

Appendices

Appendix A - FHWA Metropolitan Planning Process Certification

A

APPENDIX A

FHWA Metropolitan Transportation Planning Process Certification

FHWA and FTA require MPOs to annually self-certify their planning process. Fully executed versions of the FHWA and FTA certifications must be provided with each adopted, Final OWP.

FHWA Metropolitan Transportation Planning Process Certification

In accordance with 23 CFR 450.334 and 450.220, Caltrans and the Council of Fresno County Governments, Metropolitan Planning Organization for the Fresno/Clovis urbanized area(s) hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 through 5306 and 5323(1); as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users;
- II. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506 (c) and (d)) (**Note – only for Metropolitan Planning Organizations with non-attainment and/or maintenance areas within the metropolitan planning area boundary**);
- III. Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
- IV. Section 1101(b) of the Transportation Equity Act for the 21st Century (Pub. L. 105-178 112 Stat. 107) regarding the involvement of disadvantaged business enterprises in the FHWA and FTA funded projects (FR Vol. 64 No. 21, 49 CFR part 26); and,
- V. The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat 327, as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37 and 38).

MPO Authorizing Signature

Title

Date

Caltrans District Approval Signature

Title

Date

B

APPENDIX B FTA Certifications and Assurances
APPENDIX A

**FEDERAL FISCAL YEAR 2008 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: _____

The Applicant agrees to comply with applicable provisions of Categories 01 – 24. _____
OR

The Applicant agrees to comply with applicable provisions of the Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	Assurances Required For Each Applicant.	_____
02.	Lobbying.	_____
03.	Procurement Compliance.	_____
04.	Protections for Private Providers of Public Transportation.	_____
05.	Public Hearing.	_____
06.	Acquisition of Rolling Stock for Use in Revenue Service.	_____
07.	Acquisition of Capital Assets by Lease.	_____
08.	Bus Testing.	_____
09.	Charter Service Agreement.	_____
10.	School Transportation Agreement.	_____
11.	Demand Responsive Service.	_____
12.	Alcohol Misuse and Prohibited Drug Use.	_____
13.	Interest and Other Financing Costs.	_____
14.	Intelligent Transportation Systems.	_____
15.	Urbanized Area Formula Program.	_____
16.	Clean Fuels Grant Program.	_____
17.	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.	_____
18.	Nonurbanized Area Formula Program for States.	_____
19.	Job Access and Reverse Commute Program.	_____
20.	New Freedom Program.	_____
21.	Alternative Transportation in Parks and Public Lands Program.	_____
22.	Tribal Transit Program.	_____
23.	Infrastructure Finance Projects.	_____
24.	Deposits of Federal Financial Assistance to a State Infrastructure Banks.	_____

APPENDIX A

FEDERAL FISCAL YEAR 2008 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant: _____

Name and Relationship of Authorized Representative: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and directives, and with the certifications and assurances as indicated on the foregoing page applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2008.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2008.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature _____ Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature _____ Date: _____

Name _____
Attorney for Applicant

Each Applicant for FTA financial assistance and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

Appendix C - Caltrans Debarment and Suspension Certification

C

APPENDIX C

California Department of Transportation

Debarment and Suspension Certification for Fiscal Year 2008/2009

As required by U.S. DOT regulations on governmentwide Debarment and Suspension

(Nonprocurement), 49 CFR 29.100:

- 1) The Applicant certifies, to the best of its knowledge and belief, that it and its contractors, subcontractors and subrecipients:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not, within the three (3) year period preceding this certification, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) transaction or contract under a public transaction, violation of Federal or state antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses listed in subparagraph (1)(b) of this certification; and
 - d) Have not, within the three (3) year period preceding this certification, had one or more public transactions (Federal, state, and local) terminated for cause or default.
 - 2) The Applicant also certifies that, if Applicant later becomes aware of any information contradicting the statements of paragraph (1) above, it will promptly provide that information to the State.
 - 3) If the Applicant is unable to certify to all statements in paragraphs (1) and (2) of this certification, through those means available to Applicant, including the General Services Administration's ***Excluded Parties List System (EPLS)***, Applicant shall indicate so in its applications, or in the transmittal letter or message accompanying its annual certifications and assurances, and will provide a written explanation to the State.
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**DEPARTMENT OF TRANSPORTATION
DEBARMENT AND SUSPENSION CERTIFICATION**

FISCAL YEAR 2008/2009

SIGNATURE PAGE

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature _____ Date _____

Printed Name _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has the authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, these certifications and assurances have been legally made and constitute legal and binding obligations of the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances or of the performance of the described project.

AFFIRMATION OF APPLICANT'S ATTORNEY

For _____ (Name of Applicant)

Signature _____ Date _____

Printed Name _____
of Applicant's Attorney

Appendix D - Planning Funds - Eligible Uses

D

APPENDIX D

Planning Funds – Eligible Uses

As the name indicates, transportation planning funds (FHWA PL and FTA Section 5303) are to be used for activities associated with the Metropolitan planning process (23 CFR 450). A wide variety of regional transportation planning activities are eligible for transportation planning funds.

Regional planning studies and activities:

- Participate in Federal and State Clean Air Act transportation related air quality planning activities.
 - Identify and analyze issues relating to integration of transportation and community goals and objectives in land use, housing, economic development, social welfare and environmental preservation.
 - Develop and/or modify tools that allow for better assessment of transportation impacts on community livability.
 - Consider alternative growth scenarios that provide information on compact development and related infrastructure needs and costs.
 - Participate in appropriate local level mandates.
 - Involve the public in the transportation planning process.
 - Establish and maintain formal consultation with Native American Tribal Governments enabling their participation in local and state transportation planning and project programming activities.
 - Identify and document transportation facilities, projects and services required to meet regional and interregional mobility and access needs.
 - Define solutions and implementation issues in terms of the multimodal transportation system, land use and economic impacts, financial constraints, air quality and environmental concerns (including wetlands, endangered species and cultural resources).
 - Assess the operational and physical continuity of transportation system components within and between metropolitan and rural areas, and interconnections to and through regions.
 - Identify the rights of way for construction of future transportation projects, including unused rights of way needed for future transportation corridors and facilities including airports and intermodal transfer stations.
 - Investigate methods to reduce vehicle travel and to expand and enhance travel services.
 - Incorporate transit and intermodal facilities, bicycle transportation facilities and pedestrian walkways in plans and programs where appropriate.
 - Conduct transit needs assessments and prepare transit development plans and transit marketing plans as appropriate.
 - Consider airport ground transportation, and transportation to ports, recreational areas and other major trip-generating sites in planning studies as appropriate.
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- Develop life cycle cost analyses for all proposed transportation projects and services, and for transportation rehabilitation, operational and maintenance activities.

Regional planning consensus efforts:

- Participate with regional, local and state agencies, the general public and the private sector in planning efforts to identify and plan policies, strategies, programs and actions that maximize and implement the regional transportation infrastructure.
 - Conduct collaborative public participation efforts to further extend transportation planning to communities previously not engaged in discussion.
 - Create, strengthen and use partnerships to facilitate and conduct regional planning activities among California Department of Transportation (Department), MPOs, RTPAs, Native American Tribal Governments, transit districts, cities, counties, the private sector and other stakeholders.
 - Develop partnerships with local agencies responsible for land use decisions to facilitate coordination of transportation planning with land use, open space, job-housing balance, environmental constraints, and growth management.
 - Utilize techniques that assist in community-based development of innovative transportation and land use alternatives to improve community livability, long-term economic stability and sustainable development.
 - Work with appropriate agencies and developers to reach agreement on proper mitigation measures, and strategies to finance, implement and monitor these mitigation measures; after mitigation measures are implemented and determined to be effective, report status to project sponsors.
 - Use partners to identify policies, strategies, programs and actions that enhance the movement of people, goods, services and information.
 - Ensure that projects developed at the regional level are compatible with statewide and interregional transportation needs.
 - Review the regional project screening process, ranking process, and programming guidelines ensuring comprehensive cost/benefit analysis of all project types are considered.
 - Develop and implement joint work programs with transportation and air quality agencies, including transit operators, to enhance coordination efforts, partnerships, and consultation processes; eliminate or reduce redundancies, inefficient or ineffective resource use and overlapping review and approvals.
 - Identify and address issues relating to international border crossings, and access to seaports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, military installations; and military base closures.
 - Conduct planning and project activities (including corridor studies, and other transportation planning studies) to identify and develop candidate projects for the FY 2008/2009 Federal Transportation Improvement Program (FTIP).
 - Preserve existing transportation facilities, planning ways to meet transportation needs by using existing transportation facilities more efficiently, with owners and operators of
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transportation facilities/systems working together to develop operational objectives and plans which maximize utilization of existing facilities.

- Involve federal and state permit and approval agencies early and continuously in the regional transportation planning process to identify and examine issues to develop necessary consensus and agreement; collaborate with Army Corps of Engineers, National Fish and Wildlife Service, Environmental Protection Agency and other federal agencies responsible for permits and National Environmental Protection Act (NEPA) approvals and with state resources agencies for compliance with California Environmental Quality Act (CEQA).
- Document environmental and cultural resources, and develop and improve coordination between agencies using Geographic Information Services (GIS) and other computer-based tools.

Regional planning documents, consistent with federal and state requirements:

- Overall Work Programs (OWP) and Amendments
- Overall Work Program Agreements (OWPA) and Amendments
- Master Fund Transfer Agreements (MFTA)
- Regional Transportation Plans (RTP)
- Transportation Improvement Programs (TIP)
- RTP and TIP environmental compliance
- Corridor studies

Transportation planning funds cannot be used for project development such as project initiation documents (PID) and project study reports (PSRs); or project implementation, such as rideshare activities or transit administration.

