

REVISED AGENDA

POLICY BOARD
 1010 10th Street
 City County Chambers
 Modesto, CA
 June 11, 2008
 6:00 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 Sabrina Pinheiro, 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 PARTICIPATION

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 Board 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 Board. Any member of the public wishing to address the Board will be limited to five minutes or the discretion of the Chair.

Questions: Contact Sabrina Pinheiro at (209) 525-4600.

AGENDA

PLEDGE OF ALLEGIANCE

1. PUBLIC PARTICIPATION

These matters may be presented only by interested persons in the audience. Discussion is limited to the discretion of the Chair.

2. CONSENT CALENDAR

- | | |
|--------------------------------------------------------------------------------------------------------|------------|
| A. Adopt Minutes of Policy Board (05.14.08)) | MOTION |
| B. FY 2007/08 Local Transportation Fund Non-Transit Claim:
City of Newman | RESOLUTION |
| C. FY 2007/08 Local Transportation Fund Non-Transit Claim:
City of Waterford | RESOLUTION |
| D. FY 2007/08 Transportation Development Act Amended Transit Claim:
City of Modesto | RESOLUTION |
| E. Modification of the Public Facility Fee's Regional Transportation
Impact Fee (RTIF) Project List | MOTION |

3. PRESENTATIONS

Recognition of Service for CJ Johnson RESOLUTION

4. PUBLIC HEARINGS

2009 Federal Transportation Improvement Program INFORMATION

5. ORAL REPORT ITEMS
 - A. Approval of Stanislaus County's Final Draft 2008 Countywide Transportation 1/2 Cent Sales Tax Measure Financial Expenditure Plan RESOLUTION
 - B. Introduction/First Reading of 2008 Transportation Sales Tax Ordinance Pursuant to Government Code Section 25131 RESOLUTION
 - C. Approval of Consultant Contract for 2008 1/2 Cent Sales Tax Measure Education and Public Outreach Services RESOLUTION
 - D. Proposed FY 2008/09 Budget and Overall Work Program RESOLUTIONS
 - E. Transportation Development Act Apportionments for FY 2008/09 RESOLUTION
 - F. Transportation Development Act Transit Claims for FY 2008/09 RESOLUTION
 - G. **Amendment No.1 to the Moore, Iacofano, Goldsman (MIG) Contract for Blueprint Outreach Consultant Services** RESOLUTION

6. INFORMATION ITEMS

The following items are for information only.

 - A. Stanislaus Blueprint Planning Process Update
 - B. Social Services Transportation Advisory Council – Agenda (06.11.08)

7. STANISLAUS COUNCIL OF GOVERNMENTS ADVISORY COMMITTEES
 - A. Citizens Advisory Committee Minutes: (05.28.08)
 - B. Social Services Transportation Advisory Council: (05.06.08)

8. CALTRANS REPORT

9. EXECUTIVE DIRECTOR'S REPORT

10. CLOSED SESSION

PURSUANT TO GOVERNMENT CODE Section 54956.8
 Conference with Real Property Negotiators
 (a) Property: (APN 03-078-002;-04;-05)
 Agency Negotiator: Vince Harris (DeeAnne Gillick and Jennifer Alves)
 Negotiating Parties: Stanislaus Council of Governments and
 Bright Development (Carol Bright and John Dunn)
 Under Negotiation: Both price and terms of payment.

11. RETURN TO OPEN SESSION

12. COMMENTS FROM THE BOARD

Topics may be presented, but no action may be taken except to place an item on a future agenda.

ADJOURNMENT

Next regular meeting scheduled for

July 11, 2008, 6:00 P.M.
 1010 Tenth St.
 City County Chambers
 Modesto, CA



Consent Items

(Draft) StanCOG Policy Board Minutes of May 14, 2008

PRESENT: Chair John Fantazia (City of Newman); Jeff Grover (Stanislaus County); Jim DeMartini (Stanislaus County); Dick Monteith, (Stanislaus County); Bill O'Brien (Stanislaus County); Anthony Cannella (City of Ceres); Farrell Jackson (City of Oakdale); Jim Ridenour (City of Modesto); Janice Keating (City of Modesto); Annette Smith (City of Patterson); Chris Crifasi (City of Riverbank); Ted Howze (City of Turlock); William Broderick (City of Waterford)

ALSO PRESENT: David Hosley (Great Valley Center); Tom Dumas (Caltrans, District 10); DeeAnne Gillick (Neumiller and Beardslee); Kris Balaji (Jacob, Carter, Burgess); Vince Harris, Carlos Yamzon, Vince Canales, Lark Downs & Sabrina Pinheiro (StanCOG)

Chairman John Fantazia called the meeting to order at 6:03 P.M.

PLEDGE OF ALLEGIANCE

1. PUBLIC PARTICIPATION

(These matters may be presented only by interested persons in the audience. Discussion is limited to the discretion of the Chair).

No matters were presented or addressed during this time from any audience member who was present.

2. CONSENT CALENDAR

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| A. Adopt Minutes of Policy Board (03-25-08 and 04-09-08) | MOTION |
| B. FY 2007/08 Transportation Development Act Amended Transit Claim:
County of Stanislaus | RESOLUTION 07-32 |
| C. FY 2007/08 Local Transportation Fund Non-Transit Claim:
City of Patterson | RESOLUTION 07-33 |
| D. FY 2007/08 Local Transportation Fund Non-Transit Claim:
City of Turlock | RESOLUTION 07-34 |
| E. FY 2007/08 Local Transportation Fund Non-Transit Claim:
County of Stanislaus | RESOLUTION 07-35 |
| F. Request from the Riverbank Oakdale Transit Authority (ROTA)
for Exemption to the Transportation Development Act
Farebox Ratio Requirement | MOTION |
| G. Approval of Amendment #1 to the Caltrans/StanCOG Cooperative
Agreement No. 10-203A-1 for Removal of Independent
Quality Assurance Costs from the SR 132 East Infill Project
Construction Phase | RESOLUTION 07-36 |

BY MOTION, (Jim Ridenour and Ted Howze) and unanimous vote by Council, approved the Consent Calendar.

