE	\$	200.00	C6D1201	MONITORING OF WWTP PERMIT
				\$	55.00	C6E0303	MONITORING OF WWTP
				\$	215.78	C6E0436	LAB TESTING
				\$	287.50	C6E1016	LAB TESTING
				\$	215.78	C6E1017	LAB TESTING
				\$	325.78	C6E1125	LAB TESTING
				\$	550.78	C6E1209	LAB TESTING

Check Total: \$ 1,850.62

47818	6/2/2016	HIN00	HINDERLITER, dELLAMAS &	\$	460.35	0025394IN	CONTRACT SERVICES SALES TAX 2ND QUARTER
47819	6/2/2016	HOL07	HOLTON, APRIL	\$	100.00	B60601	DAMAGE DEPOSIT REFUND-PARK 5/21/2016
47820	6/2/2016	HUG11	HUGHSON FARM SUPPLY	\$	10.21	H177445	MISC SMALL TOOL & SUPPLIES
				\$	31.72	H177836	MISC. SMALL TOOL & SUPPLIES
				\$	5.04	H178358	MISC. SMALL TOOL & SUPPLIES
				\$	25.81	H178598	MISC SMALL TOOL & SUPPLIES
				\$	12.90	H178651	SMALL MISC. TOOL & SUPPLIES

Check Total: \$ 85.68

47821	6/2/2016	HUG28	HUGHSON TIRE	\$	600.00	B60601	NEW TIRES FOR P-11
				\$	20.00	B60602	REPAIR FLAT

Check Total: \$ 620.00

47822	6/2/2016	HUG34	VALLEY PARTS WAREHOUSE, I	\$	10.46	174385	SMALL MATERIAL NEEDED FOR VEH. MAINT & REPAIR
				\$	27.48	174390	SMALL MATERIAL NEEDED FOR VEHIC. MAINT. & REPAIR
				\$	25.82	174980	SMALL MATERIAL NEEDED FOR VEHIC. MAINT & REPAIR
				\$	89.73	175257	SMALL MATERIAL NEEDED FOR VEHIC. MAINT & REPAIR

Check Total: \$ 153.49

47823	6/2/2016	INT00	INTERSTATE TRUCK CENTER	\$	1,522.34	02S26842	REPAIR OF AC SYSTEM FOR THE VAC CON TRUCK
47824	6/2/2016	KUB00	KUBWATER RESOURCES, INC	\$	3,264.87	3264.87	POLYMER
47825	6/2/2016	MAD19	MADRIGAL, ADRIAN	\$	100.00	B60601	PARK DEPOSIT REFUND 5/15/16
47826	6/2/2016	MIS01	MISSION UNIFORM SERVICE	\$	700.42	B60601	UNIFORM SERVICE
47827	6/2/2016	NEU01	NEUMILLER & BEARDSLEE	\$	1,600.00	277576	LEGAL SERVICES FOR APRIL
				\$	4,340.16	278030	LEGAL SERVICES FOR APRIL

Check Total: \$ 5,940.16

47828	6/2/2016	OPE01	OPERATING ENGINEERS LOCAL	\$	343.00	B60601	LOCAL UNION #3 DUES
47829	6/2/2016	PGE01	PG & E	\$	141.85	B60601	UTILITIES
47830	6/2/2016	QUI03	QUICK N SAVE	\$	42.42	1-2059	FUEL
				\$	139.47	1-5869	FUEL
				\$	57.95	1-8786	FUEL
				\$	68.15	1-9828	FUEL
				\$	-	1-98285	

Check Total: \$ 307.99

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47831	6/2/2016	RAU00	RAUKAR, CARRIE	\$	100.00	B60601	DAMAGE DEPOSIT REFUND-PARK 5/22/2016
47832	6/2/2016	SEE01	SEEGER'S	\$	78.57	0120643IN	AVA NOTICE FORMS
47833	6/2/2016	SHO02	SHORE CHEMICAL COMPANY	\$	1,358.14	45498	CHLORINE
47834	6/2/2016	SHR02	SHRED-IT USA LLC	\$	135.81	410722441	SHREDDING
47835	6/2/2016	STA12	SWRCB ACCOUNTING OFFICE	\$	3,263.49	LW1006330	SWRCB PERMITTING, INSPECTION & INVEST. FEES
47836	6/2/2016	TID01	TURLOCK IRRIGATION DIST.	\$	15,876.03	B60601	ELECTRIC
47837	6/2/2016	UNI12	UNIVERSITY POLICE DEPARTM	\$	57.00	16-0518	LIVE SCAN FINGERPRINT
47838	6/2/2016	VIL01	VILLANUEVA, YESENIA VARGA	\$	230.00	B60601	CANCELLATION OF SR CENTER RENTAL
47839	6/2/2016	WAR0C	WARDEN'S OFFICE	\$	589.21	18977250	OFFICE SUPPLIES
47840	6/2/2016	WHI03	LISA WHITESIDE	\$	25.78	B60601	REIMBURSMENT-PERS TRAINING PARKING & LUNCH
47841	6/2/2016	WIL01	CORBIN WILLITS SYSTEM	\$	571.40	B605151	ENHANCEMENT & SERVICE FEE
47842	6/2/2016	WIL05	WILLE ELECTRIC	\$	92.48	B60601	SPECIALTY ITEMS TO RE-WIRE WELL MOTORS
47843	6/2/2016	\B009	GERARDO & ROCIO BARAJAS	\$	10.43	000B60601	MQ CUSTOMER REFUND FOR BAR0047
47844	6/2/2016	\B010	ZACK BROOKS	\$	156.61	000B60601	MQ CUSTOMER REFUND FOR BRO0030
47845	6/2/2016	\C016	VIOLETA CUEVAS	\$	56.87	000B60601	MQ CUSTOMER REFUND FOR CUE0003
47846	6/2/2016	\F001	MARIA L. FABURRIETA	\$	18.79	000B60601	MQ CUSTOMER REFUND FOR FAB0002
47847	6/2/2016	\H014	DAVID HENDLEY	\$	188.64	000B60601	MQ CUSTOMER REFUND FOR HEN0020
47848	6/2/2016	\S012	EKASAY SAYKOUMAN	\$	95.14	000B60601	MQ CUSTOMER REFUND FOR SAY0003
47849	6/3/2016	CCA02	CCAC	\$	175.00	B60603	CCA WORKSHOP
47850	6/3/2016	CCA02	CCAC	\$	90.00	C60603	MEMBERSHIP DUES
47851	6/9/2016	CCA02	CCAC	\$	200.00	B60609	CCA WORKSHOP
47852	6/9/2016	CHA01	CHARTER COMMUNICATION	\$	69.74	B60608	IP ADDRESS PW SHOP
47853	6/9/2016	CON14	CONDOR EARTH TECHNOLOGIES	\$	1,019.90	73200	PROFESSIONAL SERVICES FOR APRIL 23-MAY 8
47854	6/9/2016	EXP00	EXPRESS PERSONNEL SERVICE	\$	6,327.14	B60608	EXTRA 3/20,3/27,4/17,4/24 ,5/1,5/8,5/15,5/22,5/29
47855	6/9/2016	EZN00	EZ NETWORK SOLUTIONS	\$	330.32	31470	OFF SITE DATE STORAGE
47856	6/9/2016	HAR08	HARDEN, AUSTIN	\$	100.00	B60608	DAMAGE DEPOSIT-PARK
47857	6/9/2016	HDL00	HDL SOFTWARE, LLC	\$	3,241.00	00-001906	PERMIT SOFTWARE ANNUAL MAINTENANCE
47858	6/9/2016	HOM0:	THE HOME DEPOT CRC	\$	598.13	B60608	SUPPLIES FOR PW
47859	6/9/2016	HUG08	CITY OF HUGHSON	\$	51.06	B60608	HUG0061 WATER DOWNTOWN
47860	6/9/2016	LEG01	LEGAL SHIELD	\$	25.90	B60608	LEGAL SERVICES
47861	6/9/2016	OPE01	OPERATING ENGINEERS LOCAL	\$	343.00	B60608	LOCAL UNION #3 DUES
47862	6/9/2016	PAC05	PACIFIC PLAN REVIEW	\$	6,519.29	B60608	CONTRACT SRVCS PLANNING/B
47863	6/9/2016	PUG00	PUGA, CARLOS	\$	100.00	B60608	DAMAGE DEPOSIT -PARK



CITY OF HUGHSON AGENDA ITEM NO. 3.3 SECTION 3: CONSENT CALENDAR

Meeting Date: June 13, 2016
Subject: Approval of the Treasurer's Reports – April 2016
Presented By: John Padilla, City Treasurer

Approved By: _____

Staff Recommendation:

Review and approve the City of Hughson Treasurer's Report for April 2016.

Summary:

The City Treasurer is required to review the City's investment practices and approve the monthly Treasurer's report. Enclosed is the City of Hughson's Treasurer's Report for April 2016. As of April 2016, the City of Hughson's total cash and investment balance is \$12,901,615.93 and is in compliance with the City's investment policy. The City has sufficient cash flow to meet the City's expected expenditures for the next six months.

Background and Overview:

The Treasurer report for April 2016 reflects the most current representation of the City's funds and investments and provides a necessary outlook for both past, present, and future investment and spending habits. While investments and funds differ from time to time, it is the goal of the City to maintain safety and stability with its funds, while additionally promoting prudence and growth.

Enclosed is the City of Hughson Treasurer's Report for April 2016 along with supplementary graphs depicting the percentage of the City's total funds, a breakdown of the April 2016 Developer Impact Fees, and an additional line plot graph further demonstrating the Developer Impact Fees. This graph depicts the Developer Impact Fees' actual balance for the past five years, and continues with a projection based on the average rate of change for each fund over the next few years. After review and evaluation of the report, City staff has researched funds with a significant deficit balance and submit the following detailed explanation:

Public Facilities Development Streets Fund:

The Public Facilities Development Streets Fund currently reflects a negative balance of (\$202,678.63), reflecting a positive difference of \$113,909.72 or a 35.98% increase from the previous year. The deficit is a result of the Euclid Bridge Project, which was constructed in Fiscal Year 2006/2007, for approximately \$1.3 million. The project was completed in anticipation of funding from Developer Impact Fees collected from new development. Unfortunately, the housing market declined significantly and the new development never materialized. As the economy strengthens and new building continues, the City can recognize additional developer impact fees and reduce the deficit more quickly.

Water Developer Impact Fee Fund:

The Water Developer Impact Fee Fund currently reflects a negative balance of (\$284,506.44), reflecting a positive difference of \$110,281.95 or a 27.93% increase from the previous year. After extensive review, City staff discovered that the remaining deficit is attributable to settlement arrangements that were made in Fiscal Year 2008/2009 and Fiscal Year 2009/2010 for the Water Tank on Fox Road near Charles Street. The Project Cost of the Water Tower Project was \$2,400,000. During that period, the City paid out \$650,000 in settlements. This account will be in a deficit position until additional development occurs and developer impact fees are collected to cover those unanticipated settlement costs.

Based on a review of Water Development and Street funds, City staff expects development in the Feathers Glen (42 units) and Euclid South (69 units) subdivisions, or about 110 units to be built to see a positive balance in the Water and Street Development funds. The Euclid North (50 units) subdivision is expected to follow shortly thereafter. These units reflect the areas that are most likely to see development within the City limits—with construction in Feathers Glen already in progress and under construction.

Transportation Capital and CDBG Street Project Fund:

The Transportation Capital Project Fund currently reflects a negative balance of (\$551,238.96), reflecting a negative difference of \$247,654.11 or an 81.58% decrease from the previous year. The CDBG Street Project Fund currently reflects a negative balance of (\$53,496.06) reflecting a positive difference of \$163,275.21 or a 75.32% increase from the previous year. The City received \$148,271 in April for the Hughson Avenue project. Currently the City is pending reimbursement for the Tully Road project. As the City continues to produce transportation and street projects, these funds will likely continue to show a negative balance. City staff will continue to monitor and report the status of these reimbursements as the funds become available.

Fiscal Impact:

As of April 2016, the total cash and investments balance for the City of Hughson is \$12,901,615.93. This compares to April 2015's total cash and investments balance of \$12,159,527.06 demonstrating a \$742,088.87 or a 6.10% increase.

**City of Hughson
Treasurer's Report
April 2016**

	MONEY MARKET	GENERAL	REDEVELOPMENT**	TOTAL
Bank Statement Totals	\$ 9,845,321.57	\$ 506,222.35	\$ -	\$ 10,351,543.92
Adjustment-Direct Deposit Payroll	\$ -			\$ -
Outstanding Deposits +	\$ 28,195.87		\$ -	\$ 28,195.87
Outstanding Checks/transfers -	\$ -	\$ (90,536.13)	\$ -	\$ (90,536.13)
ADJUSTED TOTAL	\$ 9,873,517.44	\$ 415,686.22	\$ -	\$ 10,289,203.66
Investments: Various				\$ 1,057,072.67
Multi-Bank WWTP				\$ 1,476,430.36
Investments: L.A.I.F.		\$ 39,517.46	\$ 39,391.78	\$ 78,909.24

TOTAL CASH & INVESTMENTS **\$ 12,901,615.93**

Books - All Funds	April 2015	April 2016	Difference	% of Variance
2 Water/Sewer Deposit	55,148.60	59,354.12	4,205.52	7.63%
8 Vehicle Abatement	12,501.56	12,095.11	-406.45	-3.25%
11 Traffic Congestion Fund	129,904.30	133,646.85	3,742.55	2.88%
13 Redevelopment - Debt Service	145,045.13	127,266.55	-17,778.58	-12.26%
17 Federal Officer Grant	6,620.00	6,620.00	0.00	0.00%
18 Public Safety Realignment	28,476.76	35,722.01	7,245.25	25.44%
19 Asset Forfeiture	6,695.43	6,995.43	300.00	4.48%
25 Gas Tax 2106	-8,086.15	1,814.34	9,900.49	-122.44%
30 Gas Tax 2107	16,169.35	20,032.18	3,862.83	23.89%
31 Gas Tax 2105	36,160.42	46,976.85	10,816.43	29.91%
35 Gas Tax 2107.5	2,672.14	672.14	-2,000.00	-74.85%
40 General Fund	1,672,658.64	1,599,118.02	-73,540.62	-4.40%
401 General Fund Contingency Reserve	674,105.43	675,530.88	1,425.45	0.21%
43 Trench Cut	75,728.20	76,443.60	715.40	0.94%
48 Senior Community Center	10,088.94	9,280.87	-808.07	-8.01%
49 IT Reserve	70,201.39	93,548.12	23,346.73	33.26%
50 U.S.F. Resource Com. Center	1,967.28	3,802.88	1,835.60	93.31%
51 Self-Insurance	73,703.49	73,303.49	-400.00	-0.54%
53 SLESF (Supplemental Law Enforcement Services Fund)	-3,251.50	59,289.76	62,541.26	-1923.46%
54 Park Project	505,115.43	571,297.09	66,181.66	13.10%
60 Sewer O & M	2,215,139.39	2,604,219.17	389,079.78	17.56%
61 Sewer Fixed Asset Replacement	2,671,887.97	3,129,016.23	457,128.26	17.11%
66 WWTP Expansion 2008	-75,201.70	-394,133.22	-318,931.52	424.10%
69 LTF Non Motoriz	5,208.00	5,208.00	0.00	0.00%
70 Local Transportation	142,224.25	104,256.83	-37,967.42	-26.70%
71 Transportation	-303,584.85	-551,238.96	-247,654.11	81.58%
100/200 LLD's and BAD's	104,920.02	187,400.52	82,480.50	78.61%
80 Water O & M	240,263.75	-146,037.31	-386,301.06	-160.78%
82 Water Fixed Asset Replacement	678,397.50	871,499.02	193,101.52	28.46%
88 PW CDBG Street Project	-216,771.27	-53,496.06	163,275.21	-75.32%
80 Water Reserve-USDA GRANT	21,524.50	21,524.50	0.00	0.00%
90 Garbage/Refuse	186,662.68	143,549.23	-43,113.45	-23.10%
92 98-EDBG-605 Small Bus. Loans	93,595.60	93,595.60	0.00	0.00%
94 96-EDBG-438 Grant	403.43	403.43	0.00	0.00%
95 94-STBG-799 Grant	159,677.37	161,960.33	2,282.96	1.43%
96 HOME Program Grant (FTHB)	35,041.19	35,041.19	0.00	0.00%
97 96-STBG-1013 Grant	195,120.19	197,701.97	2,581.78	1.32%
98 HOME Rehabilitation Fund	40,000.00	40,000.00	0.00	0.00%
Developer Impact Fees ***	2,453,394.20	2,838,335.17	384,940.97	15.69%
TOTAL ALL FUNDS:	12,159,527.06	12,901,615.93	742,088.87	6.10%
Break Down of Impact Fees ***				
10 Storm Drain	301,319.21	279,438.34	-21,880.87	-7.26%
20 Community Enhancement	83,887.10	82,381.79	-1,505.31	-1.79%
41 Public Facilities Development	1,362,367.94	1,482,140.14	119,772.20	8.79%
42 Public Facilities Development-Streets	-316,588.35	-202,678.63	113,909.72	-35.98%
55 Parks DIF	421,746.03	440,223.85	18,477.82	4.38%
62 Sewer Developer Impact Fees	995,450.66	1,041,336.12	45,885.46	4.61%
81 Water Developer Impact Fees	-394,788.39	-284,506.44	110,281.95	-27.93%
Break Down of Impact Fees ***	2,453,394.20	2,838,335.17	384,940.97	15.69%

I hereby certify that the investment activity for this reporting period conforms with the Investment Policy adopted by the Hughson City Council, and the California Government Code Section 53601. I also certify that there are adequate funds available to meet the City of Hughson's budgeted and actual expenditures for the next six months.

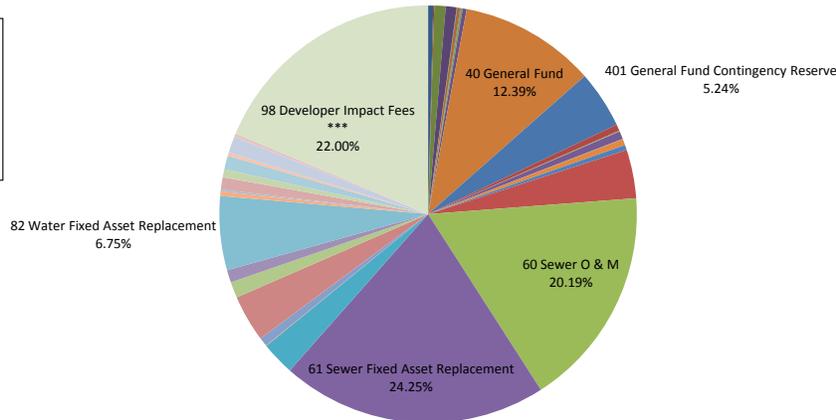
John Padilla, Treasurer

Date

Treasurer's Report - Charts and Graphs
March 2016

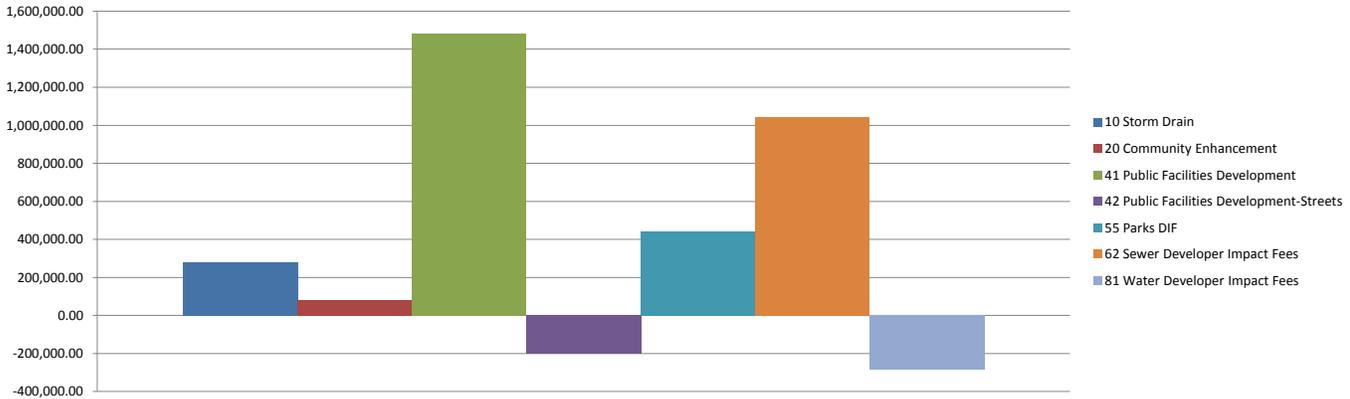
Percentage of all Funds for April 2016

Note:
Data displayed represents largest percentage of City funds. All other funds represent less than 5% of the City's total Cash and Investments.