Appendix E – Tribal Government's Requirement for Transportation Planning and Programming

E

APPENDIX E
State of California
Transportation Planning and Programming
Requirements Regarding Tribal Governments

Federal statute and regulations require that Tribal Governments be involved in transportation planning and programming processes. The Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) reiterates and expands compliance with existing requirements and re-emphasizes the Tribal Government participation in transportation planning and programming processes that was initiated by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for 21st Century (TEA 21).

Regional transportation agencies are sometimes uncertain of the governance underlying the need to involve Tribal Governments and/or the appropriate methods of involvement required. The following attempts to clarify, without going into contemporary Indian law, the "why" and "how" of Tribal Governmental participation in transportation planning and programming.

GOVERNANCE

Statute

Title 23, U.S.C., Chapter 1, Sections 134 and 135, as amended by SAFETEA-LU, provides statutory guidance relative to the planning requirements. SAFETEA-LU requires that State and metropolitan agencies must consult, coordinate and consider the concerns of Tribal Governments when developing transportation plans, and the State Transportation Improvement Program (STIP).

Statewide Transportation Plan: "Each State shall develop a statewide transportation plan, with a minimum 20-year forecast period, updated at least every five years, for areas of the State, that provides for the development and implementation of the intermodal transportation system of the State."

Indian Tribal Areas- "With respect to each areas of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and Secretary of the Interior."

Statewide Transportation Improvement Program (STIP) — "Each State shall develop a statewide transportation improvement program for all areas of the State."

Subpart C, Metropolitan Transportation Planning and Programming, § 450.312 Metropolitan transportation planning: Responsibilities, cooperation, and coordination,

"Where a metropolitan planning area includes Federal public lands and/or Indian tribal lands, the affected Federal agencies and Indian tribal governments shall be involved appropriately in the development of transportation plans and programs."

SAFETEA LU adds new requirements as summarize below, that expands the scope in the regulations for consultation, mitigation and participation of tribes under Sections 3005, 3006 and 6001.

Transportation Planning and Programming:

- Consultation with Tribal Governments is required for the coordination of environmental planning and transportation planning requirements when working with Tribal Governments. Environmental planning includes all environmental concerns a tribe may have – not only the cultural resources. Transportation planning includes all modes of transportation i.e., transit pedestrian, etc. The Department and regional transportation planning agencies may consider including tribal representatives on the project management team when the project will clearly impact a tribal community and/or environmental resource.
- Consultation with the Federally-recognized Tribal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation is required during the planning and programming processes.
- There must be a discussion of types of potential environmental mitigation activities to be developed in consultation with Federal, State and Tribal wildlife, land management and regulatory agencies in the transportation planning and programming documents.
- A “participation plan” must be developed in consultation with all interested parties, which includes tribal governments and their communities.

SAFETEA-LU has also provided new revisions to the Federal Transit Administration (FTA)—Title 49, U.S.C.:

- When developing the annual listing of obligated projects, there shall be a cooperative effort of “transit operators” that shall include “investments in pedestrian walkways and bicycle transportation facilities.” “Transit operators” include Tribal transit operators.
- A coordinated Public Transit-Human Services Transportation Plan must be developed through a process that include representatives of public, private, and non profit transportation and human services providers, as well as the public, Tribal nonprofit organizations, e.g., Indian health clinics in California are primarily incorporated as non-profit organizations.

Regulations

Code of Federal Regulations (CFR) 23, pursuant to Title 23, U.S.C., provides regulatory guidance relative to the planning requirements.

Part 450, Planning Assistance and Standards:

Subpart B, Statewide Transportation Planning, § 450.202 Applicability: "The requirements of this subpart are applicable to States and any other agencies/organizations which are responsible for satisfying these requirements."

Subpart B, § 450.208, Statewide transportation planning process: Factors, (a)(23): "The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the State."

Subpart B, § 450.210, Coordination,

(a): "In addition to the coordination required under § 450.208(a)(21) in carrying out the requirements of this subpart, each State, in cooperation with participating organizations (such as MPOs, Indian tribal governments, environmental, resource and permit agencies, public transit operators) shall, to the extent appropriate, provide for a fully coordinated process including coordination of the following:

(2): "Plans, such as the statewide transportation plan required under §450.214, with programs and priorities for transportation projects, such as the STIP;"

Subpart B, § 450.214, Statewide transportation plan,

(a): "The State shall develop a statewide transportation plan for all areas of the State."

(c): "In developing the plan, the State shall:

(2) "Cooperate with the Indian tribal government and the Secretary of the Interior on the portions of the plan affecting areas of the State under the jurisdiction of an Indian tribal government:"

Subpart C, Metropolitan Transportation Planning and Programming, § 450.312
Metropolitan transportation planning: Responsibilities, cooperation, and coordination,

(i): "Where a metropolitan planning area includes Federal public lands and/or Indian tribal lands, the affected Federal agencies and Indian tribal governments shall be involved appropriately in the development of transportation plans and programs."

Subpart C, § 450.324, Transportation improvement program: General,

(f): The TIP shall include:

(1): "All transportation projects, or identified phases of a project, (including pedestrian walkways, bicycle transportation facilities and transportation enhancement projects) within the metropolitan planning area proposed for funding under title 23, U.S.C., (including Federal Lands Highway projects)."

Guidelines

California Transportation Commission (CTC), Regional Transportation Plan Guidelines, approved in December 1999, and amended in December 2003.

The California Transportation Commission approved the following requirement in the Regional Transportation Guidelines: "the MPOs and RTPA should include a discussion of consultation, coordination and communication with federally recognized Tribal Governments when the community is located within the boundary of an MPO/RTPA".

The MPO/RTPAs should develop a government-to-government relationship with each of these tribes. This refers to the protocol for communicating between the MPOs/RTPAs and the Tribal Governments as sovereign nations. This consultation process should be documented in the RTP. The initial point of contact for Tribal Governments should be the Chairperson for the tribe. When unsuccessful in getting a response from the Tribe, the MPO/RTPA should re-evaluate the method used in encouraging participation from the Tribal Government and these efforts should be documented.

TRIBAL GOVERNMENT CONSULTATION vs. NATIVE AMERICAN PUBLIC PARTICIPATION

When involving Tribal Governments in the planning and programming process, transportation agencies need to consult with them---in addition to the need to include Native Americans in public participation. Establishing and maintaining government-to-government relations with Federally-recognized Tribal Governments through consultation is separate from, and precedes, the public participation process.

Consultation with Tribal Governments

Federally-recognized Tribes are familiar with the federal "consultation" process that requires agencies to identify when the agency is formally consulting with the Tribe.

CFR 23, Subpart A, § 450.104, Definitions: "Consultation means that one party confers with another identified party and, prior to taking action(s), considers that party's views."

Tribal Government refers to the recognized government, or political unit, of a Tribe.

CFR 23, Subpart B § 450.208(b): "The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation problems, land use, employment, economic development, environmental and housing and community development objectives . . ."

Issues may also include Tribal Governments' concerns about projects outside their jurisdiction that have the potential to impact their communities or cultural resources.

It is important to know with whom you are consulting and what methods are most effective:

Each federally recognized Tribe is a sovereign government. Each Tribe has its own form of government and protocol for how business is to be conducted. There is no singular approach. Unless otherwise directed by the Tribe, correspondence should be addressed to the Tribal Chairperson.

Tribes differ in their ability to finance leaders, spokespersons or administrative support. Tribal leaders are frequently participating on their own time and money. Agencies need to be cognizant of this and act accordingly, e.g., be flexible when and where meetings are scheduled. A meeting with the Tribal Government (most often referred to as the Tribal Council) is usually the most effective way to communicate.

Providing enough time for the Tribal Government to respond is important. Most Tribal Governments meet once a month, and it may be difficult to put additional items on the agenda if not given enough time.

Public Participation

Public participation provides for public involvement of all citizens (including Native Americans), affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties of the community affected by transportation plans, programs and projects.

All Native Americans as individual citizens---regardless of whether they are members of Federally-recognized Tribes---can contribute to the public participation process. They belong to a minority, they may be low income and they may be associated with a community-based organization or be among the groups shown above. Within public participation forums, as individuals, they are not representing Tribal Governments.