3. PRESENTATIONS

A. Update – Stanislaus County Blueprint Planning Activities

As an overview, Vince Harris, StanCOG Executive Director, outlined The Blueprint Planning Process for Stanislaus County as follows:

- ❖ The Blueprint is a 3 year project which is now in the 2nd year of activity.
- ❖ The goal of the Blueprint is to create an approach to Long Term Regional Planning, that addresses land use, housing, transportation, environmental issues & economic development in Stanislaus County .
- ❖ The Blueprint Process includes input not only from Policy Board Members, but from the Public at large.
- ❖ Workshops were held by StanCOG last year for the purpose of obtaining input from the public regarding their interests and concerns about where this Valley will be in future years.
- ❖ StanCOG's Consultant facilitator prepared a Final Phase I Report, which provided the basis of the Blueprint Vision Statement and Guiding Principles.
- ❖ The "Vision Statement" was approved by the Policy Board on Feb. 13th and includes 8 Guiding Principles that are important to the future of Stanislaus County.

Mr. Harris introduced guest speaker David Hosley, President of Great Valley Center. Mr. Hosley provided the following comments on the Blueprint Process.

- ❖ The Great Valley Center is supportive of the Blueprint Process, especially as it relates to Communication activities.
- ❖ Mr. Hosley is working with the Blueprint Regional Advisory Committee to coordinate the eight individual County Blueprints and merge them into one.
- ❖ Recently in Fresno, 65 elected officials from the eight San Joaquin Valley Counties came together for a briefing on the Blueprint Process, local control, the State's role in helping the Valley.
- ❖ Great Valley Center is offering different types of communication functions, such as meeting with various Editorial Boards
- ❖ Mr. Hosley indicated that Economic Development Efforts were started with the Sacramento Blueprint Process, (one of the first in the State), and now 34 different Community Groups are involved in Partnerships for Prosperity.
- ❖ He indicated the ability to build structures that will contribute to the Economic well-being of Stanislaus County, such as The Gallo Center.

Mr. Harris indicated StanCOG's next approach is to offer a series of workshops throughout Stanislaus County. StanCOG staff will conduct a briefing and present a briefing package to each of the City's Council Members before conducting the actual workshop. The workshop process is estimated to start in mid-June.

Mr. Harris wanted to clarify that the Blueprint Process is funded valley wide, by the State, and is something the State has asked StanCOG to do. He stressed how important these Blueprints are becoming, particularly at the funding level with the new legislations. Mr. Harris expressed that if Stanislaus County becomes part of the Blueprint Process now, it will not only allow opportunity to shape our County, but our Valley as well, to the way we want it done, rather than potentially having it imposed on us by the State.

Supervisor Jim De Martini of Stanislaus County, responded to Mr. Harris, that his concern with the Blueprint Process is if it becomes too "authoritative". Mr. De Martini requested validation from StanCOG, that a proper amount of time will be given for council's review and comments, before any information about Stanislaus County will be disbursed to the other seven counties.

Mr. Harris replied that he and StanCOG staff fully understand this concern, which is why StanCOG has taken the approach of providing a briefing beforehand, as well as administering a briefing packet.

Supervisor Bill O'Brien expressed his concern regarding the potential loss of local land use decisions. He stated that the Blueprint may be the process by which state leaders usurp local land use authority by making the Blueprint process binding. Supervisor O'Brien emphasized that the local input and decisions involving the Blueprint process are very important, and we must make sure that we can live with the results.

4. PUBLIC HEARINGS

(NONE)

5. ORAL REPORT ITEMS

A. 2007 Federal Transportation Improvement Program (FTIP)_Amendment #11: (Type 3, Formal Amendment) RESOLUTION

Mr. Harris defined FTIP Amendment #11, and explained how projects of regional significance are included in the FTIP, and how important this is for Stanislaus county, based on certain projects where Federal action goes into effect, or documents that in need of environmental certification.

Based on the request from the County of Stanislaus, staff recommends that the North County Corridor Project,(Expressway Project), be included in the FTIP Amendment. The addition of this project will add \$4.9 million dollars in County PFF Funds to be programmed in the FTIP for a PA & ED work for the 08/09 fiscal year. Action is needed based on recent notification received from the California Transportation Commission, that Programming for the North County Corridor project, has been moved out to fiscal year 11/12, rather than the initial 08/09 fiscal year. Mr. Harris expressed the urgency for this FTIP Amendment to be processed as it ensures the County will be reimbursed in future years if they use local funds in the coming Fiscal year.

Mayor Farrell Jackson, City of Oakdale, expressed concern towards a number of projects that were removed by the CTC staff. Council voted to revise the Agenda, by adding a Motion, indicating a letter will be written in response to the CTC's action of redistribution of funds and to include all of the projects which were dropped in Stanislaus county, in regards to the 2008

State Transportation Improvement Program. The letter will be signed by all of the Board members and will be sent before the next CTC Meeting.

Mayor Farrell Jackson was the First to Motion and the second was Mayor Jim Ridenour.

B. StanCOG as Sponsor and Implementing Agency for State Route 132 Expressway Project Study Report (PSR) and Project Approval and Environmental (PA & ED) Phase. MOTION

Mr. Harris addressed the State Route 132 Expressway Project Study Report (PSR), by stating StanCOG recently completed the connectivity Study for the Project. He also stated that StanCOG is proceeding with completing the PSR equivalent for the North County Corridor. Based on these accomplishments, StanCOG staff is requesting to take the lead agency role on the development for the next phase of work to be done on the SR-132 project.

BY MOTION (Fantazia\Jackson, unanimous), Board accepted staff to continue project development activities with StanCOG as the Sponsor and implementing Agency for the State Route (SR) 132 Expressway Project for the Project Study Report (PSR) and Project Approval and Environmental Document (PA&ED) Phase.

6. INFORMATION ITEMS

A. StanCOG Website

Mr. Harris indicated that the new StanCOG website has been improved, and provides an opportunity for the public to contact StanCOG. Mr. Harris invited Council to review the new website and offer any input or suggestions for improvement.

7. STANISLAUS COUNCIL OF GOVERNMENTS ADVISORY COMMITTEES

Included in Agenda

8. CALTRANS REPORT

Tom Dumas from Caltrans, reported on behalf of Ken Baxter, and offered to address any questions from Council.

Questions were asked in regards to when the construction will be completed for the McHenry and Briggsmore interchange. Mr. Dumas stated the McHenry and Briggsmore project should be completed by 2009.

9. EXECUTIVE DIRECTOR'S REPORT

Mr. Harris started his report with two items for discussion. His first item entailed updating the Board Members that for the following week, StanCOG will provide a letter to CTC in regards to the 2008 STIP accompanied by all of the Policy Board Members signatures.

