



**EXECUTIVE COMMITTEE MEETING  
STANCOG BOARD ROOM  
1111 I STREET, SUITE 308  
MODESTO, CA  
DECEMBER 9, 2009  
3:30 PM**

**California Brown Act Requires:**

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. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Cindy Malekos at (209) 525-4600 during regular business hours, at least twenty-four hours prior to the time of 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 StanCOG Policy Board shall be in English and anyone wishing to address the Board is advised to have an interpreter or give StanCOG a 48 hour notice so that StanCOG can provide an interpreter from any language not English into the English language.

**PUBLIC COMMENTS**

Matters not on the posted agenda may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Committee for consideration. However, California law prohibits taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Committee. Any member of the public wishing to address the Committee will be limited to five minutes or the discretion of the Chair.

Questions: Contact Cindy Malekos at (209) 525-4600.

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENTS**

*The public may comment on each item on the agenda as it arises.*

**4. DISCUSSION/ACTION ITEMS**

**A. Motion to Approve Executive Committee Meeting Minutes of 10-14-09**

**B. Motion to Accept Staff's Processing of Legal Counsel's Contract for Fiscal Year 2008/09**

**C. Discussion of Legal Counsel Fees and Work Scopes of Other San Joaquin Valley COGs**

**5. EXECUTIVE DIRECTOR'S REPORT**

**6. ADJOURN**

*Next Regularly Scheduled Executive Committee Meeting:*

**JANUARY 20, 2010 (WEDNESDAY) @ 3:30 PM  
STANCOG BOARD ROOM  
1111 I STREET, SUITE 308  
MODESTO, CA**



**EXECUTIVE COMMITTEE MEETING**  
**StanCOG Board Room**  
**1111 I Street, Suite 308**  
**Modesto, California**

**Minutes of October 14, 2009**

**PRESENT:** Vice-Chair Jim Ridenour (City of Modesto); Farrell Jackson (City of Oakdale); Bill O'Brien (Stanislaus County); Anthony Cannella (City of Ceres); Chair Jeff Grover (arrived during Item 4D)

**ALSO PRESENT:** Rod Attebery (Neumiller and Beardslee); Vince Canales, Cindy Malekos, Carlos Yamzon (StanCOG); Brad Christian (Stanislaus County); Fred Cavanah (City of Modesto)

**1. CALL TO ORDER**

Vice-Chair Jim Ridenour called the meeting to order at 5:01 pm.

**2. ROLL CALL**

**3. PUBLIC COMMENTS**

No members of the public were present.

**4. DISCUSSION/ACTION ITEMS**

**A. Motion to Approve Executive Committee Meeting Minutes of 9-9-09**

**\*By Motion (Anthony Cannella/Farrell Jackson)** and unanimous vote, the Executive Committee approved the minutes of the previous meeting.

**B. Motion to Approve Appointment of New Member to the Citizen's Advisory Committee (CAC)**

Members requested that action on this item be postponed.

**C. Motion to Accept Processing of Legal Counsel's Contract for 2008/09**

Staff requested that action on this item be postponed.

**D. Motion to Approve Revision to Employee Handbook**

Cindy Malekos explained that this item requests the addition of the Transit Planner position to the listing in the Employee Handbook of the positions described at the Management level. Transit Managers Fred Cavanah (City of Modesto) and Brad Christian (Stanislaus County), both expressed their opinion that the Transit Planner position is warranted to be at the Management

level. There was consensus that the position not be changed at this time. Members were not adverse to hearing this item again, however, in a few months.

**\*By Motion (Anthony Cannella/Farrell Jackson)** and unanimous vote, the Executive Committee voted to deny the Revision to the Employee Handbook.

**E. Motion to Approve Pricing and Selling of Excess Cubicle Material**

Cindy Malekos explained that there is excess office cubicle material not being used and sought approval to sell it. The Committee agreed to direct Staff to attempt to dispose of it with the guidance of Warden's at a reasonable price.

**\*By Motion (Farrell Jackson/Anthony Cannella)**, and unanimous vote, the Executive Committee approved the selling of excess cubicle material at a reasonable rate.

**5. EXECUTIVE DIRECTOR'S REPORT**

Carlos Yamzon explained that Vince Harris was not in attendance due to his travel to the California Transportation Commission (CTC) meeting in San Diego. He said that Mr. Harris was there due to StanCOG's allocation request for \$900,000 in Regional Improvement Program (RIP) funding for the SR 132 West project being up for approval at this meeting. Mr. Yamzon was pleased to announce that he received notification that afternoon that the StanCOG allocation was approved. Cindy Malekos reminded Members that an Open House will be held at the StanCOG Office on October 21<sup>st</sup> from 4:00 to 7:00 pm.