**Appendix F – Indirect Cost Negotiation Agreement and
Cost Allocation Plan**

F



Attachment 1

Council of Fresno County Governments
2008/09 Budget

	Direct Costs	Indirect Costs	Other Program Costs	Total Budget
Salaries	1,346,468	193,644	358,937	1,899,049
Fringe Benefits	493,749	71,941	138,136	703,826
Total	1,840,217	265,585	497,073	2,602,875
Indirect Costs				
Telephone		9,000		9,000
Membership/Dues		5,000		5,000
Insurance		20,000		20,000
Postage		19,000		19,000
Printing Supplies		23,664		23,664
Office Supplies		24,000		24,000
Publ. & Subscript.		3,500		3,500
Advertising & Legal Notice		12,000		12,000
Computer Supplies		12,500		12,500
Office Lease		193,700		193,700
Bldg. Operating Expense		10,000		10,000
Copier Lease		23,600		23,600
Repair & Maint.		1,850		1,850
Travel Expenses		26,000		26,000
Audit		10,500		10,500
Total Indirect		394,314	0	394,314
Other Direct Costs			6,904,714	6,904,714
Agency Pass Through			479,700	479,700
Total Budget	1,840,217	659,899	7,881,487	10,381,603
Depreciation		6,829		
Total Indirect Costs		666,728		

Attachment 2

Council of Fresno County Governments
Cost Carry Forward Provision

Fiscal Year	2005/06	2006/07	2007/08	2008/09
Approved Rate	68.03%	67.78%	54.89%	Proposed Rate 38.91%
Indirect Calculation				
Prior year Carry Forward	50,657	27,173	9,487	49,229
Indirect Costs Per Single Audit	633,826	758,265		666,728
Cal COG Adj.				
Total Indirect Costs	684,483	785,438		715,957
Recovered Costs (Direct Salaries +Benefits) * Approved Rate)	674,996	736,209		
Future Year Carry Forward	9,487	49,229		
Direct Salaries + Benefits (Per Single Audit)	992,204	1,086,175		
			Estimated Direct Salaries + Benefits	1,840,217

Appendix G - Highway Performance Monitoring System (HPMS)

G

ANNUAL REVENUES

	Proposed Annualized Budget 2007/08	Proposed Annualized Budget 2008/09	Total Budget Increase (Decrease)	Percent Change
FEDERAL				
FTA 5303 Apportionment	237,783	237,783	0	0%
FTA 5303 Reserve Draw	68,018	44,391	(23,627)	-35%
FTA JARC 5316	484,614	505,727	21,113	4%
FTA NF 5317	166,469	182,740	16,271	10%
FTA 5307	405,538	384,325	(21,213)	-5%
FHWA/PL Apportionment	1,223,058	1,248,316	25,258	2%
FHWA/PL Reserve Draw	1,009,908	134,438	(875,470)	-87%
PARTNER/PLANNING	0	0	0	0%
Environmental Justice	0	0	0	0%
SPR	0	0	0	0%
EPA	0	0	0	0%
FEDERAL SUBTOTAL	3,595,388	2,737,720	(857,668)	-24%
STATE				
STATE STIP PLANNING	115,000	216,000	101,000	88%
STATE BLUE PRINT	250,037	367,727	117,690	47%
STATE FSP	237,600	283,680	46,080	19%
STATE PARTNERSHIP	200,000	0	(200,000)	-100%
STATE SUBTOTAL	802,637	867,407	64,770	8%
LOCAL				
LOCAL RESERVE DRAW	142,551	10,641	(131,910)	-93%
LTF ADMIN.	127,000	133,000	6,000	5%
LTF PLANNING	893,198	918,143	24,945	3%
MEMBER DUES	75,000	75,000	0	0%
OUTSIDE SERVICES	55,000	55,000	0	0%
INTREST EARNINGS	31,000	40,000	9,000	29%
TRANS AUTH ADMIN	2,500	2,500	0	0%
TRANS AUTH PLANNING	295,000	3,810,000	3,515,000	1192%
FCRTA ADMIN.	245,960	279,137	33,177	13%
VALLEY COFCGS	129,588	131,760	2,172	2%
FAX FTA MATCH	48,494	48,494	0	0%
IN KIND/ CASH MATCH	166,469	182,740	16,271	10%
DEVELOPER FEE	0	0	0	0%
MISC OTHER	14,500	14,500	0	0%
LOCAL SUBTOTAL	2,226,260	5,700,915	3,474,655	156%
TOTAL REVENUES	6,624,285	9,306,042	2,681,757	40%

ANNUAL EXPENSES

	Proposed Annualized Budget 2007/08	Proposed Annualized Budget 2008/09	Annualized Budget Increase (Decrease)	Percent Change
<i>SALARIES & BENEFITS</i>				
Salaries - COFCG	1,344,667	1,540,112	195,445	15%
Salaries - FCRTA	161,600	185,742	24,142	15%
Salaries - FAX	184,346	173,195	-11,151	-6%
Benefits	619,457	703,826	84,369	14%
SALARIES & BENEFITS SUBTOTAL	2,310,070	2,602,875	292,805	13%
<i>INDIRECT OVERHEAD</i>				
Telephone	9,000	9,000	0	0%
Membership/Dues	5,000	5,000	0	0%
Insurance	20,000	20,000	0	0%
Postage	19,000	19,000	0	0%
Printing Supplies	23,664	23,664	0	0%
Office Supplies	24,000	24,000	0	0%
Publ. & Subscript.	3,500	3,500	0	0%
Advertising & Legal Notice	12,000	12,000	0	0%
Computer Supplies	12,500	12,500	0	0%
Office Lease	193,003	193,700	697	0%
Bldg. Operating Cost	9,300	10,000	700	8%
Copier Lease/Service Contracts	23,600	23,600	0	0%
Repair & Maint.	1,500	1,850	350	23%
Travel Expenses	26,000	26,000	0	0%
Audit	10,500	10,500	0	0%
INDIRECT OVERHEAD SUBTOTAL	392,567	394,314	1,747	0%
<i>OTHER DIRECT COSTS</i>				
Consultants	1,806,106	4,066,690	2,260,584	125%
Special Projects	1,195,552	1,197,513	1,961	0%
Freeway Patrol	288,000	345,600	57,600	20%
TDM PROGRAM	13,250	13,250	0	0%
TDA Administration	24,000	24,000	0	0%
County Counsel/Auditor	21,000	27,000	6,000	29%
Board Remuneration	9,400	9,400	0	0%
Temporary Services	4,000	4,000	0	0%
CalCOG Dues	8,000	8,700	700	9%
Travel/Milage	5,000	5,000	0	0%
Equipment	64,140	123,000	58,860	92%
Other	3,500	5,000	1,500	43%
OTHER DIRECT SUBTOTAL	3,441,948	5,829,153	2,387,205	69%
<i>AGENCY PASS THROUGH</i>				
City of Fresno	211,700	211,700	0	0%
City of Clovis	19,500	19,500	0	0%
Fresno County	198,500	198,500	0	0%
FCEOC	50,000	50,000	0	0%
PASS THROUGH SUBTOTAL	479,700	479,700	0	0%
TOTAL EXPENSES	6,624,285	9,306,042	2,681,757	40%

**TOTAL REVENUES
INCLUDING CARRYOVER**

	Encumbrance Carry Forward 2007/08	Annualized Budget 2007/08	Total Adopted Budget 2006/07	Anticipated Encumbrance Carry Forward 2007/08	Proposed Annualized Budget 2007/08	Total Proposed Budget 2007/08	Total Budget Increase (Decrease)	Percent Change
FEDERAL			56%			32%		
FTA 5303 Apportionment	0	237,783	237,783	0	237,783	237,783	0	0%
FTA 5303 Reserve Draw	0	68,018	68,018	0	44,391	44,391	(23,627)	-35%
FTA JARC 5316	0	484,614	484,614	439,768	505,727	945,495	460,881	95%
FTA NF 5317	0	166,469	166,469	164,804	182,740	347,544	181,075	109%
FTA 5307	0	405,538	405,538	0	384,325	384,325	(21,213)	-5%
FHWA/PL Apportionment	13,280	1,223,058	1,236,338	0	1,248,316	1,248,316	11,978	1%
FHWA/PL Reserve Draw	0	1,009,908	1,009,908	0	134,438	134,438	(875,470)	-87%
PARTNER/PLANNING	240,000	0	240,000	0	0	0	(240,000)	N/A
Environmental Justice	225,000	0	225,000	0	0	0	(225,000)	N/A
SPR	288,000	0	288,000	0	0	0	(288,000)	-100%
EPA	110,760	0	110,760	0	0	0	(110,760)	-100%
FEDERAL SUBTOTAL	877,040	3,595,388	4,472,428	604,572	2,737,720	3,342,292	(1,130,136)	-25%
STATE			10%			10%		
STATE STIP PLANNING	0	115,000	115,000	0	216,000	216,000	101,000	88%
State Blue Print	25,000	250,037	275,037	106,185	367,727	473,912	198,875	N/A
STATE FSP	0	237,600	237,600	0	283,680	283,680	46,080	19%
State Partnership Seed Grants	0	200,000	200,000	100,000	0	100,000	(100,000)	-50%
STATE SUBTOTAL	25,000	802,637	827,637	206,185	867,407	1,073,592	345,955	42%
LOCAL			34%			57%		
LOCAL RESERVE DRAW	47,572	142,551	190,123	0	10,641	10,641	(179,482)	-94%
LTF ADMIN.	0	127,000	127,000	0	133,000	133,000	6,000	5%
LTF PLANNING	0	893,198	893,198	0	918,143	918,143	24,945	3%
MEMBER DUES	0	75,000	75,000	0	75,000	75,000	0	0%
OUTSIDE SERVICES	0	55,000	55,000	0	55,000	55,000	0	0%
INTEREST EARNINGS	0	31,000	31,000	0	40,000	40,000	9,000	29%
TRANS AUTH ADMIN	0	2,500	2,500	0	2,500	2,500	0	0%
TRANS AUTH PLANNING	0	295,000	295,000	0	3,810,000	3,810,000	3,515,000	1192%
FCRTA ADMIN.	0	245,960	245,960	0	279,137	279,137	33,177	13%
VALLEY COGS	0	129,588	129,588	0	131,760	131,760	2,172	2%
FAX FTA MATCH	0	48,494	48,494	0	48,494	48,494	0	0%
In Kind/ Cash Match	111,148	166,469	277,617	164,804	182,740	347,544	69,927	25%
Developer Fees	300,000	0	300,000	100,000	0	100,000	(200,000)	-67%
MISC OTHER	0	14,500	14,500	0	14,500	14,500	0	0%
LOCAL SUBTOTAL	458,720	2,226,260	2,684,980	264,804	5,700,915	5,965,719	3,280,739	122%
TOTAL REVENUES	1,360,760	6,624,285	7,985,045	1,075,561	9,306,042	10,381,603	2,396,558	30%