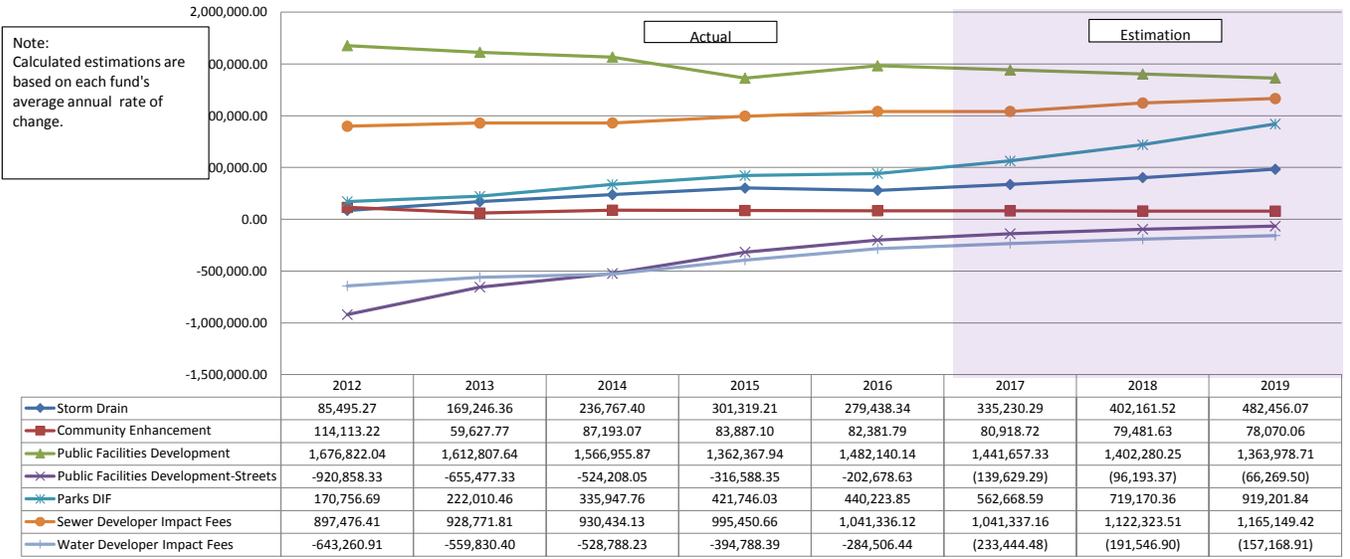


- 2 Water/Sewer Deposit
- 17 Federal Officer Grant
- 30 Gas Tax 2107
- 401 General Fund Contingency Reserve
- 50 U.S.F. Resource Com. Center
- 60 Sewer O & M
- 70 Local Transportation
- 82 Water Fixed Asset Replacement
- 92 98-EDBG-605 Small Bus. Loans
- 97 96-STBG-1013 Grant
- 8 Vehicle Abatement
- 18 Public Safety Realignment
- 31 Gas Tax 2105
- 43 Trench Cut
- 51 Self-Insurance
- 61 Sewer Fixed Asset Replacement
- 71 Transportation
- 88 PW CDBG Street Project
- 94 96-EDBG-438 Grant
- 98 HOME Rehabilitation Fund
- 11 Traffic Congestion Fund
- 19 Asset Forfeiture
- 35 Gas Tax 2107.5
- 48 Senior Community Center
- 53 SLESP (Supplemental Law Enforcement Services Fund)
- 66 WWTP Expansion 2008
- 100/200 LLD's and BAD's
- 80 Water Reserve-USDA GRANT
- 95 94-STBG-799 Grant
- 98 Developer Impact Fees ***
- 13 Redevelopment - Debt Service
- 25 Gas Tax 2106
- 40 General Fund
- 49 IT Reserve
- 54 Park Project
- 69 LTF Non Motoriz
- 80 Water O & M
- 90 Garbage/Refuse
- 96 HOME Program Grant (FTHB)

April 2016 Breakdown of Developer Impact Fees



5 Year Trend & Estimate for Developer Impact Fees for the Month of April





CITY OF HUGHSON AGENDA ITEM NO. 3.4

SECTION 3: CONSENT CALENDAR

Meeting Date: June 13, 2016
Subject: Approval of City Contribution to the Stanislaus County Focus on Prevention Initiative for Planning, Facilitation and Outcomes Development
Presented By: Raul L. Mendez, City Manager

Approved By: _____

Staff Recommendation:

Approve the City's contribution of \$2,500 for the Stanislaus County Focus on Prevention Initiative for planning, facilitation and outcome development.

Background and Overview:

In Fiscal Year 2014-2015, Stanislaus County launched the Focus on Prevention countywide initiative aimed on improving the quality of life for all County residents and families through coordinated preventive efforts across ten sectors. These sectors include arts, entertainment, and sports; business; education; faith; government; healthcare; media; non-profits; neighborhoods; and philanthropy.

A significant achievement in the first year was beginning a plan from the Homeless Action Council, which includes four broad strategies to help people who are homeless, or are at risk of becoming homeless, permanently escape the condition. Those four strategies are:

- Improving strategies to build relationships with those who are homeless or at risk;
- Developing a countywide coordinated access system integrating public and community-based support;
- Increasing the availability and effectiveness of support services to help people escape homelessness once and for all; and
- Improving the quantity and quality of temporary, transitional and permanent housing.

To further advance the aim of this initiative, the planning, facilitation, and outcomes development infrastructure has been provided through Phase I by the Center for Collective. The cost for these services for Phase II in the current year is \$250,000.

While initial leadership and funding for this effort has been provided by Stanislaus County, the goal has always been to build long-term sustainability which requires ownership, leadership and fiscal resources beyond the County. Stanislaus County has asked leaders within the ten sectors to raise \$125,000 or 50% of the total Phase II funding need of \$250,000. This request was broached by the Stanislaus County Chief Executive Officer with all nine cities via the City Managers and support for a collective contribution of \$60,000 resonated--pending City Council approval from each respective jurisdiction. Of this amount, Modesto has agreed to cover \$40,000 with the remaining amount being divided equally amongst the remaining cities.

During the May 25, 2016 City Council regular meeting, Stanislaus County (Board of Supervisor Vito Chiesa and Community Development and Empowerment Manager Ruben Imperial) provided an update on the Focus on Prevention Initiative. The presentation reviewed the purpose of the initiative, the areas of focus (reducing homelessness, strengthening families, investment in children and youth and reducing recidivism), the structure, the guiding values, anticipated results, homelessness update and future priorities. After the presentation, members of the Hughson City Council made comments supporting the coordinated effort and the City of Hughson being engaged as a partner in the initiative.

The City of Hughson is the smallest city in Stanislaus County and although experiencing some of the same local issues outlined in the Focus on Prevention Initiative but not to the same scale. The City of Hughson has a host of partner agencies, including but not limited to the following, that are already "focusing on prevention" to some degree or another in the provision of services: Hughson Police Services, Hughson Fire Protection District, Hughson School District, Hughson Family Resources Center, Sierra Vista Child and Family Services, Center for Human Services, United Samaritan Foundation, local faith-based organizations and Stanislaus County (Community Services Agency, Health Services Agency, and Library). Nonetheless, aligning local efforts to the countywide Focus on Prevention Initiative is appropriate to address issues regionally, in collaboration, and through a united front.

Fiscal Impact:

City staff anticipates funding the contribution of \$2,500 within existing approved appropriations in the General Fund. If necessary, and as part of the year-end adjustments, resources will be moved into the appropriate fund through a technical adjustment. If approved, the contribution will be sent to the United Way of Stanislaus County, as requested, since they are serving as the fiscal agent for the Focus on Prevention Initiative.



Government Sector Contributions

The Board of Supervisors launched the Focus on Prevention countywide initiative with the aim to improve the quality of life for all Stanislaus residents and families through coordinated prevention efforts that work across multiple sectors. These sectors include arts, entertainment and sports; business; education; faith; government; healthcare; media; non-profits; neighborhoods; and philanthropy. The Focus on Prevention is emerging into a shared community vision and foundation for ongoing transformation and culture change that will lead to tangible improvements in the lives of Stanislaus County residents. As the attached report highlights, our community has made substantive progress in achieving this aim.

A signature achievement in the first year is the beginning plan from the Homeless Action Council, which includes four broad strategies to help people who are homeless, or are at risk of becoming homeless, permanently escape the condition. Those four strategies are:

- Improving strategies to build relationships with those who are homeless or at risk;
- Developing a countywide coordinated access system integrating public and community-based supports;
- Increasing availability and effectiveness of support services to help people escape homelessness once and for all; and
- Improving the quantity and quality of temporary, transitional and permanent housing.

To further advance the aim of this initiative, the planning, facilitation, and outcomes development infrastructure that has been provided through Phase I by the Center for Collective Wisdom has proven to be crucial. The cost for these services for Phase II through December 2016 is \$250,000. Since the beginning of the Focus on Prevention Initiative, the Board of Supervisors and the Chief Executive Officer (CEO) have communicated that the Focus on Prevention's long-term sustainability will require ownership, leadership and fiscal resources beyond the County. To this end, the CEO asked leaders within the ten sectors of the Stewardship Council to raise \$125,000 or 50% of the total Phase II funding need of \$250,000. Stanislaus County City Managers have made the commitment to collectively contribute \$60,000. This invoice outlines the contributions from each city.

Purpose of Funding

- Share the cost, with other multisector leaders, related to the planning, facilitation, and outcomes development infrastructure for the Focus on Prevention.

City Contributions

City	Amount
1. Ceres	2,500
2. Hughson	2,500
3. Modesto	40,000
4. Newman	2,500
5. Oakdale	2,500
6. Patterson	2,500
7. Riverbank	2,500
8. Turlock	2,500
9. Waterford	2,500
Total	60,000

We all share the excitement and enthusiasm for the full potential of the Focus on Prevention initiative in making our communities even better. As we have discussed time and again, local government does not have the resources to provide for what is needed to help our citizens succeed. It must be a community wide collaboration and effort focused on preventing problems and investing in our communities. We welcome your participation in this effort and look forward to our success.

Sincerely,



James N. Holgersson

City Manager

Distribution List

Toby Wells, Ceres

Raul Mendez, Hughson

Michael Holland, Newman

Bryan Whitemyer, Oakdale

Ken Irwin, Patterson

Jill Anderson, Riverbank

Michael Cooke, Turlock

Tim Ogden, Waterford

Cc: Ruben Imperial
Kellie Weaver



CITY OF HUGHSON AGENDA ITEM NO. 3.5

SECTION 3: CONSENT CALENDAR

Meeting Date: June 13, 2016
Subject: Approval of the 2016-2017 Allocation Agreement for
Community Development Block Grant (CDBG)
Entitlement Funds with Stanislaus County
Enclosure: Fiscal Year 2016-2017 Stanislaus Urban County
Subrecipient Agreement
Presented By: Martha Serrato, Accounting Technician II

Approved By: _____

Staff Recommendations:

1. Approve the 2016-2017 Allocation Agreement for the Community Development Block Grant (CDBG) Entitlement Funds with Stanislaus County.
2. Authorize the Mayor to sign the Agreement.

Background and Overview:

The City of Hughson joined the Urban County Consortium in 2010 because it guaranteed CDBG entitlement funds for City projects. At the August 10, 2015 meeting, the City Council approved renewing last fiscal year's cooperative agreement with Stanislaus County to continue being a part of the Stanislaus County Community Development Block Grant (CDBG) Consortium and to jointly undertake community development activities.

The Allocation Agreement specifies the share of CDBG entitlement funds the City of Hughson (and other participating cities with the County) will receive in Fiscal Year 2016-2017. The Urban County Consortium will receive \$1,519,878 which is \$18,774 less than last year's allocation. Fourteen percent or \$215,411 will be allocated for public service grants, in which local non-profit agencies within Stanislaus County can apply. The Hughson Family Resource Center and United Samaritan's Foundation have participated in these local grant opportunities to help fund some of their programs in the past.

This year, the City of Hughson will receive \$121,058 and is entitled to an additional \$15,027 in administrative services costs. The total amount of funding available to the City is \$136,085. Last fiscal year, the City received \$137,741.

The CDBG projects for this fiscal year include sidewalk infill improvements located on 2nd Street between Walker Lane to Fox Road and on Walker Lane between Tully Road to 2nd Street. This funding may be budgeted with other funding sources such as Congestion Mitigation Air Quality (CMAQ) and Local Transportation Funds (LTF) to complete the projects.

Fiscal Impact:

Expenditures and revenue from the CDBG entitlement have been included in the Fiscal Year 2016-2017 Preliminary Budget approved by the City Council on May 23, 2016. City staff will seek reimbursement from the CDBG program as necessary during development of the specified projects.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
1010 10TH Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

DATE: June 3, 2016

TO: **CDBG URBAN COUNTY REPRESENTATIVES:**
Tom Westbrook, Ceres
Jaylen French, Hughson
Stephanie Ocasio, Newman
Colleen Andersen, Oakdale
Teresa Rodriguez, Patterson
Tim Ogden, Waterford

FROM: Ana San Nicolas, Associate Planner

RE: FY 2016-2017 STANISLAUS URBAN COUNTY
SUBRECIPIENT AGREEMENTS

We are providing **four (4) "SubRecipient Agreement"** documents for your city officials to sign. Please have the titled officials sign in the appropriate areas. Original signatures are required on all four (4) documents (*fax not acceptable*). Please make certain **all** officials sign **each** document. Please return ALL FOUR (4) signed "SubRecipient Agreement" documents to our office for full execution.

Also provide your respective City Council Resolution for the Sub-Recipient Agreement, along with the signed agreements.

Please return documents no later than **July 11, 2016.**

We will return to your office, a fully executed agreement.

We look forward to working with you in the coming year.

Please contact our office with questions, 525-6330.

Thank you for all you do.

COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT

This Subrecipient Agreement (“Agreement”) is made by and between the County of Stanislaus (the “County”) and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, and Waterford (the “City” individually or “Cities” collectively) on July 1, 2016.

WITNESSETH

WHEREAS, Stanislaus County applied for and is qualified to receive an entitlement grant under the Community Development Block Grant (“CDBG”) program for Fiscal Year 2016-2017 (July 1, 2016 to June 30, 2017) in the amount \$2,171,255 as an “Urban County” as set forth under Title I of the Housing and Community Development Act of 1974; and

WHEREAS, County has received a Community Development Block Grant (“CDBG”) from the Department of Housing and Urban Development (“HUD”) under Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.; the “Act”); and

WHEREAS, pursuant to such grant and to the Board of Supervisors Board Resolution No. 2016-209, County is undertaking certain programs and services necessary for the planning, implementation, or execution of such a Community Development Program; and

WHEREAS, COUNTY and CITY desire to enter into this Subrecipient Agreement for the purpose of designating the City as a CDBG subrecipient; and

WHEREAS, the parties desire that CDBG entitlement funds received by the County as an “Urban County” be shared proportionally, as determined by poverty and population formula, among the parties;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

A. The County and each City shall receive an allocation based upon a population and poverty calculation as set forth below:

Jurisdiction	Poverty & Population
Stanislaus County	\$604,229
Ceres	\$242,040
Hughson	\$121,058
Newman	\$137,473
Oakdale	\$151,683
Patterson	\$137,321
Waterford	\$126,074
TOTAL	\$1,519,878

B. The County and each City shall also receive an amount not to exceed twenty percent of the total Fiscal Year 2016-2017 CDBG entitlement funds for eligible general administrative services as defined in 24 CFR Part 570.206, which amount shall be set aside prior to any allocation of funds to the County and Cities under Section 1 of this Agreement. The following represents the Urban County administrative funding distribution breakdown:

Jurisdiction	Administration
Stanislaus County	\$319,089
Ceres	\$15,027
Hughson	\$15,027
Newman	\$15,027
Oakdale	\$15,027
Patterson	\$15,027
Waterford	\$15,027
TOTAL	\$409,251

C. An amount not to exceed ten percent of the total Fiscal Year 2016-2017 CDBG entitlement funds, \$217,126, shall be allocated for eligible public services, as defined in 24 CFR Part 570.201, and related projects under the Urban County CDBG Public Service Grant Program.

D. An amount not to exceed \$25,000 of the available administrative funding shall be allocated for Urban County Fair Housing activities, as defined in 24 CFR Part 570.206 (c).

E. Upon notification of a City's intent to apply for grants available to Urban Counties under applicable law, the County, as lead agency, shall apply for such grants on behalf of that City.

F. Activities proposed by the Cities insofar as they are consistent with applicable statutes and regulations, shall be processed for inclusion by County in the Consolidated Plan and Annual Action Plan.

G. Each party has the responsibility to ensure its activities comply with the HUD Certified Fiscal Year 2016-2017 Urban County Annual Action Plan.

H. Each party agrees to comply with reporting requirements set forth in 2 CFR 200.500 et seq. (formerly OMB A-133) regarding standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments expending Federal awards.

I. Each party shall be strictly accountable for all CDBG entitlement funds allocated to that party.

1. SCOPE OF WORK.

1.1 **General Scope.** City shall utilize CDBG funds to deliver its activities as described in the Fiscal Year 2016-2017 Urban County Annual Action Plan, as certified by HUD.

1.2 **Term.** This Agreement shall be in effect until June 30, 2017, or until all Fiscal Year 2016-2017 CDBG funds are disbursed to City. The term of this Agreement and the provisions herein shall be extended to cover any additional time period during which City remains in control of CDBG funds or other CDBG assets, including program income.

2. COMPENSATION.

2.1 **Allocation Amount.** City shall be paid a total consideration amount as indicated in sections A and B above for CDBG activities and administrative activities respectively.

2.2 **Quarterly Draws.** All requests for grant fund draws shall be drawn at least once per quarter as follows: (1) City must request a first draw by September 15, 2016; (2) A second draw by December 15, 2016; (3) A third draw by March 15, 2017; and (4) A fourth and final draw by June 15, 2017. Additional draws may be required and shall be provided as requested by the County if all funds are not used by June 15, 2017.

2.3 **Certification of Expenses.** In every case, draws will be dispersed to City subject to receipt of a Request for Funds "RFF" specifying and certifying that such expenses are in conformance with this Agreement, and that City is entitled to receive the amount requisitioned under the terms of this Agreement. With each RFF an official authorized to bind Organization shall certify that "By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."

Grant fund draw requests will be dispersed upon request provided: (1) The RFF is returned with an original authorized signature; (2) That all requests are accompanied with back-up documentation verifying all requested expenses are specific to carrying out the grant activity scope.

2.4 **Authorized Personnel.** Person executing this agreement on behalf of City shall notify County in writing of all authorized personnel who shall be empowered to file requests for funds pursuant to this Agreement.

