

# CITY OF HUGHSON

## Executive Summary City Council

**Presented By:** Joseph Donabed, City Manager  
**Meeting Date:** January 28, 2008  
**Agenda Item:** Five (5)  
**Subject:** Stanislaus County Council of Government (StanCog)  
Proposed Transportation Sales Tax Measure  
**Enclosures:** Yes  
**Budget Action:** None  
**Desired Action:** Discuss and Direction

---

### **Recommendation:**

Attached

### **Discussion:**

Attached

TO: Policy Board

Staff Memorandum  
**INFORMATION**

FROM: Vince Harris, Executive Director

DATE: January 22, 2008

SUBJECT: 2008 Transportation Sales Tax Program—Status Update

---

### **Background**

At the January 9, 2008 Policy Board meeting, during my Executive Director's Report, I presented to Policy Board Members a recap of the December 12, 2007 Strategic Planning Workshop. As a part of that workshop, Members discussed the need and possibility of pursuing a 2008 Transportation Sales Measure. After completion of my Director's report, Members directed staff to proceed with the following activities:

- a. By the February 13<sup>th</sup> Policy Board meeting, provide a consensus based framework for a new Transportation Expenditure Plan.
- b. Create a budget for the development and outreach of a new Transportation Expenditure Plan.
- c. Prepare a milestone schedule to complete all public sector work.

### **Status of Activities**

In order to achieve the directed worked activities, staff has proceeded as follows:

1. An informational email memorandum was sent to all City Managers, the County CEO and the Alliance CEO regarding the proposed Transportation Expenditure Plan. The memo explained the Policy Board's interest and requested that all attend a half day working meeting to discuss the issue.
2. The working meeting was held Friday January 18<sup>th</sup> at the City of Ceres Council Chambers. The following were in attendance:

Rick Robinson, County CEO  
Matt Machado, County Public Works Director  
Bill Bassitt, Alliance CEO  
Brad Kilger, Ceres City Manager  
Michael Brinton, Ceres  
Kenneth Craig, Ceres  
Sarah Ragsdale, Ceres  
Joe Donabed, Hughson City Manager  
David Chase, Hughson Public Works Director

Jim Niskanen, Modesto Acting City Manager  
 Judith Ray, Modesto Deputy City Manager  
 Michael Holland, Newman City Manager  
 Steve Hallam, Oakdale City Manager  
 Cleve Morris, Patterson City Manager  
 Bryan Whitemeyer, Patterson Deputy City Manager  
 Rich Holmer, Riverbank City Manager  
 David Melilli, Riverbank Public Works Director  
 Tim Kerr, Turlock City Manager  
 Chuck Deschenenes, Waterford City Manager  
 StanCOG staff: Vince Harris, Vince Canales, Carlos Yamzon & Lark Downs

Page 2  
 2008 Transportation Sales Tax Program – Status Update  
 January 22, 2008

The intent of the meeting was to reach agreement with all City Managers and the County on the following:

1. The duration of a propose Transportation Sales Tax Program
2. Projected sales tax to be collected
3. Elements of a 2008 Transportation Expenditure Plan

As a process of attempting to reach agreement, the previous 2006 Transportation Expenditure Plan was reviewed. The 2006 Plan was a comprehensive plan of transportation expenditures for the next 30 years in Stanislaus County. The 2006 Expenditure Plan components are summarized in the following Table 1.