TOTAL EXPENSES
INCLUDING CARRYOVER

	Encumbrance Carry Forward 2007/08	Annualized Budget 2007/08	Total Adopted Budget 2006/07	Anticipated Encumbrance Carry Forward 2007/08	Proposed Annualized Budget 2007/08	Total Proposed Budget 2007/08	Total Budget Increase (Decrease)	Percent Change
SALARIES & BENEFITS			29%			25%		
Salaries - COFCG	0	1,344,667	1,344,667	0	1,540,112	1,540,112	195,445	15%
Salaries - FCRTA	0	161,600	161,600	0	185,742	185,742	24,142	15%
Salaries - FAX	0	184,346	184,346	0	173,195	173,195	(11,151)	-6%
Benefits	0	619,457	619,457	0	703,826	703,826	84,369	14%
	0			0				
SALARIES & BENEFITS SUBTOTAL	0	2,310,070	2,310,070	0	2,602,875	2,602,875	292,805	13%
INDIRECT OVERHEAD			5%			4%		
Telephone	0	9,000	9,000	0	9,000	9,000	0	0%
Membership/Dues	0	5,000	5,000	0	5,000	5,000	0	0%
Insurance	0	20,000	20,000	0	20,000	20,000	0	0%
Postage	0	19,000	19,000	0	19,000	19,000	0	0%
Printing Supplies	0	23,664	23,664	0	23,664	23,664	0	0%
Office Supplies	0	24,000	24,000	0	24,000	24,000	0	0%
Publ. & Subscript.	0	3,500	3,500	0	3,500	3,500	0	0%
Advertising & Legal Notice	0	12,000	12,000	0	12,000	12,000	0	0%
Computer Supplies	0	12,500	12,500	0	12,500	12,500	0	0%
Office Lease	0	193,003	193,003	0	193,700	193,700	697	0%
Bldg. Operating Expense	0	9,300	9,300	0	10,000	10,000	700	8%
Copier Lease/Service Contracts	0	23,600	23,600	0	23,600	23,600	0	0%
Repair & Maint.	0	1,500	1,500	0	1,850	1,850	350	23%
Travel Expenses	0	26,000	26,000	0	26,000	26,000	0	0%
Audit	0	10,500	10,500	0	10,500	10,500	0	0%
INDIRECT OVERHEAD SUBTOTAL	0	392,567	392,567	0	394,314	394,314	1,747	0%
OTHER DIRECT COSTS			60%			67%		
Consultants	1,360,760	1,806,106	3,166,866	306,185	4,066,690	4,372,875	1,206,009	38%
Special Projects	0	1,195,552	1,195,552	769,376	1,197,513	1,966,889	771,337	65%
Freeway Patrol	0	288,000	288,000	0	345,600	345,600	57,600	20%
TDM Program	0	13,250	13,250	0	13,250	13,250	0	0%
TDA Administration	0	24,000	24,000	0	24,000	24,000	0	0%
County Counsel/Auditor	0	21,000	21,000	0	27,000	27,000	6,000	29%
Board Remuneration	0	9,400	9,400	0	9,400	9,400	0	0%
Contract Help	0	4,000	4,000	0	4,000	4,000	0	0%
CalCOG Dues	0	8,000	8,000	0	8,700	8,700	700	9%
Travel/Milage	0	5,000	5,000	0	5,000	5,000	0	0%
Equipment	0	64,140	64,140	0	123,000	123,000	58,860	92%
Other	0	3,500	3,500	0	5,000	5,000	1,500	43%
OTHER DIRECT SUBTOTAL	1,360,760	3,441,948	4,802,708	1,075,561	5,829,153	6,904,714	2,102,006	44%
AGENCY PASS THROUGH			6%			5%		
City of Fresno	0	211,700	211,700	0	211,700	211,700	0	0%
City of Clovis	0	19,500	19,500	0	19,500	19,500	0	0%
Fresno County	0	198,500	198,500	0	198,500	198,500	0	0%
FCEOC	0	50,000	50,000	0	50,000	50,000	0	0%
PASS THROUGH SUBTOTAL	0	479,700	479,700	0	479,700	479,700	0	0%
TOTAL EXPENSES	1,360,760	6,624,285	7,985,045	1,075,561	9,306,042	10,381,603	2,396,558	30%

EQUIPMENT DETAIL

WORK ELEMENT	EQUIPMENT DESCRIPTION	PROJECT COST	FHWA	LOCAL
112	Traffic Counters	20,000	17,706	2,294
211	Meas "C" Rideshare/Van Pool Fixtures	5,000		5,000
910	Teleconference Equipment	88,000		88,000
910	Office Fixtures	10,000		10,000
TOTAL EQUIPMENT		123,000	17,706	105,294

OTHER PROJECT DETAIL

WORK ELEMENT	PROJECT DESCRIPTION	PROJECT COST	FTA 5303	FTA 5316/5317	FTA 9	FHWA PL	State Partnership	Cal Blue Print	State FSP	LOCAL FUNDS
111	Program Customization	10,000				8,853				1,147
	On Call Programming	10,000				8,853				1,147
	TP Viper Maintenance	4,500				3,984				516
	Traffic Model Update	125,000				110,662				14,338
	County GIS Subscription	2,000				1,770				230
	Anti-Virus Maintenance Fee	1,250				1,106				144
	Arcview GIS Maint.	2,100				1,859				241
112	Traffic Counters/Computer Equip.	20,000				17,706				2,294
113	West Area Circulation Study	100,000				88,530				11,470
115	Reg. Transp. Mitigation Fee	200,000								200,000
120	FAX Transit Studies	100,000			80,000					20,000
	FAX Training & Travel	7,500			6,000					1,500
	FAX Transit Master Plan	100,000								100,000
121	JARC Program	925,495		925,495						
122	New Freedom Program	695,088		347,544						347,544
123	PTIS	3,000,000								3,000,000
210	Measure "C"	27,000								27,000
211	Measure "C" Oversight Committee	500								500
212	Measure "C" Rideshare/Van Pool	5,000								5,000
213	Measure "C" Rail Consolidation	250,000								250,000
311	Transit Guide	30,000	26,558							3,442
	COFCG Outlook	5,000	4,427							573
	Annual Report	2,000	1,771							229
	Citizens Guide	2,000	1,771							229
	Transportation Forum	5,000								5,000
312	COG View Internet Homepage	2,500	2,213							287
340	Trans. Demand Management	13,250								13,250
360	"One Voice" Federal	26,000								26,000
	"One Voice" Donations	11,000								11,000
	"One Voice" State	35,000								35,000
410	Cal Blue Print	273,912						273,912		
	Cal Blue Print Match	117,690								117,690
411	Farmland Conservation	94,000					94,000			
810	Valley Wide Coordination	126,000				26,913				99,087
910	Board Remuneration	9,400								9,400
	Contract Help	4,000								4,000
	CALCOG Dues	8,700								8,700
	Travel & Milage	5,000								5,000
	Equipment	98,000								98,000
	Sedna - Software	1,500								1,500
	ICAP Cost Carry Forward - 2006/07	49,229								49,229
	Misc. Other	3,500								3,500
912	Audit	24,000								24,000
	County Auditor Controller	8,000								8,000
	County Counsel	19,000								19,000
940	Freeway Service Patrol	345,600							276,480	69,120
TOTAL		6,904,714	36,740	1,273,039	86,000	270,236	94,000	273,912	276,480	4,594,307

FY 2008/09 OWP Spreadsheet

Expenditure by Agency

Work Element Description		COFCG	County	Fresno	Clovis	FCEOC	Contract	Agency Total
110	REGIONAL STREETS & HIGHWAYS	257,237	43,000	5,000	1,000		154,850	306,237
111	REGIONAL TRANSPORTATION MODELING	238,634	2,500		1,000			396,984
112	REGIONAL TRAFFIC MONITORING	83,400	103,000	53,230	7,500		20,000	267,130
113	REG. TRANSP. PLANNING STUDIES	0					100,000	100,000
115	REGIONAL TRANSP. MITIGATION FEE	52,700				35,000	200,000	252,700
120	PUBLIC TRANSPORTATION - URBAN	247,936	2,000	134,970			207,500	627,406
121	JARC	20,000					925,495	945,495
122	NEW FREEDOM						895,088	895,088
123	PTIS	14,000					3,000,000	3,014,000
130	PUBLIC TRANSPORTATION - RURAL	10,000	3,500			15,000		28,500
150	OTHER MODAL ELEMENTS	10,000	4,500	2,500				17,000
151	BICYCLE & PEDESTRIAN	51,200					257,064	51,200
170	REGIONAL TRANSPORTATION PLAN	240,064	10,000	6,000	1,000		5,700	257,064
172	CONGESTION MANAGEMENT PROGRAM	5,700					207,700	207,700
180	AIR QUALITY/TRANS. PLANNING	200,200	5,000	2,500			167,800	167,800
210	MEASURE "C" - EXTENSION	140,800					27,000	10,500
211	MEASURE "C" - OVERSIGHT COMMITTEE	10,000					500	500
212	MEASURE "C" - RIDESHARE/VAN POOL	90,000					5,000	95,000
213	MEASURE "C" - RAIL CONSOLIDATION	10,000					250,000	260,000
220	TRANSPORTATION PROG DEVELOPMENT	153,800	4,000				157,800	157,800
310	INTERGOVERNMENTAL COORDINATION	109,100	16,000	2,500	9,000		44,000	136,600
311	PUBLIC INFO. AND PARTICIPATION	88,200					2,500	132,200
312	LOGVIEW IN HERNEI HOME PAGE	15,000						16,100
313	ENVIRONMENTAL JUSTICE	12,900						12,900
320	TECHNICAL ASSISTANCE TO MEMBERS	14,000						14,000
330	OUTSIDE TECHNICAL SERVICES	55,000						55,000
340	TDM PROGRAM	47,500					13,250	60,750
350	FRESNO REGIONAL DATA CENTER	65,300						65,300
360	ONE VOICE ADVOCACY	41,300					72,000	113,300
410	CALIFORNIA BLUE PRINT	200,000					391,602	591,602
411	FARMLAND CONSERVATION	6,000					94,000	100,000
810	VALLEY AIR QUALITY COORDINATION	47,469					126,000	173,469
812	VALLEY EXPRESS TRANSIT STUDY	11,800						11,800
820	VALLEY RTPA COORDINATION	8,000						8,000
910	COFCG ADMINISTRATION	92,031	3,500	5,000			130,100	230,631
911	OWP & BUDGET	15,410	1,500				16,910	16,910
912	TRANSPORTATION FUNDS ADMIN	81,000					51,000	132,000
920	FCRTA ADMINISTRATION	279,137					279,137	279,137
930	AUTHORITY ADMINISTRATION	2,500					2,500	2,500
940	FREWAY SERVICE PATROL	9,000					345,600	354,600
960	VEHICLE ABATEMENT	9,500						9,500
TOTAL EXPENDITURES		3,046,418	198,500	211,700	19,500	50,000	6,855,485	10,381,603

