

Appendices

**Appendix A - FHWA Metropolitan Planning Process
Certification**

A



APPENDIX A

FHWA Metropolitan Transportation Planning Process Certification

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

FHWA Metropolitan Transportation Planning Process Certification

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

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

MPO Authorizing Signature

Title

Date

Caltrans District Approval Signature

Title

Date

Appendix B - FTA Certifications and Assurances

B





APPENDIX B

FTA Certifications and Assurances

FEDERAL FISCAL YEAR 2010 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.	_____
02.	Lobbying.	_____
03.	Procurement Compliance.	_____
04.	Private Providers of Public Transportation.	_____
05.	Public Hearing.	_____
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.	_____
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.** _____
20. **New Freedom Program.** _____
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 2010 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 2010.

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 2010.

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 _____ **Date:** _____

Name _____
Tony Boren, Executive Director
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For: 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:** _____

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.

**Appendix C - Caltrans Debarment and Suspension
Certification**

C



APPENDIX C

California Department of Transportation

Debarment and Suspension Certification for Fiscal Year 2010/2011

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 2010/2011

SIGNATURE PAGE

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

Signature _____ Date _____

Printed Name: 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

Signature _____ Date _____

Printed Name: Janelle 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
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transportation facilities/systems working together to develop operational objectives and plans which maximize utilization of existing facilities.

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

Regional planning documents, consistent with federal and state requirements:

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

Transportation planning funds cannot be used for project 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 G - Highway Performance Monitoring System (HPMS)

G

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.

**Appendix H – Key Federal Contract and Procurement
Requirements**

H

APPENDIX H

Key Federal Contract and Procurement Requirements

Per 49 Code of Federal Regulations, Part 18.36:

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- (i) The employee, officer or agent,
- (ii) Any member of his immediate family,
- (iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only--

- (i) After a determination that no other contract is suitable, and
- (ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before

pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

- (i) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and

- (ii) Violations of the grantee's or subgrantee's protest procedures or failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

- (i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

- (ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

ANNUAL REVENUES

	Proposed Annualized Budget 2009/10	Proposed Annualized Budget 2010/11	Total Budget Increase (Decrease)	Percent Change
FEDERAL				
FTA 5303 Apportionment	269,591	285,454	15,863	6%
FTA 5303 Reserve Draw	209,666	43,901	(165,765)	-79%
FTA JARC 5316	783,510	643,057	(140,453)	-18%
FTA NF 5317	282,309	224,545	(57,764)	-20%
FTA 5307	588,066	540,834	(47,232)	-8%
FHWA/PL Apportionment	1,290,810	1,310,078	19,268	1%
FHWA/PL Reserve Draw	402,013	338,365	(63,648)	-16%
PARTNER/PLANNING	276,000	0	(276,000)	-100%
FEDERAL SUBTOTAL	4,101,965	3,386,234	(715,731)	-17%
STATE				
STATE STIP PLANNING	316,000	316,000	0	0%
STATE BLUE PRINT	1,941,714	1,462,000	(479,714)	-25%
STATE FSP	242,080	242,080	0	0%
STATE Prop. 84	0	2,500,000	2,500,000	0%
STATE PARTNERSHIP	0	0	0	0%
STATE SUBTOTAL	2,499,794	4,520,080	2,020,286	81%
LOCAL				
LOCAL RESERVE DRAW	101,548	0	(101,548)	-100%
LTF ADMIN.	133,000	133,000	0	0%
LTF PLANNING	918,143	909,143	(9,000)	-1%
MEMBER DUES	114,500	83,000	(31,500)	-28%
OUTSIDE SERVICES	55,000	55,000	0	0%
INTREST EARNINGS	40,000	40,000	0	0%
TRANS AUTH ADMIN	2,600	2,600	0	0%
TRANS AUTH PLANNING	3,962,416	1,435,154	(2,527,262)	-64%
FCRTA ADMIN.	289,300	287,637	(1,663)	-1%
VALLEY COFCGS	335,120	336,054	934	0%
FAX FTA MATCH	48,494	68,494	20,000	41%
IN KIND/ CASH MATCH	67,780	6,100	(61,680)	-91%
MISC OTHER	56,951	27,702	(29,249)	-51%
LOCAL SUBTOTAL	6,124,852	3,383,884	(2,740,968)	-45%
TOTAL REVENUES	12,726,611	11,290,198	(1,436,413)	-11%