The second item Mr. Harris addressed was an update on the progress of the 2008 Transportation Expenditure Plan. He stated that the Draft has been completed for the Environmental Impact Report, and is now in its 45 day public circulation period, which started on May 9th and will close on June 22nd. Mr. Harris anticipates bringing forth this document by the July 9th Policy Board Meeting for certification. StanCOG has also completed the Draft Expenditure Plan document. The Expenditure Plan document is currently in circulation and is being reviewed by the City Managers and the County CEO's office. StanCOG anticipates final comments for this document by the end of this month. Mr. Harris invited Policy Board Members to offer any direction in improving the document for release to each of the jurisdictions at the June 11th Policy Board meeting.

10. CLOSED SESSION

11. RETURN TO OPEN SESSION

The Policy Board returned from Closed Session at 7:36 P.M. There was no reportable action.

12. COMMENTS FROM THE BOARD

Topics may be presented, but no action may be taken except to place an item on a future agenda.

(NONE)

ADJOURNMENT 7:38 P.M.

Next regular meeting scheduled for:

June 11, 2008 @ 6:00 p.m.

1010 10th Street

City County Chambers

Modesto, CA 95354

Vince Harris, StanCOG Executive Director



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: Policy Board

**STAFF REPORT
 Resolution**

THROUGH: Vince Harris, Executive Director *VH*

FROM: Vince Canales, Finance Director *VC*
 Robin Whitehead, Budget & Grants Coordinator *RW*

DATE: May 29, 2008

SUBJECT: FY 2007/08 Local Transportation Fund Non-Transit Claim: City of Newman

Recommendation

BY RESOLUTION, based on the above findings and comments, approve the claim as submitted.

Background

The claimant has submitted a claim for Local Transportation Funds (LTF) as follows:

<u>Purpose</u>	<u>Source</u>	<u>2007/08 Claim</u>
Nonmotorized	LTF-99234	\$ 5,120
Streets	LTF-99400a	53,796
Pavement Mgmt Program	LTF-99262/99402	1,131*
Financial Expenditure Plan	LTF-99262/99402	7,885**
		<u>\$ 67,932</u>

* Modesto is the lead agency for the Pavement Management Program Update. The PMP amount will be paid to Modesto.
 **StanCOG is the lead agency for the Financial Expenditure Plan. The Financial Expenditure Plan amount will be deposited to StanCOG's general fund.

Consistent with the Transit Cost Sharing Procedures, all transit claims for FY 2007/08 were presented to the StanCOG Policy Board on 6/13/07. The City of Newman does not provide transit service; therefore they had no transit claim.

The claim has been checked and determined to be complete. The claimant has submitted all required audits and reports. The audit for FY 2005/06 contains no audit recommendations.

The rules governing the LTF require the adopting resolution to contain specific findings prior to any LTF allocations. The findings are as follows:

Required Findings

- (1) The claimant's proposed expenditures are in conformity with the Regional Transportation Plan.
- (2) The sum of the claimant's allocations from the Local Transportation Fund does not exceed the amount the claimant is eligible to receive during the fiscal year.
- (3) There are no unmet transit needs which are reasonable to meet within the jurisdiction.

Committee Actions

This report was submitted to the Consolidated Planning Committee and to the Technical Advisory Committee. Each committee concurred with staff's recommendation.

Rwhitehead@stancog.org
f:c/5204 2007/08
v:\stancog\robin\tda07-08\Newman claim to Board 07-08



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City of Riverbank • City of Turlock • City of Waterford • County of Stanislaus

TO: Policy Board

**STAFF REPORT
Resolution**

THROUGH: Vince Harris, Executive Director *VH*

FROM: Vince Canales, Finance Director *VC*
Robin Whitehead, Budget & Grants Coordinator *RW*

DATE: May 29, 2008

SUBJECT: FY 2007/08 Local Transportation Fund Non-Transit Claim: City of Waterford

Recommendation

BY RESOLUTION, based on the above findings and comments, approve the claim as submitted.

Background

The claimant has submitted a claim for Local Transportation Funds (LTF) as follows:

<u>Purpose</u>	<u>Source</u>	<u>2007/08 Claim</u>
Nonmotorized	LTF-99234	\$ 4,021
Streets	LTF-99400a	112,659
Pavement Mgmt Program	LTF-99262/99402	916*
Financial Expenditure Plan	LTF-99262/99402	<u>6,389**</u>
		\$ 123,985

* Modesto is the lead agency for the Pavement Management Program Update. The PMP amount will be paid to Modesto.
**StanCOG is the lead agency for the Financial Expenditure Plan. The Financial Expenditure Plan amount will be deposited to StanCOG's general fund.

Consistent with the Transit Cost Sharing Procedures, all transit claims for FY 2007/08 were presented to the StanCOG Policy Board on 6/13/07. The City of Waterford does not provide transit service; therefore they had no transit claim.

The claim has been checked and determined to be complete. The claimant has submitted all required audits and reports. The audit for FY 2005/06 contains no audit recommendations.

The rules governing the LTF require the adopting resolution to contain specific findings prior to any LTF allocations. The findings are as follows:

Required Findings

- (1) The claimant's proposed expenditures are in conformity with the Regional Transportation Plan.
- (2) The sum of the claimant's allocations from the Local Transportation Fund does not exceed the amount the claimant is eligible to receive during the fiscal year.
- (3) There are no unmet transit needs which are reasonable to meet within the jurisdiction.

Committee Actions

This report was submitted to the Consolidated Planning Committee and to the Technical Advisory Committee. Each committee concurred with staff's recommendation.

Rwhitehead@stancog.org

f:c/5211 2007/08

v:\stancog\robin\tda07-08\Waterford claim to Board 07-08



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: Policy Board

THROUGH: Vince Harris, Executive Director *VH*

FROM: Vincent Canales, Finance Director *VC*
Robin Whitehead, Budget & Grants Coordinator RW

DATE: May 29, 2008

SUBJECT: FY 2007/08 Transportation Development Act Fund
Amended Transit Claim: City of Modesto

**Staff Report
Resolution**

Recommendation

BY RESOLUTION, approve the FY 2007/08 Transportation Development Act (TDA) Fund amended transit claim for the City of Modesto, as submitted to StanCOG.

Background

On January 9, 2008, the StanCOG Policy apportioned additional State Transit Assistance (STA) funds to the City of Modesto. The City of Modesto has now submitted its amended transit claim #2 to reflect this action.

Discussion

The revised apportionment increased the City of Modesto's STA from \$1,340,907 to \$2,913,823, for an \$1,572,916 increase. Accordingly, the additional STA apportionment reduced the City of Modesto's Local Transportation Fund (LTF) apportionment by \$1,572,916.