FWHA-PL CARRY OVER BALANCE

Carry over Balance 06/30/07	2,009,316
2007/08 Estimated Allocation	1,317,867
2007/08 OWP Programmed	(2,246,246)
Balance for 2008/09	1,080,737
2008/09 Estimated Allocation	1,248,316
2008/09 OWP Programmed	(1,382,754)
Balance Available for 2009/10	946,299

FY 2009 ALLOCATION

Carry over Balance 06/30/07	112,409
2007/08 Estimated Allocation	237,783
2007/08 OWP Programmed	(305,891)
Balance for 2008/09	44,391
2008/09 Estimated Allocation	237,783
2008/09 OWP Programmed	(282,174)
Balance Available for 2009/10	0

FY 2008/09 OWP Spreadsheet
Expenditure by Revenue Source

Work Element Description	FTA/MP		FTA		FHWA		Cal.		STATE		STATE		COFCG		Revenue	
	5303	5316/5317	5307	5307	PL(021)	Blue Print	Cal.	Blue Print	PARTNER	STIP	FSP	LTF	Other	Total		
110 REGIONAL STREETS & HIGHWAYS	0	0	0	0	0	259,894	0	0	0	0	0	0	0	0	396,237	
111 REGIONAL TRANSPORTATION MODEL	0	0	0	0	0	346,414	0	0	0	0	0	0	0	0	396,984	
112 REGIONAL TRAFFIC MONITORING	0	0	0	0	0	189,366	0	0	0	0	0	0	0	0	267,130	
113 REGIONAL TRANSP. PLANNING STUDIES	0	0	0	0	0	88,530	0	0	0	0	0	0	0	0	100,000	
115 REGIONAL TRANSP. MITIGATION FEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	252,700	
120 PUBLIC TRANSPORTATION - URBAN	41,610	0	384,325	0	0	0	0	0	0	0	0	0	0	0	627,406	
121 JARC	0	945,495	0	0	0	0	0	0	0	0	0	0	0	0	945,495	
122 NEW FREEDOM	0	347,544	0	0	0	0	0	0	0	0	0	0	0	0	695,088	
123 PTIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3,014,000	
130 PUBLIC TRANSPORTATION - RURAL	25,232	0	0	0	0	0	0	0	0	0	0	0	0	0	28,500	
150 OTHER MODAL ELEMENTS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17,000	
151 BICYCLE & PED. LANE	0	0	0	0	0	44,265	0	0	0	0	0	0	0	0	6,935	
170 REGIONAL TRANSPORTATION PLAN	34,780	0	0	0	0	177,748	0	0	0	0	0	0	0	0	257,064	
172 CONGESTION MANAGEMENT PRG	3,382	0	0	0	0	1,665	0	0	0	0	0	0	0	0	5,700	
180 AIR QUALITY/TRANS. PLANNING	41,032	0	0	0	0	136,205	0	0	0	0	0	0	0	0	207,700	
210 MEASURE "C" - EXTENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	167,800	
211 MEASURE "C" - OVERSIGHT COMMITTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10,500	
212 MEASURE "C" - RIDESHARE VANPOOL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	95,000	
213 MEASURE "C" - RAIL CONSOLIDATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	260,000	
220 TRANSPORTATION PROG DEV.	0	0	0	0	0	49,125	0	0	0	98,310	0	0	0	0	157,800	
310 INTERGOVERNMENTAL COORD.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	136,600	
311 PUBLIC INFO. AND PARTICIPATION	50,355	0	0	0	0	62,255	0	0	0	14,590	0	0	5,000	0	132,200	
312 COGVIEW INTERNET HOME PAGE	13,715	0	0	0	0	0	0	0	0	0	0	0	0	0	18,100	
313 ENVIRONMENTAL JUSTICE	2,213	0	0	0	0	2,213	0	0	0	0	0	0	0	0	12,900	
320 TECHNICAL ASSISTANCE TO MEMB.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14,000	
330 OUTSIDE TECHNICAL SERVICES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	55,000	
340 TDM PROGRAM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	60,750	
350 FRESNO REGIONAL DATA CENTER	32,737	0	0	0	25,074	0	0	0	0	0	0	0	0	0	65,300	
360 ONE VOICE ADVOCACY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	113,300	
410 CALIFORNIA BLUE PRINT	0	0	0	0	0	0	473,912	0	100,000	117,690	0	0	0	0	591,602	
411 FARMLAND CONSERVATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	100,000	
810 VALLEY AIR QUALITY LIASON	23,059	0	0	0	0	0	0	0	0	0	0	0	131,760	0	173,469	
812 VALLEY EXPRESS TRANSIT STUDY	0	0	0	0	0	0	0	0	0	0	0	0	11,800	0	11,800	
820 VALLEY RTPA COORDINATION	0	0	0	0	0	0	0	0	0	0	0	0	8,000	0	8,000	
910 COFCG ADMINISTRATION	0	0	0	0	0	0	0	0	0	0	0	0	191,631	39,000	230,631	
911 OWP & BUDGET	14,059	0	0	0	0	0	0	0	0	0	0	0	2,851	0	16,910	
912 TRANSPORTATION FUNDS ADMIN	0	0	0	0	0	0	0	0	0	0	0	0	132,000	0	132,000	
920 FCRTA ADMINISTRATION	0	0	0	0	0	0	0	0	0	0	0	0	279,137	0	279,137	
930 AUTHORITY ADMINISTRATION	0	0	0	0	0	0	0	0	0	0	0	0	2,500	0	2,500	
940 FREEWAY SERVICE PATROL	0	0	0	0	0	0	0	0	0	0	0	0	283,680	0	354,600	
950 VEHICLE ABATEMENT	0	0	0	0	0	0	0	0	0	0	0	0	9,500	0	9,500	
TOTAL EXPENDITURES	282,174	1,293,039	384,325	384,325	1,362,754	473,912	473,912	100,000	216,000	283,680	1,061,784	4,903,935	10,381,603	10,381,603		
Allocation	237,783	1,293,039	384,325	384,325	1,248,316	367,727	367,727	100,000	216,000	283,680	1,061,784	4,903,935	10,381,603	10,381,603		
Carry Over	44,391	0	0	0	134,438	106,185	106,185	0	0	0	0	0	0	0	0	
TOTAL AVAILABLE FUNDS	282,174	1,293,039	384,325	384,325	1,362,754	473,912	473,912	100,000	216,000	283,680	1,061,784	4,903,935	10,381,603	10,381,603		

***Council of Fresno County Governments
2008/09 Member Dues Schedule****

MEMBER	CENSUS POPULATION 01/01/07	PERCENT	Current DUES SCHEDULE	One Voice State	One Voice Federal	Lobby Portion	Non Lobby Portion
Clovis	92,269	10.04%	7,529	3,514	2,610	6,124	1,405
Coalinga	18,061	1.97%	1,474	688	511	1,199	275
Firebaugh	6,692	0.73%	546	255	189	444	102
Fowler	5,293	0.58%	432	202	150	352	80
Fresno City	481,035	52.34%	39,253	18,317	13,608	31,925	7,328
Huron	7,493	0.82%	611	285	212	497	114
Kerman	13,591	1.48%	1,109	518	384	902	207
Kingsburg	11,234	1.22%	917	428	318	746	171
Mendota	9,426	1.03%	769	359	267	626	143
Orange Cove	10,544	1.15%	860	402	298	700	160
Parlier	13,080	1.42%	1,067	498	370	868	199
Reedley	24,909	2.71%	2,033	949	705	1,654	379
Sanger	24,877	2.71%	2,030	947	704	1,651	379
San Joaquin	3,870	0.42%	316	147	109	256	60
Selma	23,194	2.52%	1,893	883	656	1,539	354
Fresno Co.	173,535	18.88%	14,161	6,608	4,909	11,517	2,644
TOTALS	919,103	100%	75,000	35,000	26,000	61,000	14,000
			75,000	35,000	26,000	61,000	14,000

* Estimate Only - Actual Dues level subject to Board approval of May/June contract negotiation.
01/01/08 Population Estimates revised in May.

Appendix I - Certification of Restrictions on Lobbying



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CERTIFICATION
OF
RESTRICTIONS ON LOBBYING

I, Barbara Goodwin, Executive Director, hereby certify on behalf of the Council of Fresno County Governments that:

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

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

Executed this _____ day of _____, 2008.

By: _____
BARBARA GOODWIN, Executive Director
Council of Fresno County Governments

BEFORE THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS
RESOLUTION NO. 2008-09

In the Matter of:)
)
OVERALL WORK PROGRAM)
AND LINE ITEM BUDGET)
_____)

RESOLUTION ADOPTING
THE OVERALL WORK
PROGRAM AND LINE ITEM
BUDGET FOR FISCAL YEAR
2008-09

WHEREAS, the Council of Fresno County Governments (Fresno COG) has been designated the Regional Transportation Planning Agency (RTPA) for Fresno County by the Secretary of the Business and Transportation Agency pursuant to Section 29532 of the California Code of Regulations (as amended by AB 402, 1977); and acting as the Metropolitan Planning Agency (MPO) (Federal Highway Act of 1974 and the Urban Mass Transportation Administration Act of 1964 as amended pursuant to the joint regulations - Code of Federal Regulations, Title 23, Part 450; Title 49, Part 613); and

WHEREAS, the Fresno COG is the State designated Areawide Clearinghouse to coordinate the evaluation and review of Federal and Federally assisted programs and projects as required by the Presidential Executive Order 12372; and

WHEREAS, the Fresno COG is required by Federal and State funding agencies to prepare and submit an Overall Work Program pursuant to the Department of Transportation, Intermodal Planning Group Region IX Guidelines for Metropolitan Planning Organizations; and

WHEREAS, Fresno COG staff has sought input from member agencies, including transit operators, and the State with respect to proposed work to be performed to satisfy Federal and State requirements, in addition to local priorities; and

WHEREAS, the **Overall Work Program** cites activities to which Fresno COG commits to satisfy various Federal regulations including equal opportunity and fair employment practices and Disadvantaged Business Enterprise requirements; and

WHEREAS, the proposed **Overall Work Program** has been prepared to meet Federal and State requirements; and

WHEREAS, the **Overall Work Program** is considered to be a guide for work activity and may be considered for amendment by the Fresno COG Policy Board during the 2008-09 fiscal year; and

WHEREAS, the Fresno COG has prepared a line item budget which is consistent with the Overall Work Program, and

WHEREAS, the **Overall Work Program** has been circulated through the Areawide Clearinghouse process.

NOW, THEREFORE, BE IT RESOLVED, that the **Fresno COG adopts the 2008-09 Overall Work Program and Line Item Budget for 2008-09** including statements of commitment to satisfy all Federal and State requirements for grant approval.

BE IT FURTHER RESOLVED that the Fresno COG Executive Director and/or Policy Board Chairman are authorized to execute and submit certifications, applications for funding to State and Federal agencies identified as proposed sources of funding by the 2008-09 Overall Work Program; and execute and submit agreements with participating member agencies and auditors; and

BE IT FURTHER RESOLVED, that the Fresno COG will continue to work with State and Federal funding agencies in addition to member agencies on any adjustments to the Overall Work Program and Line Item Budget which may occur subsequent to July 1, 2008.

THE FOREGOING RESOLUTION was passed and adopted by the Council of Fresno County Governments this 29th day of May, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: _____

Trinidad M. Rodriguez, Chair

I hereby certify that the foregoing is a true copy of a resolution of the Council of Fresno County Governments duly adopted at a regular meeting thereof held on the 28th day of May, 2008.

Signed: _____
Barbara Goodwin, Executive Director

Appendix L – Fresno COG Joint Powers Agreement

L

COUNCIL OF FRESNO COUNTY GOVERNMENTS

JOINT POWERS AGREEMENT

THIS AGREEMENT made and entered into this 25th day of March, 1976, by and between the County of Fresno, a political subdivision of the State of California, and the Cities of Fresno, Clovis, Coalinga, Firebaugh, Fowler, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Huron, Sanger, San Joaquin, and Selma all being municipal corporations of the State of California; WITNESSETH:

(Amendment No.3)

WHEREAS, the President of the United States, through Executive Order 12372 (FR 30959, July 14, 1982), under the authority vested in him by the Constitution and laws of the United States of America, including Section 401(a) of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231 (a), Section 301 of Title 3 of the United States Code, and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), has ordered that Federal agencies shall provide opportunities for consultation by elected officials of those state and local governments that would provide non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development; and

(Amendment No.4)

WHEREAS, the President has ordered that, to the extent permitted by law, Federal agencies shall utilize the State process to determine official views of State and local elected officials and, further, to make efforts to accommodate State and local elected officials' concerns with proposed Federal financial assistance and direct Federal development that are communicated through the designated State process; and

(Amendment No.4)

WHEREAS, the Governor of the State of California has established clearinghouse procedures pursuant to Executive Order 12372 providing for review of and comment on Federally-assisted programs by local elected officials through the Office of Planning and Research (gubernatorial Executive Order D-24-83); and

(Amendment No.4)

WHEREAS, the Governor has designated the Council of Fresno County Governments as the areawide clearinghouse for Fresno County, California; and

(Amendment No.4)

WHEREAS, planning concerns in the County of Fresno, and the solution to such concerns often transcends municipal boundaries, making it desirable to regularly bring together representatives of the various governments to discuss common problems, develop consensus of policy questions of mutual interest in order to pursue a coordinated course of action without infringing on the political traditions and powers of the individual governments; and

(Amendment No.3)

WHEREAS, Section 6500, et. seq. of the California Government Code (Title 1, Division 7, Chapter 5, Article 1) provide for agreements between two or more public agencies to jointly exercise any power common to the contracting parties; and

(Amendment No.3)

WHEREAS, the City of Fresno by virtue of its charter, and the County of Fresno, and other incorporated cities, parties hereto, by virtue of Sections 65600 and 65604, inclusive, of the California Government Code have the joint and mutual power to create an areawide planning organization.

(Amendment No.3)

NOW, THEREFORE, in consideration of these premises, the parties hereto mutually agree as follows:

(Amendment No.3)

CHAPTER 1

ORGANIZATION

1.1 ADDITIONAL MEMBERS: In addition to the named parties to this agreement, any city not now a member and any other city which may be hereafter incorporated within the boundaries of the County of Fresno, may become a member of the Council of Fresno County Governments by executing this agreement without prior approval or ratification of the named parties, and shall thereafter be bound by all of the terms and provisions of this agreement as of the date of execution.

(Amendment No.3)

1.2 COUNCIL; QUORUM; VOTING:

1.21 Council: The Council shall be the governing body of the Council of Fresno County Governments. The Council shall be composed of the Chairman of the County of Fresno Board of Supervisors, or in his absence such supervisor as may be present, and the mayors of the member cities, or in a mayor's absence such councilman as may be present.

(Amendment No.3)

1.22 Quorum: A majority of the members in good standing of the Organization, which members represent no less than 40% of the total population of the member agencies in good standing, shall constitute a quorum for the transaction of business.

(Amendment No.5)

1.23 Vote of Council: Any motion or action of the Council in order to be deemed carried or approved must receive an affirmative vote of a majority of the member agencies in good standing, which vote must represent no less than 40% of the total population of the member agencies in good standing.

(Amendment No.5)

1.3 POLICY ADVISORY COMMITTEE: There shall be established a Policy Advisory Committee which shall be composed of the Chief Administrative Officer of each member agency, or his duly authorized representative, or if no such, or similar position exists, the Committee member shall be designated by the member agency's Council representative to serve at his pleasure, and shall be a full-time employee of the member agency. All matters upon which the Council is to act must first be considered by the Policy Advisory Committee and such matters when considered by the Council must be accompanied by the Policy Advisory Committee's comments and recommendations, if any, and voting record except that the Council may at its discretion consider urgent matters other than adoption of the annual budget or work program without prior consideration by the Policy Advisory Committee.

(Amendment No.3)

1.4 STANDING TECHNICAL COMMITTEES: The Council may establish such technical advisory committees as may be necessary to assist in carrying out the duties as herein set forth in Chapter 2.
(Amendment No.3)

1.5 COOPERATING MEMBERS: Subject to the approval of the Council, any governmental entity or public agency or nonprofit organization not eligible for membership under paragraph 1.1 of this Agreement may elect to join the Council of Fresno County Governments as a cooperating member.
(Amendment No.4)

1.51 Cooperating members shall be entitled to attend all meetings of the Council but shall not be entitled to vote or participate in debate.
(Amendment No.4)

1.52 Cooperating members shall be entitled to receive data, studies, planning documents, special services, technical assistance, and other written materials and services of the Council of Fresno County Governments, subject to policies adopted by the Council.
(Amendment No.4)

CHAPTER 2

POWER AND DUTIES

2.1 INTERGOVERNMENTAL COOPERATION: The Council of Fresno County Governments shall perform clearinghouse review under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and Executive Order 12372 (FR 30959, July 14, 1982). The Council of Fresno County Governments may establish committees and execute memoranda of understanding with local, regional, state and federal agencies to facilitate coordination and cooperation. The Council of Fresno County Governments shall be the forum for cooperative decision making by principal elected officials of the member agencies.
(Amendment No.4)

2.2 COMPREHENSIVE PLANNING: The Council of Fresno County Governments shall carry out an ongoing areawide comprehensive planning process as hereinafter set forth and may cause to be developed areawide plans and elements with respect to:

2.21 Land Use

2.24 Transportation

2.22 Housing

2.25 Water Quality Management

2.23 Open Space

2.26 Air Quality Management

The Council of Fresno County Governments may from time to time develop or coordinate other plans when authorized to do so by the Council.