**TOTAL REVENUES
INCLUDING CARRYOVER**

	Encumbrance Carry Forward 2009/10	Annualized Budget 2009/10	Total Adopted Budget 2009/10	Anticipated Encumbrance Carry Forward 2010/11	Proposed Annualized Budget 2010/11	Total Proposed Budget 2010/11	Total Budget Increase (Decrease)	Percent Change
FEDERAL			39%			34%		
FTA 5303 Apportionment	0	269,591	269,591	0	285,454	285,454	15,863	6%
FTA 5303 Reserve Draw	0	209,666	209,666	0	43,901	43,901	(165,765)	-79%
FTA JARC 5316	945,495	783,510	1,729,005	1,190,928	643,057	1,833,985	104,980	6%
FTA NF 5317	347,544	282,309	629,853	424,950	224,545	649,495	19,642	3%
FTA 5307	0	588,066	588,066	0	540,834	540,834	(47,232)	-8%
FHWA/PL Apportionment	0	1,290,810	1,290,810	0	1,310,078	1,310,078	19,268	1%
FHWA/PL Reserve Draw	0	402,013	402,013	88,530	338,365	426,895	24,882	6%
PARTNER/PLANNING	50,000	276,000	326,000	276,000	0	276,000	(50,000)	N/A
FEDERAL SUBTOTAL	1,343,039	4,101,965	5,445,004	1,980,408	3,386,234	5,366,642	(78,362)	-1%
STATE			18%			29%		
STATE STIP PLANNING	0	316,000	316,000	0	316,000	316,000	0	0%
State Blue Print	0	1,941,714	1,941,714	0	1,462,000	1,462,000	(479,714)	N/A
STATE FSP	0	242,080	242,080	0	242,080	242,080	0	0%
STATE Prop. 84	0	0	0	0	2,500,000	2,500,000	2,500,000	0%
STATE SUBTOTAL	0	2,499,794	2,499,794	0	4,520,080	4,520,080	2,020,286	81%
LOCAL			44%			37%		
LOCAL RESERVE DRAW	0	101,548	101,548	0	0	0	(101,548)	-100%
LTF ADMIN.	0	133,000	133,000	0	133,000	133,000	0	0%
LTF PLANNING	0	918,143	918,143	11,470	909,143	920,613	2,470	0%
MEMBER DUES	0	114,500	114,500	0	83,000	83,000	(31,500)	-28%
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	2,600	2,600	0	2,600	2,600	0	0%
TRANS AUTH PLANNING	0	3,962,416	3,962,416	2,434,980	1,435,154	3,870,134	(92,282)	-2%
FCRTA ADMIN.	0	289,300	289,300	0	287,637	287,637	(1,663)	-1%
VALLEY COGS	0	335,120	335,120	0	336,054	336,054	934	0%
FAX FTA MATCH	0	48,494	48,494	0	68,494	68,494	20,000	41%
In Kind/ Cash Match	6,500	67,780	74,280	62,900	6,100	69,000	(5,280)	-7%
MISC OTHER	0	56,951	56,951	0	27,702	27,702	(29,249)	-51%
LOCAL SUBTOTAL	6,500	6,124,852	6,131,352	2,509,350	3,383,884	5,893,234	(238,118)	-4%
TOTAL REVENUES	1,349,539	12,726,611	14,076,150	4,489,758	11,290,198	15,779,956	1,703,806	12%