2.5 **Salaries.** The salaries paid under this Agreement shall be in accordance with the following provision of 2 CFR 200.430 (formerly OMB Circular A-87) and 24 CFR 570.206 Program Administrative Costs. City shall submit time sheets to document expenses for staff. Time sheets shall list the grant specifically and hours spent on the grant noted. Only hours spent on the grant will be paid, based on the hourly rate. If the employee is on salary, salary will be calculated based on the hours worked. If the total number of hours worked is not listed, then hourly rate will be based on an average 80 hour work week.

Fringe benefits, which includes taxes and insurance costs paid by the City on behalf of the staff person working on the grant, but does not include overhead costs, are limited to 20% of total salary costs. Paid Time-off (PTO), paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, and the like, are NOT eligible expenses. Such costs are considered basic costs, not related to specific grant activity, and shall be covered by the City. Overtime or bonuses are not allowable expenses. Expenses related to travel are ineligible, except where gas costs have been incurred directly related to implementation of program activities.

3. USE OF FUNDS.

3.1 **General Use of Funds.** Use of funds received pursuant to this Agreement shall be in accordance with the requirements of the Housing and Community Development Act of 1974 (as amended), 24 CFR Part 570, and other regulations governing the Block Grant Program, and any amendments or policy revisions thereto which shall become effective during the term of this Agreement. Further, any funded activity must be designed or so located as to principally benefit low/moderate income persons, aid in the prevention or elimination of slums or blight, or meet urgent community development needs, as defined in the program regulations.

3.2 **Compliance with Local Code.** City agrees to implement all activities supported with CDBG grant funds in compliance with all local codes and ordinances, including obtaining all necessary permits for such activities.

3.3 **In-eligible Uses of Funds.** In the event that City is found to have expended grant funds for ineligible activities, pursuant to 24 CFR 570.207 and 2 CFR 200.420-200.475 (formerly OMB Circular No. A-87 “Cost Principles for State, Local, and Indian Tribal Governments”), such funds shall be returned to the County.

3.4 **Program Income.** Program income shall be handled in accordance with Section 24 CFR 570.504(c). City shall report to County any income generated by the expenditure of CDBG funds. Such program income may be retained by City to be used for CDBG eligible activities and must be accounted for and kept separately from other funds in compliance with CDBG regulations. County has the responsibility for monitoring and reporting to HUD on the use of program income, thereby requiring appropriate record keeping and reporting by City as may be needed for this purpose.

3.5 **Termination of Contract.** Pursuant to 2 CFR 200.339, suspension or termination of this Agreement may occur if City materially fails to comply with any term of the grant agreement, or for convenience, as set forth in section 13 below.

(1) City may not terminate an Assignment of Proceeds and Grant of Lien without written consent of County. All reports or accounting provided for herein shall be rendered whether or not falling due within the Agreement period.

3.6 **Reversion of Assets.** Upon grant expiration, termination, or upon City becoming insolvent, City shall transfer to County any grant funds on hand at the time of expiration and any accounts receivable attributable to the use of said grant funds. Any real property under City’s control that was acquired or improved in whole or in part with grant funds (including grant funds provided to City in the form of a loan) shall be utilized in accordance with Section 3.1 General Use of Funds, of this Agreement, as long as needed for that purpose. When such property is no longer needed for the originally authorized purpose set forth in Section 3.1 of this Agreement, County shall obtain disposition instructions from HUD which shall provide for one of the disposition alternatives set forth in 2 CFR 200.311. All returned grant funds or payments, if any, shall be treated by County as program income.

4. PROGRAM ACTIVITY ELIGIBILITY.

4.1 **General Eligibility.** Eligibility of program activities, shall be evaluated and documented by City prior to identifying in Annual Action Plan to determine if activities meet the eligibility criteria established under 24 CFR 570.208. Eligibility of program activities, including an evaluation for consistency with an Urban County approved and HUD certified, Annual Action Plan shall be conducted prior to any release of funds by the County.

4.2 **Income Standards.** City agrees to use the standards, in effect at the time of assistance to determine income eligibility and the verification requirements for entry into the CDBG Program. The method of Income eligibility must be determined based on the National Objective being met and scope of CDBG activity to be carried out.

4.3 **Eligible Urban County Areas.** Program beneficiaries must reside within the income eligible Urban County areas as defined by HUD and Stanislaus County. These areas include the CDBG eligible Census Block Groups within the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, Waterford and the unincorporated areas of Stanislaus County.

4.4 **Environmental Review Record.** City is responsible for preparing the environmental review record for any project assisted through this Agreement in compliance with the California Environmental Quality Act, the National Environmental Protection Act, and 24 CFR 58. A copy of any such review shall be sent to the County for County's review, approval, and formal signature as Responsible Entity, prior to City entering into a commitment of CDBG funds for the subject activity.

5. DATA COLLECTION, REPORTING & MAINTAINENCE OF RECORDS.

5.1 **Documentation.** Implementation of program activities, including determinations of eligibility, evidence of eligible activity costs, fiscal management, and CDBG contract and subcontract records shall be documented.

5.2 **Quarterly/Closeout Reports.** City agrees to submit quarterly program status reports to County, in conformance with the requirements of CDBG and 2 CFR 200.301, including an estimate of the number of jobs created and/or retained by CDBG funds as well as any other information that is requested on the date of their monitoring appointment or by the deadline indicated within their monitoring letter. In addition, Organization shall submit, no later than 90 days after the expiration of this Agreement, any required close-out report, in conformance with the requirements of 2 CFR 200.343.

5.3 **HUD Sponsored Research.** Upon request, City shall participate in HUD-sponsored research and evaluation of CDBG during or after the completion of the program.

5.4 **DUNS Number Requirement.** City shall maintain an updated and valid DUNS number, which requires registering with Dun and Bradstreet and completing and annually renewing their registration in the Central Contractor Registration (CCR).

5.5 **Data Required.** City shall maintain activity beneficiary data such as area demographics, number of housing units, and number of people who will benefit from activities funded with grant funds. City also agrees to report the number of jobs created with CDBG funds, if applicable, in the quarterly report to be provided to County.

5.6 **General Records.** City shall keep and maintain all project records, books, papers and documents for a period of not less than five (5) years after the project terminates and grants County the option of retention of the project records, books, papers and documents. City agrees to keep all necessary books and records, including property, personnel and financial records, in connection with the operations and services performed under this Agreement, and shall document all transactions so that all expenditures may be properly audited. County, HUD, and any authorized representatives shall have access to and the right to examine all records, books, papers or documents related to the project for the purposes of making audit, evaluation, examination, excerpts and transcripts during normal business hours and during the period such records are to be maintained by City. Further, County and HUD shall have the right at all reasonable times to audit, inspect or otherwise evaluate the work performed or being performed under this Agreement.

5.7 **Privacy Procedures.** City shall develop and implement reasonable procedures to ensure: (1) The confidentiality of records pertaining to all program participants; and (2) That program participant's addresses will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the City.

5.8 **Audit Provision.** City agrees to provide to County, at City's cost, a certified audit performed by an accredited certified public accountant, of all funds received or utilized by City, including the distribution of any CDBG Grant Funds for Fiscal Year 2016-2017 and previous fiscal years. City agrees to provide additional audits upon request.

6. UNIFORM ADMINISTRATIVE REQUIREMENTS.

6.1 **General Uniform Administrative Requirements.** City shall comply with 24 CFR 570.502- Applicability of Uniform Administrative Requirements and the requirements and standards of 2 CFR 200.420-200.475 (formerly OMB Circular No. A-87, “Cost State, Local, and Indian Tribal Governments”).

6.2 **Reasonable Grant Costs.** The County reserves the right to determine whether or not a request for CDBG grant fund reimbursement is reasonable. A cost is considered to be reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs. In determining the reasonableness of a given cost, consideration shall be given to: (1) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the City or the performance of the award; (2) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms length bargaining, Federal and State laws and regulations, and terms and conditions of the award; (3) Whether the individuals concerned acted with prudence in the circumstances, considering their responsibilities to the City, its members, employees, and clients, the public at large, and the Federal Government; and (4) Significant deviations from the established practices of the City which may unjustifiably increase the award costs.

6.3 **Allocable Grant Costs.** The County reserves the right to determine whether or not a request for CDBG grant fund reimbursement is allocable, consistent with applicable federal regulations. A cost is considered to be allocable if it: (1) Is incurred specifically for the award; (2) Benefits both the award and other work and can be distributed in reasonable proportion to the benefits received; or (3) Is necessary to the overall operation of the City, although a direct relationship to any particular cost objective cannot be shown.

7. HOLD HARMLESS AND INDEMNITY AGREEMENT.

7.1 **General Indemnification.** City shall hold the County, its agents, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities and damages from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable attorney's fees, and all costs and expenses, arising directly or indirectly out of any act or omission of City, whether or not the act or omission arises from the sole negligence or other liability of City, or its agents, officers, employees, or volunteers relating to or during the performance of its obligations under this Agreement.

7.2 **Liability and Fees.** County shall not be responsible or liable for any debts, actions, obligations, negligence, or liabilities committed or incurred by City, its staff or program participants, and City hereby agrees to defend, hold harmless and indemnify County from and against any and all liabilities for debts, obligations, and negligence. No draw, however, final or otherwise, shall operate to release City from any obligations under this Agreement. Should either party be required to bring a legal action to enforce the provisions of this Agreement, the prevailing party shall be reimbursed for all court costs and all reasonable attorney's fees incurred in the prosecution or defense of said action.

8. NON-DISCRIMINATION & EQUAL OPPORTUNITY

8.1 **Compliance with Fair Housing and Civil Rights Laws.** During the performance of this Agreement, City and its officers, employees, agents, representatives or subcontractors shall not unlawfully discriminate in violation of any federal, state or local law, rule or regulation against any employee, applicant for employment or person receiving services under this Agreement because of race, religion, color, national origin, ancestry, physical or mental handicap, medical condition (including genetic characteristics), marital status, age, political affiliation or sex:

(1) City agrees to comply with all applicable fair housing, non-discrimination and civil rights requirements including all applicable Federal, State and local laws and regulations related to non-discrimination and equal opportunity, including without limitation; (a) the County's nondiscrimination policy; (b) the California Fair Employment and Housing Act (California Government Code sections 12900 et seq.); (c) Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended; (d) California Labor Code sections 1101, 1102 and 1102.1; the Federal Civil Rights Act of 1964 (P.L. 88-352), as amended; (e) Section 504 of the Rehabilitation Act of 1973; (f) Section of Title I of the Housing and Community Development Act of 1974; (g) Title II of the Americans with Disabilities Act of 1990; (h) Section 24 CFR 5.105 of the Code of Federal Regulations 24 CFR 5.105; (i) all applicable regulations promulgated in the California Code of Regulations or the Code of Federal Regulations.

(2) City agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(3) City will, in all solicitations or advertisements for employees placed by or on behalf of City, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap, sexual orientation, ancestry, national origin, familial status, or any other basis prohibited by applicable law.

(4) If the procedures that the grantee intends to use to make known the availability of services are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for such services, then City must establish additional procedures that will ensure that such persons are made aware of the services.

8.2 Equal Participation of Religious Organizations. Under CDBG, religious Organizations retain their independence from federal, state, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct CDBG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Faith-based organizations may use space in their facilities to provide CDBG-funded services, without removing religious art, icons, scriptures, or other religious symbols. If CDBG funds are to be used to acquire, construct, rehabilitate or renovate a structure which will be used for both grant eligible and inherently religious activities, CDBG funds may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities. In addition, a CDBG-funded religious City retains its authority over its internal governance, and it may retain religious terms in its City's name, select its board members on a religious basis, and include religious references in its City's mission statements and other governing documents. An organization that participates in the CDBG program shall not, in providing program assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

8.3 Section 3 Compliance. City agrees to comply with the rules and regulations set forth under Section 3 of the Housing and Urban Development Act of 1968 (12 USC 1701u), as amended, and the HUD regulations issued pursuant thereto under 24 CFR Part 135. This act requires that, to the greatest extent feasible, opportunities for training and employment be directed to low and very-low income persons, particularly those recipients of government assistance for housing, and to business concerns that provide economic opportunities to low and very-low income persons. .

8.4 Americans with Disabilities Act (ADA) of 1990 and Architectural Barriers Act of 1968. City shall comply with the Architectural Barriers Act of 1968 (42 U.S.C. § 4151, et seq.), which insures that all federally funded facilities be designed, constructed, or altered to insure accessibility and use by disabled persons, and the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101, et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines.

8.5 **Labor Standards and Davis-Bacon and Related Act Requirements.** City shall comply with all applicable federal labor standards, as set forth in section 110(a) of Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301, et seq.) and Davis Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5.

8.6 **Displacement, Relocation, Acquisition & Replacement of Housing.** Consistent with 24 CFR 570.606 and the Stanislaus Urban County's Anti-Displacement and Relocation Policy Plan, City shall take all reasonable steps to minimize the displacement of all persons as a result of Project activities.

8.7 **Eligibility Restrictions.** City agrees to comply with applicable eligibility restrictions for certain resident aliens, as set forth in 24 CFR 570.613 and 24 CFR Part 49.

9. CONSTRUCTION CONTRACTS

9.1 **Contract Provisions:** City and the County agree to include the following contract provisions in any construction contracts utilizing funds received pursuant to this Agreement:

(1) **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all construction contracts shall include the equal opportunity clause provided under 41 CFR 60-1.4(b).

(2) **Davis-Bacon Act.** All prime construction contracts in excess of \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148). Contractors shall pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must pay wages not less than once a week. City or County shall include a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. City or County shall report all suspected or reported violations to HUD.

(3) **Copeland "Anti-Kickback" Act.** All construction contracts shall include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3), prohibiting the contractor from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. City shall report all suspected or reported violations to HUD.

(4) **Contract Work Hours and Safety Standards.** Any construction contract in excess of \$100,000 that involves the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5, which require each contractor to compute the wages of mechanics and laborers on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for hours worked in excess of the standard 40 hour work week. In addition, no laborer or mechanic shall be required to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous.

(5) **Byrd Anti-Lobbying Amendment.** Any construction contract in excess of \$100,000 shall require the contractor to file the required Byrd Anti-Lobbying certification, certifying that the contractor will not and has not used Federal funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. 1352. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence a Federal contract, grant, or award, the contractor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

9.2 **Debarment and Suspension.** No contract may be awarded to parties listed on the government-wide exclusions in the System for Award Management, in accordance with the OMB guidelines at 2 CFR 180.

10. **CONFLICTS OF INTEREST.**

10.1 **Hatch Act Incorporated.** Neither City program nor the funds provided therefore, nor the personnel employed in the administration of the program shall be in any way or to any extent engaged in the conduct of political activities in contravention of the Hatch Act (Chapter 15 of Title 5, United States Code).

10.2 **Conflict of Interest.** City shall comply with 2 CFR 200.112 (formerly 24 CFR 84.42) and all applicable federal standards of ethical conduct, which prohibit any employee, officer, or agent of City from participating in the selection, award, or administration of a federally funded contract if a real or apparent conflict of interest would be involved. With respect to all other decisions involving the use of CDBG funds, the following restriction shall apply: No person who is an employee, agent, consultant, officer, or elected or appointed official of the City and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

10.3 **Lobbying and Disclosure Requirements.** City certifies that no State or Federal appropriated funds have been paid, or will be paid for lobbying activities, in contravention of 2 CFR 200.450 or the Byrd Amendment (31 U.S.C. 1352) and its implementing regulations at 24 CFR part 87. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence this Agreement, City shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

10.4 **Campaign Contribution Disclosure.** City certifies that it has complied with the campaign contribution disclosure provisions of the California Levine Act (Government Code § 84308) and has provided the appropriate disclosures to County.

11. **DRUG-FREE WORK PLACE.**

11.1 **Drug-free Workplace.** City will maintain a drug free work place and will comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.) and HUD's implementing regulations at 24 CFR part 21.

12. **ENVIRONMENTAL LAW COMPLIANCE**

12.1 **Lead Poisoning Prevention Act.** City agrees to uphold the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.) and implementing regulations at 24 CFR part 35, subparts A, B, M, and R.

12.2 **Clean Air Act and Federal Water Pollution Control Act.** Organization agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended. (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

13. TERMINATION OF SERVICES & REVERSION OF ASSETS.

13.1 **Termination of Contract and Reversion of Assets.** It is expressly understood and agreed that either party shall have the right to terminate this Agreement upon fifteen (15) days written notice to the other party. Such notice shall include the reasons for termination. (1) City may not terminate an Assignment of Proceeds and Grant of Lien without written consent of County. All reports or accounting provided for herein shall be rendered whether or not falling due within the Agreement period. (2) County reserves the right to terminate this Agreement or to reduce the Agreement compensation amount for cause, or if City fails to comply with the terms and conditions of an award, including: (a) Failure of City to file required reports; (b) Failure of City to meet project dates; (c) Expenditure of funds under this Agreement for ineligible activities, services or items; (d) Failure to comply with written notice from County of substandard performance in scope of services under the terms of this Agreement. (3) Should County choose to terminate this Agreement the following steps shall be followed: (a) Written warning to City by County including steps to bring project into compliance with time frame; (b) Notification by County that said project has been determined deficient and that continued support of the project is not providing an adequate level of services to low/moderate income people; (c) Written notification from County that said Agreement is to be terminated and program funds curtailed, withdrawn, or otherwise restricted. (4) Upon expiration or termination of this Agreement, City shall transfer to the County any CDBG funds on hand at the time of expiration or termination and any accounts receivable attributable to the use of CDBG funds.

13.2 **Insolvency.** If the City becomes insolvent, all unused CDBG funds shall be returned to the County for disposition.

14. GENERAL TERMS AND CONDITIONS.

14.1 **Other program requirements.** City agrees to carry out each activity in compliance with all Federal laws and regulations described in subpart K of 24 CFR 570, except that City does not assume County responsibility for initiating the process of reviewing federal financial assistance programs under the provisions of 24 CFR 52.

14.2 **Assignment.** Without written consent of County, this Agreement is not assignable by City, either in whole or in part.

14.3 **Amendment.** No amendment to, alteration of or variation in the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

14.4 **Provisions Required by Law Deemed Inserted.** Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to be inserted herein, and the Agreement shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party, the Agreement shall forthwith be physically amended to make such insertion or correction.

14.5 **Construction.** Headings or captions to the provisions of this Agreement are solely for the convenience of the parties, are not part of this Agreement, and shall not be used to interpret or determine the validity of this Agreement. Any ambiguity in this Agreement shall not be construed against the drafter, but rather the terms and provisions hereof shall be given a reasonable interpretation as if both parties had in fact drafted this Agreement.

14.6 **Integration.** This Agreement represents the entire understanding of County and City as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both

written and oral. This Agreement may not be modified or altered except in accordance with section 14.3 or 14.4.

14.7 **Notice.** Any notice, communication, amendment, addition or deletion to this Agreement, including change of address of either party during the term of this Agreement, which City or County shall be required or may desire to make shall be in writing and may be personally served or, alternatively, sent by prepaid first class mail to the respective parties as follows:

To County: County of Stanislaus
 Department of Planning and Community Development
 Attention: Planning Director
 1010 Tenth Street, Suite 3400
 Modesto, CA 95354

To City: See Attachment 1 – Urban County City Notice Information

14.8 **Governing Law and Venue.** This Agreement shall be deemed to be made under, and shall be governed by and construed in accordance with, the laws of the State of California. Any action brought to enforce the terms or provisions of this Agreement shall have venue in the County of Stanislaus, State of California.

14.9 **Authorization.** City has authorized the undersigned person signing as officers on behalf of City, to enter into this Agreement on behalf of said City and to bind the same to this Agreement, and, further that said City has authority to enter into this Agreement and that there are no restrictions or prohibitions contained in any article of incorporation or bylaws against entering into this Agreement.