**Table 1 – 2006 Expenditure Plan Summary**

	%	2006 Dollars (\$)
1. State Highway Corridors	44.2%	\$450 million
2. State Highway Interchanges (will require local, state and federal funds match)	15.7%	\$160 million
3. Local Transportation Improvements	9.8%	\$100 million
4. Matching funds for Federal funds	3.9%	\$ 40 million
5. Pavement Management Program (for pothole repair and curb to curb pavement overlays on existing city streets and county roads)	24.4%	\$250 million
6. Commuter Rail Transit	1.0%	\$10 million
7. Paratransit for Seniors and Disabled Persons	1.0%	\$10 million
<b>TOTAL</b>	<b>100%</b>	<b>\$1,02 billion</b>

Under existing state law, the proposed half cent sales tax measure required a 66 2/3% majority approval in order to pass; and, the Stanislaus County Clerk Recorder's office indicated the 2006 Sales Tax Program received a 57.92% voter approval. As a point of reference, during this discussion the Alliance CEO provided a summary overview of election results by precinct and offered some insight into where the Measure was successful and where it was perceived to be weak amongst the voters. This

information was used as a reference to frame the continued discussion about the possible components of a 2008 Transportation Sales Tax Program.

The combined group reached agreement that the new sales tax program should be proposed at 20 years; and that the projected sales tax revenues should be based on the 2006 revenue projections less the 10 years of revenue collection. Based on these assumptions, the 20 year sales tax projection is assumed at \$700,000,000.

The last task was to reach agreement on the elements of the sales tax program. As noted above, the 2006 Expenditure Plan was composed of seven different elements. Based on discussions with policy Board Members, and persons and groups opposing the previous Measure; the group agreed that a new Expenditure Plan should only include the following two components: (1) a "Local Traffic Improvement and Road Maintenance Program", and (2) Dedicated Capital Corridor Improvements.

The group agreed that the two programs should share equally in the projected sales tax revenues. Therefore, each program would receive 50% of expected revenues, or \$350 million dollars for distribution. The "Local Traffic Improvement and Road Maintenance Program" discussion revolved around the equitable distribution of these funds to each City and the unincorporated area of the County. The discussion focused on the following two formulas:

1. Funds allocated (as a floor) based on 70% of Sales Tax, 20% Road Miles & 10% Population
2. Funds distributed based on 100% of Population

Tables 2 and 3 below summarize these formulas:

Page 3  
 2008 Transportation Sales Tax Program – Status Update  
 January 22, 2008

**Table 2- 70%, 20%, 10% Allocation  
 Local Traffic Improvement and Road Maintenance Program**

Jurisdiction	Sales Tax Collection %	Sales Tax Collection \$	Population %	Population \$	Road Miles %	Road Miles \$	Jurisdiction Total \$
Ceres	5.85%	14,332,500	8.05%	2,817,500	4.23%	2,961,000	20,111,000
Hughson	0.72%	1,764,000	1.17%	409,500	0.87%	609,000	2,782,500
Modesto	37.72%	92,414,000	40.11%	14,038,500	20.02%	14,014,000	120,466,500
Newman	0.61%	1,494,500	1.98%	693,000	1.01%	707,000	2,894,500
Oakdale	4.28%	10,486,000	3.57%	1,249,500	2.49%	1,743,000	13,478,500
Patterson	1.42%	3,479,000	4.00%	1,400,000	1.61%	1,127,000	6,006,000
Riverbank	1.76%	4,312,000	4.12%	1,442,000	2.07%	1,449,000	7,203,000
Turlock	14.06%	34,447,000	13.29%	4,651,500	8.13%	5,691,000	44,789,500
Waterford	0.42%	1,029,000	1.65%	577,500	0.83%	581,000	2,187,500
County	33.16%	81,242,000	22.06%	7,721,000	58.74%	41,118,000	130,081,000
<b>TOTALS</b>	<b>100.00%</b>	<b>245,000,000</b>	<b>100.00%</b>	<b>35,000,000</b>	<b>100.00%</b>	<b>70,000,000</b>	<b>350,000,000</b>

**Table 3- 100% Population Distribution  
 Local Traffic Improvement and Road Maintenance Program**

Jurisdiction	Sales Tax Collection %	Sales Tax Collection \$	Population %	Population \$	Road Miles %	Road Miles \$	Jurisdiction Total \$
Ceres	5.85%	0	8.05%	28,175,000	4.23%	0	28,175,000
Hughson	0.72%	0	1.17%	4,095,000	0.87%	0	4,095,000
Modesto	37.72%	0	40.11%	140,385,000	20.02%	0	140,385,000