(Amendment No.3)

2.3 PLANNING PROCESS: All plans and plan elements and other projects which the Council of Fresno County Governments shall prepare or cause to be prepared shall be done to the greatest extent by member agencies. Consulting services may, when authorized by the Council, be utilized to carry out all or portions of the Work Program. Such consulting services contract may be performed by any member agency and no consulting services contract may be tendered to other than a member agency unless each member agency has been provided with a reasonable opportunity to exercise the right of refusal. In the event of any controversy between member agencies regarding the assignment of consulting services, the Council shall make the final determination.

(Amendment No.3)

All consulting services performed shall be conducted under the authority of the Council of Fresno County Governments and in accordance with the approved work program.

(Amendment No.3)

All plans upon which the Council is to act must first be submitted to the Policy Advisory Committee and such matters when considered by the Council must be accompanied by the Policy Advisory Committee's comments and recommendations, if any, and voting record.

(Amendment No.3)

2.4 CITIZEN INVOLVEMENT: The Council of Fresno County Governments shall carry out a process for citizen involvement in major decisions. Such process may include committees, legal notices and public hearings.

(Amendment No.3)

2.5 LOCAL TRANSPORTATION PLANNING AGENCY: The Council of Fresno County Governments shall carry out the duties of a local transportation planning agency as provided by State law including administration of the local transportation fund and assisting local governments in claiming, obtaining, and utilizing funds as required by the Transportation Development Act of 1973.

(Amendment No.3)

2.6 TECHNICAL ASSISTANCE: The Council of Fresno County Governments may assist member agencies, or cooperating members, by providing technical assistance and services including, but not limited to, governmental management, planning, administration, public involvement, and grants-in-aid when and upon such terms as such assistance is approved by the Council.

(Amendment No.4)

2.7 WORK PROGRAM: the Council of Fresno County Governments shall prepare and adopt annually a multi-year work program which contains a description, including objectives and proposed costs, of all activities to be undertaken.

(Amendment No.3)

2.8 SPECIAL SERVICES: Consistent with the policies approved by the Council, and the Public Records Act, the Council of Fresno County Governments may provide data, studies, planning documents and other written materials to private or public organizations or individuals. Such organizations or individuals shall bear the cost of providing said data, studies, documents and materials, including the reasonable cost of staff time spent in reviewing said data, studies, documents and materials with the requesting party.

(Amendment No.4)

CHAPTER 3

LIMITATIONS

3.1 MEMBER AGENCY AUTONOMY: Nothing herein shall be construed as limiting in any manner the power of the respective member agencies and all plans, programs and activities shall at all times be carried out in such manner as so to maintain and insure the separateness and autonomy of the member agencies.

(Amendment No.3)

3.2 SUBMISSION OF PLANS: The Council may consider adoption of any areawide plan or element thereof after such plan or element has been submitted to the legislative bodies of the respective member agencies for this consideration at least forty-five (45) days prior to such adoption.

(Amendment No.3)

3.3 WORK PROGRAM: The Council may consider adoption of any Annual Budget or Work Program after the preliminary Annual Budget or Work Program has been submitted to the legislative bodies of the respective member agencies for their consideration at least forty-five (45) days prior to final adoption.

(Amendment No.3)

CHAPTER 4

ENTRY INTO FORCE, AMENDMENT, WITHDRAWAL, TERMINATION AND DISSOLUTION

4.1 ENTRY INTO FORCE: This Amendment shall enter into force and become binding upon its adoption by resolution of the governing bodies of no less than one-half of the eligible agencies in Fresno County which in aggregate represent no less than one-half of the population of Fresno County.

(Amendment No.3)

4.2 AMENDMENT: The Joint Powers Agreement, as well as any of the provisions may be amended by the approval or ratification of such amendment by the governing bodies of no less than one-half of the member agencies which in the aggregate represent no less than 40% of the population of the member agencies and all member agencies shall thereafter be bound by such amendments.

(Amendment No.5)

4.3 WITHDRAWAL: Any of the parties to this agreement may by action of its governing body withdraw from the Council of Fresno County Governments. Such withdrawal shall be accomplished in the following manner:

(Amendment No.3)

4.31 NOTIFICATION OF INTENT: Written notification of intent to withdraw shall be transmitted to each member of the Council, and to the Executive Director. Such notification of intent must be given no less than ninety (90) days prior to formal withdraw action.

(Amendment No.3)

4.32 NOTIFICATION OF WITHDRAWAL ACTION: Written notification of withdrawal action shall be transmitted to each member of the Council, and to the Executive Director. Such notification shall be given no sooner than ninety (90) days from the date of notification of intent as hereinabove set forth in 4.31.

(Amendment No.3)

4.33 EFFECTIVE DATE OF WITHDRAWAL: No withdrawal shall become effective until nine (9) months from the date of notification of withdrawal as hereinabove set forth in 4.32.

(Amendment No.3)

4.4 TERMINATION: This agreement may be terminated by resolution of the governing bodies of all of the member agencies or by vote of the Council in accordance with the voting procedures set forth in 1.23. Should this agreement be terminated, the Council of Fresno County Governments shall be dissolved in accordance with the procedures hereinafter set forth.

(Amendment No.5)

4.5 DISSOLUTION: Should the Council of Fresno County Governments terminate as set forth above, or for any other reason, the President of the Council shall appoint a dissolution committee, which committee shall be approved by the Council. The dissolution committee shall exist for the sole purpose of settling the affairs of the Council of Fresno County Governments, and shall be empowered to immediately take control of all lands, buildings, equipment, accounts, case records, and to conduct all business as may be necessary to dissolve the Council of Fresno County Governments and dispose of any assets, to settle all liabilities and shall pay the balance to the member agencies which have been in good standing during the year on the same proportionate basis that costs are shared as set forth in Chapter 5. Should the proceeds be insufficient, the deficit shall be paid by the member agencies on the same proportionate basis.

(Amendment No.3)

CHAPTER 5

FINANCIAL

5.1 COSTS: Costs incurred by the Council of Fresno County Governments shall be shared on a proportionate basis in the following manner:

5.11 A per capita cost shall be calculated by dividing the total cost by the sum of the total population of member cities and the unincorporated population of Fresno County. The annual population figures published by the California State Controller shall be used to determine the per capita cost.

(Amendment No.3)

5.12 The County share shall equal the per capita cost times the unincorporated population of Fresno County.

(Amendment No.3)

5.13 Each member city shall pay an amount equal to the per capita cost times the city's population.

(Amendment No.3)

5.14 If the costs to be shared are not paid within ninety (90) days of the date they are due and payable as set forth in the by-laws, they shall be delinquent and the member agency shall no longer be a member in good standing until payment is made in full.

(Amendment No.3)

The Council of Fresno County Governments may also, when authorized by the Council and the governing body of any member agency, apply for and receive Federal and State grants-in-aid on behalf of the member agency. Nothing contained herein shall prevent the acceptance by the Council of Fresno County Governments, for any of its purposes and functions under this agreement, of donations, grants of money, equipment, supplies, materials and services from any member agency, the United States or any agency thereof, or State of California.

(Amendment No.3)

5.2 ANNUAL BUDGET: The preliminary Annual Budget projecting a financial plan to undertake the work for the ensuing fiscal year shall be prepared by the Executive Director and presented, together with the Work Program, to the Council and the Policy Advisory Committee at their regular February meetings of each year, and to the governing bodies of all member agencies not less than forty-five (45) days prior to the date scheduled for budget adoption by the Council. The Council shall review and adopt the Annual Budget and Work Program at or before the May meeting.

(Amendment No.3)

5.3 FUNDS: The Treasurer of the County of Fresno shall be the depository and have custody of all money of the Council of Fresno County Governments. The Auditor-Controller of the County of Fresno shall draw warrants to pay demands against the Council of Fresno County Governments when approved by the Executive Director. All funds received by the Council of Fresno County Governments shall be strictly accounted for and the Auditor-Controller shall cause to be made an annual audit of the accounts and records of the Council of Fresno County Governments as prescribed in California Government Code Section 6505.

(Amendment No.3)

5.4 ANNUAL REPORT: The annual audit report shall be included in and become a part of the Annual Report to the Council and the member agencies.

(Amendment No.3)

CHAPTER 6

SERVICES AND PERSONNEL

6.1 EXECUTIVE DIRECTOR: There shall be established the position of Executive Director of the Council of Fresno County Governments. The Executive Director shall be appointed by the Council and shall serve at the pleasure of the Council. The Executive Director shall be the chief executive officer of the Council of Fresno County Governments and shall have charge of all projects and property and personnel. The Executive Director shall be bonded for an amount established by the Council.

(Amendment No.3)

6.2 SERVICES: The Fresno County Counsel's Office shall provide all legal services to the Council of Fresno County Governments, the Council and the committees, provided however the Council may elect to retain independent counsel when deemed necessary.

(Amendment No.3)

CHAPTER 7

AMENDMENT OF PREVIOUS AGREEMENTS

7.1 SUPERSEDING: This agreement amends in its entirety the original Joint Powers Agreement of the parties hereto dated September 24, 1969, together with the amendments thereto dated January 30, 1970, and April 25, 1971.