14.10 **Counterparts.** This Agreement may be signed in counterparts and shall bind each signatory to the Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first hereinabove written.

– Signatures on following pages –

COUNTY OF STANISLAUS

By _____
Dick Monteith
Chairman of the Board of Supervisors

_____ Dated

ATTEST: Elizabeth King
Clerk of the Board of Supervisors
of the County of Stanislaus, State of California

By _____
Pam Villarreal
Assistant Clerk

APPROVED AS TO CONTENT:
Angela Freitas, Director
Planning and Community Development Department

By _____
Angela Freitas
Director

APPROVED AS TO FORM:
John P. Doering
County Counsel

By _____
Thomas E. Boze
Assistant County Counsel

CITY OF CERES

By _____
Chris Vierra
Mayor

_____ Dated

ATTEST:

By _____
Diane Nayares-Perez
City Clerk

APPROVED AS TO CONTENT:

By _____
Toby E. Wells, P.E.
City Manager

APPROVED AS TO FORM:

By _____
Tom Hallinan
City Attorney

CITY OF HUGHSON

By _____
Matthew Beekman
Mayor

_____ Dated

ATTEST:

By _____
Susana Diaz
City Clerk

APPROVED AS TO CONTENT:

By _____
Raul L. Mendez
City Manager

APPROVED AS TO FORM:

By _____
Daniel J. Schroeder
City Attorney

CITY OF NEWMAN

By _____
Robert Martina
Mayor

_____ Dated

ATTEST:

By _____
Mike Maier
City Clerk

APPROVED AS TO CONTENT:

By _____
Michael E. Holland
City Manager

APPROVED AS TO FORM:

By _____
Tom Hallinan
City Attorney

CITY OF OAKDALE

By _____
Pat Paul
Mayor

_____ Dated

ATTEST:

By _____
Kathy Teixeira
City Clerk

APPROVED AS TO CONTENT:

By _____
Bryan Whitemyer
City Manager

APPROVED AS TO FORM:

By _____
Tom Hallinan
City Attorney

CITY OF PATTERSON

By _____
Luis I. Molina
Mayor

_____ Dated

ATTEST:

By _____
Maricela L. Vela
City Clerk

APPROVED AS TO CONTENT:

By _____
Ken Irwin
City Manager

APPROVED AS TO FORM:

By _____
Tom Hallinan
City Attorney

CITY OF WATERFORD

By _____
Michael Van Winkle
Mayor

_____ Dated

ATTEST:

By _____
Lori Martin
City Clerk

APPROVED AS TO CONTENT:

By _____
Tim Ogden
City Manager

APPROVED AS TO FORM:

By _____
Corbett Browning
City Attorney

Attachment 1
Urban County City Notice Information

City of Ceres
Department of Planning
2720 Second Street
Ceres CA 95307

City of Hughson
Department of Planning
P.O. Box 9
Hughson CA 95326

City of Newman
Department of Planning
P.O. Box 787
Newman CA 95360

City of Oakdale
Department of Planning
455 S. Fifth Street
Oakdale CA 95361

City of Patterson
Department of Planning
P.O. Box 667
Patterson CA P[.O.95363

City of Waterford
Department of Planning
P.O. Box 199
Waterford CA 95386

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CITY OF HUGHSON AGENDA ITEM NO. 3.6 SECTION 3: CONSENT CALENDAR

Meeting Date: June 13, 2016
Subject: Consideration of the Quarterly City of Hughson
Legislative Report
Presented By: Raul L. Mendez, City Manager

Approved By: _____

Staff Recommendation:

Accept the Quarterly City of Hughson Legislative Report.

Background and Overview:

On March 24, 2014, the Hughson City Council adopted Resolution No. 2014-10, establishing the City of Hughson's Legislative Program. The Legislative Program contains General Principles (Home Rule, Annexation, Right of Way and Unfunded Mandates) and focuses on key policy areas: Environmental/Utilities and Public Works/Transportations/Telecommunications. The Legislative Program is intended to be a fluid document that is revisited periodically to enable the City Council and staff to react and respond when appropriate to legislative issues as they arise throughout the year in a timely manner. The document is made available to State and Federal elected representatives so that they are made aware of the issues that are important to Hughson and can advocate on those issues on the City's behalf. The City of Hughson's Legislative Program document is attached for reference.

Historically, the City of Hughson has conducted legislative advocacy through its work by designated members of the City Council with organizations such as the League of California Cities (LOCC) and the California Local Agency Formation Commission (CALAFCO). Due to limited staffing resources, this model has served the City of Hughson well. Occasionally, the City of Hughson is asked to consider taking positions of support or opposition on Federal and State legislation and such requests are handled on a case-by-case basis by the Hughson City Council through its regular or special meetings.

Under the new model, the City Manager and staff conduct the initial review of legislative requests. If determined to be consistent with the City's Legislative Program, they are further researched and then discussed with the Mayor and Mayor Pro Tem prior to bringing forward for consideration by the full City Council. Matters not brought forward due to a higher level of urgency are shared with the City Council in a quarterly legislative report by the City Manager after consulting

with the Mayor and Mayor Pro Tem on the appropriate action. This approach ensures that staffing resources are utilized wisely to only conduct extensive work and analysis on those legislative matters consistent with the adopted Hughson Legislative Program. Moreover, it ensures that City staff responds in a timely manner when appropriate.

The following is a summary of key legislative activity since the reporting. City staff prepares this report on a quarterly basis to keep the City Council and public informed of discussions and actions occurring at the Federal or State level.

Governor's May Revise Fiscal Year 2016-2017

On May 13, 2016, Governor Brown released his Revised Fiscal Year 2016-2017 Budget that holds the line on General Fund spending yet includes a \$2 billion Homeless Housing Revenue Bond.

The Governor's Revised Fiscal Year 2016-2017 budget is \$173.1 billion, which is a 1.8 percent increase over Fiscal Year 2015-2016. Of that total, \$122.2 billion is General Fund, which is an increase of 5.7 percent over the current budget year. Projections for the Rainy Day Reserve Fund have been reduced. The Fund, which currently totals \$3.5 billion, was proposed in January to grow to \$8 billion. That amount, however, in the Revised Budget has been reduced to \$6.7 billion, reflecting lower projected revenues. The recently enacted minimum wage increase is expected to cost the State an initial \$39 million, but that amount is expected to grow to \$3.4 billion annually by full implementation in 2023. The Governor also noted that Medi-Cal funding is improved over the next three years thanks to the recent passage of the managed care organization tax.

It is now up to the Legislature to debate the proposal and come up with a refined spending plan for the Governor to approve for the budget year. The Legislature is expected to send a final budget to the Governor by June 15, which must be signed before July 1.

Additional details on the Governor's Revised Budget are contained in the attached League Newsletter (May 13, 2016 – Issue #38).

Legislative Outlook

Through the League of California Cities Central Valley Division Representative, Stephen Qualls, City staff is kept abreast of key discussions at the State level. Key legislation of recent interest per the League advocacy efforts is as follows:

AB 2614/Bonta (Medical Cannabis: State Licenses: Out-of-State Convictions)

AB 2614 would prevent the Department of Consumer Affairs from denying a state license to a person with an out-of-state conviction. It provides that such a conviction cannot be the sole basis for denial of a license, if it did not include a period of incarceration, and if a local jurisdiction is aware of the conviction and is nonetheless willing to issue a local permit or other authorization. *The League has taken a position of opposition on this bill on the premise that it disregards*

consensus language on disqualifying felonies for state licensure that the League and the Police Chiefs agreed to in last year's legislation, re-opening a controversial issue in the Medical Marijuana and Safety Act to ensure that a small number of current business operators can obtain a state license.

Proposed Trailer Bill Governor's By Right Housing Proposal

As a component of the May Revise, Governor Brown proposed to reduce perceived additional costs and delays associated with the approval of housing developments containing specified percentages of affordable housing by eliminating public input and project level environmental analysis, restricting design review, and making approvals non-discretionary or "ministerial." The proposal allows developers to get their projects approved by City staff in an expedited timeframe based on the general plan and "objective" zoning criteria in effect, and even authorizes staff to approve zoning changes, zoning variances and conditional use permits without public review. *The League has taken a position of opposition on this Proposed Trailer Bill on the premise that the potential savings for eliminating public review is minimal, undermines the principals of the Brown Act, and goes against the principles of local democracy and public engagement, and such a change merits extensive review by the appropriate policy committees.*

Fix Our Roads Coalition and Proposed Governor's Transportation Plan

The Fix Our Roads (FOR) Coalition, of which the League of California Cities is a partner, urges for immediate action to re-energize the Transportation and Infrastructure Development Special Session and reject the Governor's Transportation Plan.

Further, the League calls on the Special Session Conference Committee to negotiate a bipartisan, comprehensive, and robust transportation reform and funding package. This request is relevant and timely considering the recent actions both houses have taken in Budget Subcommittee hearings to reject without prejudice the Governor's Transportation Funding Plan and send the issue to Special Session. Without an active Transportation Special Session, the budget actions are ended negotiations and over 18-months' worth of work and collaboration on this issue.

The League of California Cities is part of the Fix Our Roads Coalition, a broad coalition of cities, counties, labor, business and transportation advocates that formed to meet Governor Jerry Brown's call to address California's chronic transportation infrastructure funding shortfall. The coalition supports seven core principles:

- Make significant investment in transportation infrastructure;
- Focus on maintaining and rehabilitating the current system;
- Invest a portion of diesel tax and/or Cap-and-Trade revenue to high priority goods movement projects;
- Raise revenues across a broad range of options;
- Equal split between state and local projects;

- Strong accountability requirements to protect the taxpayers' investment; and
- Provide consistent annual funding levels.

The incorporated cities of Stanislaus County took no formal action on this item and instead are focused on a regional transportation sales tax measure to ensure funding is maintain locally for road improvement projects. City staff will continue to monitor this discussion at the State level

2016 League of California Cities Events

Legislative Action Day, Sacramento – April 27, 2016.

-Attended by Community Development Director French and Finance Manager Whiteside. In addition to hearing a legislative briefing provided by the League of California Cities also participated along with the Central Valley delegation in meetings with our State representatives.

Annual Conference – Long Beach – October 5-7, 2016.

-Scheduled to be attended by Mayor Pro Tem Young (historically the Council's Delegate for League Resolutions) and City Manager Mendez.

Fiscal Impact:

Implementation of the City of Hughson's Legislative Program is managed by existing staff and through existing budgeted allocations.

May 13, 2016
Issue #38

**Governor's Revised FY 2016-17 Budget Holds Line on General Fund Spending;
Includes \$2 billion Homeless Housing Revenue Bond**
*Requires Non-Discretionary Approval of Affordable Housing to Avoid Perceived Delays
Caused by Community Input and CEQA Review*

This morning Gov. Jerry Brown began his budget press conference by reiterating his warning that California must prepare for the next inevitable downturn. The [Revised FY 2016-17 Budget](#) recognizes that California's tax revenue forecast has been reduced by \$1.9 billion since January caused by sluggish income tax and sales tax revenues. Consequently, while minor adjustments were made to the Governor's January spending proposals, he proposes no new major General Fund spending.

The Governor warned that California may be dangerously close to the next recession. Consistent with his tendency to incorporate historical references, philosophers, and Latin into his presentations, he passed out to reporters copies of "[The Ants & the Grasshopper](#)" from *Aesop's Fables*. The message naturally to be inferred from this story is that California must get ready for winter and store up reserves for lean times.

"There are no Halcyon (calm, peaceful) days ahead," warned Governor Brown. He cautioned that California cannot afford any new spending and still prepare for the economic tide to turn. The state has great revenue volatility with the majority of tax revenues coming from California's wealthiest residents.

The Governor's revised FY 2016-17 budget is \$173.1 billion, which is a 1.8 percent increase over FY 2015-16. Of that total, \$122.2 billion is General Fund, which is an increase of 5.7 percent over the current budget year. Projections for the Rainy Day reserve fund have been reduced. The fund, which currently totals \$3.5 billion, was proposed in January to grow to \$8 billion. That amount, however, in the revised budget has been reduced to \$6.7 billion, reflecting lower projected revenues. The recently enacted minimum wage increase is expected to cost the state an initial \$39 million, but that amount is expected to grow to \$3.4 billion annually by full implementation in 2023. The Governor also noted that Medi-Cal funding is improved over the next three years thanks to the recent passage of the managed care organization tax.

It is now up to the Legislature to debate the proposal and come up with a refined spending plan for the Governor to approve for the budget year that begins July 1. Details on Governor Brown's January proposal are outlined in "[Governor Releases FY 2016-17 Budget Stressing Fiscal Prudence, Proper Planning for Future Recession,](#)" *CA Cities Advocate*, Jan. 7, 2016.

Additional details on the Governor's revised budget are below.

\$2 Billion in Homeless Housing Funding

While the Governor rejected Assembly proposals to spend additional General Fund dollars on affordable housing, he endorsed Senate President Pro Tem Kevin de León's bipartisan proposal to fund housing for California's chronic homeless using funding from the Mental Health Services Act (Proposition 63). This [League-supported "No Place Like Home"](#) proposal would combat homelessness and assist low-income Californians. The proposed FY 2016-17 budget includes an initial expenditure of \$267 million from these bond proceeds.

“We have the money. It’s a serious problem, and the Legislature has come up with a thoughtful program,” said Governor Brown.

Public Engagement and Local Approval Process Blamed for Housing Shortage

Gov. Brown proposes a ministerial, “by-right” land-use entitlement provision for multifamily infill housing developments, which include affordable housing. Under the plan, a local government could not require a conditional use permit, planned unit development permit or other discretionary local government review or approval for qualifying developments that include affordable housing, provided they are consistent with general plan and zoning standards.

While not made clear in the May Revise document, removing local discretion on these decisions and making them “ministerial” also avoids project-level environmental review required by the California Environmental Quality Act (CEQA), since CEQA is only triggered for *discretionary* governmental decisions.

The budget further indicates the Governor’s support for other proposals intended to increase the availability of accessory dwelling units and greater clarity and increased use of the Density Bonus Law. These include [SB 1069 \(Wieckowski\)](#), [AB 2299 \(Bloom\)](#) and [AB 2501 \(Bloom\)](#) — all bills that League opposes [because they reduce public engagement and local discretion over housing](#).

Despite a lengthy description of the alleged problems created by community input in the local development approval process, the May Revise calculates a savings of only 5 percent ([page 49](#)) in project costs. Such a low number actually supports a counter argument that the concern may be overblown. Changes caused by design review were assigned 7 percent of project costs, yet having good design (as opposed to taking short cuts on quality) has long been maintained by affordable housing developers as the key to community acceptance of higher density and affordable housing projects.

Transportation

Funding

The Governor’s transportation funding proposal remains the same as his budget release in January. The proposal would provide additional funding for transportation by \$3.6 billion annually, a number the Administration has indicated a willingness to negotiate with the Legislature.

If adopted, one-half of the funding (\$1.8 billion) would go to cities and counties for street maintenance, complete street projects, public transit and state-local partnership funding projects. Of this amount, \$1.01 billion would be allocated by formula for local streets and roads maintenance, \$523 million of which will go to cities each year based on population. An additional \$100 million would be set aside for a complete streets competitive grant program.

The revenue package would generate \$500 million by eliminating the variable gas tax adjustment and setting it to a historical average of 18 cents, indexing the entire gas tax for inflation and would generate \$2 billion from a \$65 per-vehicle highway user fee. Additional elements include \$500 million in Cap-and-Trade revenues, \$100 million in Caltrans efficiencies, and \$500 million from an 11-cent increase in the diesel tax indexed for inflation (to support the trade corridor enhancement program and other highway and road improvements). The Governor also proposes to speed up repayment of \$704 million in transportation-related loans from special funds.

Benefits to investing in roads far exceed the costs to Californians. Although the Administration projects the package will cost vehicle owners approximately an additional \$10 per month, these same vehicle owners are paying an average of \$762 annually to fix their vehicles due to poor road conditions.

If, however, a funding package is not adopted, transportation revenues are expected to continue to decrease. The California Transportation Commission was recently forced to lower their fund estimate by \$754 million because of declining gas tax revenues.

The revise also includes conforming language to make California eligible federal matching freight grant funding under the federal Fixing America's Surface Transportation (FAST) Act.

Motor Vehicle Account Fix

No changes are proposed to the \$10 increase to the vehicle registration fee to address an ongoing deficit in the Motor Vehicle Account (MVA) included in the January budget. MVA funds activities of the Department of Motor Vehicles, California Highway Patrol, and Air Resources Board.

Public Works

No changes are proposed on the Administration's efforts to renew focus on the California Conservation Corps, a program the Governor created in 1976. Here are some of the elements from January:

- \$15 million increase from Cap and Trade funds for the Energy Corps Program.
- \$5 million for Forest Health Improvement Projects in the highest fire risk areas of the state.
- \$2.6 million from the General Fund for a Butte Fire Center.
- \$400,000 General Fund increase for residential center site selection evaluation in Pomona, Napa, and Ukiah.
- \$19.7 million General Fund increase for renovation at the Auburn Center.

Cap-and-Trade Allocations

The Governor's May Revise holds firm on his January budget proposal that proposed to allocate \$3.1 billion from Cap-and-Trade auction proceeds, which includes the balance of auction proceeds that were not allocated in FY 2015-16. Details on the Cap-and-Trade expenditure plan are below.

Continuous Appropriation (60 percent of annual auction proceeds):

- \$500 million for High-Speed Rail Projects.
- \$100 million for Low Carbon Transit Operations.
- \$200 million for Transit and Intercity Rail projects.
- \$400 million for Affordable Housing and Sustainable Communities program.

One-time Appropriation (40 percent of annual auction proceeds in plus balance of FY 2015-16 auction proceeds):

- \$400 million for Transit and Intercity Rail Capital Program (See transportation section).
- \$100 million for Low Carbon Road Program (See transportation section).
- \$500 million for the Air Resources Board's Low Carbon Transportation Program to provide incentives for low carbon freight and passenger transportation, including rebates for zero emission cars, vouchers for hybrid trucks and zero-emission trucks and other uses.
- \$100 million for the Transformational Climate Communities Program to support local climate actions in the state's top 5 percent of disadvantaged communities. Funding will support projects that integrate multiple, cross-cutting approaches to reduce GHG emissions.
- \$100 million for financial incentives for capital investments that expand waste management infrastructure, including new or expanded clean composting and anaerobic digestion.
- \$50 million for Urban Forestry programs and urban greening projects.

For a complete summary of the Governor's Cap and Trade proposal, please see ["Governor Releases FY 2016-17 Budget Stressing Fiscal Prudence, Proper Planning for Future Recession," CA Cities Advocate](#), Jan. 7, 2016.

Public Safety

Front-Line Law Enforcement Funding

The May Revision does not alter proposed front line public safety funding or local jail funding. The \$20 million proposed allocation for police departments remains intact.

New Local Siting Grant Program for Re-Entry Facilities

The May Revision contains more details following a concept described in January to offer a \$25 million siting grant program to encourage local communities to approve housing facilitating treatment and re-entry.

Key features include:

- Competitive application process to determine distribution scheme.
- Additional funding for jurisdictions that site transitional housing and supportive service for ex-offenders for a minimum of 10 years.
- Requires portion of funds to be used to increase public safety around the facility and improve communication with neighbors.
- Funding must be shared with nonprofit facility operators to support security, rehabilitative services and community outreach.

Medical Marijuana

- Proposed increase of \$5.9 million for Information Technology acquisitions at Department of Consumer Affairs and Department of Food and Agriculture (DFA) related to implementation of Seed-to-Sale Tracking.
- \$2 million earmarked for DFA to implement and devise an estimate for the total cost of acquiring tracking system.
- Language to adjust for unknown changes in information technology requirements that crop up during the budget year, requiring expenditure increases.