The required findings for the City of Modesto's claim were previously made on June 13, 2007.

Committee Actions

This report was submitted to the Consolidated Planning Committee and to the Technical Advisory Committee. Each committee concurred with staff's recommendation.



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: Policy Board Staff Report
Motion

FROM: Vince Harris, Executive Director *VH*

FROM: Carlos P. Yamzon, Senior Regional Planner *CY*

DATE: June 3, 2008

SUBJECT: Modification to the Public Facility Fee's Regional Transportation Impact Fee (RTIF) project List

Recommendation

BY MOTION, per a request from Stanislaus County Department of Public Works (attached letter from Matt Machado, Director):

1. Approve the following improvement projects and anticipated cost to the list of Public Facilities Fee Regional Transportation Impact Fee element.

Roadway	Cost
North County Corridor	\$4,900,000
Claribel (McHenry to Oakdale)	\$1,100,000
Widening and intersection improvements	
Total	\$6,000,000

2. Approve the deletion of the following improvement projects and anticipated cost from the list of Public Facility Fee Regional Transportation Impact Fee element.

Roadway	Project / Limits	Cost
Kiernan @ Tully Road	Traffic Signal	\$2,525,000
Kiernan @ Carver Road	Traffic Signal	\$2,525,000
Kiernan Ave @ Stoddard Road	Traffic Signal	\$ 950,000
Total		\$6,000,000

The following is an annotation of the attached memorandum from Matt Machado, Stanislaus County Public Works Director to Vince Harris, StanCOG Executive Director.

Background

Since adopted in 1990, Stanislaus County has had a Public Facilities Fee (PFF) Program for infrastructure development and improvements required to maintain a recognized level of service in the County. In 2006, the Inter-city road fees were renamed as the Regional Transportation Impact Fee (RTIF). An Administrative Agreement between StanCOG and Stanislaus County, authorized by the Stanislaus County Board of Supervisors and approved by the StanCOG Policy Board on September 13, 2006, establishes StanCOG as the formal administrative authority for the RTIF Program.

Discussion

By request from Stanislaus County, the most recent actions by the StanCOG Policy Board was the November 2006 approval of the removal of \$5 million for funding of various Ladd Road Projects, the funding reductions of \$4 million for the Claus Road Widening Project, and the movement of these funds to three intersection improvement projects on Kiernan Avenue (SR-219) totaling \$6.5 million and leaving an available RTIF Program balance of \$2.7 million.

In addition, by request from Stanislaus County, the Policy Board approved in September 2007, the addition of traffic signal projects on Las Palmas Avenue at the intersections of Sycamore Avenue and Elm Avenue at the estimated cost of \$2,7 million.

These interim improvements on State Route 219 are no longer viable due to utility conflicts and because the ultimate widening project is fully funded and is scheduled for construction. With the formation of a Joint Powers Authority that includes Stanislaus County, and the cities of Modesto, Oakdale, and Riverbank there is now the plan to move forward to construct the North County Corridor, creating an east / west expressway corridor from State Route 99 to Oakdale. The change in focus from the Kiernan Corridor to the North County Corridor results in the County's request to shift RTIP funding for this project.

Additionally, the Caltrans State Route 219 project is already underway and is fully funded with Regional Improvement Program (RIP) and Corridor Mobility Improvement Account (CMIA) funds. This project will create the need for improvements to Claribel Road east of McHenry Avenue, and additional funding for the Claribel Corridor.

Action

The Citizens Advisory Committee and the Technical Advisory Committee, by motion recommended that the Policy Board approve the request from Stanislaus County.

Attachment: Memorandum dated May 1, 2008 from Matt Machado to Vince Harris



DEPARTMENT OF PUBLIC WORKS


Matt Machado, PE
Director

Laurie Barton, PE
Deputy Director, Engineering/Operations

Diane Haugh
Assistant Director, Business/Finance

1010 10th Street, Ste. 3500, Modesto, CA 95354
Phone: 209.525.6550/email: publicworks@stancounty.com

To: Vince Harris, Executive Director, StanCOG
Public Facility Fee Committee Members

From: Matt Machado 
Director of Public Works

Date: May 1, 2008

Subject: Modification to the Public Facility Fee's Regional Transportation Impact Fee (RTIF) Project List.

The present list of Public Facility Fee Regional Transportation Impact Fee (RTIF) projects was mainly created in 1990 when the program was started. That list was based upon growth projection and anticipated growth related needs. Due to changing growth trends and community patterns, there have been subsequent modifications to the project list.

In November and December 2006, the StanCOG Policy Board and Stanislaus County Board of Supervisors approved the removal of \$5 million of funding for various Ladd Road projects and the funding reduction of \$4 million for the Claus Road widening project. These projects were replaced by three intersection improvements on Kiernan Avenue totaling \$6.5 million, leaving a balance of \$2.7 million. The StanCOG Policy Board also later approved the addition of the Las Palmas at Elm and Las Palmas at Sycamore intersection improvement projects utilizing the remaining \$2.7 million.

The Ladd Road projects were added to the RTIF list when Ladd Road was to have been extended and connected directly to Highway 99 at the Hammett interchange. The Salida Community Plan, in 2006, identified that the Ladd Road direct connection was no longer a viable option. These projects were replaced with three intersection improvement projects on Kiernan.

The Kiernan projects were added to the RTIF when State Route 219 was widely viewed as the main east/west corridor for northern Stanislaus County. The intent was to construct interim intersection improvements at Carver, Tully, and Stoddard Roads, to provide congestion relief until the ultimate widening project could be funded and constructed. These interim improvements are no longer a viable option due to utility conflicts, and due to the fact that the ultimate widening improvements are funded and being scheduled for construction. Subsequent discussions with representatives from Stanislaus County and the cities of Modesto, Riverbank, and Oakdale have resulted in the formation of a Joint Powers Authority to move forward a plan to construct a North

County Corridor, creating an east/west corridor from Highway 99 to Oakdale. The need for a North County Corridor has developed due to expansion in the northerly and easterly areas of the county. The change in focus from the Kiernan Corridor to the North County Corridor results in the request to shift RTIF funding for this project.

The improvement of State Route 219 is a Caltrans project currently underway. Phases one and two of this project widen SR219 (Kiernan Avenue) from Highway 99 to McHenry Avenue. The SR219 project is fully funded with Regional Improvement Program (RIP) and Corridor Mobility Improvement Account (CMIA) funds. However, the widening of SR219 will result in increased traffic on Claribel Road east of McHenry Avenue, creating the need for additional funding for the Claribel corridor.