ANNUAL EXPENSES

	Proposed Annualized Budget 2009/10	Proposed Annualized Budget 2009/10	Annualized Budget Increase (Decrease)	Percent Change
<i>SALARIES & BENEFITS</i>				
Salaries - COFCG	1,576,421	1,618,996	42,575	3%
Salaries - FCRTA	192,486	192,486	0	0%
Salaries - FAX	179,625	182,929	3,304	2%
Benefits	718,986	800,734	81,748	11%
SALARIES & BENEFITS SUBTOTAL	2,667,518	2,795,145	127,627	5%
<i>INDIRECT OVERHEAD</i>				
Telephone	9,000	9,500	500	6%
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	196,390	202,390	6,000	3%
Bldg. Operating Cost	10,500	12,000	1,500	14%
Copier Lease/Service Contracts	25,800	26,500	700	3%
Repair & Maint.	1,850	1,850	0	0%
Travel Expenses	26,000	26,000	0	0%
Audit	12,300	12,300	0	0%
INDIRECT OVERHEAD SUBTOTAL	398,504	407,204	8,700	2%
<i>OTHER DIRECT COSTS</i>				
Consultants	4,122,466	2,555,750	-1,566,716	-38%
Special Projects	3,498,446	3,728,639	230,193	7%
JARRC/NF	1,065,819	867,602	-198,217	-19%
Freeway Patrol	293,600	293,600	0	0%
TDM PROGRAM	13,250	13,250	0	0%
TDA Administration	68,000	28,000	-40,000	-59%
County Counsel/Auditor	27,000	29,000	2,000	7%
Board Remuneration	19,200	19,200	0	0%
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	45,000	45,000	0	0%
Other	5,000	5,000	0	0%
OTHER DIRECT SUBTOTAL	9,180,889	7,608,149	-1,572,740	-17%
<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	12,726,611	11,290,198	-1,436,413	-11%

**TOTAL EXPENSES
INCLUDING CARRYOVER**

	Encumbrance Carry Forward 2009/10	Annualized Budget 2009/10	Total Adopted Budget 2009/10	Anticipated Encumbrance Carry Forward 2010/11	Proposed Annualized Budget 2010/11	Total Proposed Budget 2010/11	Total Budget Increase (Decrease)	Percent Change
SALARIES & BENEFITS			19%			18%		
Salaries - COFCG	0	1,576,421	1,576,421	0	1,618,996	1,618,996	42,575	3%
Salaries - FCRTA	0	192,486	192,486	0	192,486	192,486	0	0%
Salaries - FAX	0	179,625	179,625	0	182,929	182,929	3,304	2%
Benefits	0	718,986	718,986	0	800,734	800,734	81,748	11%
	0			0				
SALARIES & BENEFITS SUBTOTAL	0	2,667,518	2,667,518	0	2,795,145	2,795,145	127,627	5%
INDIRECT OVERHEAD			3%			3%		
Telephone	0	9,000	9,000	0	9,500	9,500	500	6%
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	196,390	196,390	0	202,390	202,390	6,000	3%
Bldg. Operating Expense	0	10,500	10,500	0	12,000	12,000	1,500	14%
Copier Lease/Service Contracts	0	25,800	25,800	0	26,500	26,500	700	3%
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	12,300	12,300	0	12,300	12,300	0	0%
INDIRECT OVERHEAD SUBTOTAL	0	398,504	398,504	0	407,204	407,204	8,700	2%
OTHER DIRECT COSTS			75%			77%		
Consultants	56,500	4,122,466	4,178,966	2,873,880	2,555,750	5,429,630	1,250,664	30%
Special Projects	0	3,498,446	3,498,446	0	3,728,639	3,728,639	230,193	7%
JARRC/NF	1,293,039	1,065,819	2,358,858	1,615,878	867,602	2,483,480	124,622	5%
Freeway Patrol	0	293,600	293,600	0	293,600	293,600	0	0%
TDM Program	0	13,250	13,250	0	13,250	13,250	0	0%
TDA Administration	0	68,000	68,000	0	28,000	28,000	(40,000)	-59%
County Counsel/Auditor	0	27,000	27,000	0	29,000	29,000	2,000	7%
Board Remuneration	0	19,200	19,200	0	19,200	19,200	0	0%
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/Milage	0	5,000	5,000	0	5,000	5,000	0	0%
Equipment	0	45,000	45,000	0	45,000	45,000	0	0%
Other	0	5,000	5,000	0	5,000	5,000	0	0%
OTHER DIRECT SUBTOTAL	1,349,539	9,180,889	10,530,428	4,489,758	7,608,149	12,097,907	1,567,479	15%
AGENCY PASS THROUGH			3%			3%		
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	1,349,539	12,726,611	14,076,150	4,489,758	11,290,198	15,779,956	1,703,806	12%

EQUIPMENT DETAIL

WORK ELEMENT	EQUIPMENT DESCRIPTION	PROJECT COST	FHWA	LOCAL
112	Traffic Counters	20,000	17,706	2,294
910	Teleconference Equip	7,500		7,500
910	Office Equipment	17,500		17,500
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	Prop. 84	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	75,000				66,398						8,602
	County GIS Subscription	2,000				1,770						230
	Anti-Virus Maintenance Fee	1,500				1,328						172
	Arxiview GIS Maint.	3,000				2,656						344
	Demographic Data Book	2,500				2,213						287
	Traffic Monitoring Program	150,000				132,795						17,205
112	Traffic Counters/Computer Equip.	20,000				17,706						2,294
113	West Area Circulation Study	25,000				22,113						2,887
115	Regional Trans. Mitigation Fee	20,000										20,000
116	Yosemite Transit Feasibility Study	50,000	44,265									5,735
117	Golden State Corridor	515,000										515,000
120	FAX Transit Studies	100,000			80,000							20,000
	FAX Training & Travel	7,500			6,000							1,500
	Transit Consolidation Study	100,000				88,530						11,470
121	JARC Program	1,833,985		1,833,985								
122	New Freedom Program	649,495		649,495								
123	PTIS	2,434,980			142,920							2,292,060
153	Airport Land Use Committee	3,000										3,000
210	Measure "C"	222,000										222,000
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	46,700										46,700
410	Cal Blue Print	1,650,000								1,320,000		330,000
412	Metro Rural Loop	338,900					271,120					67,780
413	Strategic Growth Model	2,500,000							2,500,000			
820	Valley Wide Coordination	62,000										62,000
	Valley Air Quality Coord	41,000				36,297						4,703
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
	Maint Contract Conf. Equipment	5,000										5,000
	Misc. Other	5,000										5,000
	ICAP - Cost Carry Forward	144,749										144,749
912	Audit	28,000										28,000
	County Auditor Controller	8,000										8,000
	County Counsel	21,000										21,000
940	Freeway Service Patrol	293,600									234,880	58,720
TOTAL		12,097,907	78,792	2,483,480	228,920	393,939	271,120	50,000	2,500,000	1,320,000	234,880	4,536,776

FY 2010/11 OWP Spreadsheet
Expenditure by Agency

Work Element Description	COFCG	County	Fresno	Clovis	FCEOC	Contract	Agency Total
110 REGIONAL STREETS & HIGHWAYS	218,343	43,000	5,000	1,000			267,343
111 REGIONAL TRANSPORTATION MODELING	192,969	2,500		1,000		259,000	455,469
112 REGIONAL TRAFFIC MONITORING	77,184	103,000	53,230	7,500			260,914
113 WEST AREA CIRCULATION STUDY						25,000	25,000
115 REGIONAL TRANS. MITIGATION FEE	31,138					20,000	51,138
116 NATIONAL PARK STUDY						50,000	50,000
117 GOLDEN STATE CORRIDOR	31,968					515,000	546,968
120 PUBLIC TRANSPORTATION - URBAN	265,661	2,000	134,970		35,000	207,500	645,131
121 JARC	25,368					1,833,985	1,859,353
122 NEW FREEDOM	25,368					649,495	674,863
123 PTIS						2,434,980	2,434,980
130 PUBLIC TRANSPORTATION - RURAL	10,085	3,500			15,000		28,585
150 OTHER MODAL ELEMENTS	39,775	4,500	2,500				46,775
151 BICYCLE & PEDESTRIAN	31,285						31,285
152 HIGH SPEED RAIL PLANNING	34,890						34,890
153 AIRPORT LAND USE COMMISSION	32,720					3,000	35,720
170 REGIONAL TRANSPORTATION PLAN	164,199	10,000	6,000	1,000			181,199
172 CONGESTION MANAGEMENT PROGRAM	13,140						13,140
180 AIR QUALITY/TRANS. PLANNING	299,602	5,000	2,500				307,102
210 MEASURE 'C' - EXTENSION	73,447					222,000	295,447
211 MEASURE 'C' - OVERSIGHT COMMITTEE	11,108					500	11,608
212 MEASURE 'C' - RIDESHARE/VAN POOL	72,013					326,840	398,853
214 MEASURE 'C' - ADA/SENIORS	108,621					203,221	311,842
215 MEASURE 'C' - FARM VANPOOL	51,315					94,600	145,915
220 TRANSPORTATION PROG DEVELOPMENT	236,744	4,000				72,500	240,744
310 INTERGOVERNMENTAL COORDINATION	132,668	16,000	2,500	9,000		50,000	160,168
311 PUBLIC INFO. AND PARTICIPATION	81,355					44,000	125,355
312 COGVIEW INTERNET HOME PAGE	15,979					2,500	18,479
313 ENVIRONMENTAL JUSTICE	46,832					0	46,832
320 TECHNICAL ASSISTANCE TO MEMBERS	42,356						42,356
330 OUTSIDE TECHNICAL SERVICES	35,218						35,218
340 TOM PROGRAM	3,500					13,250	16,750
350 FRESNO REGIONAL DATA CENTER	97,516					89,200	186,716
360 ONE VOICE ADVOCACY	93,786					1,650,000	1,743,786
410 CALIFORNIA BLUE PRINT	142,000					6,924	148,924
411 LAND BUFFER TASK FORCE	6,924					338,900	345,824
412 METRO RURAL LOOP	6,100					37,503	43,603
413 SB 375 IMPLEMENTATION	37,503					2,514,188	2,551,691
813 STRATEGIC GROWTH MODELING	14,188					103,000	117,188
820 VALLEY RTPA COORDINATION	27,280					158,416	185,696
910 COFCG ADMINISTRATION	72,608	3,500	5,000			77,308	157,416
911 OWP & BUDGET	42,402	1,500				57,000	100,902
912 TRANSPORTATION FUNDS ADMIN	91,001					148,001	239,001
920 FORTA ADMINISTRATION	287,637					2,600	290,237
930 AUTHORITY ADMINISTRATION	2,600					293,600	296,200
940 FREEWAY SERVICE PATROL	7,200						7,200
950 VEHICLE ABATEMENT	13,502						13,502
TOTAL EXPENDITURES	3,347,098	198,500	211,700	15,500	50,000	11,953,158	15,779,956

FHWA-PL CARRY OVER BALANCE

Carry over Balance 06/30/09	1,482,548
2009/10 Estimated Allocation	1,310,078
2009/10 OWP Programmed	(1,692,823)
Balance 2009/10	1,099,803
2010/11 Estimated Allocation	1,310,078
2010/11 OWP Programmed	(1,736,973)
Balance 2010/11	672,908

FIA 5303 Allocation

Carry over Balance 06/30/09	237,704
2009/10 Estimated Allocation	285,454
2009/10 OWP Programmed	(479,257)
Balance 2009/10	43,901
2010/11 Estimated Allocation	285,454
2010/11 OWP Programmed	(329,355)
Balance 2010/11	0

FY 2010/11 OWP Spreadsheet
Expenditure by Revenue Source

Work Element Description	FTAMPO		FTA		FTA		FHWA		PARTNER		Cal.		STATE		STATE		PROP.		COFCG		Revenue	
	5303	5316/5317	5307	5307	PL(021)	PL(021)	Blue Print	Blue Print	STIP	FSP	84	LTF	Other	Total	Other	Total	Other	Total	Other	Total	Other	Total
110 REGIONAL STREETS & HIGHWAYS	0	0	0	0	0	232,253	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	267,343
111 REGIONAL TRANSPORTATION MODEL	0	0	0	0	0	403,228	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	455,469
112 REGIONAL TRAFFIC MONITORING	0	0	0	0	0	230,987	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	260,914
113 WEST ARE PLANNING STUDY	0	0	0	0	0	22,133	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	25,000
115 REGIONAL TRANSP MITIGATION FEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	51,138
116 NATIONAL PARK STUDY	44,265	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50,000
117 GOLDEN STATE CORRIDOR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	546,968
120 PUBLIC TRANSPORTATION - URBAN	42,264	0	0	0	0	397,914	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	645,131
121 JARC	22,458	1,633,985	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,859,353
122 NEW FREEDOM	22,458	649,495	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	674,863
123 PTIS	0	0	0	0	0	142,920	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,434,980
130 PUBLIC TRANSPORTATION - RURAL	25,307	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	28,585
150 OTHER MODAL ELEMENTS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	46,775
151 BICYCLE & PED. LANE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	31,285
152 HIGH SPEED RAIL PLANNING	30,888	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	34,890
153 AIRPORT LAND USE COMMISSION	28,967	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	35,720
170 REGIONAL TRANSPORTATION PLAN	30,770	0	0	0	0	83,384	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	181,199
172 CONGESTION MANAGEMENT PRG	0	0	0	0	0	11,633	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13,140
180 AIR QUALITY/TRANS. PLANNING	0	0	0	0	0	265,238	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	307,102
210 MEASURE "C" - EXTENSION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	295,447
211 MEASURE "C" - OVERSIGHT COMMITTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11,608
212 MEASURE "C" - RIDESHARE VANPOOL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	398,853
214 MEASURE "C" - ADA SENIORS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	203,221
215 MEASURE "C" - FARMWORKER VANPOOL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	123,815
220 TRANSPORTATION PROG DEV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	290,744
310 INTERGOVERNMENTAL COORD.	27,401	0	0	0	0	90,051	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	160,168
311 PUBLIC INFO. AND PARTICIPATION	34,527	0	0	0	0	72,024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	125,355