Newman	0.61%	0	1.98%	6,930,000	1.01%	0	6,930,000
Oakdale	4.28%	0	3.57%	12,495,000	2.49%	0	12,495,000
Patterson	1.42%	0	4.00%	14,000,000	1.61%	0	14,000,000
Riverbank	1.76%	0	4.12%	14,420,000	2.07%	0	14,420,000
Turlock	14.06%	0	13.29%	46,515,000	8.13%	0	46,515,000
Waterford	0.42%	0	1.65	5,775,000	0.83%	0	5,775,000
County	33.16%	0	22.06	77,210,000	58.74%	0	77,210,000
TOTALS	100.00%	0	100.00%	350,000,000	100.00%	0	350,000,000

Based on these formulas it was determined that only the County and the City of Oakdale would receive less funds if the Road Mile formula was the basis of distribution. Based on the regional role of the County and the important road maintenance interface with the Cities, County representatives agreed to propose to the Board of Supervisors (BOS.) the population based formula. The City of Oakdale representative requested that Oakdale's share be no less than the amount generated by the 70%, 20%, 10% formula. In order to achieve this the group agreed to prorate a portion of each of their shares such that Oakdale's request could be achieved.

Subsequent to the January 18<sup>th</sup> meeting, the City of Oakdale further requested, based on the population formula, that their share of Local Traffic Improvement and Road Maintenance dollars be increased to that equal to the City of Riverbank due to the proximity of the jurisdictions and their comparable populations. This request was shared with the County CEO, and County staff has offered the following proposal as shown in Table 4 below to be proposed to the BOS:

**Table 4- 100% Population Adjusted Distribution  
Local Traffic Improvement and Road Maintenance Program**

Jurisdiction	Method	Jurisdiction \$ According to Population	Oakdale Adjustment		Adjusted Jurisdiction Total \$
Ceres	Population	28,175,000	0		28,175,000
Hughson	Population	4,095,000	0		4,095,000
Modesto	Population	140,385,000	0		140,385,000
Newman	Population	6,930,000	0		6,930,000
Oakdale	Population	12,495,000	1,925,000		14,420,000
Patterson	Population	14,000,000	0		14,000,000
Riverbank	Population	14,420,000	0		14,420,000
Turlock	Population	46,515,000	0		46,515,000
Waterford	Population	5,775,000	0		5,775,000
County	Population	77,210,000	(1,925,000)		75,285,000
TOTALS	Population	350,000,000	0		350,000,000

Page 4  
2008 Transportation Sales Tax Program – Status Update  
January 22, 2008

The County's offer to reconcile the population based road maintenance program is with the understanding that the following conditions are assumed:

1. The County views this solution as an advancement of funds. Repayment of these funds would happen in the first year under this scenario if a 3% growth rate is achieved.
2. The \$14.42 million distribution to Oakdale is the 20 year estimate so the initial year subvention by the County to Oakdale would actually equate to \$96,250.
3. Under this proposed scenario, the County would guarantee the base for each of the 9 Cities. Any growth, once the County advance (\$96,250 in year one) is repaid, would be allocated to all Cities based on population.

The remainder of the January 18<sup>th</sup> meeting focused on capital improvements. This activity distributed the remaining \$350 million in projected sales tax revenues. The discussion delineated the following three regional corridors: northern, central and southern. Table 5 below indicates the projects proposed for these corridors.

**Table 5 – Proposed Capital Corridor Improvements**

<i>Project</i>	<i>Improvements</i>	<i>Estimated Project Cost**</i>	<i>Proposed Sales Tax Allocation</i>	<i>PSR Status</i>	<i>Construction Award Schedule</i>
Northern Corridor	North County Corridor: New 2 to 4 Lane Expressway, Dale Rd to east of City of Oakdale	TBD	\$117 million	Complete by April 2008	TBD
Central Corridor	SR99 @ Mitchell Rd./Service Rd. I/C Reconstruction	\$80 million	\$31 million	Complete	TBD
Central Corridor	SR132 Widening from I-580 to SR99: widen from 2 to 4 lanes. Widen and provide Operational Improvements from SR99 to Waterford Includes SR99 @ SR132 Connectivity Improvements	TBD	\$86 million	TBD	TBD
Southern Corridor	W. Main Improvements: Widen and provide Operational Improvements from Turlock to I-5	TBD	\$117 million	TBD	TBD
<b>TOTALS</b>		TBD	\$350 million		

**Funding For Public Sector Work Activities**

StanCOG staff reminded the group of the need to fund the public sector work activities through an amended FY07/08 StanCOG Operating Budget revision. The budget amendment is proposed at \$400,000; and would fund the following activities:

- a. Consultant fees for public polling
- b. Staff time to re-write the Expenditure Plan based on polling results and other data.
- c. Consultant fees to update the corresponding Environmental Impact Report.
- d. Consultant fees to provide public education and outreach services.
- e. Staff time to gain Local Jurisdiction and Board of Supervisors concurrence of the updated Expenditure Plan.

Staff proposed that the budget be achieved through the use Transportation Development Act (TDA) funds under the Transit Cost Sharing Step 3 Local Transportation Funds (LTF) process. Staff proposed to prorate (based on population) all Local Jurisdictions and Stanislaus County's FY07/08 LTF Road Fund shares to achieve the proposed \$400,000 Expenditure Plan budget. The group agreed with this proposed approach.

# CITY OF HUGHSON

## Executive Summary City Council

**Presented By:** Joseph E. Donabed  
**Meeting Date:** January 28, 2008  
**Agenda Item:** Six (6)  
**Subject:** Consider Resolution No. 08-09 Amending the JPA with StanCog  
**Enclosures:** Letters from StanCog's Executive Director and Attorney and a "Redlined" copy of the amendments  
**Budget Action:** None  
**Desired Action:** Approve Resolution No. 08-09

---

**Summary:** The attached enclosures from the Executive Director and the Attorney from StanCog outline the changes proposed and the reasons for the changes.

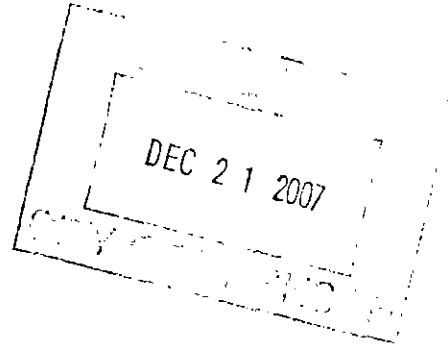
**Recommendation:** Staff recommends the Council approve Resolution No.08-09.



City of Ceres • City of Hughson • City of Modesto • City of Newman • City of Oakdale • City of Patterson  
City of Riverbank • City of Turlock • City of Waterford • County of Stanislaus

December 18, 2007

Mayor Kenneth A. Moore  
City of Hughson  
P O Box 9  
Hughson, CA 95326



**Subject: Amended Stanislaus Council of Governments (StanCOG) Joint Powers Agreement (JPA) (2008)**

Dear Mayor Moore:

Please schedule for approval by the Hughson City Council the attached Amended Stanislaus Council of Governments Joint Powers Agreement. We are requesting that the Board of Supervisors approve, in the month of January, the Agreement by resolution.

As background, StanCOG is a joint powers agency that was created by a joint powers agreement originally entered into on May 11, 1971 and last amended on June 5, 2001. The member agencies of StanCOG are the County of Stanislaus and all of the incorporated cities within Stanislaus County, which includes the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford.

On December 12, 2007, the StanCOG Policy Board approved the Amended StanCOG JPA and recommended that the cities and County approve the Agreement by resolution.