The requested modifications to the RTIF program do not impact the overall geographic make-up of the program. All the requested changes, both deletions and additions, are in the North County area.

Recommendations:

1. Approve the addition of the following improvement projects and anticipated costs to the list of Public Facility Fee Regional Transportation Impact Fee element.

<u>Roadway</u>	<u>Cost</u>
North County Transportation Corridor	\$4,900,000
Claribel (McHenry to Oakdale)	<u>\$1,100,000</u>
Widening and intersection improvements	
Total	\$6,000,000

2. Approve the deletion of the following improvement projects and anticipated costs from the list of Public Facility Fee Regional Transportation Impact Fee element.

<u>Roadway</u>	<u>Project/Limits</u>	<u>Cost</u>
Kiernan @ Tully Road	Traffic Signal	\$2,525,000
Kiernan @ Carver Road	Traffic Signal	\$2,525,000
Kiernan Avenue @ Stoddard Road	Traffic Signal	<u>\$ 950,000</u>
Total		\$6,000,000



Public Hearings



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: Policy Board Staff Report
Information

THROUGH: Vince Harris, Executive Director *VH*

FROM: Carlos Yamzon, Senior Planner *CY*

DATE: June 3, 2008

SUBJECT: Public Hearing for the 2009 Federal Transportation Improvement Program

Recommendation

Hold a Public Hearing for the Draft 2009 Federal Transportation Improvement Program, Draft 2009 Interim Federal Transportation Improvement Program, Corresponding Air Quality Conformity Analysis and the Technical Addendum to the 2007 Regional Transportation Plan Year of Expenditures.

Background

The Federal Transportation Improvement Program (FTIP) is the regional programming document that identifies all of the regionally significant transportation projects that have received some type of transportation funding in the region and are moving toward implementation. The federal requirement for Metropolitan Planning Organizations to complete a Transportation Improvement Program has been in effect for a number of years. It stipulates that no project may receive any federal funding or action unless it is contained in an approved FTIP.

The 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), the Transportation Equity Act for the 21st Century (TEA 21), and the recent Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU), version of the bill, requires that each Metropolitan Planning Organization (MPO) prepare a Federal Transportation Improvement Program (FTIP). The FTIP is a financially constrained multimodal transportation improvement program developed by the Metropolitan Planning Organization through its member agencies and in cooperation with State and federal agencies. The FTIP is the 4-year incremental implementation of the long-range, 2035-year Regional Transportation Plan (RTP). The FTIP serves to present to federal funding agencies manageable components of funding the long-range plan.

The 30-day public review and comment period for the Draft 2009 FTIP and Interim FTIP, corresponding Air Quality Conformity Analysis document, and 2007 RTP Technical Addendum, commenced on May 19, 2008 and concludes on June 17, 2008.

Discussion

- The Federal Transportation Improvement Program is a listing of capital improvements and operational expenditures utilizing federal and state monies for transportation projects in Stanislaus County during the next four years.
- The Air Quality Conformity Analysis contains documentation to support a finding that the 2009 FTIP and Interim FTIP meet the air quality conformity requirements for carbon monoxide, ozone, and particulate matter.
- The interim Transportation Improvement Program has been prepared concurrently with the FTIP and contains only the transportation projects that may proceed if the conformity analysis cannot be adopted.
- The Regional Transportation Plan (RTP) Technical Addendum updates the Year of Expenditure detailed information and the Year of Expenditure revenues. This addendum does not require an RTP amendment and does not affect the adopted 2007 StanCOG RTP Environmental Impact Report.
- The StanCOG Policy Board is scheduled to consider approval of the findings and resolutions to adopt each document at the July 9th, 2008 Policy Board meeting.

All the above referenced documents are available at all public libraries, at the StanCOG Office, and on the StanCOG website at www.stancog.org.

Advisory Committee Action

At the May 29th Technical Advisory Committee (TAC) meeting, after a Public Participation discussion by the members regarding the submittal of comments by their respective agency staff, in a motion by consensus, a "Continuance" meeting was scheduled for Thursday, June 5th, at the Hughson City Council Chambers, following the monthly City Managers meeting. This meeting is for the purpose of discussing any comments regarding the 2009 FTIP and Interim FTIP documents with a specific focus on projects. The TAC members specifically requested a deadline for staff comments, by 5:00 p.m. Tuesday, June 3rd, in order for StanCOG staff to compile the comments and make them available to the TAC for discussion at the June 5th meeting. Public comments can continue to be submitted until 5:00 p.m. Tuesday, June 17th.

Carlos Yamzon: cyamzon@stancog.org



Oral Reports



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: Policy Board

FROM: Vince Harris, Executive Director *VGH*

DATE: June 4, 2008

SUBJECT: Stanislaus County's Final Draft
2008 Countywide Transportation
Financial Expenditure Plan

**Staff Report
RESOLUTION**

Recommendation

By Resolution, the Policy Board approve the attached Final Draft 2008 Financial Expenditure Plan and direct staff to forward this document to the Cities and Stanislaus County for approval.

Background

At the February 13, 2008 StanCOG Policy Board meeting, approval was given to proceed with the completion of a 2008 Countywide Transportation Financial Expenditure Plan (Expenditure Plan). This approval amended Overall Work Element 304, Transportation Financial Expenditure Plan Reformulation and Community Outreach, and increased its funding by \$400,000 in the StanCOG Fy07/08 budget. Activities for this element include: staff time to complete the Expenditure Plan and gain local agencies concurrence, consultant fees to complete a programmatic environmental impact report and consultant fees to conduct a public education and outreach program.

Since February, staff has worked with the Technical Advisory Committee to develop the Final Draft of the 2008 Financial Expenditure Plan. Comments from all jurisdictions have been received and are incorporated into the document. With the Policy Board's approval, staff also proceeded with hiring ESA Community Development to prepare the Programmatic EIR (PEIR) for the document. The draft PEIR is complete and is currently being circulated for public review. This review period closes on June 22nd; with staff bringing the PEIR for proposed certification by the Policy Board on July 9, 2008.

Working with the Policy Board appointed Evaluation Committee, staff has also completed the process to hire a Public Education and Outreach Consultant for the 2008 Expenditure Plan. This consultant will be proposed for Policy Board approval at the June 11, 2008 board meeting.

Discussion

Staff has actively worked with the Technical Advisory Committee to complete the Expenditure Plan. Prior to this work activity, informational briefings were provided throughout the County about the Framework for the Expenditure Plan. All nine City Councils and the County Board of Supervisors approved the Framework prior to the Policy Board's February 13, 2008 meeting.