312 COGVIEW INTERNET HOME PAGE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18,479
313 ENVIRONMENTAL JUSTICE	0	0	0	0	0	41,460	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	46,832
320 TECHNICAL ASSISTANCE TO MEMB.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	42,356
330 OUTSIDE TECHNICAL SERVICES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	35,218
340 TDM PROGRAM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16,750
350 FRESNO REGIONAL DATA CENTER	0	0	0	0	0	86,331	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	97,516
360 ONE VOICE ADVOCACY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	182,996
410 CALIFORNIA BLUE PRINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,792,000
411 LAND BUFFER TASK FORCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6,924
412 METRO RURAL LOOP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	345,000
413 SB 375 IMPLEMENTATION	0	0	0	0	0	33,201	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	37,503
813 STRATEGIC GROWTH PLANNING	0	0	0	0	0	12,561	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,514,188
820 VALLEY RTPA COORDINATION	0	0	0	0	0	60,448	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	158,416
910 COFCG ADMINISTRATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	43,902
911 OWP & BUDGET	20,050	0	0	0	0	3,511	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	148,001
912 TRANSPORTATION FUNDS ADMIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	287,637
920 FORTA ADMINISTRATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,600
930 AUTHORITY ADMINISTRATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	300,800
940 FREEWAY SERVICE PATROL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13,502
950 VEHICLE ABATEMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13,502
TOTAL EXPENDITURES	329,355	2,483,480	540,834	540,834	1,736,973	1,736,973	276,000	276,000	316,000	242,080	2,500,000	1,053,613	4,839,621	15,779,956	4,839,621	15,779,956	4,839,621	15,779,956	4,839,621	15,779,956	4,839,621	15,779,956
Allocation	285,454	867,602	540,834	540,834	1,310,078	1,310,078	276,000	276,000	316,000	242,080	2,500,000	1,053,613	4,839,621	15,779,956	4,839,621	15,779,956	4,839,621	15,779,956	4,839,621	15,779,956	4,839,621	15,779,956
Carry Over	43,901	1,615,878	0	0	426,895	426,895	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL AVAILABLE FUNDS	329,355	2,483,480	540,834	540,834	1,736,973	1,736,973	276,000	276,000	316,000	242,080	2,500,000	1,053,613	4,839,621	15,779,956	4,839,621	15,779,956	4,839,621	15,779,956	4,839,621	15,779,956	4,839,621	15,779,956

***Council of Fresno County Governments
2010/11 Member Dues Schedule****

MEMBER	CENSUS POPULATION 01/01/09	PERCENT	Current DUES SCHEDULE	One Voice State	One Voice Federal	Lobby Portion
Clovis	95,128	10.10%	8,379	4,341	4,038	8,379
Coalinga	19,109	2.03%	1,683	872	811	1,683
Firebaugh	6,807	0.72%	600	311	289	600
Fowler	5,671	0.60%	500	259	241	500
Fresno City	495,913	52.63%	43,680	22,628	21,051	43,679
Huron	7,836	0.83%	690	358	333	691
Kerman	14,064	1.49%	1,239	642	597	1,239
Kingsburg	11,427	1.21%	1,007	521	485	1,006
Mendota	9,870	1.05%	869	450	419	869
Orange Cove	10,930	1.16%	963	499	464	963
Parlier	13,555	1.44%	1,194	619	575	1,194
Reedley	25,723	2.73%	2,266	1,174	1,092	2,266
Sanger	25,417	2.70%	2,239	1,160	1,079	2,239
San Joaquin	4,060	0.43%	358	185	172	357
Selma	23,301	2.47%	2,052	1,063	989	2,052
Fresno Co.	173,487	18.41%	15,281	7,918	7,365	15,283
TOTALS	942,298	100%	83,000	43,000	40,000	83,000
			83,000	43,000	40,000	83,000