The amendments to the current joint powers agreement are limited to provide StanCOG with specific authority, rather than Implied authority, to perform all tasks needed to carryout construction projects including the power of eminent domain, if necessary. This does not change any of the duties that StanCOG is currently carrying out and it does not provide StanCOG with any more powers than what StanCOG represents it is currently authorized to perform. The amendment merely clarifies these existing powers.

The amendment provides the following limited modifications to the existing joint powers agreement:

- (1) Modifies the dates to reflect the new amendment;
- (2) Amends section 12 regarding Powers and Functions by amending section 12.A.(4) to specifically reference the power of eminent domain;
- (3) Adds sections 12.A.(5) and 12.A.(6) to specifically authorize the completion of the planning, design, environmental clearance and construction of transportation and other projects, and to cooperate and participate in joint projects as necessary.

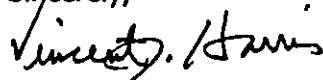
Enclosed please find the following:

- 1) Redline of the StanCOG JPA showing the revisions the StanCOG JPA;
- 2) Revised StanCOG JPA as approved by the StanCOG Policy Board;
- 3) Staff Report from the December 12, 2007 StanCOG Policy Board meeting regarding the amendments.
- 4) Sample adopting resolution for your consideration and possible use.

Please alert me directly of any concerns or questions. Otherwise, please advise Executive Assistant CJ Johnson of the date when this item will be presented to your Council. A StanCOG representative will attend your Council meeting to respond to any questions regarding the amendment.

Thank you in advance for your cooperation with this matter and for scheduling this matter for approval by your Council as soon as possible in January 2008.

Sincerely,



Vincent J. Harris  
Executive Director

cc: Joseph Donabed, City Manager, City of Hughson

enclosures (4)

/cj

c/f: JPA 2008



December 10, 2007

TO: Policy Board  
THROUGH: Vince Harris, Executive Director *VH*  
FROM: DeeAnne Gillick, Legal Counsel for StanCOG  
SUBJECT: Amend Joint Powers Agreement

Staff Report  
RESOLUTION

---

## **RECOMMENDATION**

By Resolution, approve the Amended Joint Powers Agreement Establishing the Stanislaus Council of Governments and request all member agencies of StanCOG approve the Agreement.

## **DISCUSSION**

StanCOG is a joint powers agency that was created by a joint powers agreement originally entered into on May 11, 1971 and last amended on June 5, 2001. The member agencies of StanCOG are the County of Stanislaus and all of the incorporated cities within Stanislaus County, which includes the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford.

An amendment to the current joint powers agreement is requested in order to eliminate any arguments challenging StanCOG's authority to acquire real property by eminent domain for the purposes of the State Route 132 East Infill Project and to specifically authorize the carrying out of the Project by StanCOG. The State Route East Infill Project calls for the widening of State Route 132 in Modesto, from Riverside Drive to A Street, from a two to a four-lane conventional highway. The Policy Board Resolution approving the Cooperative Agreement with Caltrans dated January 14, 2004, instituted StanCOG as the implementing agency for transportation project delivery for this Project.

StanCOG has been negotiating the acquisition of the necessary right of way for the 132 East Infill Project and one of the involved property owners has questioned StanCOG's ability to acquire property by eminent domain and to carry out the construction project.

StanCOG, and its legal counsel, are of the opinion that this specific amendment is not necessary for the performance of these activities; however, in the spirit of eliminating any controversy or challenges to the 132 East Infill Project, staff recommends that this amendment to the joint powers agreement be approved by the Policy Board and all member agencies.

The proposed amendment provides the following limited amendments to the existing joint powers agreement:

- (1) Modifies the dates to reflect the new amendment;
- (2) Amends section 12 regarding Powers and Functions by amending section 12.A.(4) to specifically reference the power of eminent domain;
- (3) Adds sections 12.A.(5) and 12.A.(6) to specifically authorize the completion of the planning, design, environmental clearance and construction of transportation and other projects, and to cooperate and participate in joint projects as necessary.

No other changes are made to the existing joint powers agreement and the only purpose and reason for these amendments is to provide StanCOG with the specific authority, as opposed to this authority being implied, to carry out the 132 East In Fill project and the associated right of way acquisition, by eminent domain, if necessary.

After approval by the Policy Board of the Amended Joint Powers Agreement, the Agreement will be effective upon ratification by resolution of 75% of the member agencies representing 75% of the population of the County of Stanislaus as determined by the most recent Decennial Census pursuant to section 26.A of the existing joint powers agreement.

c/f: Policy Board  
Joint Powers Agreement  
Neumiller and Beardslee  
cjohnson@stancog.org

**AMENDED JOINT POWERS AGREEMENT ESTABLISHING THE  
STANISLAUS COUNCIL OF GOVERNMENTS**

THIS AGREEMENT, made and entered into in the County of Stanislaus, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, ~~19~~2008, is between the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, and the County of Stanislaus, a political subdivision of the State of California, and supersedes the Agreement entered into by these parties on May 11, 1971, ~~and the Agreement entered into by these parties on May 28, 1974, and the Agreement entered into on June 5, 2001.~~

**WITNESSETH:**

WHEREAS, Article 1 of Chapter 5 of Division 7 of title 1 (Sections 6500, et seq.) of the California Government Code authorizes two or more public agencies, by a joint powers agreement entered into respectively by them and authorized by their legislative or governing bodies, to exercise jointly any power or powers common to the contracting parties; and

WHEREAS, the parties herein recognize that the County of Stanislaus is experiencing continued expansion of its incorporated cities and the development of formerly undeveloped areas; and

WHEREAS, by reason of this growth, governmental problems involving incorporated and unincorporated areas jointly are arising and are expected to increase in the future; and

WHEREAS, the parties herein recognize that there exist planning problems which require area-wide consideration; and

WHEREAS, it is necessary and desirable that a single wholly independent agency be created with the capability of dealing with area-wide issues and problems; and

WHEREAS, the creation of such an agency is necessary to qualify the County and its cities and other agencies within Stanislaus County for certain Federal funds;

WHEREAS, these needs and concerns led to the creation and establishment of the Stanislaus Area Association of Governments on May 11, 1971; and

WHEREAS, these needs and concerns also led to the revision of, and subsequent approval of a Revised Joint Powers Agreement on May 28, 1974; and

WHEREAS, these needs and concerns also led to the revision of, and subsequent approval of a Joint Powers Agreement Establishing the Stanislaus Council of Governments on June 5, 2001; and

WHEREAS, the establishment of the ~~Stanislaus Area Association~~ Council of Governments has:

- (a) provided a forum for the discussion and study of area-wide problems of mutual concern to the various governmental entities in Stanislaus County;
- (b) provided efficiency and economy in governmental operations through the cooperation of member governments and the pooling of common resources;
- (c) provided for the establishment of an agency responsible for identifying, clarifying, and planning for solutions to regional problems requiring multi-jurisdictional cooperation;

- (d) provided for the establishment of an agency capable of developing regional plans and policies and performing area-wide planning duties;
- (e) facilitated cooperation among and agreement between local governmental bodies for specific purposes, interrelated developmental actions, and for the adoption of common policies with respect to issues and problems which are common to its members; and

WHEREAS, the parties at this time, desire to rescind that certain joint powers agreement of May 11, 1971, as amended by the Agreement entered into by these parties on May 28, 1974, and on June 5, 2001, and enter into this new Agreement in order to establish the duties and powers of a newly-constituted the Stanislaus Area Association Council of Governments;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

## SECTION 1

### STATEMENT OF PURPOSE

1.A. **Specific Purposes.** The member cities and the county have joined together to establish the Stanislaus Council of Governments for the following purposes:

- 1.A.(1) Provide a forum for discussion and study of area-wide problems of mutual interest to the member governments.
- 1.A.(2) Insure through cooperation, coordination, and the pooling of common resources, maximum efficiency and economy in governmental operation.
- 1.A.(3) Identify, inventory, and comprehensively plan for the solution of regional problems requiring multi-governmental cooperation.
- 1.A.(4) Develop area-wide plans and policies for growth and development.
- 1.A.(5) Facilitate actions and agreements among the governmental units for specific project development.
- 1.A.(6) Conduct, and have operating authority over, other area-wide functions as the Stanislaus Area Association of Governments Board deems appropriate.