(Amendment No.3)

It is the intent of the parties hereto that all other provisions of the Joint Powers Agreement dated March 25, 1976, shall remain unchanged.

(Amendment No.4)

It is the intent of the parties hereto that all other provisions of the Joint Powers Agreement dated March 25, 1976, and of Amendment No. 4 dated June 25, 1985, not herein amended shall remain unchanged.

(Amendment No.5)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective duly authorized officers as of the day and year first hereinabove written.

(Amendment No.3)

Amendment No.3, dated March 25, 1976, replaced the Joint Powers Agreement in its entirety.
Amendment No.4, dated June 25, 1985
Amendment No.5, dated April 27, 1989

Appendix M – Fresno COG By-laws

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**BY-LAWS FOR THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS**

WHEREAS, the County of Fresno and certain Cities of Fresno County, California, have executed a Joint Powers Agreement creating the Council of Fresno County Governments; and

WHEREAS, the Joint Powers Agreement designates the Council of Fresno County Governments to perform certain duties; and

WHEREAS, the organizational structure, process and functions of the Council of Fresno County Governments are specified in the Joint Powers Agreement;

THEREFORE, BE IT RESOLVED:

1. The By-Laws of the Council of Fresno County Governments shall be specified herein, except that these By-Laws shall not limit, restrict, modify or supercede those activities or duties conferred or implied in the Joint Powers Agreement.
2. Membership in the Council of Fresno County Governments shall be as provided in the Joint Powers Agreement of March 25, 1976.
3. The Council, as specified in the Joint Powers Agreement, shall constitute the governing body of the Council of Fresno County Governments.
4. The Council shall hold regular meetings on the last Thursday of every month, at such time and location as may be prescribed by vote of the membership at a previous meeting. In the event such meeting date should fall on a holiday or the day before a holiday, the membership at its next preceding meeting, or prior thereto, shall fix another convenient date for such regular meetings. If no time or location is so prescribed, the Chairman, or his representative, shall fix said time and location.

Special meetings may be called by the Chairman or his representative at any time. The members shall be notified in writing of all special and regular meetings; written notice of meeting shall be forwarded by first class mail or other appropriate means not less than seven days prior to the meeting.

All regular and special meetings shall be conducted in accordance with the Ralph M. Brown Act, as amended.

5. The duly authorized representatives of a majority of the members in good standing which represent no less than 40% of the total population of the member agencies shall constitute a quorum for the transaction of all business of the Council.

(By-Law Amendment accompanying JPA Amendment No. 5)

6. Except as provided herein or in the Joint Powers Agreement, the most recent edition of Robert's Rules of Order shall constitute the parliamentary authority for the Council.
7. Officers of the Council shall consist of a Chairman and Vice-Chairman, who shall be elected from the duly authorized representatives of members in good standing. Their duties shall be as follows:
 - a. Chairman: To preside over all meetings, maintain order, decide questions of parliamentary procedure, call special meetings, and such other duties as elsewhere herein provided.
 - b. Vice-Chairman: To perform the duties of the Chairman in the absence of such officer or upon disqualification of such officer.

8. Nomination and election of officers shall be held at the March meeting of each year, and such officers shall serve a one-year term. Any vacancy during the term shall be filled by nomination and election of such officer for the remainder of the term.
9. Nominations may be made by a committee of duly authorized members in good standing appointed by the Chairman and approved by the Council or from the floor by duly authorized representatives.
10. An election for each office, beginning with that of Chairman, shall be held immediately after all nominations have been declared closed by the Chairman. If there is more than one nominee for any office, voting shall be by roll call in accordance with the voting formula as established by the Joint Powers Agreement.
11. Officers shall take office immediately after their election or as soon thereafter as practicable, and serve until disqualified or their successors are duly elected, whichever condition occurs first.
12. The Policy Advisory Committee, as specified in the Joint Powers Agreement, and such committees as established by the Council shall select a Chairman and Vice-Chairman in June of each year from among its members. The duties of the Policy Advisory Committee shall be:
 - a. To hold meetings and conduct business as deemed appropriate under the Joint Powers Agreement.
 - b. To advise, recommend to and assist the Council, as required, to carry out Council functions.
 - c. To review and recommend to the Council all business which is to come before the Council, including but not limited to, the annual budget and work program, Overall Program Design, reports, studies, plans and policy items.
 - d. To review and comment on applications submitted to the Council of Fresno County Governments for A-95 review.
13. The Policy Advisory Committee shall hold regular meetings each month, at such time and location as may be prescribed by vote of the committee members. In the event such meeting date should fall on a holiday, or the day before a holiday, the membership at its next preceding meeting, or prior thereto, shall fix another convenient date for such regular meeting. If no time or location is so prescribed, the Chairman, or his representative, shall fix said time and location.

Special meetings may be called by the Chairman or his representative at any time. The members shall be notified in writing of all special and regular meetings; written nature of meeting shall be forwarded by first class mail or other appropriate means not less than seven days prior to the meeting.

Business may be conducted when there are at least five (5) members present to perform the duties of the Policy Advisory Committee. Any motion or action of the Policy Advisory Committee in order to be deemed carried or approved must receive an affirmative vote from a majority of the members present.

14. The Council agenda shall be established by the Executive Director. Subjects for inclusion on the agenda of the Council shall be directed to the Executive Director sufficiently in advance of the Council meeting so as to be reviewed by the Policy Advisory Committee.
 - a. Agenda subjects proposed by the Council shall be referred to the Policy Advisory Committee for its review and recommendation.
 - b. Agenda subjects proposed by persons or organizations not members of the Council shall be placed on the agenda following review and recommendation by the Policy Advisory Committee.
 - c. All subjects on the Council's agenda shall be accompanied by a report from the Policy Advisory Committee, which report shall include the Policy Advisory Committee's voting on the subject.
 - d. The Council Chairman may establish time limits or any other control measure he deems appropriate for presentation or comment.

15. The Council agenda shall be included in written notice of meeting and forwarded to Council members as specified elsewhere herein. Items of an emergency nature which require immediate action by the Council may be added to the agenda upon concurrence of a majority of the members in good standing and representing no less than 40% of the total population of the member agencies.

(By-Law Amendment accompanying JPA Amendment No. 5)

16. All administrative work of the Council shall be performed by or under the direction of an Executive Director, or if specifically directed by the Council, the Policy Advisory Committee. The duties of the Executive Director shall be:
- To serve as Secretary to the Council and Policy Advisory Committee.
 - To serve as Secretary to such committees as the Council may establish.
 - To keep a good and sufficient record of the proceedings and business of the Council.
 - To keep a record and ascertain the qualifications of each duly authorized representative.
 - To maintain files for all reports, correspondence and other business of the Council, the Policy Advisory Committee and other committees as may be established.
 - To coordinate the work program and budget of the Council.
 - To assist member agencies in making application for Federal funds.
 - To maintain a record of all financial transactions.
 - To transmit to his successor all books, records and files of the Council of Fresno County Governments in his possession.
 - To perform such other duties as may be assigned.

17. Membership costs, as specified in the Joint Powers Agreement, shall be due and payable at the start of the Council of Fresno County Governments' fiscal year. The Executive Director shall provide each member agency written notice of its cost due not later than thirty (30) days prior to the due date. If the costs to be shared are not paid within sixty (60) days of the date they are due and payable, the member agency shall immediately be sent written notice by first class mail, advising amount due and consequences of non-payment. If payment is not made within ninety (90) days of the date due and payable, the member agency shall immediately be sent written notice that it is not longer a member in good standing, as specified in the Joint Powers Agreement, and no longer carries voting privileges in the conduct of the business of the Council of Fresno County Governments.

Good standing shall be restored to a member agency immediately after payment of delinquent costs is received.

18. A proposed annual Overall work Program (OWP) for the ensuing fiscal year shall be prepared by the Executive Director and presented to the Policy Advisory Committee for their approval in January of each year. The Policy Advisory Committee shall have forty-five (45) days and shall review and prepare a preliminary OWP by March 1 of each year.

A proposed annual budget for the ensuing fiscal year shall be prepared by the Executive Director and presented to the Policy Advisory Committee for their approval in February of each year. The Policy Advisory Committee shall have forty-five (45) days and shall review and prepare a preliminary budget by April 1 of each year. The budget shall be a financial plan to undertake the work program of the Council. The Council shall review and *adopted** the budget and OWP at or before the May meeting.

19. The Fresno County Counsel's Office shall provide all legal services to the Council of Fresno County Governments, the Council and any committees as specified in the Joint Powers Agreement, except the Council may retain independent legal counsel when it deems appropriate.

20. The Council shall be responsible for making all amendments to these By-Laws.
- Proposed amendments may be originated by the Council of any duly authorized representative to the Council.
 - Proposed amendments may not be finally acted upon unless all of the members have been given written notice thereof at a prior meeting or by mail at least 15 days prior to the date of the meeting at which final action is to be taken.

- c. Amendment to these By-Laws shall require the approval of a majority of the governing bodies of the Joint Powers Agreement representing no less than 40% of the total population of the member agencies.

(By-Law Amendment accompanying JPA Amendment No. 5)

**Typographical error contained in original document.*

JPA Amendment No. 3, dated March 25, 1976, replaced the JPA in its entirety, with accompanying full-replacement of By-Laws

JPA Amendment No. 4, dated June 25, 1983, no formal amendment to By-Laws

JPA Amendment No. 5, dated April 27, 1989, with formal amendment to By-Laws

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