Office of Emergency Services

Adjustments from the January budget proposal include:

- \$30 million increase (General Fund) to the California Disaster Assistance Act funding, supporting local jurisdictions making use of this program to support recovery from natural disasters, including drought, earthquake, tree mortality, wildfires and floods.
- \$10 million increase (General Fund) to support implementation of California Earthquake Early Warning System, including funding for research on the necessary technology.

California Emergency Medical Services Authority (Cal-EMSA)

Adjustments from the January budget proposal include:

- \$36.1 million (including \$8.7 million General Fund) to support Cal-EMSA's coordination of emergency medical and natural disaster response.
- Cal-EMSA proposes to modify and expand potential uses of three Mobile Field Hospitals purchased by the state in 2007 that have never been used. The mission of these assets will be expanded to include deployment for a broader range of emergencies, including earthquakes, fires, floods, severe influenza outbreaks, virus epidemic, or bioterrorism.

Proposition 47

Since January, the (California Department of Corrections and Rehabilitation) (CDCR) adult inmate population as a result of Prop. 47 increased by 535, from 4,172 to 5,247 during FY 2015-16. The Department of Finance estimates a net savings of \$39.4 million, proposed to be allocated in FY 2016-17 as follows:

- \$25.6 million (65 percent) to the Board of State and Community Corrections for mental health treatment, diversion programs and substance abuse disorder treatment.
- \$9.8 million (25 percent) to the State Department of Education to reduce truancy, improve outcomes for K-12 education and support students at risk of dropping out or who are victims of crime.

- \$3.9 million (10 percent) to the Victim Compensation and Government Claims Board to support trauma recovery centers serving crime victims.

The May Revise also highlights several other pre-existing state initiatives to expand substance abuse disorder treatment including intensive outpatient services and residential treatment, pre-enrollment of inmates into Medi-Cal prior to release. Of the 42,600 offenders on active parole in FY 2016-17, 85 percent will be Medi-Cal eligible.

Department of Corrections and Rehabilitation

CDCR's budget is projected at \$10.6 billion for department operations. Adult inmate and parolee populations have declined leading to corresponding reductions of over \$21 million over FY 2015-16 and FY 2016 fiscal years. Juvenile population has declined as well leading to over \$650,000 in reductions over the same period.

Also included within the CDCR budget:

- \$4 million for leadership training for CDCR staff.
- \$3 million Prop. 98 General Fund for eReader Community College Content (electronic reading devices with textbook content for inmates enrolled in community colleges).
- \$2.2 million for Cognitive Behavioral Therapy.
- \$3.7 million for Substance Abuse Disorder Treatment.
- \$2.3 million for Career Technical Education Programs.
- \$4 million for Art in Corrections (proven successful in altering behavior).
- \$3.1 million for Innovative Programming Grants (one-time funding expanding nonprofit programs focused on offender responsibility and restorative justice principles).
- \$35.9 million for continued implementation of Electronic Health Record System.
- \$3.7 million for Internet Protocol Television Integration — allowing CDCR to create necessary infrastructure to all prisons to support television network delivering rehabilitative programming to inmates.

In addition, \$24.5 million General Fund and \$3 million in Prop. 98 funds would be added to rehabilitation programming for inmates. This would build on a pre-existing allocation of \$60 million in the January Governor's Budget to support long-term offenders, community re-entry programs and expansion of substance abuse disorder treatment in prison

Environmental Quality

Emergency Drought Response

The May Revise would allocate an additional \$11.4 million (for a total of \$334.5) for emergency drought response, based on current drought conditions. Key allocations include:

- \$6 million for grants to local entities, including local governments, for efforts to remove hazardous trees that pose a threat to public health and safety.
- \$5 million to support additional miscellaneous equipment and personal for hazardous tree removal.
- An increase of \$5 million for the Department of Water Resources to provide emergency drinking water support for small communities, including private wells.
- An increase of \$10.4 million for CAL FIRE to contract for additional helicopters and seasonal helicopter crews during peak fire season.

For a complete summary of the Governor's Emergency Drought Response proposal, please see in ["Governor Releases FY 2016-17 Budget Stressing Fiscal Prudence, Proper Planning for Future Recession," CA Cities Advocate](#), Jan. 7, 2016.

Manage and Prepare for Future Droughts

Building off of last year's 23.9 percent statewide water savings, the May Revise proposes to allocate the following for drought preparedness and resiliency for urban water agencies:

- \$4.5 million for a coordinated effort by the Department of Water Resources and the State Water Resources Control Board to review and update local water shortage contingency

plans, develop recommendations for new water efficiency targets, and establish a permanent urban water efficiency data tracking system, consistent with the directives of the most recent executive order.

- \$1 million for the Department of Water Resources to support local public agencies with formation of groundwater sustainability agencies.

Department of Toxic Substances Control and State Water Resources Control Board

The Governor's January budget proposal included \$8.2 million from the Childhood Lead Poisoning Prevention Fund for the Department of Public Health to extend services to children who have been exposed to lead. The May Revise augments this effort with the following:

- An increase of \$180,000 to upgrade the information technology system to improve lead mapping.
- An increase of \$480,000 to prepare guidance documents and engage in outreach to schools to assist local efforts with water quality testing, and support public water systems in improving compliance with federal reporting requirements.

Enhancing Environmental Justice

The May Revise seeks to enhance efforts to address environmental justice concerns by allocating the following:

- An increase of \$2.3 million for the Air Resources Board (ARB) to support neighborhood air quality monitoring near oil and gas facilities and enhance the ARB emergency response capabilities.
- An increase of \$2.3 million for the pesticide air monitoring program.
- An increase of \$904,000 to make the pilot Environmental Justice Compliance and Enforcement Working Group permanent. The Working Group will continue reducing adverse environmental impacts in the most vulnerable communities and expand its work to other areas of the state.

Proposition 39 K-12 Energy Efficiency

Voters approved Prop. 39 in 2012 to increase state corporate tax revenues. For FY 2013-14 through FY 2017-18, the measure requires half of the increased revenues, up to \$550 million per year, to be used to support energy efficiency. The May Revise increases the K-12 allocation by \$33.3 million for a total of \$398.8 million.

Community Services

Child Care

The January budget proposal increased funding subsidized child care programs, including an increase of 7,030 slots for full-day State Preschool, a 4.5-percent increase to the Regional Market Reimbursement Rate, and a five-percent increase for license-exempt providers. The May Revise includes an increase of \$55.6 million federal funds for child care and development. The total ongoing and one-time federal funding is \$648.9 million.

California State Library

The May Revise proposes an increase of \$505,000 for services, including publications, data subscriptions, and other resources available to the public.

Next Steps

This represents an initial analysis by League staff of the Governor's May Revise. In the coming days more information and trailer bill language will become available to enable the details to be examined more closely. The Legislature is expected to send a final budget to the Governor by June 15, which must be signed before July 1.



CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: June 13, 2016
Subject: Consideration to Amend the Residency Requirements of the Hughson Parks and Recreation Commission
Presented By: Jaylen French, Community Development Director
Approved By: _____

Staff Recommendation:

Discuss and consider including, in the ordinance under development. A revision to the residency requirements of the established Hughson Parks and Recreation Commission and direct the Parks and Recreation Commission to consider the matter at a future meeting.

Background and Overview:

In February 2005, the Hughson City Council adopted Ordinance No. 2005-06 creating the Hughson Parks and Recreation Commission. The Commission, which consists of five (5) members, serves in an advisory capacity to the City Council.

Discussion:

The Hughson Parks and Recreation Commission has maintained a vacancy since May 2015, or approximately 13 months. Prior to 2015, the Commission has had frequent periods of vacancies.

City staff is of the opinion that adding arts and entertainment matters to the powers and duties of the Commission—the original component of this amendment—will help in the goal to maintain a full Commission and also help City efforts in the arts and entertainment area. On May 23, 2016, the City Council directed staff to draft an amendment to the Hughson Municipal Code to add arts and entertainment matters to the duties of the established Hughson Parks and Recreation Commission. City staff is bringing this item back for further direction.

The issue of vacancies has been a frequent topic of discussion amongst staff, commissioners and others. Informally, staff and the Commission have contemplated ways to ensure the Commission is full. Currently HMC Section 2.14.030.A requires the Commission members reside in Hughson and are

registered voters. Below is a summary of four ideas that have been explored to change those requirements to ensure the Commission is full. As the City Council is aware, many people who consider themselves Hughsonians do in fact live just outside of the City Limits and use the City parks and recreation programs. A revision to the qualification is would provide an ability to allow those individuals, who associate with the City, but do not live within the City Limits, to participate on the Parks and Recreation Commission.

City staff offers for discussion purposes the following non-exclusive options:

1. Amend the Municipal Code to add arts and entertainment matters to the powers and duties of the Commission and evaluate over time if, based on an increased area of responsibility, there is a greater chance to maintain a full commission.
2. Amend the Municipal Code to revise the residency requirements from within the City Limits to another defined area.
 - i. i. Hughson postal code area
 - ii. ii. Hughson Fire Protection District Boundary
 - iii. iii. Hughson Unified School District Boundary
 - iv. iv. City of Hughson Sphere of Influence
 - v.
3. Amend the Municipal Code to provide the City Council the ability to appoint a set number of members at-large without the existing qualification requirements.
4. Amend the Municipal Code to authorize the City Council to appoint at-large members without the existing qualifications if a vacancy remains for a period of 6 months.
5. Do not change the existing Municipal Code qualifications.

This item is to initiate discussion on this matter, which, if direction is provided, will be incorporated into the amendment of the Hughson Municipal Code regarding adding arts and entertainment matter to the duties and powers of the Parks and Recreation Commission.

Fiscal Impact:

There is no direct fiscal impact to amending the residency requirements of the established Hughson Parks and Recreation Commission. Parks and Recreation Commissioners serve without compensation.

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HUGHSON CITY COUNCIL
ORDINANCE NO 05-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
ADDING CHAPTER 2.14 TO THE HUGHSON MUNICIPAL CODE

WHEREAS, the City Council of the City of Hughson desires to establish a parks and recreation commission;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.14 is added to the Hughson Municipal Code to read in full as follows:

Chapter 2.14

PARKS AND RECREATION COMMISSION

Sections:

- 2.14.010 Establishment
- 2.14.020 Definitions
- 2.14.030 Commissioner Appointment and Qualifications
- 2.14.040 Terms of Office
- 2.14.050 Removal From Office
- 2.14.060 Meetings
- 2.14.070 Voting Requirements
- 2.14.080 Organization
- 2.14.090 Powers and Duties

2.14.010 Establishment.

The City Parks and Recreation Commission is hereby established. The Parks and Recreation Commission shall serve in an advisory capacity to the City Council. The Commission shall consist of five members who shall serve without compensation.

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2.14.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have these meanings.

“Commission” shall mean the City Parks and Recreation Commission established by this chapter.

“Commissioners” shall mean those persons appointed to the Commission in accordance with this chapter.

“Department” shall mean the City Parks and Recreation Department established within the City for the purpose of managing City parks and recreational programs, in accordance with policies adopted by the City Council.

“Director” shall mean the director of the Department, appointed to that position by the City Manager.

2.14.030 Commission Appointment and Qualifications.

A. Each Commissioner shall be a resident and registered voter of the City of Hughson.

B. Elected officials, planning commissioners or employees of the City shall not be eligible for appointment as commissioners.

C. For initial appointment to the Commission, the Mayor and each Councilmember shall have the right to nominate one person as Commissioner. Each nomination must be approved by at least three affirmative votes of the Council. In the event any nominee is not so approved, the person who made the nomination shall have the right to name another nominee, so continuing until approval is obtained.

2.14.040 Term of Office and Filling Vacancy.

A. The term of office for each Commissioner shall be for two years, and until his or her successor is appointed, except as provided in Section 2.14.040.C below, or Section 2.14.050 below.

B. Should a vacancy occur on the Commission, for any reason, including expiration of terms, the vacancy shall be filled by appointment by the City Council. Each Council Member, and the Mayor, shall have the right to make nominations pursuant to the established normal process for nominations, continuing until nominations are closed, and the person receiving the highest number of votes, so long as it is at least three affirmative votes, shall be appointed. Except in the case of a vacancy occurring due to expiration of a term, appointments to fill vacancies shall only be for the balance of the unexpired term of the vacant portion.

1 C. The initial Commission, at its first meeting, shall stagger the
2 terms of the initial Commissioners, so that two of the five shall have an initial
3 term of one year, instead of two years. The determination of those two
4 Commissioners shall be by drawing lots.

5 2.14.050 Removal From Office.

6 Notwithstanding any other provision of this chapter:

7 A. The Commissioners serve at the will of the Council, and may be
8 removed at any time by a vote of at least three Council Members.

9 B. A vacancy shall be deemed to have occurred for the positions of
10 any Commissioner who absents himself or herself from any three consecutive
11 regular meetings of the Commission for any reasons other than illness or family
12 emergency.

13 C. A vacancy shall be deemed to have occurred for the position of
14 any Commissioner who is absent from a total of six or more regular meetings of
15 the Commission in any twelve month period.

16 2.14.60 Meetings

17 A. The Commission shall meet initially at 7:00 p.m. on the first
18 Monday after the full Commission is appointed by the Council, at City Hall.

19 B. The Commission shall, at that first meeting, establish a regular
20 meeting schedule including dates, time and location for itself, which shall be at
21 least once per calendar month.

22 C. Regular meetings shall be noticed and agendized in accordance
23 with California Government Code sections 54950 and following, as they are
24 now or may be amended.

25 D. Special meetings may be called in accordance with California
26 Government Code section 54956, as it is now, or may be amended.

27 E. Meetings may be continued, and emergency meetings may be
28 called, in accordance with the applicable provisions of California Government
Code sections 54950 and following, as they are now or may be amended.

F. The City Manager shall assign such staff as may be necessary to
assist the Commissioner.

2.14.070 Voting Requirements.

A. A quorum consists of at least three Commissioners.

B. An affirmative vote of at least three Commissioners shall be
necessary for any actions.

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C. Each Commissioner, including the chair, shall have one vote, and each Commissioner, including the Chair, may initiate or second motions.

D. All actions of the Commission shall be by minute action, and roll call vote.

2.14.80 Organization.

A. At its initial meeting, the Commission shall choose a Chair, and a Vice-Chair.

B. At its initial meeting the Commission shall establish, or direct the preparation by staff for later establishment, operating procedures, which shall not be inconsistent with law, including his chapter.

2.14.090 Powers and Duties.

The Commission shall:

A. Advise City Council regarding policies for the acquisition, development, maintenance and improvement of park facilities and make recommendations as appropriate.

B. Formulate and recommend to the City Council, fee schedules, policies, rules and regulations for park sites and other recreation facilities.

C. Formulate and recommend to he City Council a recreation and park program for the inhabitants of the City which emphasizes general educational and recreational objectives for children and adults of the City; promotes and stimulates public interest in parks and recreation programs; and which encourages to the fullest extent possible, the cooperation of he local school authorities and other public and/or private agencies or interests.

D. Advise the City Council regarding the acceptance or rejection of offers of donations of money, personal and/or real property to the City for recreation, park purposes and use and make recommendations where appropriate.

E. Advise the City Council regarding the Parks and Recreation budgets and make recommendations as appropriate.

F. At the first meeting in each calendar year, except the first year of establishment, the Commission shall approve an annual report of its activities, and the state of the City's parks and recreation programs, and forward it to the City Council.

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

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Section 3. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 4. This ordinance shall become effective thirty (30) days after its final passage.

Section 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

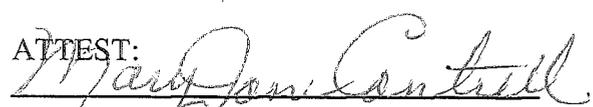
The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on, February 14 _____, 2005, and by a unanimous vote of the council members present, further reading was waived.

On motion of Councilperson CROWDER, seconded by Councilperson MOORE, the foregoing ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on February 28, 2005, by the following vote:

AYES:	Council Members QUALLS, BAWANAN, ADAMS, MOORE and Mayor CROWDER
NOES:	<u>None</u>
ABSTENTIONS:	<u>None</u>
ABSENT:	<u>None</u>



THOMAS E. CROWDER, Mayor

ATTEST:

 MARY JANE CANTRELL, CMC
 City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: June 13, 2016
Subject: Consideration of the Adoption of Resolution 2016-19, Approving the Transportation Expenditure Plan and Requesting the Stanislaus County Board of Supervisors Place the Retail Transaction and Use Tax Measure on the November 8, 2016 General Election Ballot
Presented By: Raul L. Mendez, City Manager
Jaylen French, Community Development Director

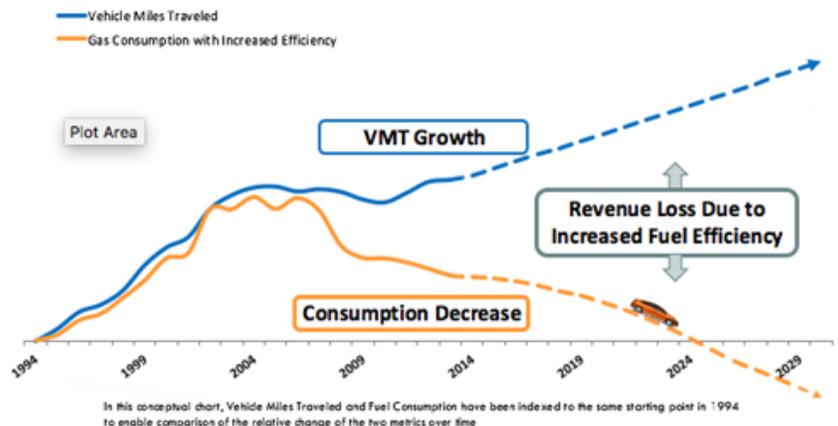
Approved By: _____

Staff Recommendation:

Adopt Resolution 2016-19, approving the Transportation Expenditure Plan and requesting the Stanislaus County Board of Supervisors place the Retail Transaction and Use Tax Measure on the November 8, 2016 General Election Ballot.

Background and Overview:

The road, transportation and circulation systems within the incorporated cities and unincorporated areas of Stanislaus County are of regional concern. The quality of the systems have a direct impact on residents, agriculture, business, industry and general economy within the County. Available revenues, including monies from Local, State, and Federal governments, are not adequate to support needed maintenance, upgrading or safety improvements to the existing infrastructure or the construction of the new infrastructure that Stanislaus County and incorporated cities anticipate will be needed to meet the demands of the future.



Twenty California counties (containing 81% of the State's population) have already addressed this funding challenge by becoming a Self-Help County with a voter-

approved local option sales tax measure for transportation purposes. The Stanislaus Council of Governments (StanCOG) has completed a comprehensive outreach and planning effort to assess the viability of becoming a Self-Help County and has developed a Plan for consideration by voters.

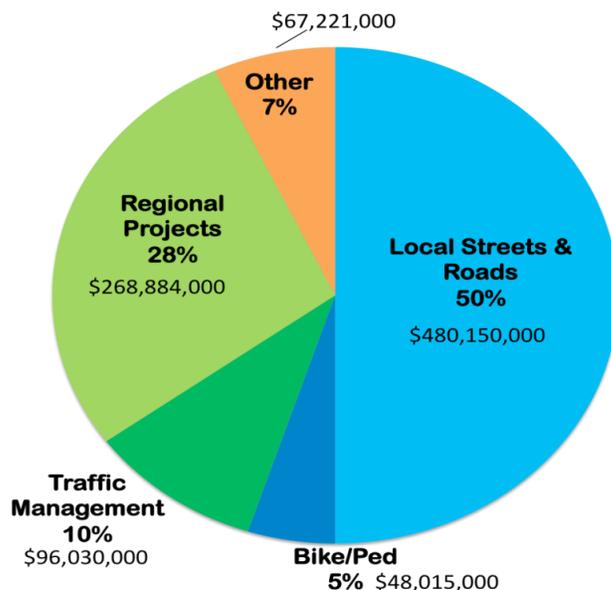
Previously, the StanCOG Policy Board unanimously approved the proposed formula to allocate revenues by jurisdiction and by investment category. On May 18, 2016, the StanCOG Policy Board unanimously approved a list of proposed Regional Projects—one component of the Expenditure Plan. Other projects (Local Roads and Streets) were determined by the participating jurisdictions based on local need.

Discussion

The Stanislaus Council of Governments is proposing a half-cent transaction and use tax for 25-years for consideration by Stanislaus County voters on the November 2016 ballot. The tax is implemented through the adoption of an Ordinance and Expenditure Plan. The Expenditure Plan was heavily influenced by a comprehensive public outreach program that asked residents to identify their priorities for future transportation programs and projects. This included numerous meetings with community leaders representing diverse viewpoints, meetings with individual member agencies, presentations and meetings with City Councils, a series of three focus groups in the eastern area of the County, a statistically valid telephone poll and more than 50 community presentations throughout the County.

To maintain and improve the quality of life and to preserve the unique and natural amenities available to all residents in Stanislaus County, the Stanislaus Council of Governments has developed the Stanislaus County Expenditure Plan to establish a dedicated local funding source for local agencies to address special and localized transportation needs, including:

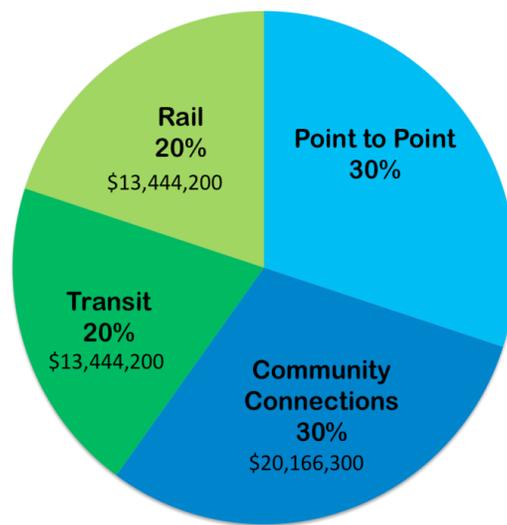
Proposed Expenditure Plan: Policy Board 12/16/15*



* Dollar amounts over 25 years

- Local streets and roads:
 - Nearly \$480 million or \$19.2 million per year
 - Provided directly to local jurisdictions for roadway maintenance.
- Traffic Management:
 - Nearly \$96 million or \$3.8 million per year.
 - Projects that relieve congestion and promote goods movement and economic vitality.
- Bike and Pedestrian Improvements:
 - Nearly \$48 million or \$1.9 million per year.
 - Projects providing safer bicycle and pedestrian pathways.
- Regional Projects:
 - Nearly \$268 million or \$10.7 million per year.
 - Projects that relieve congestion and promote goods movement and economic vitality.

Other 7% Total*



* Dollar amounts over 25 years

- Point to Point Services:
 - Nearly \$20 million or \$806,000 per year.
 - Specialized door-through-door transportation services for seniors and persons with disabilities.
- Community Connections:
 - Nearly \$20 million or \$806,000 per year
 - Projects providing safer bicycle and pedestrian pathways in unincorporated areas.
- Transit Improvements:
 - Nearly \$13.4 million or \$537,000 per year.
 - Operational, maintenance and infrastructure improvements for transit.
- Rail Improvements:
 - Nearly \$13.4 million or \$537,000 per year.
 - Shuttle services to ACE, Amtrak and BART trains.
 - Education programs to promote rail.

The following safeguards are included to ensure strict adherence to the limitations on the use of the revenues provided by this measure to ensure that funding from the one-half of one percent retail transactions and use tax is used in accordance with the specified voter-approved transportation project improvements and programs.

- Expenditure Plan. This Plan identifies the specific projects and programs supported by the voters to be funded by revenue raised by this transactions and use tax.
- Sunset Date: 25 years.
- Oversight Committee. This Committee will be established to provide citizen review and to ensure that all Measure funds are spent in accordance with provisions of the Expenditure Plan and the Ordinance.
- Maximum of 1% for Administrative Costs Restriction. In no case shall the funds expended for administration exceed one (1) percent of the annual amount of gross revenues raised by the tax.
- Leverage State/Federal Funds. StanCOG will continue to seek maximum funding for our local transportation improvements through State and Federal programs with the additional leverage provided from these funds.
- Spending Assurances. All funds are dedicated for transportation planning, design, construction, operation and maintenance only in Stanislaus County and its Cities and cannot be used for other governmental purposes or programs.
- Local Control. 65% of the revenues (50% for Local Streets and Roads; 5% for Bike/Pedestrian; and 10% for Traffic Management) are distributed by formula directly to local agencies for transportation priorities.
- Protected from State Raids. These funds cannot be taken by the State of California.
- Annual Audits and Annual Reporting. StanCOG shall publish a report, based on an independent audit, on how all revenues have been spent and on progress in implementing projects in the Plan, and shall publicly report on the findings.

The Expenditure Plan and the Transactions and Use Tax

The Expenditure Plan specifies how the funds of the transactions and use tax will be used. Upon adoption, StanCOG may only use the funds of the transactions and use tax for the purposes specified.

Approval of the Expenditure Plan

In order for StanCOG to adopt the Expenditure Plan, State law requires that the Expenditure Plan be approved by the “*the board of supervisors and the city councils representing both a majority of the cities in the county and a majority of the population residing in the incorporated areas of the county.*”

Resolution Requesting Adopting the Expenditure Plan

In order to place the transactions and use tax on the ballot, StanCOG, as the Local Transportation Authority, must request that the Stanislaus County Board of Supervisors place the proposed tax on the ballot for the November 8, 2016 election.

First, however, the Board of Supervisors and the City Councils representing both a majority of the cities in the county and a majority of the population residing in the incorporated areas of the county must approve the Expenditure Plan. The attached resolution memorializes the cities’ approval of the Expenditure Plan and makes a request that the Stanislaus County Board of Supervisors place the proposed transactions and use tax on the ballot for the November 8, 2016 general election.

Upon StanCOG obtaining the approval of the Board of Supervisors and the respective City Councils, StanCOG may adopt the Expenditure Plan, which will allow StanCOG to adopt the transactions and use tax ordinance (Ordinance).

List of City Projects

On March 28, 2016, the City Council approved the proposed City of Hughson Project List for the 2016 Stanislaus County Transportation Expenditure Plan. Full details on the Tax Measure, such as the specific Project List by jurisdiction, are also available on the newly designed “Stanislaus Local Roads First” website accessible at www.stanislaus-localroadsfirst.com. The required City Council resolution, proposed tax measure timeline, Stanislaus Local Roads First fact sheet, and the StanCOG Stanislaus County Transportation Sales and Use Tax Ordinance are included as attachments for reference.

Fiscal Impact:

If approved by Stanislaus County voters, the Retail Transaction and Use Tax Measure for local transportation is estimated to provide a total of \$7,862,498 in direct revenue to the City of Hughson over the 25 year timeframe from the three funding categories under local control. The City will also benefit from the funding allocated for regional projects and community connection services. By becoming a Self-Help County, the City may also be able to better leverage local funding with State and Federal sources for transportation projects.

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2016-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
APPROVING THE STANISLAUS COUNTY TRANSPORTATION EXPENDITURE
PLAN**

WHEREAS, the Stanislaus Council of Governments (StanCOG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization (MPO), pursuant to State and Federal designation; and

WHEREAS, StanCOG is the Local Transportation Authority (“Authority”) as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Section 180000 et seq; and

WHEREAS, as the Authority, StanCOG desires to become a “Self-Help” County through adoption and imposition of a one-half of one-cent transactions and use tax for a period of 25 years to fund transportation projects, programs and improvements as set forth in the proposed Ordinance and Transportation Expenditure Plan; and

WHEREAS, the proposed Transportation Expenditure Plan contains a summary of the projects, improvements and programs to be funded with the retail transaction and use tax funds; and

WHEREAS, the interests of the City of Hughson and its residents and businesses will benefit by the implementation of the 25-year Transportation Expenditure Plan through the adoption and imposition of a one-half of one-cent transactions and use tax for transportation in Stanislaus County.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hughson does hereby approve the Stanislaus County Transportation Expenditure Plan and;

BE IT FURTHER RESOLVED that the City Council of the City of Hughson requests that the Stanislaus County Board of Supervisors place the Retail Transaction and Use Tax Measure on the November 8, 2014 ballot.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Hughson this 13th day of June 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

SUSANA DIAZ, Deputy City Clerk

PROPOSED TAX MEASURE TIMELINE

June 14 – Stanislaus Board of Supervisors Regular Meeting

- Action Item: 1. Stanislaus Board of Supervisors Consider Approval of Proposed Transportation Expenditure Plan

June 15 – StanCOG Policy Board

- Action Items: 1. StanCOG Approve Resolution requesting Board of Supervisors to place Transactions and Use Tax Measure on the November General Election Ballot
2. StanCOG Introduction and Waiver of First Reading of the Transportation Tax Measure Ordinance
3. StanCOG Adjourn Regular Meeting to a date specific for an Adjourned Regular Meeting on June 22, 2016

Between June 1 and June 21 – Local Jurisdiction Council Meetings

- Action Item: 1. Local Jurisdiction City Councils Consider a Resolution Approving Expenditure Plan and Request Board of Supervisors Place the Tax Measure on the November General Election Ballot

June 22 – StanCOG Adjourned Regular Policy Board Meeting

- Action Item: 1. StanCOG Waive Second Reading of the Ordinance and Adopt Ordinance, which includes adoption of the Expenditure Plan.

June 28 – Stanislaus County Board of Supervisors Regular Meeting

- Action Item: 1. Stanislaus Board of Supervisors consider “Calling the Election” by acting on StanCOG’s Resolution requesting that the Board of Supervisors place the Retail Transactions and Use Tax Measure on the November General Election Ballot

NEW TRANSPORTATION INVESTMENTS ARE NEEDED THROUGHOUT STANISLAUS COUNTY!



Revenues available to operate, maintain and improve our transportation system have not kept up with the needs of our community.

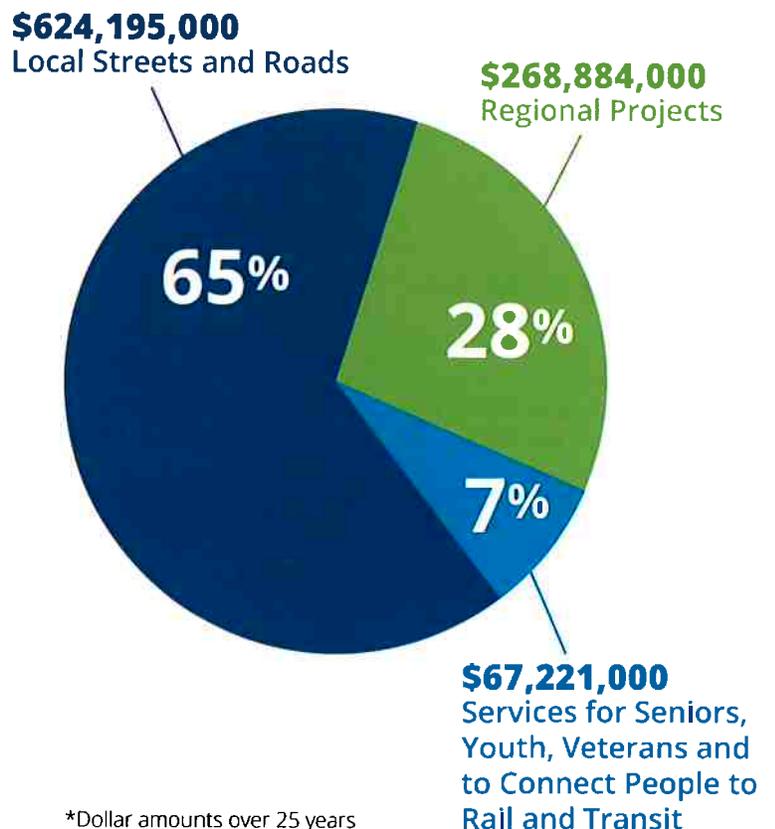
In November 2016, voters may be asked to approve a ½ cent sales tax to address these needs.

Communities that have local transportation funds are able to do more themselves and are more successful in competing for funding, leveraging a larger share of state and federal dollars.

This plan will:

- **Preserve existing infrastructure and improve neighborhoods**, including funds to every city and the County to repave streets, fill potholes, and upgrade local transportation infrastructure.
- **Provide transit system preservation and improvements**, by making capital and operational investments.
- **Reduce traffic congestion** by eliminating bottlenecks and improving commute reliability.
- **TRIPLES funding for point to point services** for seniors, veterans and people with disabilities
- **Improve safety** for motorists, bicyclists and pedestrians.
- **Promote economic development** in Stanislaus County that support residents and businesses.
- **Independent Taxpayer Oversight Committee** to ensure funds are allocated properly and spent on the proposed projects.

PROPOSED EXPENDITURE PLAN*



SUMMARY OF PROPOSED INVESTMENTS

25-YEAR PLAN TOTALING \$958,000,000		Percent of Funds	Fund Allocation
Local Streets and Roads	Local Streets and Roads - Each agency will identify specific streets and roads that will be prioritized for repair and/or refurbishment.	65%	\$624,000,000
	<i>Ceres</i>	6.35%	\$39,718,096
	<i>Hughson</i>	1.26%	\$7,862,498
	<i>Modesto</i>	35.79%	\$223,432,662
	<i>Newman</i>	1.26%	\$7,862,498
	<i>Oakdale</i>	3.86%	\$23,816,700
	<i>Patterson</i>	4.55%	\$28,392,355
	<i>Riverbank</i>	3.42%	\$21,341,067
	<i>Turlock</i>	15.26%	\$95,237,355
	<i>Waterford</i>	1.26%	\$7,862,498
	Stanislaus County	26.98%	\$168,402,269
Regional Projects	Regional agencies will work together to prioritize regional projects that may include North County Corridor, SR 132 and other projects to relieve congestion.	28%	\$267,000,000
Community Connection Services	Triples capacity for point-to-point need-based services for the County's seniors, veterans and people with disabilities. Includes additional funding to increase frequency of transit services and connections to rail and commuter services to the Bay area and Sacramento.	7%	\$67,000,000
<i>Note: Dollar amounts shown in millions reflect amount from a ½ cent sales tax generating \$36.5M/year for 25 years; while percent per category would not change, actual amount generated by a local sales tax per year would fluctuate based on local retail sales.</i>			
TOTAL		100%	\$958,000,000

Strict accountability and performance measures ensure delivery. The 25-year Plan will include strict accountability measures to ensure the funds are spent as directed by voters. It requires open and transparent public processes to allocate funds, including:

- Annual Independent Audits and Compliance Reports
- Citizen Oversight Committee
- Provisions for Maintenance of Effort
- Administrative Costs Maximum of 1%
- Sunset date 2041

STANISLAUS COUNCIL OF GOVERNMENTS
Measure _____
Stanislaus County Transportation Sales and Use Tax
Ordinance #16-01

The Stanislaus County Transportation Authority ordains as follows:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as, “Measure ____ : Stanislaus County Transportation Sales and Use Tax” which shall establish and implement a retail transaction and use tax.

SECTION 2. DEFINITIONS.

2.01. “Authority” means the Stanislaus Council of Governments as the Local Transportation Authority as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Section 180000 et seq.

2.02. “County” means the County of Stanislaus.

2.03. “Expenditure Plan” means the Expenditure Plan attached to this Ordinance as **Exhibit “A”** and incorporated herein.

2.04. “Maintenance of Effort” means a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in order to receive Local Streets and Roads funds.

2.05. “Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of the ordinance. If the Ordinance is approved by a two-thirds majority of the electors voting on this Ordinance at the election held on November 8, 2016, the Operative Date shall be April 1, 2017.

2.06. “Ordinance” means the Measure ____ : Stanislaus County Transportation Sales and Use Tax ordinance which establishes and implements the retail transaction and use tax set forth herein.

SECTION 3. EXPENDITURE PLAN PURPOSES.

3.01. This Ordinance provides for the implementation of the Expenditure Plan, as approved and adopted by the Authority, which will result in countywide local street and road improvements, arterial street widening, signalization, pedestrian, bicyclist, and driver safety improvements. These needed improvements shall be funded by a one-half of one percent retail transactions and use tax established for a twenty five year period. The revenues shall be deposited in a special fund, used solely for the transportation projects, improvements and programs described in the Expenditure Plan which is considered a part of this Ordinance and hereby incorporated by reference as if fully set forth herein.

SECTION 4. ADMINISTRATIVE EXPENSES.

4.01. The revenues received by the Authority from this Ordinance, after deduction of the required Board of Equalization costs for performing the functions specified in section 180204 of the Public Utilities Code, reimbursing the County of Stanislaus for its costs in conducting the election if the measure is approved in accordance with section 180203(a) of the Public Utilities Code, and after deduction for the administration of the Expenditure Plan pursuant to the provisions of the Public Utilities Code commencing with section 180200, in an amount not to exceed one-percent (1%), shall be used for the transportation projects, improvements and programs countywide as set forth in the Expenditure Plan and in a manner consistent with the Expenditure Plan developed by the Authority.

4.02. Revenues may be expended by the Authority for salaries, wages, benefits, overhead, auditing and those services including contractual services necessary to administer this Ordinance; however, in no event shall an amount exceeding one-percent (1%) of the annual revenue provided by this Ordinance go towards paying the administrative salaries and benefits of the staff of the Authority. Costs of performing or contracting for project related work shall be paid from the revenues allocated to the appropriate purpose.

4.03. An annual independent audit shall be conducted to assure that the revenues expended by the Authority under this section are necessary and reasonable in carrying out its responsibilities under this Ordinance.

SECTION 5. REQUEST FOR ELECTION.

5.01. The Authority hereby requests the Stanislaus County Board of Supervisors place this Ordinance before the voters for approval on the November 8, 2016 ballot.

5.02. The proposition to be placed on the ballot shall contain a summary of the projects, improvements, and programs and shall read substantially as follows:

To provide funding for local transportation improvements including: fixing potholes/maintaining streets; improving emergency response; providing safe routes to schools; providing senior, veterans and disabled shuttle services; and improving safety/reducing traffic congestion on Highway 99/major streets; shall the Stanislaus County Transportation Authority enact a ½ cent sales tax, generating \$38,000,000 annually for transportation projects, funds that cannot be taken by the State, requiring all money to be spent in Stanislaus County with citizens' oversight for 25 years?

SECTION 6. EFFECTIVE, OPERATIVE AND TERMINATION DATES.

6.01. This Ordinance shall become effective on November 8, 2016 only if a two-thirds majority of the electors voting on this Ordinance at the election held on November 8, 2016 vote to approve the Ordinance. If so approved, the provisions of this Ordinance shall become

operative on April 1, 2017 and shall be imposed and collected for a period of twenty-five (25) years thereafter.

6.02. The authority to levy the tax authorized pursuant to this Ordinance shall expire on March 31, 2042.

SECTION 7. CONTRACT WITH STATE.

7.01. Prior to the Operative Date, the Authority shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Ordinance; provided, that if the Authority shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SECTION 8. TRANSACTIONS AND USE TAX RATE.

8.01. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-half of one percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this Ordinance.

8.02. An excise tax is hereby imposed on the storage, use or other consumption in the incorporated and unincorporated territory of the County of tangible personal property purchased from any retailer on and after the Operative Date of this Ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 9. EXPENDITURE PLAN PROCEDURES AND MAINTENANCE OF EFFORT.

9.01. It is the intent of the Legislature and the Authority that revenues provided from this Ordinance be used to supplement existing revenues being used for transportation projects, improvements and programs.

9.02. Pursuant to the intent of the Public Utilities Code section 180001, a jurisdiction cannot redirect monies currently being used for transportation purposes to other uses, and then replace the redirected funds with local street maintenance and improvement dollars from the retail transaction and use tax.

9.03. To meet the requirements of state law, in order to receive Local Streets and Roads funds a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in conformance with the provision below:

9.03.01. Annual expenditures of a local jurisdiction's general funds for transportation purposes shall not be an amount less than the jurisdiction's three-year average of its annual expenditures from its general fund during the prior three fiscal years. In calculating the three-year average annual general fund expenditures, any unrestricted funds which the local jurisdiction may expend at its discretion, expended for transportation purposes are expenditures from the general fund.

9.03.02. Subject to Authority approval, if any local jurisdiction had extraordinary local discretionary fund expenditures during any fiscal year it may determine that year's minimum expenditure base level of local discretionary funds by:

- a) Subtracting those extraordinary expenses (including assessment district contributions, development impact funds, or other non-recurring contributions) from its total expenditures; or
- b) Petitioning the Authority for special consideration. It is possible that a local jurisdiction may need to revise its minimum expenditure base beyond the subtraction of extraordinary expenses. In this instance, the Authority may allow the establishment of a new base for that jurisdiction's Maintenance of Effort requirement. A local jurisdiction petitioning the Authority under this provision must supply evidence of the need for special consideration and the petition must be approved by a majority vote of the Authority.

9.04. An annual independent audit will be conducted to verify that the Maintenance of Effort requirements were met by the local jurisdictions. Any local jurisdiction which does not meet its Maintenance of Effort requirement in any given year may have its Local Streets and Roads fund received pursuant to the Expenditure Plan reduced in the following year by the amount by which the jurisdiction did not meet its required Maintenance of Effort. Such funds shall be redistributed to the remaining eligible jurisdictions.

SECTION 10. ORDINANCE PURPOSES.

10.01. This Ordinance is adopted to achieve the following, among other purposes, and directs the provisions hereof be interpreted in order to accomplish these purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, which authorizes the Authority to adopt this tax ordinance which shall be operative if two-thirds (2/3) of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of

California insofar as those provisions are not inconsistent with the requirements and limitations contained in Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code.

- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.
- D. The funds generated by the transaction and use tax authorized by this Ordinance may only be used for transportation purposes including the administration of the Expenditure Plan, as may be amended, including defense or prosecution of legal actions related thereto, the construction, acquisition, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and for related transportation purposes, including project management and oversight of the projects to be funded using the transaction and use tax, such as coordination with other responsible agencies as well as project delivery and negotiation of project agreements. These purposes include expenditures for planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. Expenditures also include, but are not limited to, debt services on bonds or other indebtedness, and expenses and reserves in connection with the issuance of the same.

SECTION 11. ADOPTION OF PROVISIONS OF STATE LAW.

11.01. Except as otherwise provided in this Ordinance, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code, insofar as they relate to sales taxes and are not inconsistent with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Division 19 (commencing with Section 180000) of the California Public Utilities Code, are hereby adopted and made a part of this Ordinance as though fully set forth herein.

11.02. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of the Authority shall be substituted therefor. The name of the Authority shall also be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 and in the definition of that phrase.

SECTION 12. ADDITIONAL PERMIT NOT REQUIRED.

12.01. If a seller's permit has been issued to a retailer under section 6067 of the California Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

SECTION 13. EXEMPTIONS AND EXCLUSIONS.

13.01. The amount subject to tax pursuant to this Ordinance shall not include the amount of sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or the amount of any state-administered transactions or use tax.

13.02. There are exempted from the transactions tax portion of the transactions and use tax authorized pursuant to this Ordinance:

A. The gross receipts from the sale of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of the aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

B. The sales of property to be used outside the County which are shipped to a point outside the County, pursuant to the contract of sale, by delivery to that point by the retailer or his or her agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point.

1. For purposes of this Ordinance, "delivery" of vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code shall be satisfied by (i) registration to an out-of-County address; and, (ii) by a declaration under penalty of perjury, signed by the buyer, stating that the address is, in fact, his or her principal place of residence.

2. For purposes of this Ordinance, "delivery" of commercial vehicles shall be satisfied by (i) registration to a place of business out of County; and, (ii) a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

C. The sale of tangible personal property is exempt from the tax authorized by this Ordinance if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Ordinance.

D. A lease of tangible personal property which is a continuing sale of that property is exempt from the tax authorized by this Ordinance for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the

Operative Date of this Ordinance.

E. For purposes of Section 13.02 subparagraphs C and D, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not that right is exercised.

13.03. There are exempted from the use tax portion of the transactions and use tax authorized pursuant to this Ordinance:

A. A retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

B. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer is required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

C. The storage, use, or other consumption of tangible personal property, other than fuel or petroleum products, purchased by operators of aircraft, and used or consumed by the operators directly and exclusively in the use of the aircraft as common carriers of person or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the California Revenue and Taxation Code.

D. The storage, use, or other consumption in the County of tangible personal property if the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Ordinance.

E. The possession of, or the exercise of any right or power over, tangible personal property under a lease which is a continuing purchase of the property is exempt from tax for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease entered into prior to the Operative Date of this Ordinance.

F. For the purposes of Section 13.03, subparagraphs D and E, the storage, use, or other consumption of, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to

terminate the contract or lease upon notice, whether or not the right is exercised.

G. Any person subject to use tax under this Ordinance may credit against that tax or any transactions tax, or to reimbursement for a transactions tax, paid to a County or retailer in the County imposing a transactions and use tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code.

SECTION 14. PLACE OF SALE.

14.01. For the purposes of this Ordinance, all retail transactions are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of a transaction tax imposed by this Ordinance shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

SECTION 15. BONDING AUTHORITY.

15.01. The Authority shall have the power to sell or issue, at any time, and from time to time, limited tax bonds payable from and secured by the proceeds from the sales tax authorized by this Ordinance in order to finance and refinance the transportation projects identified in the Expenditure Plan.

15.02. The maximum bonded indebtedness which may be outstanding at any one time shall be an amount equal to the sum of the principal of, and interest on, the bonds, but not to exceed the estimated proceeds of the tax. The amount of bonds outstanding at any one time does not include the amount of bonds, refunding bonds, or bond anticipation notes for which funds necessary for the payment thereof have been set aside for that purpose in a trust or escrow account.

SECTION 16. AMENDMENTS TO EXPENDITURE PLAN.

16.01. The Authority may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The Authority may not amend the sales tax revenue allocations by category set forth in the Expenditure Plan as the allocations may be amended only if two-thirds majority of the electors vote to approve.

16.02. Amendments to the Expenditure Plan must be passed by a two-thirds majority vote of the Authority board's total membership by a roll call vote entered in the minutes of the Authority following a noticed, public hearing of the Authority. Notice of the public hearing shall be published pursuant to Government code section 6062. Subsequently, the Authority shall notify the Board of Supervisors, the City Council of each city in the county and

provide each with a copy of the proposed amendment(s). Pursuant to Public Utilities Code section 180207, proposed amendment(s) shall become effective 45 days after notice is given, unless appealed under the process outlined in the following paragraph. Should an appeal be filed, the Authority shall hold a public hearing on the proposed amendment(s) within 45 days of the filing of the appeal.

16.03. In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's governing body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority's amendment(s) to the Expenditure Plan will stand. If the necessary resolutions supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

16.04. The Expenditure Plan shall be updated by the Authority every ten years that the sales tax is in effect to reflect current and changing priorities and needs in the County, as defined by the duly elected local government representatives on the Authority Board. Any changes to the Expenditure Plan must be adopted with current law in effect at the time of the update and must be based on findings of necessity for change by the Authority.

SECTION 17. AMENDMENTS TO THIS ORDINANCE.

17.01. This Ordinance may be amended to further its purposes. The Authority shall establish a process for proposed Ordinance amendment(s) which ensures that the Authority committees established by this Ordinance participate in the development of the proposed Ordinance amendment(s).

17.02. Upon completion of that process, amendment(s) to this Ordinance must be passed by a two-thirds majority of the Authority board's total membership by a roll call vote entered in the minutes of the Authority. The Authority must hold a noticed, public hearing on the matter before formal adoption of any amendment to the Ordinance. Notice of the public hearing shall be published pursuant to Government Code section 6062.

17.03. In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority's amendment(s) to the Ordinance will stand. If the necessary resolutions

supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

SECTION 18. AUTHORITY COMMITTEES.

18.01. The following committee structure is established to advise the Authority in the administration of the Expenditure Plan and this Ordinance:

A. A Measure “___” Oversight Committee is established to review the independent fiscal audit of the expenditure of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Board of the Authority. The Measure “___” Oversight Committee is responsible for oversight of the proper use of sales tax funds and implementation of the programs and projects set forth in the Expenditure Plan and making recommendations to the Board of the Authority. The committee is not a policy making body. The Measure “___” Oversight Committee shall consist of one representative from each of the following jurisdictions: City of Ceres, City of Hughson, City of Modesto, City of Neman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock, City of Waterford and Stanislaus County. Members of the Measure “___” Oversight Committee shall not be members of any other Authority or StanCOG committee(s).

SECTION 19. STATUTORY AMENDMENTS.

19.01. All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

SECTION 20. CREATION OF SEPARATE ACCOUNT.

20.01. All retail transaction and use tax revenue, plus interest, will be deposited in a special fund for the projects identified in the Expenditure Plan. The fund(s) authorized under this Ordinance will be administered by the Authority.

20.02. The Authority shall allocate funds to projects and programs identified in the Expenditure Plan as necessary to meet contractual and program obligations. The Authority may allocate funds as described but may reserve the right not to disburse monies until needed to meet contractual project or program obligations. Each agency receiving funds from this Ordinance shall deposit said funds in a separate interest bearing account. Any interest earned on funds allocated pursuant to this Ordinance shall be expended only for those purposes for which the funds were allocated or shall be returned to the Authority. The Authority reserves the right to audit such accounts.

SECTION 21. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

21.01. This Ordinance is not a project as defined in Section 15378 of the California Environmental Quality Act (CEQA) Guidelines and is therefore exempt from CEQA requirements. Prior to the commencement of any project included in the Expenditure Plan, any necessary environmental review required by CEQA shall be completed.

SECTION 22. IMPLEMENTING ORDINANCES.

22.01. Upon approval of this Ordinance by the voters, the Authority may, in addition to the local rules required to be provided pursuant to this Ordinance, adopt implementing ordinances, rules and administrative procedures, and take such other actions as may be necessary and appropriate to carry out its responsibilities to implement the Expenditure Plan.

SECTION 23. DESIGNATION OF FACILITIES.

23.01. Each project or program in excess of \$250,000 funded in whole or in part by revenues from this Ordinance shall be clearly designated in writing by signs and/or documents, during its construction or implementation as being funded by revenues from this Ordinance.

SECTION 24. CONTRACTING FOR PROJECT DELIVERY.

24.01. The Authority shall have the power to contract for project delivery of any project or program of the Expenditure Plan if all of the jurisdictions affected by the project agree and if the Authority finds that:

- A. The project could be delivered faster under a contract issued by the Authority; or
- B. A contract by the Authority would provide economies of scale and reduce project costs.

SECTION 25. ANNUAL REPORT.

25.01. An annual report will be prepared by the Authority within 180 days of the end of the fiscal year identifying the actions and accomplishments of the Authority in meeting the adopted Expenditure Plan.

SECTION 26. SEVERABILITY.

26.01. If any section, part, provision, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional, the remaining portions of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected but shall remain in full force and effect.

SECTION 27. ANNUAL APPROPRIATIONS LIMIT.

27.01. Article XIII B of the California Constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Authority has been established as \$500 million. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the retail transaction and use tax revenues authorized pursuant to this Ordinance are subject to the appropriations limit of the Authority.

SECTION 28. ENJOINING COLLECTION FORBIDDEN.

28.01. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Authority, or against any officer of the State or the Authority, to prevent or enjoin the collection under this Ordinance, or Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, or Division 19 (commencing with Section 180000) of the California Public Utilities Code, of any tax or any amount of tax required to be collected.

SECTION 29. CAPTIONS.

29.01. The titles and headings to the sections set forth in this Ordinance are not part of this Ordinance and shall have no effect upon the construction or interpretation of any part hereof.

SECTION 30. ADOPTION OF ORDINANCE.

30.01. This Ordinance was introduced and the title thereof read at the regular meeting of the Authority’s governing Board on June 15, 2016, and adopted at the regular meeting of the Authority’s governing Board on June ___, 2016, with further reading thereof having been waived by a vote of the members present.

VITO CHIESA, CHAIR

ATTEST:

ROSA DE LEÓN PARK, EXECUTIVE DIRECTOR

EXHIBIT "A"
Expenditure Plan

Stanislaus Council of Governments Expenditure Plan

State and federal transportation funding has dropped severely in recent years, with once dependable funds becoming increasingly unreliable. Transportation's primary fund source, the gas tax, hasn't been raised in 20 years and our cars are more fuel-efficient than ever. Therefore, revenues available to operate, maintain and improve our local transportation system have not kept up with the needs of our community. Over the next decade, Stanislaus County's population will continue to grow and our senior population will almost triple. This means without new funding, Stanislaus County will have increased congestion, increasingly deteriorating roadways and fewer and more costly transportation services.

The Modesto-Metro Area currently has the 20th worst roads in the United States.

A new, reliable source of transportation funding is needed to maintain our communities and quality of life.

Stanislaus County voters are being asked to approve a 25-year, ½ cent sales tax to address these needs. Twenty other counties in California have already approved similar ballot measures making them 'Self-Help' Counties. With these voter-approved local transportation funds, Self-Help Counties are able to maintain and improve their transportation systems. They are also more successful in competing for funding and leveraging a larger share of state and federal dollars. Self-Help funds generated must stay local and can only be spent on transportation.

The Stanislaus County Expenditure Plan ("Plan") was developed through a comprehensive public outreach program that asked residents to identify their priorities for future transportation programs and projects. Outreach included over 75 meetings with community organizations and leaders representing diverse viewpoints. Additionally, a series of focus groups were conducted along with a statistically valid telephone poll. The Plan has been unanimously supported and approved by the Stanislaus Council of Governments, all nine cities in the region and the County Board of Supervisors.

Self-Help in Stanislaus County would:

- Generate approximately \$38 million per year based on ½ cent sales tax for an estimated total of \$960 million over the course of the measure's lifetime,
- Be used for LOCAL projects and LOCAL priorities, prohibiting Sacramento from taking possession of these funds;
- Allow Stanislaus County to compete for State and Federal grants and leverage funds, thereby increasing revenues;
- Deliver an Expenditure Plan with a specific list of projects and programs; and
- Include an Oversight Committee to ensure projects and programs in the Plan are actually funded and/or completed.

The Expenditure Plan

Revenue Estimates and Distribution

Over the course of the 25-year plan, it is estimated that \$960 million dollars will be generated for local transportation investments. This amount was calculated based on a five-year average of sales tax revenues throughout the County that was then reduced to reflect a conservative estimate.

Allocation of Self-Help revenues is established within this Plan. The estimated revenue and allocation among categories is based upon 2016 value of money and is not binding or controlling. Transportation sales tax funds shall be allocated by percentage of the actual revenue received.

This funding will serve as an investment that will leverage future local, State and Federal grant opportunities. Funds will be used for all phases of project implementation, including: planning, environmental, permits, and design, right-of-way, and/or construction capital and operations projects. State and federal fund sources that may also be used to implement transportation projects and programs in the next decade include the State Regional Transportation Improvement Program (STIP), Inter-regional Transportation Improvement Program (ITIP), Fixing America's Surface Transportation (FAST) Act Freight and Highway Projects Program, Congestion Mitigation Air Quality (regional-estimate \$15M), Regional Surface Transportation Funds (regional-estimate \$10M), and Local Funding (e.g. developer fees, general funds, and Measure "Local Control").

All revenue estimates and allocations contained in this Plan are for illustrative purposes. Actual net revenues may fall above or below the projections contained in the Expenditure Plan, therefore actual revenue allocations to each category will be based on the percentages contained herein.

Local Control 65% Total (50% Local Streets and Roads, 10% Traffic Management, 5% Bike and Pedestrian)

Local Streets and Roads, 50%, \$480,150,000

Recognizing that streets are the backbone of our transportation system, this Plan provides funds to local cities and Stanislaus County, distributed primarily based on 2015 population to support local roads. Each agency will identify specific streets and roads that will be prioritized for repair and/or refurbishment. These funds will be used exclusively for repair and maintenance – no new roads will be funded. These funds must be used to augment current transportation spending and cannot be used to replace a local agency's general fund expenditures.

Jurisdiction	Local Street & Road Program %¹	Total	Total Annual
Ceres	6.36%	30,552,381.79	1,222,095.27
Hughson	1.26%	6,048,075.58	241,923.02
Modesto	35.79%	171,868,971.22	6,874,758.85
Newman	1.26%	6,048,075.58	241,923.02
Oakdale	3.86%	18,528,231.53	741,129.26
Patterson	4.55%	21,840,272.92	873,610.92
Riverbank	3.42%	16,416,205.14	656,648.21
Turlock	15.26%	73,259,503.69	2,930,380.15
Waterford	1.26%	6,048,075.58	241,923.02
Stan County	26.98%	129,540,206.98	5,181,608.28
Total	100.00%	480,150,000.00	19,206,000.00

Traffic Management, 10%, \$96,030,000

These are projects including upgrades to local intersections, road widening, signalization, bridge replacements and/or traffic calming methods.

Jurisdiction	Traffic Management %²	Total	Total Annual
Ceres	6.36%	6,110,476	244,419
Hughson	1.26%	1,209,615	48,385
Modesto	35.79%	34,373,794	1,374,952
Newman	1.26%	1,209,615	48,385
Oakdale	3.86%	3,705,646	148,226
Patterson	4.55%	4,368,055	174,722
Riverbank	3.42%	3,283,241	131,330
Turlock	15.26%	14,651,901	586,076
Waterford	1.26%	1,209,615	48,385
Stan County	26.98%	25,908,041	1,036,322
Total	100.00%	96,030,000	3,841,200

¹ 1% to StanCOG for management of program.

² Less 1% for StanCOG administration for programs.

Bike and Pedestrian Improvements, 5%, \$48,015,000

These projects include local connectivity between communities, local schools, trails and recreation facilities. Each agency will work closely with residents to determine the type, location and priority for new or upgrades to existing facilities.

Jurisdiction	Bicycles and Pedestrians %³	Total	Total Annual
Ceres	6.36%	3,055,238	122,210
Hughson	1.26%	604,808	24,192
Modesto	35.79%	17,186,897	687,476
Newman	1.26%	604,808	24,192
Oakdale	3.86%	1,852,823	74,113
Patterson	4.55%	2,184,027	87,361
Riverbank	3.42%	1,641,621	65,665
Turlock	15.26%	7,325,950	293,038
Waterford	1.26%	604,808	24,192
Stan County	26.98%	12,954,021	518,161
Total	100.00%	48,015,000	1,920,600

Available uses for the Local Control funding category include:

- Maintaining, improving or constructing streets, roads, bridges, and bicycle and pedestrian facilities,
- Community Enhancements, such as downtown streetscapes, transportation enhancements, way finding, and accessibility improvements, street lighting, street furniture and trees,
- Safety Improvements,
- Programs that reduce transportation demand,
- Storm damage repair to transportation facilities
- Roadway drainage facilities,
- Traffic signal coordination, intersection and channelization, and
- Traffic management.

Regional Control

Regional Projects, 28%, \$268,884,000

These funds would be used for planning, project development, right-of-way, and/or construction of major corridor, capital projects. Proposed regional projects are at different stages of implementation. The Plan includes a set of projects identified by a combination

³ Less 1% for StanCOG administration for programs.

of public outreach, local agency priorities and StanCOG Board direction based on its adopted 2035 Regional Transportation Plan. Funds will be distributed for projects throughout the County with approximately \$30,000,000 left in reserve to accommodate future regional needs.

Project		Description	Total Budget	Funded thru Plan
SR-132	SR-99 to Gates Road	Construct a four-lane expressway from SR-99 to Gates Road.	\$297,000,500.00	\$74,250,125.00
North County Corridor		Design / Right of Way	\$239,000,000.00	\$59,750,000.00
Faith Home Road		Construction of Faith Home River Crossing / Gap Closure	\$71,700,000.00	\$17,925,000.00
SR 99	Briggsmore Interchange	Reconstruct to 8 Lane Interchange	\$98,679,400.00	\$24,669,850.00
SR 99	Mitchell Service Road	New Interchange Phase 1	\$122,987,400.00	\$30,746,850.00
SR33		Highway and pedestrian safety improvements from Merced County line northward to Yolo Avenue	\$10,000,000.00	\$2,500,000.00
SR-99	Keyes Rd to Taylor Rd	Construct Auxiliary Lane	\$6,226,600.00	\$1,245,320.00
SR-99	Taylor Rd to Monte Vista Ave	Construct Auxiliary Lane	\$6,520,300.00	\$1,304,060.00
McHenry	Ladd Rd to Hogue Rd	Widen to 5 Lanes	\$13,025,000.00	\$2,605,000.00
SR-99	West Main	Construct New Interchange	\$19,091,000.00	\$3,818,200.00
Zacharias Rd	Raines Rd to I-5	Construct new Interchange at I-5	\$75,000,000	\$7,500,000.00

SR-99	San Joaquin County Line to Mitchell Rd	Install Ramp Metering Improvements including Intelligent Transportation Systems (ITS)	\$15,758,300.00	\$1,575,830.00
SR-99	Mitchell Rd to Merced County Line	Install Ramp Metering Improvements including Intelligent Transportation Systems (ITS)	\$2,097,400.00	\$209,740.00
SR108-SR120	Oakdale/ County	Intersection Improvements at Rodeo	\$10,000,000.00	\$1,000,000.00
Signal Improvements	Riverbank	Install Signal Light at Claus & SR-108 and Install Congestion Management Improvements at First Street & SR-108	\$4,201,000.00	\$420,100.00
SR99	SR-99 & Standiford Interchange	Reconstruct to 8 Lane Interchange.	\$78,943,500.00	\$7,894,350.00
			\$1,070,230,400.00	\$228,414,425.00

Transit Providers

Other Transportation Programs and Services 7%

Point-To-Point Services For Seniors, Veterans And Persons With Disabilities \$20,166,300

This is for specialized need-based door-through-door transportation services for seniors, veterans and persons with disabilities. These funds will be allocated to the existing MOVE Program, essentially tripling capacity for need-based services for the County's seniors, veterans and people with disabilities.

Community Connections \$20,166,300

Funds will be used for projects providing safer bicycle and pedestrian pathways in cities and the unincorporated areas, increasing bus/van service and upgrading bus stops. Many community members live in areas with limited public transit and/or bike connections to shopping, schools and work. Funds from this category will be used to boost services in these areas making it easier for people to access transit services and bike and pedestrian facilities.

Transit Services \$13,444,200

Funds will be used for operations, maintenance and infrastructure improvements for public transit. They may also be used to supplement local, state and federal funds for cost of transit service. These funds will be allocated to public transit providers to support or enhance public transit service throughout the region. This may include increasing frequency of service, identifying new routes and/or investment in ride sharing services.

Transit Category Estimated Funding Distribution			
	Percentage*	Over 25 Years	Annually
Total Amount to Be Distributed	100%	\$13,444,200	\$537,768
Ceres	7%	\$941,094	\$37,644
Modesto	52%	\$6,990,984	\$279,639
Stanislaus County	33%	\$4,436,586	\$177,463
Turlock	8%	\$1,075,536	\$43,021
<i>Total</i>	<i>100%</i>	<i>\$13,444,200</i>	<i>\$537,768</i>
*Percentage is consistent with the StanCOG Transit Cost Sharing as discussed at the Transit Managers meeting March 14, 2016			

Rail Services \$13,444,200

Funds will be used for operations, maintenance and infrastructure improvements for public transit connections to existing rail services. They may be used to supplement local, state, and federal funds for the cost of public transit connections to regional rail services including ACE, BART and Amtrak, and marketing to increase awareness and ridership across all rail services.

StanCOG and the ACE management team believe there is a need to continue to promote ACE in anticipation of future funding which may be allocated for the proposed extension. These may be used to increase ridership and/or fund new AMTRAK service and increase bus/van connections to existing ACE services to the Bay Area. No Funds will be used for high-speed rail.

Safeguards Built Into The Plan

This Expenditure Plan includes strong taxpayer safeguards to ensure that the projects and programs approved by the voters are funded and delivered.

Citizen Oversight

An Oversight Committee will be created to provide an enhanced level of accountability for expenditures made under the Plan to ensure that all voter mandates are carried out and that the financial integrity and performance of the program is maintained. The Committee will include one representative from each municipal agency, selected by the agency.

Annual Independent Audit and Annual Reporting

Annual fiscal and compliance audits will be conducted by a CPA, to assure that the revenues expended are necessary and reasonable. The audits and annual Report must be published and made available to the general public.

Sunset Date

This measure terminates in 25 years.

1% Administrative Expense Cap

Expenditures on staff salaries, wages, benefits and overhead necessary to administer the program will be limited to no more than one percent of the annual gross revenues provided by the measure.

No revenue generated from this tax shall be used to replace fair share contribution from new development.

Revenues provided from this measure shall not be used to replace private developer funding that has been or will be committed for any project to help alleviate the direct traffic impacts of any new or redeveloped residential, commercial or industrial development in Stanislaus County or its cities.

Eligibility Verification

The cities and County will select transportation projects that meet eligibility criteria as identified in this Plan. The local jurisdictions will certify in the annual verification submitted to the Stanislaus Council of Governments that these transportation funds were used for eligible expenses.

Maintaining Local Transportation Funding Efforts

The local jurisdictions will certify in the annual verification submitted to Stanislaus Council of Governments that these transportation funds will be used to augment and not supplant local resources spent. For purposes of this calculation an average of the prior three (3) years spent for local transportation purposes as defined in the Ordinance will be used.

Strategic Plan

StanCOG will prepare and adopt a Strategic Plan within twelve months of the sales tax taking effect. The Strategic Plan will include project cost estimates, revenue estimates, other matching funds, and a draft timeline for regional project delivery. Its prime purpose is to clarify program and project costs, schedule, financial plans and project readiness to expedite project delivery and to allow projects that are ‘ready’ to proceed forward within the parameters of the Expenditure Plan.

For additional information about specific projects and programs in your area OR to ask questions, please visit our website at:

www.Stanislaus-LocalRoadsFirst.com



CITY OF HUGHSON AGENDA ITEM NO. 6.2 SECTION 6: NEW BUSINESS

Meeting Date: June 13, 2016
Subject: Approval to Adopt Resolution No. 2016-21, a Resolution of the Hughson City Council Calling and Giving Notice of the Holding of a General Municipal Election on Tuesday, November 8, 2016, for the Election of Certain Officers as required by the provisions of the Laws of the State of California relating to General Law Cities and requesting Consolidation of the Election with Stanislaus County.
Presented By: Susana Diaz, Mgmt. Analyst / Deputy City Clerk
Approved By: _____

Staff Recommendation:

Adopt Resolution No. 2016-21, a resolution of the Hughson City Council Calling and Giving Notice of the Holding of a General Municipal Election on Tuesday, November 8, 2016, for the Election of Certain Officers as required by the provisions of the Laws of the State of California relating to General Law Cities and requesting Consolidation of the Election with Stanislaus County.

Background:

The California Elections Code requires the City Council to order the General Municipal Election and request the Stanislaus County Board of Supervisors to approve the consolidation of the City's Election with the Statewide General Election being held on Tuesday, November 8, 2016.

The City of Hughson's General Municipal Elections are required to be held in November on the even numbered years. California Election Code §10403 sets forth the procedures for cities to request the Board of Supervisors approve the consolidation of the Municipal Election with the Statewide Election. California Elections Code §10403.5 requires the Board of Supervisors to approve the request for consolidation of the election.

A Notice announcing the 2016 General Municipal Election and the Offices to be filled will be published in the Hughson Chronicle between July 5 and July 12, 2016. The Candidate Nomination Period will begin July 18, 2016 and will close on August 12,

2016. During this time, candidate packets will be available for any interested party seeking to run for an office. Candidates must be a registered voter in Stanislaus County and live within the city limits to be eligible to run for an office. If an eligible incumbent does not file for his/her office, the nomination period for that specific office will be extended to Wednesday, August 17, 2016, at 5:00pm for anyone other than the incumbent.

The Offices scheduled for the November 8, 2016 General Municipal Election are as follows:

Office	Incumbent	Compensation	Term
Mayor	Matt Beekman	\$300.00/mo.	2 year term
Council Member	Jill Silva	\$250.00/mo.	4 year term
Council Member	Jeremy Young	\$250.00/mo.	4 year term

Fiscal Impact:

For Fiscal Year 2016-2017, the estimated cost for election services and publication notice is \$7,000.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2016-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL
ELECTION ON TUESDAY, NOVEMBER 8, 2016, FOR THE ELECTION OF CERTAIN
OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE
OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND REQUESTING
CONSOLIDATION OF THIS ELECTION WITH STANISLAUS COUNTY**

WHEREAS, Under the provisions of the laws relating to General Law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 8, 2016, for the Election of Municipal Officers; and

WHEREAS, the California Statewide General Election will be held on Tuesday, November 8, 2016; and

WHEREAS, in accordance with section 10403 of the California Elections Code, it is desirable that the Election of Municipal Officers be consolidated with the California Statewide General Election and held on the same date and that within the City the precincts, polling places, and election officers of the two elections be the same, and that the County Election Department canvas the returns of the Election of Municipal Officers and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson does hereby declare, determine, and order as follows:

1. That pursuant to the requirements of the laws of the State of California relating to General Law cities, there is called and ordered to be held in the City of Hughson, Stanislaus County, California, on Tuesday, November 8, 2016, a General Municipal Election for the following purpose of:
 - a. Electing a Mayor for a term of two (2) years and electing two (2) Council members each for a term of four (4) years; and
2. That pursuant to the requirements of section 10403 of the California Elections Code, the Board of Supervisors of the County of Stanislaus is hereby requested to consent and agree to the consolidation of a Election of Municipal Officers with the Statewide General Election on Tuesday, November 8, 2016, for the purpose of electing the Mayor of the City of Hughson for a term of two (2) years and electing two (2) Council members each for a term of four (4) years; and,

3. That pursuant to section 10002 of the California Elections Code the Board of Supervisors of the County of Stanislaus is requested to issue instructions to the County Election Official to take any and all steps necessary for the holding of the consolidated election; and
4. Pursuant to section 14018 of the Elections Code that the consolidated election shall be held and conducted, election boards appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, voter challenges determined, ballots counted and returned, returns canvassed, results declared, certificates of election issued, recounts conducted, election contests presented, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide election; and
5. That the City of Hughson recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for such costs; and,
6. That the polls for the election shall open at seven o'clock am (7:00 a.m.) of the day of the election and shall remain open continuously from that time until eight o'clock pm (8:00 p.m.), except as provided in §14401 of the Elections Code of the State of California; and,
7. Pursuant to §13307(c) of the Elections Code of the State of California, candidates shall be required to pay, in advance, for the pro rata cost of printing the candidate statement in the voter pamphlet; and,
8. Candidate statements will be limited to no more than 200 words; and,
9. A \$750.00 deposit shall be required at the time of filing of the nomination paper of those candidates who wish to submit a statement for printing in the voter pamphlet; and,
10. The amount of the deposit is based upon an estimated cost and candidates will be required to pay the actual cost of printing, and the City Clerk is directed to bill candidates for additional actual expenses or refund any excess amount paid depending upon the actual cost of printing of the candidate statement in the voter pamphlet; and,

11. That in all particulars not recited in this Resolution, the Election shall be held and conducted as provided by law for holding Municipal Elections; and,
12. That Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law; and,
13. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Election Division of the County of Stanislaus.

PASSED AND ADOPTED by the City Council of the City of Hughson at a regular meeting held on this 13th day of June, 2016, by the following roll call vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

MATT BEEKMAN, Mayor

SUSANA DIAZ, Deputy City Clerk

NOTICE OF ELECTION

CITY OF HUGHSON

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Hughson Tuesday, November 8, 2016, for the following Officers:

One (1) Mayor (Full term of two years)

Two (2) Members of the City Council (Full term of four years)

The Nomination Period for these offices begins on Monday, July 18, 2016, and closes on Friday, August 12, 2016.

If nomination papers for an incumbent officer of the City are not filed by 5:00 p.m. on Friday, August 12, 2016 (the 88th day before the Election), the voters shall have until the 83rd day before the election, Wednesday, August 17, 2016, to nominate candidates for that incumbent's elective office.

If no one or only one person is nominated for an elective office, appointment to the elective office may be made as prescribed by §10229, Elections Code of the State of California.

The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.

Nomination papers can be secured at the City Clerk's Office, 7018 Pine Street, Hughson, CA 95326. Phone (209) 883-4054.

ATTEST:

Susana Diaz
Management Analyst /Deputy City Clerk
June 13, 2016



CITY COUNCIL AGENDA ITEM NO. 6.3 SECTION 6: NEW BUSINESS

Meeting Date: June 13, 2016

Subject: Approval to Adopt Resolution No. 2016-20, Directing the Filing of the Annual Reports for Fiscal Year 2016-2017 for the Special Assessment Districts (Benefit Assessment Districts and Landscape and Lighting Districts) in the City of Hughson

Presented By: Jaylen French, Community Development Director

Approved By: _____

Staff Recommendation:

Adopt Resolution No. 2016-20, directing the filing of the Annual Reports for Fiscal Year 2016-2017 for the Special Assessment Districts (Benefit Assessment Districts and Landscape and Lighting Districts) in the City of Hughson.

Background:

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

On March 28, 2016, the Hughson City Council approved entering into a Professional Service Agreement with Harris & Associates for the administration of the City's 18 assessment districts, including administrative and engineering services. The annual assessments for the upcoming fiscal year will be considered for action by the Hughson City Council over three regular meetings to ensure reports are filed with Stanislaus County by August and the required deadline so it can be placed on the Stanislaus County Property Tax Roll for the upcoming fiscal year:

- June 13, 2016 Directing the filing of the annual reports
- June 27, 2016 Considering intention to levy and collect the assessments
- July 11, 2016 Hold Public Hearing to confirm intention to levy and collect the assessments

City staff has coordinated closely with Harris & Associates to administer the Assessment Districts. City staff has prepared program budgets for each of the 13 lighting and landscaping districts and 5 benefit assessment districts, which will be provided at the next City Council meeting. The program budgets take into account the originating estimated costs for each district per the formation engineer reports, actual charges and expenses based on the current fiscal year, the planned use of reserves for eligible projects, the fiscal condition of the district, and the determination of a general fund methodology.

Fiscal Impact:

The Benefit Assessment Districts and Landscape and Lighting Districts provide the City of Hughson with funding annually to provide specific services and improvements to properties within their respective approved boundaries. For Fiscal Year 2015-2016, annual assessments generated a total of \$158,931.73, a decrease of 13% when compared to the prior fiscal year, for associated labor, administration, utilities, equipment, materials, and preparation of the annual Engineer's Report. The City has received its full assessment allocation for the current year. Additional information will be provided in the subsequent meeting in June where the City Council will be recommended to consider intention to levy and collect the assessments and set the required public hearing.

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2016-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
DIRECTING THE FILING OF THE ANNUAL REPORTS FOR FISCAL YEAR
2016-2017 FOR SPECIAL ASSESSMENT DISTRICTS IN THE CITY OF
HUGHSON**

WHEREAS, the City of Hughson has established Landscape and Lighting Districts and Benefit Assessment Districts as identified in Exhibit A; and

WHEREAS, the Annual Reports provide the costs to maintain and operate the street lights, landscape maintenance, drainage systems, detention basins irrigation, electrical facilities and provide other improvements as prescribed in the formation documents; and

WHEREAS, the Benefit Assessment Act of 1982 and the Landscaping and Lighting Act of 1972 require the filing of an annual report pursuant to §22622 of the Streets and Highways Code and §54703 of the California Government Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson does hereby direct the Engineer of Work to file the Annual Reports for Fiscal Year 2016-2017 for the Landscape and Lighting Districts and the Benefit Assessment Districts identified in Exhibit A with the Stanislaus County Clerk-Recorder.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Hughson this 13th day of June 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

SUSANA DIAZ, Deputy City Clerk

EXHIBIT A

Landscape and Lighting Districts	Benefit Assessment Districts
Brittany Woods	Central Hughson
Central Hughson	Feathers Glenn
Feathers Glenn	Fontana Ranch North
Fontana Ranch North	Fontana Ranch South
Fontana Ranch South	Sterling Glenn III
Rhapsody Unit No. 1	
Rhapsody Unit No. 2	
Santa Fe Estates Phase 1	
Santa Fe Estates Phase 2	
Starn Estates	
Sterling Glenn III	
Sun Glow Estates	
Walnut Haven III	



CITY OF HUGHSON
PARKS & RECREATION COMMISSION MEETING
 CITY HALL COUNCIL CHAMBERS
 7018 Pine Street, Hughson, CA

AGENDA
TUESDAY, JUNE 14, 2016 – 6:00 P.M.

CALL TO ORDER: Chair Hans Picinich

ROLL CALL: Chair Hans Picinich
 Vice Chair Tamara Thomas
 Commissioner Matt House
 Commissioner Billy Redding

Staff to be Present: Jaylen French, Community Development Director
 Susana Diaz, Deputy City Clerk

FLAG SALUTE: Chair Hans Picinich

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

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

2. PRESENTATIONS: NONE.

3. UNFINISHED BUISNESS: NONE.

4. NEW BUSINESS:

- 4:1: Approve the Minutes of the Regular Meeting of October 13, 2015.
- 4:2: Recommend that City Council Adopt Ordinance No. 2016-XX, Amending Sections 2.14.030 and 2.14.090 of the Hughson Municipal Code to modify the residency requirements of the Hughson Parks and Recreation Commission and to add Arts and Entertainment Matters to the Powers and Duties of the Hughson Parks and Recreation Commission.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.

6. INFORMATION ITEMS: NONE.

7. COMMENTS:

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

Community Development Director:

- 7.2: Commissioner Comments; (Information only- No Action)

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:

May 5 – Sept 29	<ul style="list-style-type: none"> ▪ Hughson Farmer’s Market, Downtown Hughson, Charles St, 4:00-8:00 P.M.
June 21	<ul style="list-style-type: none"> ▪ Planning Commission, City Hall Chambers, 6:00 P.M.
June 27	<ul style="list-style-type: none"> ▪ Hughson Economic Development Committee Meeting, Hughson Senior Center, 7:00 P.M.
June 27	<ul style="list-style-type: none"> ▪ City Council Meeting, Hughson Senior Center, 5:30 P.M.

RULES FOR ADDRESSING CITY COUNCIL

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

AFFIDAVIT OF POSTING

DATE: 06/10/16 **TIME:** 5:00 pm
NAME: Susana Diaz **TITLE:** Deputy City Clerk

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

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

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

Notice Regarding Non-English Speakers:

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

General Information: The Hughson Parks & Recreation Commission meets in the Council Chambers on the second Tuesday of each month at 6:00 p.m., unless otherwise noticed.

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

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