## SECTION 2

### ESTABLISHMENT OF STANISLAUS COUNCIL OF GOVERNMENTS

2.A. **Separate Entity.** Upon the effective date of this Agreement, the parties hereto hereby establish a newly constituted Council of Governments, as a public entity separate and distinct from its member entities, as the agent to exercise the common powers provided for in this Agreement and to administer or otherwise execute this Agreement.

2.B. **Continuation of Duties.** The newly constituted Stanislaus Council of Governments, shall continue to function, without interruption in its duties, as:

## SECTION 12

### POWERS AND FUNCTIONS

12.A. **Powers and Functions.** The Stanislaus Council of Governments shall have the common power of the Parties hereto to plan, establish and administer an independent area planning organization and in the exercise of that power the Stanislaus Council of Governments is authorized in its own name to:

- 12.A.(1) \_\_\_\_\_ Employ an Executive Director as the chief administrative officer of Stanislaus Council of Governments.
- 12.A.(2) \_\_\_\_\_ Employ agents and employees and contract for professional services.
- 12.A.(3) \_\_\_\_\_ Make and enter into contracts.
- 12.A.(4) \_\_\_\_\_ Acquire, hold and convey real and personal property, including the power to acquire property by eminent domain.
- ~~12.A.(5) \_\_\_\_\_ Undertake the planning, design, environmental clearance and construction of transportation and other projects.~~
- ~~12.A.(6) \_\_\_\_\_ Cooperate with other agencies, counties and other local public agencies and participate in joint projects as necessary.~~
- ~~12.A.(7) \_\_\_\_\_ Incur debts, obligations and liabilities.~~
- 12.A.(6)8) \_\_\_\_\_ Accept contributions, grants or loans from any public or private agency or individual, or the United States, the State of California or any department, instrumentality, or agency thereof, for the purpose of financing its activities.

- ~~12.A.(79)~~ Invest money that is not needed for immediate necessities, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the California Government Code.
- 12.A.(810) Have appointed members and ex-officio members of the Stanislaus Council of Governments serve without compensation from the Stanislaus Council of Governments, except that members of the Stanislaus Council of Governments may be reimbursed for all reasonable expenses and costs relating to attendance at Stanislaus Council of Governments meetings or other Stanislaus Council of Governments business.
- 12.A.(911) Do all other acts reasonable and necessary to carry out the purposes of this Agreement.
- 12.A.(1012) Sue and be sued, in its own name only, but not in the name or stead of any Party.
- 12.A.(1113) Exercise any and all other powers as may be provided for in California Government Code Section 6547.
- 12.A.(1214) The powers to be exercised by the Stanislaus Council of Governments are subject to such restrictions upon the manner of exercising such powers as are imposed upon the County in the exercise of similar powers. The Council shall be held strictly accountable for all funds received, held and disbursed by it.
- 12.A.(1315) The Stanislaus Council of Governments is hereby designated by the parties to this Agreement as the regional review agency for the purposes of acting on any appropriate proposals which may be presented to it for consideration, and as the sole regional planning representative for transmission of proposed recommendations to the U.S. Department of Housing and Urban Development or such other agency of the Federal Government or State Government as may be designated to receive such recommendations from the Council, and as the area-wide planning organization (APO) for the County of Stanislaus as such APO is defined in pertinent State and/or Federal directives and regulations.
- 12.A.(1416) File, within 30 days of the effective date of this Agreement, a Notice of the Agreement with the office of the California Secretary of State, pursuant to California Government Code, section 6503.5

## SECTION 13

### BYLAWS

13.A. **Bylaws.** The By-laws of the Stanislaus Council of Governments shall be those annexed to this Agreement marked "Exhibit A" and incorporated herein by reference. Amendments to all or a portion of the Bylaws may be made in the manner prescribed in the Bylaws.

