

Appendices



Appendix A - FHWA Metropolitan Planning Process Certification

A



Confidential



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).

Tony Brown
MPO Authorizing Signature
Ex-Director
Title
4/24/09
Date

Sharon Bender Ehler
Caltrans District Approval Signature
Planning Deputy
Title
4/24/2009
Date

THE STATE OF TEXAS

COUNTY OF DALLAS

Know all men by these presents, that _____ of the County of _____ State of _____ do hereby certify that _____ of the County of _____ State of _____ is the owner of the following described land to-wit:

Appendix B - FTA Certifications and Assurances

B





Exhibit 2 - FIA Central Office and Response

Exhibit 3 - FIA Central Office and Response

APPENDIX B FTA Certifications and Assurances

APPENDIX B

FTA Certifications and Assurances

**FEDERAL FISCAL YEAR 2009 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT
ADMINISTRATION ASSISTANCE PROGRAMS**

Name of Applicant: Council of Fresno County Governments

The Applicant agrees to comply with applicable requirements of Categories 01 - 23. _____

OR

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

<u>Category</u>	<u>Description</u>	
01.	For Each Applicant.	___X___
02.	Lobbying.	___X___
03.	Procurement Compliance.	___X___
04.	Private Providers of Public Transportation.	_____
05.	Public Hearing.	___X___
06.	Acquisition of Rolling Stock.	_____
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.	___X___
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.** _____
19. **Job Access and Reverse Commute Program.** X
20. **New Freedom Program.** X
21. **Alternative Transportation in Parks and Public Lands Program.** _____
22. **Infrastructure Finance Projects.** _____
23. **Deposits of Federal Financial Assistance to State Infrastructure Banks.** _____

FEDERAL FISCAL YEAR 2009 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: Council of Fresno County Governments

Name and Relationship of Authorized Representative: Tony Boren, Executive Director

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 applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2009.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances 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 2009.

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 provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., as 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 _____

Name: Tony Boren, Executive Director
Authorized Representative of Applicant

Date: 4/24/09

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Council of Fresno County Governments

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has 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, 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:

4-27-09

Name

Attorney for Applicant

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) 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.

FEDERAL FISCAL YEAR 2009 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: Council of Fresno County Governments

Name and Relationship of Authorized Representative: Tony Boren, Executive Director

BY SIGNING BELOW I, Tony Boren, Executive Director, 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 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 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 provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., as 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 Tony Boren, Ex. Director

Date: May, 2009

Name: Tony Boren, Executive Director
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For The Council of Fresno County Governments

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has 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, 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 Janelle Kelly

Date: April
May 27, 2009

Name: Janelle Kelly
Attorney for Applicant

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) 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 2009/2010

*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 2009/2010

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 Tony Boren Date 4/24/09

Printed Name Tony Boren, Executive Director

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 Council of Fresno County Governments (Name of Applicant)

Signature Janelle E. Kelley Date 4-27-09

Printed Name Janelle E. Kelley
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. This list is illustrative, not inclusive.

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.
-

- 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 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	1,211,788	353,472	383,272	1,948,532
Fringe Benefits	440,480	133,893	144,613	718,986
Total	1,652,268	487,365	527,885	2,667,518
		A3a	A3b	A4
Indirect Costs				
Telephone		9,000		9,000
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		14,500		14,500
Office Lease		196,390		196,390
Bldg. Operating Expense		10,500		10,500
Copier Lease		25,800		25,800
Repair & Maint.		1,850		1,850
Travel Expenses		26,000		26,000
Audit		12,300		12,300
Total Indirect		398,504	0	398,504
		A5a		
Other Direct Costs			9,857,846	9,857,846
			A5b	
Agency Pass Through			479,700	479,700
			A5c	
Total Budget	1,652,268	885,869	10,865,431	13,403,568
	A1b			A5d
Depreciation		9,518		
		A6e		
Total Indirect Costs		895,387		
		A1a		
Per Attachment 3				

Attachment 2

Council of Fresno County Governments
Cost Carry Forward Provision

Fiscal Year	2006/07	2007/08	2008/09	2009/10
Approved Rate	67.78%	54.89%	54.89%	Proposed Rate 52.26%
Indirect Calculation				
Prior year Carry Forward	27,173	9,487	46,556	Prior year Carry Forward (31,851)
Indirect Costs Per Single Audit	758,265	752,604	A6b	Estimated Indirect Costs 895,387
Travel Expense Adj.	(2,673)			A1a
Total Indirect Costs	782,765	762,091		Total Indirect Costs 863,536
		A6a		
Recovered Costs				Estimated Direct Salaries 1,652,268
(Direct Salaries +Benefits)				+ Benefits A1b
* Approved Rate)	736,209	793,942		
Future Year Carry Forward	46,556	(31,851)		
		A6c		
Direct Salaries + Benefits	1,086,175	1,446,423		
(Per Single Audit)		A5d		

Attachment 3

Council of Fresno County Governments 2009/10 Indirect Cost Plan

Adjustment for Ineligible Activities

	Executive Director	Executive Assistant				
Salary	151,039	60,445				
Benefits	45,582	32,278				
Total Salary & Benefits	196,621	92,723				
Annual Hours	1,832	1,907				
Salary Rate	82.44	31.70				
Benefit Rate	24.88	16.93				
Ineligible Activities						
One Voice Advocacy	120	40				
Total Ineligible Hrs.	120	40				
Ineligible Salaries	9,893.38	1,267.86	11,161.24			
Ineligible Benefits	2,985.72	677.04	3,662.76			
Ineligible Costs	\$12,879.10	\$1,944.90	14,824.00			
	Professional Staff	FCRTA Staff	FAX Staff	Ineligible Activities	Support Staff	Total Staff
Salaries & Benefits	1,652,268	268,409	244,652		502,189	2,667,518
Executive Director adj.				12,879	(12,879)	0
Executive Assistant adj.				1,945	(1,945)	0
Subtotal	0	0	0	14,824	(14,824)	0
Adj Salaries & Benefits	1,652,268	268,409	244,652	14,824	487,365	2,667,518
					A3a	A4
FCRTA Staff		268,409				
FAX Staff		244,652				
Ineligible Costs		14,824				
Total Other Program Costs		527,885				
		A3b				

Appendix G - Highway Performance Monitoring System (HPMS)

G



Appendix B - Highway Performance Monitoring System

(2002)

The HPMS is a nationally recognized highway information system that collects and analyzes data on the extent, condition, performance, use, and operating characteristics of the Nation's highways. Originally, the HPMS was a continuing database developed in 1978 to replace special biennial condition studies that were conducted by the States since 1965. Today, the HPMS contains administrative and extent of system information on all public roads, while information on other characteristics is represented in HPMS as a mix of universe and sample data for arterial and collector functional systems. Limited information on travel and paved miles is included in summary form for the lowest functional systems.

The System supports data driven decision processes within the FHWA, the DOT, and the Congress. The HPMS data are used extensively in the analysis of highway system condition, performance, and investment needs that make up the biennial Condition and Performance Reports to Congress. These Reports are used by the Congress to establish authorization and appropriation legislation, activities that ultimately determine the scope and size of the Federal-aid Highway Program, and determine the level of Federal highway taxation.

Also, HPMS data are used for assessing changes in highway system performance brought about by implementing funded highway system improvement programs under the Government Performance and Results Act of 1993, and for apportioning Federal-aid Highway Funds to individual States under Transportation Equity Act for the 21st Century. The System is a nationally unique source of highway system information that is made available to those in the transportation community for highway and transportation planning and other purposes through the annual Highway Statistics and other data dissemination media.

This Task is included in Work Element 112.



ANNUAL REVENUES

	Proposed Annualized Budget 2008/09	Proposed Annualized Budget 2009/10	Total Budget Increase (Decrease)	Percent Change
FEDERAL				
FTA 5303 Apportionment	237,783	269,591	31,808	13%
FTA 5303 Reserve Draw	44,391	68,018	23,627	53%
FTA JARC 5316	505,727	783,510	277,783	55%
FTA NF 5317	182,740	282,309	99,569	54%
FTA 5307	384,325	388,066	3,741	1%
FHWA/PL Apportionment	1,248,316	1,290,810	42,494	3%
FHWA/PL Reserve Draw	276,086	326,373	50,287	18%
PARTNER/PLANNING	50,000	276,000	226,000	452%
FEDERAL SUBTOTAL	2,929,368	3,684,677	755,309	26%
STATE				
STATE STIP PLANNING	216,000	316,000	100,000	46%
STATE BLUE PRINT	367,727	2,000,000	1,632,273	444%
STATE FSP	283,680	242,080	(41,600)	-15%
STATE TPSS	115,000	0	(115,000)	-100%
STATE PARTNERSHIP	0	0	0	0%
STATE SUBTOTAL	982,407	2,558,080	1,575,673	160%
LOCAL				
LOCAL RESERVE DRAW	20,226	33,396	13,170	65%
LTF ADMIN.	133,000	133,000	0	0%
LTF PLANNING	918,143	918,143	0	0%
MEMBER DUES	75,000	114,500	39,500	53%
OUTSIDE SERVICES	55,000	55,000	0	0%
INTREST EARNINGS	40,000	40,000	0	0%
TRANS AUTH ADMIN	2,500	2,600	100	4%
TRANS AUTH PLANNING	5,650,928	3,702,416	(1,948,512)	-34%
FCRTA ADMIN.	279,137	289,300	10,163	4%
VALLEY COFCGS	131,760	349,692	217,932	165%
FAX FTA MATCH	48,494	48,494	0	0%
IN KIND/ CASH MATCH	694,967	67,780	(627,187)	-90%
MISC OTHER	25,500	56,951	31,451	123%
LOCAL SUBTOTAL	8,074,655	5,811,272	(2,263,383)	-28%
TOTAL REVENUES	11,986,430	12,054,029	67,599	1%

**TOTAL REVENUES
INCLUDING CARRYOVER**

	Encumbrance Carry Forward 2008/09	Annualized Budget 2008/09	Total Adopted Budget 2008/09	Anticipated Encumbrance Carry Forward 2009/10	Proposed Annualized Budget 2009/10	Total Proposed Budget 2009/10	Total Budget Increase (Decrease)	Percent Change
FEDERAL			26%			38%		
FTA 5303 Apportionment	0	237,783	237,783	0	269,591	269,591	31,808	13%
FTA 5303 Reserve Draw	0	44,391	44,391	0	68,018	68,018	23,627	53%
FTA JARC 5316	459,768	505,727	965,495	945,495	783,510	1,729,005	763,510	79%
FTA NF 5317	164,804	182,740	347,544	347,544	282,309	629,853	282,309	81%
FTA 5307	0	384,325	384,325	0	388,066	388,066	3,741	1%
FHWA/PL Apportionment	0	1,248,316	1,248,316	0	1,290,810	1,290,810	42,494	3%
FHWA/PL Reserve Draw	0	276,086	276,086	0	326,373	326,373	50,287	18%
PARTNER/PLANNING	40,000	50,000	90,000	50,000	276,000	326,000	236,000	N/A
FEDERAL SUBTOTAL	664,572	2,929,368	3,593,940	1,343,039	3,684,677	5,027,716	1,433,776	40%
STATE			9%			19%		
STATE STIP PLANNING	0	216,000	216,000	0	316,000	316,000	100,000	46%
State Blue Print	106,185	367,727	473,912	0	2,000,000	2,000,000	1,526,088	N/A
STATE FSP	0	283,680	283,680	0	242,080	242,080	(41,600)	-15%
STATE PTA	0	115,000	115,000	0	0	0	(115,000)	-100%
State Partnership Seed Grants	100,000	0	100,000	0	0	0	(100,000)	-100%
STATE SUBTOTAL	206,185	982,407	1,188,592	0	2,558,080	2,558,080	1,584,488	133%
LOCAL			65%			43%		
LOCAL RESERVE DRAW	10,000	20,226	30,226	0	33,396	33,396	3,170	10%
LTF ADMIN.	0	133,000	133,000	0	133,000	133,000	0	0%
LTF PLANNING	0	918,143	918,143	0	918,143	918,143	0	0%
MEMBER DUES	0	75,000	75,000	0	114,500	114,500	39,500	53%
OUTSIDE SERVICES	0	55,000	55,000	0	55,000	55,000	0	0%
INTEREST EARNINGS	0	40,000	40,000	0	40,000	40,000	0	0%
TRANS AUTH ADMIN	0	2,500	2,500	0	2,600	2,600	100	4%
TRANS AUTH PLANNING	0	5,650,928	5,650,928	0	3,702,416	3,702,416	(1,948,512)	-34%
FCRTA ADMIN.	0	279,137	279,137	0	289,300	289,300	10,163	4%
VALLEY COGS	0	131,760	131,760	0	349,692	349,692	217,932	165%
FAX FTA MATCH	0	48,494	48,494	0	48,494	48,494	0	0%
In Kind/ Cash Match	604,572	694,967	1,299,539	6,500	67,780	74,280	(1,225,259)	-94%
Developer Fees	100,000	0	100,000	0	0	0	(100,000)	-100%
MISC OTHER	0	25,500	25,500	0	56,951	56,951	31,451	123%
LOCAL SUBTOTAL	714,572	8,074,655	8,789,227	6,500	5,811,272	5,817,772	(2,971,455)	-34%
TOTAL REVENUES	1,585,329	11,986,430	13,571,759	1,349,539	12,054,029	13,403,568	(168,191)	-1%