The final draft of the Expenditure Plan incorporates comments from all the jurisdictions in Stanislaus County, and includes any currently known environmental comments.

The proposed Expenditure Plan is based on the following approved framework:

2008 Expenditure Plan Framework

1. Half cent transportation sales tax duration.....20 years
2. Projected sales tax to be collected.....\$700 million
3. Elements of a 2008 Transportation Financial Expenditure Plan:
 - Local Traffic Improvement & Road Maintenance Program (50% of collected sales tax).....\$350 million
 - Capital Corridor Improvements (49% of collected sales tax).....\$343 million
 - Program Administration (1% of collected sales tax).....\$7 million

Tables A and B below detail these elements:

Table A
Local Traffic Improvement and Road Maintenance Program

Jurisdiction	Sales Tax Share (%)	Allocation Based On Sales Tax Only (\$)	Population Share (%)	Allocation Based On Population Only (\$)	Base Funding to Cities Established Using 98% of the Greater of Sales Tax or Population Percentages (\$)	Annual Base Funding Using 98% of the Greater of Sales Tax or Population Percentages (\$)
Ceres	5.85%	20,475,000	8.05%	28,186,068	27,622,347	1,381,117
Hughson	0.72%	2,520,000	1.17%	4,081,903	4,000,265	200,013
Modesto	37.72%	132,020,000	40.11%	140,386,042	137,578,322	6,878,916
Newman	0.61%	2,135,000	1.98%	6,914,134	6,775,851	338,793
Oakdale	4.28%	14,980,000	3.57%	12,502,085	14,680,400	734,020
Patterson	1.42%	4,970,000	4.00%	14,010,148	13,729,945	686,497
Riverbank	1.76%	6,160,000	4.12%	14,424,244	14,135,759	706,788
Turlock	14.06%	49,210,000	13.29%	46,524,429	48,225,800	2,411,290
Waterford	0.42%	1,470,000	1.65	5,765,134	5,649,831	282,492
Subtotal Cities					272,398,519	13,619,926
County	33.16%	116,060,000	22.06%	77,205,813	77,601,481	3,880,074
TOTALS	100.00%	350,000,000	100.00%	350,000,000	350,000,000	17,500,000

Table B
Proposed Capital Corridor Improvements

Project	Improvements	Estimated Project Cost	Proposed Sales Tax Allocation	PSR Status	Construction Award Schedule
Northern Corridor	North County Corridor: New 2 to 4 Lane Expressway, Dale Rd to east of City of Oakdale	TBD	34.015% or Approximately \$116.67 million	Complete	TBD
Central Corridor	SR99 @ Mitchell Rd./Service Rd. I/C Reconstruction	\$80 million	9.038% or Approximately \$31 million	Complete	TBD
Central Corridor	SR132 Improvements: W. Cnty Line to SR99, widen 2 to 4 lanes. Widen and provide Ops Improvements: SR99 to Waterford. Includes SR99 @ SR132 Connectivity Improvements	TBD	22.932% or Approximately \$78.66 million	TBD	TBD
Southern Corridor	W. Main/ Fulkerth Road Corridor Improvements: Widen and provide Ops Improvements from Turlock to I-5, & interchange Improvements	TBD	34.015% or Approximately \$116.67 million	TBD	TBD
TOTALS		TBD	\$343 million		

The Expenditure Plan will dedicate 1% or approximately \$7 million over the life of the 20 year program for administration of the proceeds of the sales tax. StanCOG as the Local Transportation Authority (Authority) will administer the sales tax program and carry out the mission outlined in the Expenditure Plan. The total administrative cost of salaries and benefits of the staff associated with the sales tax program shall not exceed 1% of the gross revenues generated by the transportation measure. An Annual Independent Financial Audit shall be conducted of the sales tax revenues; and the Authority will prepare an Annual Report of program activities. The Expenditure Plan includes the creation of a Citizens Advisory Committee whose function is to review the fiscal and program performance of the sales tax program through the Annual Audit and to provide positive, constructive advice to the Authority on how to improve implementation of the program.

The "Local Traffic Improvement and Road Maintenance Program" as summarized in Table A above, is further detailed in the Expenditure Plan as Table 2. This table provides how each jurisdiction expects to use their dedicated funds over the 20 year period. Associated high level maps are also included in the Expenditure Plan for each jurisdiction's projects in Figures 2 through 13.

Schedule of Remaining Activities

- StanCOG Policy Board approval and release of the Final Draft Expenditure Plan and Introduction/First Reading of Transportation Sales Tax Ordinance is scheduled for the June 11, 2008 board meeting
- Approval of the Final Draft Expenditure Plan by the Cities and County is scheduled for completion by July 2, 2008
- StanCOG Policy Board certification of the Programmatic Environmental Impact Report (PEIR), adoption of the Expenditure Plan Ordinance and request to the Stanislaus County Board of Supervisors to place the measure on the November 2008 ballot is scheduled for the July 9, 2008 board meeting.

Availability of the Expenditure Plan


The Final Draft of the 2008 Transportation Financial Expenditure Plan can be viewed and downloaded from the StanCOG Website. Please visit www.stancog.org to obtain a copy of the proposed document.

Attachment



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: Policy Board Staff Report
RESOLUTION

FROM: Vince Harris, Executive Director 

DATE: June 4, 2008

SUBJECT: Introduction/ First Reading of 2008 Transportation Sales Tax Ordinance Pursuant to Government Code Section 25131

Recommendation

The Policy Board adopt a Resolution to:

1. Read the title of the Ordinance and move to waive the reading of the entire Ordinance, if the Members so desire;
2. Discuss the Ordinance and request staff make all necessary alterations to the draft Transportation Sales Tax Ordinance; and
3. Direct staff to prepare a summary of the Ordinance to be used for mandatory publication at least five days prior to the July board meeting, in which a recommendation for adoption of the Transportation Sales Tax Ordinance will be presented to the Policy Board.

Background

At the January 9, 2008 Policy Board meeting, staff was directed to proceed with the development of a framework for a 2008 Transportation Financial Expenditure Plan for Stanislaus County. This framework was developed with the assistance of StanCOG's Technical Advisory Committee; which is composed of the City Managers from each of the nine Cities and the County Chief Executive Officer. The framework was completed and approved by each of the nine City Councils and the County Board of Supervisors prior to the February 13, 2008 StanCOG Policy Board meeting. With this consensus, the Policy Board adopted the proposed framework at its February 13th meeting.