* Estimate Only - Actual Dues level subject to Board approval of May/June contract negotiation.
01/01/09 Population Estimates revised in May.

Appendix J - Certification of Restrictions on Lobbying

J

**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 _____ day of _____, 2009.

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

RESOLUTION TO BE EXECUTED MAY 27, 2010
BEFORE THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS
RESOLUTION NO. 2010-04

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

RESOLUTION ADOPTING
THE OVERALL WORK
PROGRAM AND LINE ITEM
BUDGET FOR FISCAL YEAR
2010-11

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 2010-11 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 2010-11 Overall Work Program and Line Item Budget for 2010-11 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 2010-11 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, 2010.

THE FOREGOING RESOLUTION was passed and adopted by the Council of Fresno County Governments this 27th day of May, 2010.

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 27th day of May, 2010.

Signed: _____
Tony Boren, Executive Director

Appendix L – Intermodal Planning Group Comments

L

COUNCIL OF FRESNO COUNTY GOVERNMENTS

JOINT POWERS AGREEMENT

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

(Amendment No.3)

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

(Amendment No.4)

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

(Amendment No.4)

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

(Amendment No.4)

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

(Amendment No.4)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

CHAPTER 1

ORGANIZATION

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

(Amendment No.3)

1.2 **COUNCIL; QUORUM; VOTING:**

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

(Amendment No.3)

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

(Amendment No.5)

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

(Amendment No.5)

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

(Amendment No.3)

1.4 **STANDING TECHNICAL COMMITTEES:** The Council may establish such technical advisory committees as may be necessary to assist in carrying out the duties as herein set forth in Chapter 2.

(Amendment No.3)

1.5 **COOPERATING MEMBERS:** Subject to the approval of the Council, any governmental entity or public agency or nonprofit organization not eligible for membership under paragraph 1.1 of this Agreement may elect to join the Council of Fresno County Governments as a cooperating member.

(Amendment No.4)

1.51 Cooperating members shall be entitled to attend all meetings of the Council but shall not be entitled to vote or participate in debate.

(Amendment No.4)

1.52 Cooperating members shall be entitled to receive data, studies, planning documents, special services, technical assistance, and other written materials and services of the Council of Fresno County Governments, subject to policies adopted by the Council.

(Amendment No.4)

CHAPTER 2

POWER AND DUTIES

2.1 **INTERGOVERNMENTAL COOPERATION:** The Council of Fresno County Governments shall perform clearinghouse review under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and Executive Order 12372 (FR 30959, July 14, 1982). The Council of Fresno County Governments may establish committees and execute memoranda of understanding with local, regional, state and federal agencies to facilitate coordination and cooperation. The Council of Fresno County Governments shall be the forum for cooperative decision making by principal elected officials of the member agencies.

(Amendment No.4)

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

2.21 Land Use

2.24 Transportation

2.22 Housing

2.25 Water Quality Management

2.23 Open Space

2.26 Air Quality Management

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.4)

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

(Amendment No.3)

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

(Amendment No.4)

CHAPTER 3

LIMITATIONS

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

CHAPTER 4

ENTRY INTO FORCE, AMENDMENT, WITHDRAWAL, TERMINATION AND DISSOLUTION

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

(Amendment No.3)

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

(Amendment No.5)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.5)

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

(Amendment No.3)

CHAPTER 5

FINANCIAL

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

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

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

(Amendment No.3)

CHAPTER 6

SERVICES AND PERSONNEL

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

(Amendment No.3)

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

(Amendment No.3)

CHAPTER 7

AMENDMENT OF PREVIOUS AGREEMENTS

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

(Amendment No.3)

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

(Amendment No.4)

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

(Amendment No.5)

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

(Amendment No.3)

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

**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