**6. ADJOURNMENT**

The meeting was adjourned by Vice-Chair Jim Ridenour at 3:53 p.m.

*Next Regularly Scheduled Executive Committee Meeting:*

**NOTE DIFFERENT DATE DUE TO HOLIDAY:**

**WEDNESDAY, NOVEMBER 12, 2009 @ 3:30 P.M.**

**STANCOG BOARD ROOM**

**1111 I STREET, SUITE 308**

**MODESTO, CA**

Signed \_\_\_\_\_

*Cindy Malekos*

Minutes prepared by Cindy Malekos, Personnel and Administration Manager



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

**TO:** Executive Committee **Staff Report**  
**Motion**  
**THROUGH:** Vince Harris, Executive Director *VH*  
**FROM:** Vince Canales, Finance Director *VC*  
**DATE:** November 6, 2009  
**SUBJECT:** Address Staff Processing of Legal Counsel's Contract for Fiscal Year 2008/09.

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**Recommendation**

**By Motion:**

Recommend that the Policy Board, by Motion:

1. Accept staff's processing of Legal Counsel's contract for fiscal year 2008/09, acknowledging an accounting transcription error in the StanCOG/County records was made to the value of the contract limit.
2. Acknowledge and accept a write off by Neumiller and Beardslee of an additional amount of \$13,013.77 and resubmit invoice #220545 in the amount of \$1,623.15 for a total contract amount of \$120,500.
3. Direct Staff and Legal Counsel to establish expenditure limits consistent with the Budget, by setting a not-to-exceed contract amount with Legal Counsel. Staff will prepare budget and contract amendments for any increase to the contract.

**Background**

The Policy Board Chair directed staff to perform a detailed review of the fees submitted by Legal Counsel. The law firm of Neumiller and Beardslee is legal counsel for StanCOG. During the course of the review, Staff discovered a budget amendment that had been processed with a transcription error resulting in an excess amount being reflected in the Accounting System and processed by the County. The following table summarizes the changes to Counsel's contract for fiscal year 2008/09.

Date	Action	Policy Board Amount Authorized	Contract Amount in the Accounting System
June 11, 2008	Policy Board adopts StanCOG's FY 08-09 Budget. The budget contains \$50,500 for legal services	\$50,500	\$50,500
April 8, 2009	The Policy Board approves StanCOG Budget Amendment #4. In amendment #4, Staff requested that the value of the legal services contract be increase by \$30,000. The contract was increased by \$50,000 inadvertently. At this point, the contract is overstated over the authorized amount by \$20,000	\$80,500	\$100,500
May 13, 2009	The Policy Board approves StanCOG Budget Amendment #5. In amendment #5, Staff requested that the value of the legal services contract be increased by \$20,000	\$100,500	\$120,500

**Discussion**

Currently, StanCOG has paid out a total of \$118,877 for legal services provided in fiscal year 2008/09. One invoice for fiscal year 2008/09 services is still outstanding and has not been paid in the amount of \$14,637, for a total 08/09 legal expenses in the amount of \$133,514.

Upon the request of staff the firm of Neumiller and Beardslee has agreed to reduce this outstanding amount to \$1,623.15.

Total invoices paid for fiscal year 2008/09 legal services	\$118,876.85
Legal services invoice #220545 received but not yet paid	\$14,636.92
Counsel's agreed upon reduction amount of invoice #220545	( <u>\$13,013.77</u> )
Proposed resubmission amount of invoice #220545	<u>\$1,623.15</u>
Grand Total of invoices for counsel services for FY 08/09	<u>\$120,500.00</u>

If the Policy Board accepts Staff's proposal, the Board authorized amount will still have been exceeded by \$20,000. However, due to savings in other areas, this does not present a financial hardship to the Agency. Overall, StanCOG's general fund expenditures were well under budget for fiscal year 2008/09. With the exception of Legal Counsel's contract, Staff controlled all other costs well within the budget parameters. Schedule 1 of this staff report is a detailed comparison of budget to actual expenditures for fiscal year 08/09. With the exception of two other minor amounts, all contract expenditures are at or below budgeted amounts.

In reviewing the circumstances surrounding the departure from the Board approved amount, Staff has identified the cause and changes that should be made to avoid a reoccurrence.

[vharris@stancog.org](mailto:vharris@stancog.org)

**STANISLAUS COUNCIL OF GOVERNMENTS  
COMPARISON OF BUDGET TO ACTUAL EXPENDITURES  
FY 2008/09**

**SCHEDULE #1**

Acct	Description	Final Budget FY 2008/09	Actual Expenditures	Savings (Overage)
<b>50000</b>	<b>SALARIES AND BENEFITS</b>	<b>1,518,586</b>	<b>1,265,600</b>	<b>252,986</b>
<b>60000/</b>	<b>SERVICES AND SUPPLIES</b>			
<b>70000</b>	Administrative Services	10,740	7,588	3,152
	Communications	11,142	7,990	3,152
	Conferences, Seminars & Travel	38,300	23,963	14,337
	County Departmental Costs Allocated	15,027	10,519	4,508
	Data Processing Services	26,040	19,377	6,663
	Equipment Maintenance	1,000	384	616
	Equipment Purchase	30,900	16,370	14,530
	Equipment Rents and Leases	17,570	14,990	2,580
	Insurance	17,000	15,550	1,450
	Memberships	9,921	9,921	0
	Office Expense	25,000	14,762	10,238
	Postage/Mail Services	4,680	4,368	312
	Printing	10,160	3,275	6,885
	Publications/Legal Notices	9,550	7,515	2,035
	Structures and Grounds - Maintenance	1,255	1,512	(257)
	Structures and Grounds - Rents and Leases	89,200	87,182	2,018
	Utilities	8,757	7,675	1,082
	Interest on City of Modesto Loan	1,765	1,765	0
	<b>TOTAL SERVICES AND SUPPLIES</b>	<b>328,007</b>	<b>254,706</b>	<b>73,301</b>
<b>81000</b>	<b>EQUIPMENT - FIXED ASSETS</b>	<b>0</b>	<b>0</b>	<b>0</b>
		25,000	0	25,000
<b>63280</b>	<b>CONTRACTS</b>			
	Area wide Ridesharing Services	165,000	141,500	23,500
	Blueprint Grant	115,276	60,189	55,087
	Cari Anderson Air Quality Services - SIP Amend	6,329	0	6,329
	Congestion Management Program Update	60,000	0	60,000
	Disadvantaged Business Enterprise Consultant	2,500	980	1,520
	Employee Classification Study	15,000	14,615	385
	Financial Audit & related svcs.	30,500	30,500	0
	Public Involvement Consultant	20,000	0	20,000
	Professional Recruitment Services	15,000	0	15,000
	Highway J59 Concept Study	6,000	0	6,000
	Legal Counsel	100,500	133,514	(33,014)
	Nonmotorized Master Plan	57,891	57,881	10
	Office Space Reconfiguration	5,000	2,440	2,560
	Plan Implementation Project Team	3,000	0	3,000
	Route 132 West Project Study Report	1,500,000	469,819	1,030,181
	Route 132 West Safety Billboard	6,000	5,486	514
	Route 219 Project Management Consultant	105,748	32,665	73,083
	Short-haul Intermodal Facilities Study	6,854	6,019	835
	RTP Financial Plan Update	230,997	156,238	74,759
	KernCOG	2,250	0	2,250
	Temporary Help	40,000	40,000	0
	Temporary Help Interwest Consultant Services	105,000	105,045	(45)
	Traffic Modeling Support	10,000	10,221	(221)
	Valleywide Air Quality Coordinator	13,380	8,058	5,322
	Valleywide Air Quality Coordinator Oversight	5,400	5,094	306
	Local Air Quality Assistance	20,000	14,450	5,550
	Valleywide Air Quality Policy Services	3,345	3,345	0
	Valley-wide Coordinator	6,647	1,372	5,275
	<b>TOTAL CONTRACTS</b>	<b>2,657,617</b>	<b>1,299,431</b>	<b>1,358,186</b>
	<b>OPERATING TRANSFER OUT - SR 132 Infill</b>	<b>84,380</b>	<b>0</b>	<b>84,380</b>
	<b>ADJUSTMENT FOR FY 06-07 OVERHEAD RECAPTURE</b>	<b>(69,539)</b>	<b>(69,539)</b>	<b>0</b>
	<b>BUDGET SUBTOTAL</b>	<b>4,544,051</b>	<b>2,750,198</b>	<b>1,793,853</b>
<b>90000</b>	<b>CONTINGENCIES</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>62400</b>	<b>EXIGENCIES</b>	<b>15,000</b>	<b>15,000</b>	<b>0</b>
<b>TOTALS</b>		<b>4,559,051</b>	<b>2,765,198</b>	<b>1,793,853</b>