Since the February board meeting, staff has worked with the Technical Advisory Committee to develop the Final Draft of the 2008 Financial Expenditure Plan. Comments from all jurisdictions have been received and are incorporated into the document. With the Policy Board's approval, staff also proceeded with hiring ESA Community Development to prepare the Programmatic EIR (PEIR) for the document. The draft PEIR is complete and is currently being circulated for public review. This review period closes on June 22nd; with staff bringing the PEIR for proposed certification by the Policy Board on July 9, 2008.

Discussion

Staff anticipates approval of the Expenditure Plan at the June 11, 2008 board meeting. In addition to this approval, it is also necessary for the Policy Board to consider and adopt a formal transportation sales tax ordinance.

This ordinance would establish the "Local Transportation Improvement Plan" and provide for the imposition of a one-half of one percent retail transactions and use tax by the Stanislaus County Transportation Authority for local transportation purposes for a period of 20 years.

The June 11, 2008 Policy Board meeting would be the first reading of this Ordinance required under Government Code Section 25131. Staff anticipates the second reading will occur at the July 9, 2008 Policy Board meeting.

ORDINANCE NO. 08-__

**AN ORDINANCE ESTABLISHING THE STANISLAUS COUNTY BETTER
ROADS/SAFER STREETS PROGRAM**

The Stanislaus County Local Transportation Authority does ordain as follows:

SECTION 1. TITLE AND SUMMARY. This Ordinance (also sometimes referred to as the "Measure") shall be known as the Stanislaus County Better Roads/Safer Streets Program and provides for the imposition of a one-half of one percent retail transactions and use tax by the Stanislaus County Transportation Authority for local transportation purposes for a period of 20 years.

SECTION 2. PRINCIPLES.

2.1. Purpose. For the purpose of maintaining and improving the quality of life in Stanislaus County, the Stanislaus County Transportation Authority ("Authority") has prepared and approved the 20 Year Countywide Transportation 1/2 Cent Sales Tax Measure Financial Expenditure Plan 2008 ("Financial Expenditure Plan" or "Expenditure Plan") attached hereto as Exhibit A to accomplish the following:

2.1.1. Improve safety and reduce congestion on local highways;

2.1.2. Improve intersections and synchronize traffic signals;

2.1.3. Improve emergency response times for police and fire;

2.1.4. Enhance student safety around schools;

2.1.5. Improve travel along east-west corridors;

2.1.6. Retrofit and replace bridges;

2.1.7. Fill potholes, fix widen and extend local roads; and

2.1.8. Enhance Stanislaus County's ability to secure state and federal funding for transportation by providing required local matching funds.

2.2. Dedication. The one-half of one percent retail transactions and use tax is dedicated for transportation purposes including the planning, design, right of way acquisition, environmental review and mitigation, construction, operation and maintenance of transportation projects, improvements and programs located within Stanislaus County which cannot be used for other governmental purposes or programs of any kind. This Ordinance contains specific taxpayer safeguards to ensure that all funding from the Measure's one-half of one percent transactions and use tax is used in accordance

with the specified voter-approved transportation project improvements and programs. These safeguards include:

2.2.1. The specific projects and programs included in the Financial Expenditure Plan will be funded in part by revenue raised by the transactions and use tax. The Financial Expenditure Plan can only be changed upon approval by the Authority.

2.2.2. An Independent Citizens Advisory Committee (“CAC”) is created to supervise fiscal and performance audits regarding the use of all sales tax funds and provide for independent review to ensure that all funds are spent in accordance with provisions of this Ordinance and the Financial Expenditure Plan as approved by the voters. All audits shall be made public and the Authority shall hold a public hearing on the results of all audits.

2.2.3. This one-half of one percent transactions and use tax is for transportation programs only and is not intended to replace revenues generated through locally-adopted development fees and assessment districts.

2.2.4. The Authority will continue to seek maximum funding for transportation improvements through State and federal programs. The Authority will not provide transactions and use tax revenue to any of the Cities or to the County unless all transportation revenues currently used by that agency are continued to be used for transportation purposes.

2.2.5. The expenditures for the salaries and benefits of the sales tax program are limited to no more than one percent of the funds generated.

2.2.6. A mandatory review of the Financial Expenditure Plan may occur every year to ensure that the program reflects current community needs as demographics, economics and technology changes.

SECTION 3. MANDATED TAXPAYER SAFEGUARDS.

3.1. Independent Citizens Advisory Committee (CAC). No later than July 1, 2009, an Independent Citizens Advisory Committee will be established as specified in the Expenditure Plan.

3.2. Administrative Costs. The Authority shall expend for administrative purposes only the amount of funds generated from the tax that is necessary and reasonable to carry out its responsibilities for audit, administrative expenses, staff support, and administrative contract services. In no case shall the funds expended for salaries and benefits exceed one percent of the annual net amount of revenue raised by the tax.

3.3. Maintenance of Effort. The Authority, by the enactment of this Ordinance, intends the additional funds provided to the Cities and County by this Measure are to supplement existing local revenues being used for street and highway purposes.

Transaction and use tax revenue shall not be used to replace existing road funding programs or to replace requirements for new development to provide for its own road needs. Under this Measure, funding priorities should be given to addressing current transportation needs, easing congestion, and improving safety. The Cities and the County shall maintain their existing commitment of transportation funds for street, highway and public transit purposes, and the Authority shall enforce this provision by appropriate actions, including fiscal audits of the local agencies. The Cities and County receiving local road improvement and maintenance funds pursuant to this Ordinance and the Financial Expenditure Plan shall lose that funding for one year if they do not maintain levels of road funding, which shall be calculated on the prior three year rolling average basis.

3.4. Competitive Bidding Requirements. The Authority shall comply with all applicable federal and state competitive bidding requirements for all revenues from the Tax which are expended pursuant to the Expenditure Plan.

SECTION 4. DEFINITIONS. The following definitions shall apply to this Ordinance, including its attachments:

4.1. "The Financial Expenditure Plan" or "Expenditure Plan" means the 20 Year Countywide Transportation 1/2 Cent Sales Tax Measure Financial Expenditure Plan 2008 (attached hereto as Exhibit A and adopted as part of this Ordinance) including any future amendments.

4.2. "Cities" means the incorporated cities with the County of Stanislaus.

4.3. "County" means the County of Stanislaus.

4.4. "Authority" means the Stanislaus County Local Transportation Authority, a local transportation authority designated by the Board of Supervisors pursuant to the Local Transportation Authority and Improvement Act, commencing at Section 180000 of the Public Utilities Code.