## SECTION 14

### EXECUTIVE DIRECTOR

## SECTION 22

### RETURN OF SURPLUS FUNDS

22.A. **Return of Surplus Funds.** Upon termination of this Agreement, any surplus money on hand shall be returned, pro rata, to the Federal, State, or local agency or the party to this Agreement that provided the funds.

## SECTION 23

### ADDITIONAL MEMBERS

23.A. **Additional Members.** In addition to the incorporated cities identified in this Agreement, any city within Stanislaus County which may hereafter be incorporated and which desires to participate in the activities of Stanislaus Council of Governments may do so by executing this Agreement without the prior approval or ratification of the named parties to this Agreement and shall thereafter be a party to this Agreement and be bound by all terms and conditions of this Agreement as of the date it executes this Agreement.

## SECTION 24

### SUCCESSORS AND ASSIGNS

24.A. **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the parties.

## SECTION 25

### SEVERABILITY

25.A. **Severability.** Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the Agreement which the member agencies intended to enter into in the first instance.

## SECTION 26

### EFFECTIVE DATE OF AGREEMENT

26.A. **Effective Date.** This Agreement shall become effective upon ratification by resolution of the Stanislaus County Board of Supervisors and each of the city councils of the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford. From and after said date the agreements made establishing the Stanislaus Area Association of Governments dated May 11, 1971 and May 20, 1974, and the Agreement Establishing the Stanislaus Council of Governments dated June 5, 2001 shall be superseded, replaced and terminated by this Agreement and shall be of no further force and effect.

26.B. **Amendments.** After this Agreement becomes effective, it may be amended upon ratification by resolution of 75% of the member agencies representing 75% of the population of the County of Stanislaus as determined by the most recent Decennial Census. For this purpose each incorporated

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RESOLUTION NO. 08-09

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
ADOPTING THE AMENDED JOINT POWERS AGREEMENT  
ESTABLISHING THE STANISLAUS COUNTY OF GOVERNMENTS

WHEREAS, the Stanislaus Council of Governments (StanCOG) is a joint powers agency formed pursuant to Government Code Section 6500 et seq.; and,

WHEREAS, StanCOG was created by a joint powers agreement originally entered into on May 11, 1971 and last amended on June 5, 2001; and,

WHEREAS, the member agencies of StanCOG are the County of Stanislaus and all of the incorporated cities within Stanislaus County, which includes the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford; and,

WHEREAS, on December 12, 2007, the StanCOG Policy Board approved amendments to its joint powers agreement and requested all member agencies to approve the amended joint powers agreement; and,

WHEREAS the StanCOG joint powers agreement provides that the agreement may be amended by 75 percent of its member agencies representing 75 percent of the population of the County of Stanislaus as determined by the most recent Decennial Census.

NOW, THEREFORE, BE IT RESOLVED that the City of Hughson approves the Amended Joint Powers Agreement Establishing the Stanislaus Council of Governments as approved by the StanCOG Policy Board on December 12, 2007.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BE IT FURTHER RESOLVED that the Mayor, the City Clerk and the City Attorney are directed to sign the Amended Joint Powers Agreement Establishing the Stanislaus Council of Governments and provide such executed Agreement to StanCOG.

PASSED AND ADOPTED by the Hughson City Council at a regular meeting thereof, held on the 28<sup>th</sup> day of January, 2008, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

KENNETH A. MOORE, Mayor

ATTEST:

MARY JANE CANTRELL, CMC, City Clerk