ANNUAL EXPENSES

	Proposed Annualized Budget 2008/09	Proposed Annualized Budget 2009/10	Annualized Budget Increase (Decrease)	Percent Change
<i>SALARIES & BENEFITS</i>				
Salaries - COFCG	1,540,112	1,576,421	36,309	2%
Salaries - FCRTA	185,742	192,486	6,744	4%
Salaries - FAX	173,195	179,625	6,430	4%
Benefits	703,826	718,986	15,160	2%
SALARIES & BENEFITS SUBTOTAL	2,602,875	2,667,518	64,643	2%
<i>INDIRECT OVERHEAD</i>				
Telephone	9,000	9,000	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	14,500	14,500	0	0%
Office Lease	193,700	196,390	2,690	1%
Bldg. Operating Cost	10,000	10,500	500	5%
Copier Lease/Service Contracts	23,600	25,800	2,200	9%
Repair & Maint.	1,850	1,850	0	0%
Travel Expenses	26,000	26,000	0	0%
Audit	10,500	12,300	1,800	17%
INDIRECT OVERHEAD SUBTOTAL	391,314	398,504	7,190	2%
<i>OTHER DIRECT COSTS</i>				
Consultants	4,160,290	3,417,026	-743,264	-18%
Special Projects	2,431,367	3,571,304	1,139,937	47%
JARRC/NF	1,350,934	1,065,819	-285,115	-21%
Freeway Patrol	345,600	293,600	-52,000	-15%
TDM PROGRAM	13,250	13,250	0	0%
TDA Administration	24,000	28,000	4,000	17%
County Counsel/Auditor	27,000	27,000	0	0%
Board Remuneration	9,400	19,200	9,800	104%
Temporary Services	4,000	4,000	0	0%
CalCOG/NAARC Dues	14,108	14,108	0	0%
Travel/Milage	5,000	5,000	0	0%
Equipment	123,000	45,000	-78,000	-63%
Other	4,592	5,000	408	9%
OTHER DIRECT SUBTOTAL	8,512,541	8,508,307	-4,234	0%
<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	11,986,430	12,054,029	67,599	1%

TOTAL EXPENSES
INCLUDING CARRYOVER

	Encumbrance Carry Forward 2008/09	Annualized Budget 2008/09	Total Adopted Budget 2008/09	Anticipated Encumbrance Carry Forward 2009/10	Proposed Annualized Budget 2009/10	Total Proposed Budget 2009/10	Total Budget Increase (Decrease)	Percent Change
SALARIES & BENEFITS			19%			20%		
Salaries - COFCG	0	1,540,112	1,540,112	0	1,576,421	1,576,421	36,309	2%
Salaries - FORTA	0	185,742	185,742	0	192,486	192,486	6,744	4%
Salaries - FAX	0	173,195	173,195	0	179,625	179,625	6,430	4%
Benefits	0	703,826	703,826	0	718,986	718,986	15,160	2%
	0			0				
SALARIES & BENEFITS SUBTOTAL	0	2,602,875	2,602,875	0	2,667,518	2,667,518	64,643	2%
INDIRECT OVERHEAD			3%			3%		
Telephone	0	9,000	9,000	0	9,000	9,000	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	14,500	14,500	0	14,500	14,500	0	0%
Office Lease	0	193,700	193,700	0	196,390	196,390	2,690	1%
Bldg. Operating Expense	0	10,000	10,000	0	10,500	10,500	500	5%
Copier Lease/Service Contracts	0	23,600	23,600	0	25,800	25,800	2,200	9%
Repair & Maint.	0	1,850	1,850	0	1,850	1,850	0	0%
Travel Expenses	0	26,000	26,000	0	26,000	26,000	0	0%
Audit	0	10,500	10,500	0	12,300	12,300	1,800	17%
INDIRECT OVERHEAD SUBTOTAL	0	391,314	391,314	0	398,504	398,504	7,190	2%
OTHER DIRECT COSTS			74%			74%		
Consultants	350,185	4,160,290	4,510,475	56,500	3,417,026	3,473,526	(1,036,949)	-23%
Special Projects	0	2,431,367	2,431,367	0	3,571,304	3,571,304	1,139,937	47%
JARRC/NF	1,235,144	1,350,934	2,586,078	1,293,039	1,065,819	2,358,858	(227,220)	-9%
Freeway Patrol	0	345,600	345,600	0	293,600	293,600	(52,000)	-15%
TDM Program	0	13,250	13,250	0	13,250	13,250	0	0%
TDA Administration	0	24,000	24,000	0	28,000	28,000	4,000	17%
County Counsel/Auditor	0	27,000	27,000	0	27,000	27,000	0	0%
Board Remuneration	0	9,400	9,400	0	19,200	19,200	9,800	104%
Contract Help	0	4,000	4,000	0	4,000	4,000	0	0%
CalCog/NARRC	0	14,108	14,108	0	14,108	14,108	0	0%
Travel/Mileage	0	5,000	5,000	0	5,000	5,000	0	0%
Equipment	0	123,000	123,000	0	45,000	45,000	(78,000)	-63%
Other	0	4,592	4,592	0	5,000	5,000	408	9%
OTHER DIRECT SUBTOTAL	1,585,329	8,512,541	10,097,870	1,349,539	8,508,307	9,857,846	(240,024)	-2%
AGENCY PASS THROUGH			4%			4%		
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	1,585,329	11,986,430	13,571,759	1,349,539	12,054,029	13,403,568	-168,191	-1%

EQUIPMENT DETAIL

WORK ELEMENT	EQUIPMENT DESCRIPTION	PROJECT COST	FHWA	LOCAL
112	Traffic Counters	20,000	17,706	2,294
910	Teleconference Equipment	15,000		15,000
910	Office Fixtures	10,000		10,000
TOTAL EQUIPMENT		45,000	17,706	27,294

OTHER PROJECT DETAIL

WORK ELEMENT	PROJECT DESCRIPTION	PROJECT COST	FTA 5303	FTA 5316/5317	FTA 5307	FHWA PL	Partnership Planning	State PPM	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	5,000				4,427					573
	Traffic Model Update	125,000				110,664					14,336
	County GIS Subscription	2,000				1,770					230
	Anti-Virus Maintenance Fee	1,250				1,106					144
	Arcoview GIS Maint.	2,100				1,859					241
	Demographic Data Book	2,500				2,213					287
	Aerial Photos	8,000				7,082					918
112	Traffic Counters/Computer Equip.	20,000				17,706					2,294
113	West Area Circulation Study	50,000				44,265					5,735
	Yosemite Transit Feasibility Study	50,000				44,265					5,735
120	FAX Transit Studies	100,000			80,000						20,000
	FAX Training & Travel	7,500			6,000						1,500
121	JARC Program	1,729,005		1,729,005							
122	New Freedom Program	629,853		629,853							
123	PTIS	2,767,376									2,767,376
124	Transit Professional Development	56,500					50,000				6,500
152	HI Speed Rail Study	100,000				88,530					11,470
153	Airport Land Use Committee	3,000									3,000
170	RTP EIR	45,000				39,838					5,162
210	Measure "C"	172,000									172,000
211	Measure "C" Oversight Committee	500									500
212	Measure "C" Rideshare/Van Pool	326,840									326,840
214	Measure "C" ADA/SENIORS	94,600									94,600
215	Measure "C" FARMWORKER Van Pool	72,500									72,500
220	Web Based Software	50,000						50,000			
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									2,500
340	Trans. Demand Management	13,250									13,250
360	"One Voice" Federal	42,500									42,500
	"One Voice" State	44,700									44,700
410	Cal Blue Print	598,256							598,256		0
	Cal Blue Print Valley Cogs	1,557,260						188,548	1,245,808		311,452
	Cal Blue Print Match	188,548									
412	Metro Rural Loop	338,900					271,120				67,780
820	Valley Wide Coordination	62,000									62,000
	Valley Air Quality Coord	41,000				36,297					4,703
	Valley Goods Movement	30,000				26,559					3,441
	State/Valley Partnership	33,500									33,500
910	Board Remuneration	19,200									19,200
	Contract Help	4,000									4,000
	CALCOG/NARRC Dues	14,108									14,108
	Travel & Mileage	5,000									5,000
	Equipment	25,000									25,000
	Misc. Other	5,000									5,000
912	Audit	28,000									28,000
	County Auditor Controller	8,000									8,000
	County Counsel	19,000									19,000
940	Freeway Service Patrol	293,600								234,880	58,720
TOTAL		9,857,846	34,327	2,358,858	86,000	444,287	321,120	238,548	1,844,064	234,880	4,295,562

FY 2009/10 OWP Spreadsheet
Expenditure by Agency

Work Element Description	COFCG	County	Fresno	Clovis	FCEOC	Contract	Agency Total
110 REGIONAL STREETS & HIGHWAYS	176,100	43,000	5,000	1,000			225,100
111 REGIONAL TRANSPORTATION MODELING	251,638	2,500		1,000		165,850	420,988
112 REGIONAL TRAFFIC MONITORING	74,500	103,000	53,230	7,500			238,230
113 WEST AREA CIRCULATION STUDY						50,000	50,000
116 NATIONAL PARK STUDY						50,000	50,000
120 PUBLIC TRANSPORTATION - URBAN	274,100	2,000	134,970		35,000	107,500	553,570
121 JARC	10,000					1,729,005	1,739,005
122 NEW FREEDOM						629,853	629,853
123 PTIS						2,767,376	2,767,376
124 TRANSIT PROFESSIONAL DEVELOPMENT						56,500	56,500
130 PUBLIC TRANSPORTATION - RURAL	10,000	3,500			15,000		28,500
150 OTHER MODAL ELEMENTS	45,500	4,500	2,500				52,500
151 BICYCLE & PEDESTRIAN	27,600						27,600
152 HIGH SPEED RAIL PLANNING	15,400						15,400
153 AIRPORT LAND USE COMMISSION	28,600						28,600
170 REGIONAL TRANSPORTATION PLAN	233,700	10,000	6,000	1,000		100,000	350,700
172 CONGESTION MANAGEMENT PROGRAM	21,500					3,000	24,500
180 AIR QUALITY/TRANS. PLANNING	241,600	5,000	2,500			45,000	254,100
210 MEASURE "C" - EXTENSION	48,200					172,000	220,200
211 MEASURE "C" - OVERSIGHT COMMITTEE	10,100					500	10,600
212 MEASURE "C" - RIDESHARE/VAN POOL	65,100					328,840	393,940
214 MEASURE "C" - ADASENIORS	100,500					94,600	195,100
215 MEASURE "C" - FARM VANPOOL	44,700					72,500	117,200
220 TRANSPORTATION PROG DEVELOPMENT	145,500	4,000				50,000	199,500
310 INTERGOVERNMENTAL COORDINATION	126,800	16,000	2,500	9,000		44,000	158,300
311 PUBLIC INFO. AND PARTICIPATION	75,800					2,500	78,300
312 COGVIEW INTERNET HOME PAGE	14,800					0	14,800
313 ENVIRONMENTAL JUSTICE	43,700						43,700
320 TECHNICAL ASSISTANCE TO MEMBERS	38,700						38,700
330 OUTSIDE TECHNICAL SERVICES	38,800						38,800
340 TDM PROGRAM	3,500					13,250	16,750
350 FRESNO REGIONAL DATA CENTER	101,400					101,400	202,800
360 ONE VOICE ADVOCACY	88,700					87,200	175,900
410 CALIFORNIA BLUE PRINT	155,936					2,344,064	2,500,000
411 LAND BUFFER TASK FORCE	6,600					6,600	13,200
412 METRO RURAL LOOP	6,100					338,900	345,000
820 VALLEY RTPA COORDINATION	25,000					166,500	191,500
910 COFCG ADMINISTRATION	83,548	3,500	5,000			72,308	164,356
911 OWP & BUDGET	38,500	1,500				55,000	45,000
912 TRANSPORTATION FUNDS ADMIN	80,000						80,000
920 FORTA ADMINISTRATION	289,300						289,300
930 AUTHORITY ADMINISTRATION	2,600					2,600	5,200
940 FREEWAY SERVICE PATROL	9,000					293,600	302,600
950 VEHICLE ABATEMENT	12,900						12,900
TOTAL EXPENDITURES	3,066,022	198,500	211,700	19,500	50,000	9,857,846	13,403,568

FHWA-PL CARRY OVER BALANCE

Carry over Balance 06/30/08	1,713,402
2008/09 Estimated Allocation	1,248,316
2008/09 OWP Programmed	(1,524,402)
Balance for 2009/10	1,437,316
2009/10 Estimated Allocation	1,290,810
2009/10 OWP Programmed	(1,617,183)
Balance Available for 2010/11	1,110,943

FIA 5303 Allocation

Carry over Balance 06/30/08	166,840
2008/09 Estimated Allocation	237,783
2008/09 OWP Programmed	(282,174)
Balance for 2009/10	122,449
2009/10 Estimated Allocation	269,591
2009/10 OWP Programmed	(337,695)
Balance Available for 2010/11	54,431

FY 2009/10 OWP Spreadsheet
Expenditure by Revenue Source

Work Element Description	FIAMPO 5303	FTA 5316/5317	FTA 5307	FHWA PL(021)	PARTNER PLANNING	Cal. Blue Print	STATE STIP	STATE FSP	COFCG LTF	Other	Revenue	
											Total	Total
110 REGIONAL STREETS & HIGHWAYS	0	0	0	0	194,855	0	0	0	30,245	0	225,100	0
111 REGIONAL TRANSPORTATION MODEL'	0	0	0	0	372,701	0	0	0	48,287	0	420,988	0
112 REGIONAL TRAFFIC MONITORING	0	0	0	0	181,487	0	0	0	76,743	0	258,230	0
113 WEST ARE PLANNING STUDY	0	0	0	0	44,265	0	0	0	5,735	0	50,000	0
116 NATIONAL PARK STUDY	0	0	0	0	44,265	0	0	0	5,735	0	50,000	0
120 PUBLIC TRANSPORTATION - URBAN	60,632	0	388,066	0	0	0	0	0	56,378	48,494	553,570	0
121 JARC	8,853	1,729,005	0	0	0	0	0	0	1,147	0	1,739,005	0
122 NEW FREEDOM	0	629,853	0	0	0	0	0	0	0	0	629,853	0
123 PTIS	0	0	0	0	0	0	0	0	2,767,376	0	2,767,376	0
124 TRANSIT PROFESSIONAL DEVELOPMENT	0	0	0	0	50,000	0	0	0	6,500	0	56,500	0
130 PUBLIC TRANSPORTATION - RURAL	25,232	0	0	0	0	0	0	0	3,268	0	28,500	0
150 OTHER MODAL ELEMENTS	0	0	0	0	0	0	0	0	52,500	0	52,500	0
151 BICYCLE & PED. LANE	0	0	0	0	0	0	0	0	27,600	0	27,600	0
152 HIGH SPEED RAIL PLANNING	0	0	0	0	88,530	0	0	0	26,870	0	115,400	0
153 AIRPORT LAND USE COMMISSION	0	0	0	0	0	0	0	0	28,600	3,000	31,600	0
170 REGIONAL TRANSPORTATION PLAN	34,780	0	0	0	211,952	0	0	0	48,968	0	295,700	0
172 CONGESTION MANAGEMENT PRG	3,382	0	0	0	15,682	0	0	0	2,466	0	21,500	0
180 AIR QUALITY/TRANS. PLANNING	58,738	0	0	0	155,150	0	0	0	35,212	0	249,100	0
210 MEASURE "C" - EXTENSION	0	0	0	0	0	0	0	0	220,200	0	220,200	0
211 MEASURE "C" - OVERSIGHT COMMITTEE	0	0	0	0	0	0	0	0	10,600	0	10,600	0
212 MEASURE "C" - RIDESHARE VANPOOL	0	0	0	0	0	0	0	0	391,940	0	391,940	0
214 MEASURE "C" - ADA SENIORS	0	0	0	0	0	0	0	0	195,100	0	195,100	0
215 MEASURE "C" - FARMWORKER VANPOOL	0	0	0	0	0	0	0	0	117,200	0	117,200	0
220 TRANSPORTATION PROG DEV.	0	0	0	0	0	0	0	0	21,152	0	199,500	0
310 INTERGOVERNMENTAL COORD.	21,801	0	0	0	50,896	0	127,452	0	67,380	0	154,300	0
311 PUBLIC INFO. AND PARTICIPATION	48,754	0	0	0	85,319	0	0	0	13,168	5,000	119,800	0
312 COGVIEW INTERNET HOME PAGE	13,103	0	0	0	52,878	0	0	0	1,897	2,500	17,300	0
313 ENVIRONMENTAL JUSTICE	19,344	0	0	0	18,344	0	0	0	5,012	0	43,700	0
320 TECHNICAL ASSISTANCE TO MEMB.	0	0	0	0	0	0	0	0	38,700	0	38,700	0
330 OUTSIDE TECHNICAL SERVICES	0	0	0	0	0	0	0	0	38,800	0	38,800	0
340 TDM PROGRAM	0	0	0	0	0	0	0	0	16,750	0	16,750	0
350 FRESNO REGIONAL DATA CENTER	32,737	0	0	0	57,033	0	0	0	11,530	0	101,400	0
360 ONE VOICE ADVOCACY	0	0	0	0	0	0	0	0	75,700	100,200	175,900	0
410 CALIFORNIA BLUE PRINT	0	0	0	0	0	0	0	0	311,452	0	2,500,000	0
411 LAND BUFFER TASK FORCE	0	0	0	0	0	2,000,000	188,548	0	6,600	0	6,600	0
412 METRO RURAL LOOP	0	0	0	0	276,000	0	0	0	1,220	67,780	345,000	0
820 VALLEY RTPA COORDINATION	0	0	0	0	62,866	0	0	0	56,904	71,740	191,500	0
910 COFCG ADMINISTRATION	0	0	0	0	0	0	0	0	132,505	31,851	164,356	0
911 OWP & BUDGET	10,453	0	0	0	0	0	0	0	29,547	0	40,000	0
912 TRANSPORTATION FUNDS ADMIN	0	0	0	0	0	0	0	0	135,000	0	135,000	0
920 FORTA ADMINISTRATION	0	0	0	0	0	0	0	0	289,300	0	289,300	0
930 AUTHORITY ADMINISTRATION	0	0	0	0	0	0	0	0	2,600	0	2,600	0
940 FREEWAY SERVICE PATROL	0	0	0	0	0	0	0	0	60,520	0	302,600	0
950 VEHICLE ABATEMENT	0	0	0	0	0	0	0	0	12,900	0	12,900	0
TOTAL EXPENDITURES	337,609	2,358,858	388,066	1,617,183	326,000	2,000,000	316,000	242,080	1,084,539	4,733,233	13,403,568	13,403,568
Allocation	269,591	2,358,858	388,066	1,290,810	326,000	2,000,000	316,000	242,080	1,084,539	4,733,233	13,403,568	13,403,568
Carry Over	68,018	0	0	326,373	0	0	0	0	0	0	0	0
TOTAL AVAILABLE FUNDS	337,609	2,358,858	388,066	1,617,183	326,000	2,000,000	316,000	242,080	1,084,539	4,733,233	13,403,568	13,403,568

***Council of Fresno County Governments
2009/10 Member Dues Schedule****

MEMBER	CENSUS POPULATION 01/01/08	PERCENT	1 Voice DUES SCHEDULE	California Partnership SCHEDULE	Total Dues
Clovis	94,278	10.13%	8,202	3,392	11,594
Coalinga	19,063	2.05%	1,658	686	2,344
Firebaugh	6,811	0.73%	593	245	838
Fowler	5,572	0.60%	485	200	685
Fresno City	486,116	52.21%	42,289	17,490	59,779
Huron	7,553	0.81%	657	272	929
Kerman	13,878	1.49%	1,207	499	1,706
Kingsburg	11,257	1.21%	979	405	1,384
Mendota	9,787	1.05%	851	352	1,203
Orange Cove	10,774	1.16%	937	388	1,325
Parlier	13,325	1.43%	1,159	479	1,638
Reedley	25,584	2.75%	2,226	920	3,146
Sanger	25,046	2.69%	2,179	901	3,080
San Joaquin	4,521	0.49%	393	163	556
Selma	23,284	2.50%	2,026	838	2,864
Fresno Co.	174,249	18.71%	15,159	6,269	21,428
TOTALS	931,098	100%	81,000	33,500	114,500
			81,000	33,500	

** 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

I



**CERTIFICATION
OF
RESTRICTIONS ON LOBBYING**

I, Tony Boren, 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 24th day of April, 2009.

By: Tony Boren
TONY BOREN, Executive Director
Council of Fresno County Governments

DECLARATION
OF
INDEPENDENCE

I, the undersigned, do hereby declare my independence from the Government of the United States of America.

I, the undersigned, do hereby declare my independence from the Government of the United States of America. I am a native-born American citizen, and I am proud to be a part of this great nation. I have dedicated my life to the service of my country, and I am committed to the principles of liberty and justice for all.

I, the undersigned, do hereby declare my independence from the Government of the United States of America. I am a native-born American citizen, and I am proud to be a part of this great nation. I have dedicated my life to the service of my country, and I am committed to the principles of liberty and justice for all.

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RESOLUTION TO BE EXECUTED MAY 21, 2009
BEFORE THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS
RESOLUTION NO. 2009-05

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

RESOLUTION ADOPTING
THE OVERALL WORK
PROGRAM AND LINE ITEM
BUDGET FOR FISCAL YEAR
2009-10

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 2009-10 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 2009-10 Overall Work Program and Line Item Budget for 2009-10** 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 2009-10 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, 2009.

THE FOREGOING RESOLUTION was passed and adopted by the Council of Fresno County Governments this 21st day of May, 2009.

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 21st day of May, 2009.

Signed: _____
Tony Boren, Executive Director

COUNCIL OF FRESNO COUNTY GOVERNMENTS
Intermodal Planning Group Meeting –Response to Comments

FTA Comments

General Comments:

Thank you for the Feb. 5, 2009 submission of the 2009-2010 Overall Work Program. It is thorough and covers all the key points. I have only a few questions and comments on the OWP most of which involve SAFETEAU's new grant programs and planning requirements.

1. WE120 includes discussion of past activities for the BRT project. What is proposed for the current OWP yearly cycle? What is the COG's role versus FAX in the development of the BRT. Who would be the lead agency in project development?

Fresno COG Response: The BRT planning process will continue as part of the Public Transportation Infrastructure Study (PTIS). The AA process and the selection of an LPA will be completed as well as an application for an FTA Very Small Starts Grant during the course of this OWP.

The Fresno COG is the lead agency for the PTIS, and it should be noted that the Fresno COG and Fresno Are Express (FAX) have a very close working relationship as Fresno COG staff manage the FAX Planning Division.

2. WE 121 shows that 100% of JARC funds, Section 5316, is being used for administration. This program only allows no more than 10% of funds for administration.

Fresno COG Response: We are using \$10,000 in 5303 to administrate the JARC and New Freedom programs. All the JARC and NF funding is programmed for competitive projects.

3. WE122 shows that 100% of New Freedom, Section 5317, is being used for administration. This program allows only 10% to be used for administration.

Fresno COG Response: See 2.

4. JARC/NF programs require a Project Management Plan (PMP) for the administration of those programs. FTA program management staff would receive the PMP prior to grant application submittals to FTA. FTA Circular 9050 contains discussion of the requirement. WE 121/122 would be the place to identify it as an activity.

Fresno COG Response: A Project Management Plan for the Fresno COG Human Services Coordinated Transportation Plan has been completed. A copy of the Project Management Plan will be provided to FTA program management staff prior to grant application submittals. Mention of the Project Management Plan will also be added to WE 121/122 of the 09-10 OWP.

5. Could you provide a copy of the JARC/NF Coordinated Plan during the meeting?

Fresno COG Response: The Fresno COG Human Services Coordinated Transportation Plan was completed to address JARC/NF. Several copies of this document will be provided during the meeting.

6. WE 152 shows that FHWA PL funds are being used for HSR planning. Is this correct?

Fresno COG Response: That is correct.

7. In WE 215, has this program purchased vans or is it operational at this time? Is there a connection between the Fresno effort and those in Kings County? Who is running the van system?

Fresno COG Response: The Measure C Farmworker Vanpool Program (WE 215) is a vanpool program that provides subsidies and reimbursements to qualified agricultural workers that participate in voluntary vanpools to and from work. WE 215 does not provide the vans for operation, it provides the subsidies and reimbursements in voucher form to agricultural workers who have been approved in the program. Participating agricultural workers are required to lease a van through an authorized vanpool vendor such as Enterprise Rideshare, VPSI, Kings Area Rural Transit (KART) or other agency, or form an employer sponsored vanpool. Owner-Operator vanpools are not eligible to receive these subsidies. Currently KART is the only authorized vanpool vendor that provides qualified agricultural workers with safe affordable vehicles used to drive themselves and others to work. KART runs the van system and participants pay a monthly fee based on mileage. Since it is voluntary, riders serve as drivers and back up drivers. The subsidies and reimbursements provided by WE 215 help subsidize van maintenance costs, fuel costs, insurance and administrative costs.

8. On the Annual Revenues table in Appendix H, what accounts for a 55% increase in JARC/NF funds for this fiscal year? Is it carry forward?

Fresno COG Response: Yes, this is carry over. We have contracts with Transit Operators for prior year grants that haven't been expended yet.

9. In the Annual Expenses table, what are the direct costs attributable to the JARC/NF programs? How many staff positions does the COG fund for FAX and FCRTA? Please correct the OWP to correct the acronym spelling of JARRC. It is only JARC (Job Access and Reverse Commute).

Fresno COG Response: Presently we have contracts with FAX for \$439,768 - Transit Trip Planning Software, \$20,000 Independent Living for Transit Commuters, and FCRTA \$144,804, Van Service Expansion. We have two FAX positions funded by a 5307 grant and two FCRTA positions funded by FCRTA but there are no staff positions funded by JARC/NF. The spelling of JARC will be corrected.

FHWA Comments

General Comments

As in previous years, Fresno COG has produced a comprehensive, thorough and well written work program document. The discussion of regional transportation planning activities at all levels of governments is an example of good practice, in terms of how these discussion should be structured in the OWP.

Section Specific Comments

1. Task 111.11 Develop New Modeling Tools – 20% of the work effort under 111 Regional Transportation Modeling is devoted to meeting the mandates of GHG modeling and sustainable community strategies under California SB 375. Given the difficulty and expense of activity-based modeling, what types of techniques does Fresno COG staff have in mind for developing under this work task?

Fresno COG Response: Fresno COG is aware of the expense and difficulty of Activity Based Modeling. Fresno COG staff has been closely involved with the Regional Targets Advisory (RTAC) led by the State to develop recommended targets for green house gas in response to SB375. COG staff has participated in an RTAC subcommittee which is looking at the modeling capabilities of all the California MPOs. This committee will recommend to the CTC modeling requirements for SB375.

Fresno COG has started responding to AB32 and SB375 by leading a valley wide effort to implement the 4D modeling process into the valley's selected Blueprint scenario. The initial development of the 4D process for each valley MPO will be funded by Blueprint. The intention is to provide the initial introduction to the 4Ds through the Blueprint process. It is expected that the initially developed 4D process for each county will be somewhat simplistic but will allow each MPO to further develop the process to meet their needs.

In Fresno's case we intend to use our previously developed 4D process and the addition provided by the Blueprint effort as the basis for our meeting the requirements of AB32 and SB375. We intend to greatly improve the 4D process by conducting sensitivity tests on our transportation model and conducting local surveys to increase the sensitivity of our modeling process to the impacts of microscale land use changes, the benefits of smart growth development such as Density, Diversity, Destinations and Design and travel demand strategies.

2. 113 West Area Transportation Circulation and Planning Study – how does this work program element integrate with the Blueprint Planning Process?

Fresno COG Response: Part of the requirement for the consultant in conducting the West Area Study, is an analysis of Blueprint Planning Process integration. The final the recommendations from the study require the consultant to include some measure of planning strategies that are consistent with the Blueprint process, such as increase density, transit and activity based corridor analysis, and resource/habitat preservation.

3. 152 High Speed Rail Planning – the budget for this work program element seems quite low vs. scope of the work activities shown under this item.

Fresno COG Response: The Joint High-Speed Train/Rail Consolidation Study described in this Work Element, jointly funded by the California High-Speed Rail Authority and the Fresno County Transportation Authority, is expected to be substantially completed by the start of the 09-10 fiscal year. Recommendations of that Study will be included and evaluated in the project level EIR/EIS for that segment of the high-speed train system extending from Merced to Bakersfield. Additional

“special” high-speed rail planning studies have not yet been identified. If needed, a funding source will be identified and the OWP amended.

4. **170.06 Monitor MIS Work** – the use of the term MIS – Major Investment Study – has been struck by federal legislation and statute and should no longer be used to refer to large scale regional transportation studies. Please reword this reference.

Fresno COG Response: Will make edit.

5. **172 Congestion Management Process (CMP)** – The budget item for CMP, given the current level of sophistication of the Fresno COG CMP, is far too low given the Single Occupant Vehicle (SOV) requirements for capacity increasing projects in air quality non-attainment areas. Fresno COG needs to readjust its priorities in the OWP to devote considerably more effort to enhancing its CMP to meet the SOV requirement as part of the upcoming RTP update and next FTIP development cycle. SOV capacity increasing projects must be justified as derived from a CMP – with no other feasible alternatives other than the SOV capacity increasing project - before they can be selected for inclusion in a RTP and the FTIP.

. The specific requirement from the planning regulations is listed below (23 CFR 450.320 (6)(d) and (e)):

(d) In a Transportation Management Area (TMA) designated as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed for any project that result in a significant increase in the carrying capacity for Single Occupant Vehicles (SOV) (i.e., a new general purpose highway on a new location or adding general purpose lanes, with the exception of safety improvements or the elimination of bottlenecks), unless the project is addressed through a congestion management process meeting the requirements of this section.

(e) In TMAs designated as nonattainment for ozone or carbon monoxide, the congestion management process shall provide an appropriate analysis of reasonable (including multimodal) travel demand reduction and operational management strategies for the corridor in which a project that will result in a significant increase in capacity for SOV (as described in paragraph (d) of this section) is proposed to be advanced with Federal funds. If the analysis demonstrates that travel demand reduction and operational management strategies cannot fully satisfy the need for additional capacity in the corridor and additional SOV capacity is warranted, then the congestion management process shall identify all reasonable strategies to manage the SOV facility effectively (or to facilitate its management in the future). Other travel demand reduction and operational management strategies appropriate for the corridor, but not appropriate for incorporation into the SOV facility itself, shall also be identified through the congestion management process. All identified reasonable travel demand reduction and operational management strategies shall be incorporated into the SOV project or committed to by the State and the Metropolitan Planning Organization (MPO) for implementation.

Fresno COG Response: Fresno COG has been in the process of updating its CMP, previously CMS. The update is being handled in house with the assistance of a CMP Steering Committee, which consists of representatives from planning & traffic departments of local cities, Caltrans, transit operators, bike/trail programs, vanpool/carpool programs etc. The modeling staff at Fresno COG will be conducting technical analysis using the most up-to-date traffic model at COG to evaluate the system performance. The SOV requirements for capacity increasing projects for TMAs in the non-attainment areas will be addressed in the update, which is scheduled to be completed by the end of 2009.

6. **310.08 Coordinate w/legislative representatives** – since FHWA and FTA funds are shown as part of this work task, and this is a lobbying activity that is not eligible for federal reimbursement, this work task should either: be struck from the OWP, noted that it is funded only with non-federal funds, or, ideally, moved to Section 360.

Fresno COG Response: This task will be moved to WE 360.

7. **310.13 Conduct Education Effort** – since FHWA and FTA funds are shown as part of this work task, and this is a lobbying activity that is not eligible for federal reimbursement, this work task should either: be struck from the OWP, noted that it is funded only with non-federal funds, or, ideally, moved to Section 360.

Fresno COG Response: This task will be moved to WE 360.

8. **310.19 Develop 2010 Fresno COG Legislative Platform** - since FHWA and FTA funds are shown as part of this work task, and this is a lobbying activity that is not eligible for federal reimbursement, this work task should either: be struck from the OWP, noted that it is funded only with non-federal funds, or, ideally, moved to Section 360.

Fresno COG Response: This task will be moved to WE 360.

DISTRICT 06 – Planning

1. 113 Regional Transportation Planning Studies, Page 11: A Work Element is needed for the San Joaquin Valley Regional Blueprint. A Task within this Work element is also needed for coordination with Kern COG's Central Valley Tribal Collaboration Transportation Planning.

Fresno COG Response: Kern COG is the lead for the Caltrans Environmental Justice Grant funded tribal consultation and outreach project. We will include a task for Central Valley Tribal Collaboration on Transportation Planning within the Regional Blueprint work element (410) as a way of coordinating with this project and for highlighting the MPOs' consultation efforts with tribal governments and communities.

2. 313 Environmental Justice Activities, Page 89: A Task is needed to address the implementation of Fresno COG's Environmental Justice Plan.

Fresno COG Response: Comment noted and a task will be added for the Environmental Justice Activities.

Office of Regional & Interagency Planning, Regional Outreach Branch

General Comments:

Thank you for the opportunity to review the Fresno COG draft Overall Work Program (OWP) for fiscal year 2009-10. Based on our review, the Office of Regional and Interagency Planning (ORIP), Regional Outreach Branch (ROB) offers the following comments/suggestions for your consideration:

Fresno COG is commended on:

- A well organized and well written OWP;
- Including SAFETEA-LU in the planning process and work elements;
- Incorporating Planning Emphasis Areas in the planning process and work elements;
- Developing modeling tools to analyze sustainable communities strategies (SCS) and green house gases; and
- Regional coordination with regional partners, local government, transit operators, etc.

General OWP Comments:

- Please note that FTA Section 5305 (formally 5313(b)) should now be identified as FTA Section 5304;
- Please be advised that the Federal Highway Administration/Federal Transit Administration Certifications and Assurances, and Debarment and Suspension Certificates must be signed in order for approval of the Final OWP/OWPA;
- Please remember, a signed OWPA should be included with the final OWP Package.
- For a copy of the forms listed above, please view the 2009-10 MPO OWP Guidance document (pp. 16 – 22) at: www.dot.ca.gov/hq/tpp/offices/orip/owp/index_files/MPO_Guidance.pdf

Fresno COG Response: Comments noted.

Specific Work Element Comments:

Work Element 220, "Transportation Program Development," under Task 220.04, p. 75:

1. Soliciting new project proposals is ineligible in nature for FHWA Metropolitan Planning (PL) funding.

Fresno COG Response: Perhaps "Soliciting new project proposals" is a poor choice of words in that it is impossible to have an RTP or an FTIP without requesting agencies to submit projects. Appendix D Planning Funds - Eligible Uses provides;

- *Identify and document transportation facilities, projects and services required to meet regional and interregional mobility and access needs*
 - *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 planning and project activities (including corridor studies, and other transportation planning studies) to identify and develop candidate projects for the FTIP.*
-

Work Element 310, “Intergovernmental Coordination,” pp. 77 – 81:

1. Objectives such as promoting coordination amongst several agencies on administrative matters is an ineligible usage of CPG funding;

Fresno COG Response: “Administrative Matters” will be deleted from this work element.

2. Please ensure that Fresno COG’s annual Legislative Platform is not a lobbying activity. Lobbying activities are an ineligible usage of CPG funding;

Fresno COG Response: This work activity will be moved to WE 360.

3. Products such as organizing files and creating a library of documents are an indirect cost in nature. Please ensure that all indirect costs are included in Fresno COG’s ICAP and are consistent with OMB A-87;

Fresno COG Response: Secretarial and support staff that organize files are appropriately charged to our ICAP per OMB-487.

4. Task 310.08, CPG funding cannot be used to assure receipt of Fresno COG’s “county share;”

Fresno COG Response: This sentence referencing “county share” will be deleted from work element.

5. Task 310.17, to provide administrative support for Fresno COG’s “Land Buffer” Task Force is an ineligible usage of CPG funding; and

Fresno COG Response: This task will be transferred to WE 411.

6. Task 310.18, to produce monthly legislative reports and policy analysis to local agencies appears to be an unallowable task in nature for CPG funding.

Fresno COG Response: This task will be transferred to WE 360.

7. Work Element 311, “Public Information and Participation,” under Products, p. 84:

Products such as, “News Releases, Fresno COG Brochure, Regional Directory, News Conferences, etc.” are indirect in nature. Please ensure that all indirect costs are included in Fresno COG’s ICAP and are consistent with OMB A-87.

Fresno COG Response: We separate direct and indirect cost per OMB A-87 and recommendations per Caltrans Audits and Investigations. All indirect costs are charged appropriately to the ICAP. However, there are direct costs involved in public outreach as required by federal public participation expectations.

8. Work Element 312, "COGView Internet Home Page," pp. 87 - 88:

COGView Internet Home Page is an indirect activity in nature. Please ensure all indirect costs are included in Fresno COG's ICAP and are consistent with OMB A-87

Fresno COG Response: We separate direct and indirect cost per OMB A-87 and recommendations per Caltrans Audits and Investigations. All indirect costs are charged appropriately to the ICAP. However, there are direct costs involved in maintaining the website to the level required by federal public participation expectations. Perhaps it is appropriate to eliminate this element and include the direct cost as a task in Work Element 311 Public Participation.

Air Quality Branch:

Fresno COG's OWP discussion about Air Quality Transportation Planning is detailed and sufficient, we have no further comments at this time.

Native American Liaison Branch (NALB):

General Comments:

The Native American Liaison Branch (NALB) has reviewed the Metropolitan Planning Organization (MPO) Overall Work Program (OWP) submitted by the Council of Fresno County Governments (Fresno COG) and is providing the below comments for incorporation within Headquarters' response letter to District 6's Office of System and Regional Planning.

Fresno COG has three (3) federally recognized Tribal Governments within its boundaries. It is necessary for participating MPOs to conduct appropriate formal government-to-government interactions with Tribal Government(s) within Fresno COG jurisdiction on all transportation planning and programming processes. These efforts involve early coordination, consultation, participation measures as mandated by federal and state guidelines, regulations, and/or statutes to ensure the needs of Native American Tribes are identified, considered, and addressed during the earliest stages of transportation projects to 1) avoid potential delays and cost overruns and 2) protect unique biological, cultural, and historic/prehistoric resources. This can be accomplished through Fresno COG's attendance and participation at Tribal Council meetings. These formal Tribal government-to-government relations should be documented separately from Public Participation efforts.

Additionally, it would greatly benefit Fresno COG to proactively enlist the early involvement of Native American organizations, groups (including unrecognized Tribes), and individuals through Public Participation outreach efforts/processes for compliance with federal and state regulations and statutes. It will assist Fresno COG in gaining important insight, knowledge, and/or information on potential cultural resources (i.e. prehistoric sites, religious and ancestral places, etc) that require preservation for future generations. To obtain an expanded list of Native American Tribes, organizations, and individuals within Fresno COG boundaries send a request to the Native American Heritage Commission, 915 Capitol Mall, Sacramento, California 95814 or call (916) 653-4082.

The following comments should be incorporated into the Fresno COG OWP:

1. WE Public 311, Information and Participation, page 77:

TASKS

Insert Task #311.17

311.11 Conduct outreach efforts to and provide informational materials in other languages to other community groups.

Fresno COG Response: So noted. Task will be added.

2. WE 410 San Joaquin Valley Regional Blueprint Planning, page 102:

PRODUCTS

Insert

- Document Tribal government-to-government relations.

The citations for specific MPO guidelines, regulations, and statutes as amended by the Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) are contained within the below list of references.

Guidelines:

California Transportation Commission (CTC), 2007 California Regional Transportation Plan Guidelines; Executive Order 12898 (Environmental Justice); and Title VI of the Civil Rights Act.

Regulations:

Title 23, Code of Federal Regulations (CFR), CFR 49, Chapter 1, Part 450 Subpart C, Sections 450.104, 450.202, 450.312(i), 450.324(f)(1), and 450.330(a).

Statutes:

Title 23, United States Code (U.S.C.), Chapter 1, Sections 134(h)(3)(B), 134(i)(5), and 101(a)(23); SAFETA-LU Section 3005, Subsection 5303(i)(2)(B), Section 6001, Subsection 134(i)(2)(B), and 6002.

Fresno COG Response: Kern COG is the lead for the Caltrans Environmental Justice Grant funded tribal consultation and outreach project. We will include a task for Central Valley Tribal Collaboration on Transportation Planning within the Regional Blueprint work element as a way of coordinating with this project and for highlighting the MPOs' consultation efforts with tribal governments and communities.

Division of Mass Transportation

1. The Division of Mass Transportation commends Fresno COG for the following efforts:

The exceptional work they are doing with Work Element (WE) 120, especially Bus Rapid Transit (BRT), Intelligent Transportation System/data collection efforts, and Transit Oriented Developments.

The pursuit of the Mid-Valley Multi-Modal Partnership, WE 412.

Suggestions:

1. Pages 11-15 – Under the first topic, West Area Transportation Circulation and Planning Study, in Task 113.0, we recommend that transit ridership numbers or comparable transit data be included in the travel demand model whenever possible.

Fresno COG Response: The Fresno COG mode choice model includes transit and produces ridership numbers.

2. Pages 31-33 – BRT should be strongly considered as a solution to the present and future mass transportation needs of Fresno County and throughout the Central Valley Region.

Fresno COG Response: Comment noted.

3. Pages 51-54 - While there is mention of multimodal evaluation, we recommend you clarify the role of transit in the RTP update process. When updating the Travel Demand Model for the RTP, transit ridership or comparable transit data should be integrated into the model whenever possible.

Fresno COG Response: The Fresno COG mode choice model includes transit and produces ridership numbers.

4. Pages 55-57 - With regard to the third of the six major elements to the process (the establishment of a coordinated program for data collection), we strongly encourage the inclusion of a transit data collection effort.

Fresno COG Response: All Fresno County transit agencies participate in the annual Transit Productivity Evaluation process which provides TDA required transit productivity data related to service miles, service hours, and passenger and cost data.

5. Pages 77-81 - We recommend that transit agencies be a part of the coordinated planning process whenever possible.

Fresno COG Response: Fresno County's transit operators coordinate planning on several levels including: through the annual Transit Productivity Evaluation process; the annual Unmet Transit Needs process; and through regional planning activities such as the PTIS and the Human Services/Public Transportation Coordination Plan. In addition, regional transit agencies recently participated in a joint farebox RFQ process.

Appendix L – Fresno COG Joint Powers Agreement

L



Appendix I - Fresno COG Joint Powers Agreement

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



**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 nature 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:

- a. To serve as Secretary to the Council and Policy Advisory Committee.
- b. To serve as Secretary to such committees as the Council may establish.
- c. To keep a good and sufficient record of the proceedings and business of the Council.
- d. To keep a record and ascertain the qualifications of each duly authorized representative.
- e. To maintain files for all reports, correspondence and other business of the Council, the Policy Advisory Committee and other committees as may be established.
- f. To coordinate the work program and budget of the Council.
- g. To assist member agencies in making application for Federal funds.
- h. To maintain a record of all financial transactions.
- i. To transmit to his successor all books, records and files of the Council of Fresno County Governments in his possession.
- j. 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 no 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.

- a. Proposed amendments may be originated by the Council of any duly authorized representative to the Council.
- b. 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, 1985, no formal amendment to By-Laws

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