4.5. "Tax" means a one-half of one percent retail transactions and use tax that is adopted pursuant to this Ordinance.

SECTION 5. AUTHORITY. This Ordinance is enacted pursuant to the provisions of Division 19 (commencing with Section 180000) of the Public Utilities Code and Section 7252.16 of the Revenue and Taxation Code.

SECTION 6. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX.

Upon voter approval, in the incorporated and unincorporated territory of the County of Stanislaus, a transactions and use tax for transportation purposes ("the Tax") at the rate of one-half of one percent for a period of twenty 20 years is established. The Tax shall be imposed by the Authority in accordance with Section 180050 et seq. of the Public Utilities Code and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. The provisions of Sections 7261 and 7262 of the Revenue

and Taxation Code are incorporated herein by reference as though fully set forth herein. The Tax shall be in addition to any other taxes authorized by law, including any existing or future state or local sales tax or transactions and use tax.

SECTION 7. USE OF PROCEEDS. Revenues from the Tax shall be used for transportation purposes only and may include, but are not limited to, the administration of this Ordinance, including legal actions related thereto and costs of the initial preparation and election approving the Tax, the construction, maintenance, improvements, and operation of local streets, roads, and highways, state highways and freeways. These purposes include expenditures for transportation planning, environmental reviews and mitigation, engineering and design costs, related right-of-way acquisition and construction. Expenditures also include, but are not limited to, debt service on bonds and expenses in connection with issuance of bonds.

SECTION 8. BONDING AUTHORITY. Upon voter approval of the Measure, the Authority shall have the power to sell or issue, from time to time, on or before the collection of taxes bonds, or other evidence of indebtedness, in the aggregate principal amount at any one time outstanding of not to exceed the estimated proceeds of the Tax, as determined by the Financial Expenditure Plan and to secure that indebtedness solely by way of future collection of taxes, for expenditures consistent with the purposes set forth in Section 7, including the carrying out of transportation projects described in the Financial Expenditure Plan.

SECTION 9. ANNUAL APPROPRIATIONS LIMIT. The annual appropriations limit established pursuant to this Ordinance in accordance with Section 4 of Article XIII B of the California Constitution and Section 180202 of the Public Utilities Code shall be \$500 million. The appropriations limit shall be subject to adjustment as provided by law.

SECTION 10. EFFECTIVE AND OPERATIVE DATES. Upon voter approval this Ordinance shall be effective immediately and this Ordinance shall become operative on the first day of the first calendar quarter commencing more than 110 days after adoption of this Ordinance but in no event earlier than April 1, 2009. Prior to the operative date of this Ordinance, the Authority shall contract with the State Board of Equalization to perform all functions necessary and incidental to the administration and operation of this Ordinance; provided, that if the Authority does not contract 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 11. ELECTION.

11.1. Call of Election. The Authority requests the Board of Supervisors to call an election for voter approval of this Ordinance which election shall be held on November 4, 2008, and consolidated with other elections to be held on that same date. The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county. Approval of the Ordinance and the imposition of the tax shall

require the affirmative vote of two thirds of the electors voting on the proposition provided in subsection 11.2 at the election described in this Section.

11.2. Proposition. The proposition to be placed on the ballot shall read substantially as follows:

Better Roads/Safer Streets Program

Authorize a half-cent sales tax for 20 years, with ongoing citizens oversight, securing state/federal matching funds for countywide improvements, including:

- Improving safety/reducing congestion on local highways;
- Improving intersections and synchronizing traffic signals;
- Improving emergency response times for police/fire;
- Enhancing student safety around schools;
- Improving travel along east-west corridors;
- Retrofitting/replacing bridges; and
- Filling potholes, fixing, widening and extending local roads.

YES _____

NO _____

SECTION 12. EXPENDITURE PLAN AMENDMENTS.

12.1. The Expenditure Plan as hereby approved may be amended from time to time pursuant to the provisions of the Expenditure Plan.

SECTION 13. ORDINANCE AMENDMENTS.

13.1. 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).

13.2. Upon completion of that process, amendment(s) to this Ordinance must be passed by a two-thirds majority of the Authority by a roll call vote entered in the minutes of the Authority. The Authority must hold a public hearing on the matter before formal adoption of any amendment to the Ordinance.

13.3. In the event that a local jurisdiction does not agree with the Authority's amendments(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 14. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

14.1 This Ordinance shall be applicable in the incorporated and unincorporated territory of the County of Stanislaus, which territory shall be referred to herein as "District" or "Authority".

14.2 Purpose. This Ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

14.2.1 To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code which authorizes the Authority to adopt this tax Ordinance which shall be operative if a two-thirds majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

14.2.2 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 Part 1.6 of Division 2 of the Revenue and Taxation Code.

14.2.3 To adopt a retail transactions and use tax ordinance which imposes a tax and provides a measure therefore 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.

14.2.4 To adopt a retail transactions and use tax ordinance which can be administered in a manner which will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.

14.3 Contract With State. 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 transactions and use tax 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.

14.4 Transactions Tax Rate. 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 District at the rate of one-half of one percent 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.

14.5 Place Of Sale. For the purpose of this Ordinance all retail sales 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 shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

14.6 Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the Authority 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 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.

14.7 Adoption Of Provisions Of State Law. Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

14.8 Limitations On Adoption Of State Law And Collection Of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

14.8.1 Wherever the State of California is named or referred to as the taxing agency, the name of this Authority shall be substituted therefore. However, the substitution shall not be made when:

- (a) The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
- (b) The result of that substitution would require action to be taken by or against this Authority or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in

performing the functions incident to the administration or operation of this Ordinance.

- (c) In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - i. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - ii. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that code;
- (d) In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

14.8.2 The word "District" shall 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 in Section 6203.

14.9 Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

14.10 Exemptions And Exclusions.

14.10.1 There shall be excluded from the measure of the transactions tax and the use tax the amount of any 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.

14.10.2 There are exempted from the computation of the amount of transactions tax the gross receipts from:

- (a) Sales 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 such 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) Sales of property to be used outside the District which is shipped to a point outside the District, pursuant to the contract of sales, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the District shall be satisfied:
 - i. With respect to 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 Chapter 2 of Division 3.5 (commencing with Section 9850) of the Vehicle Code by registration to an out-of-District address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his principal place of residence; and
 - ii. With respect to commercial vehicles, by registration to a place of business out-of-District and 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 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 such property, 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 the purpose of subparagraph (c) and (d) of this subsection, 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 such right is exercised.

14.10.3 There is exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this District of tangible personal property: