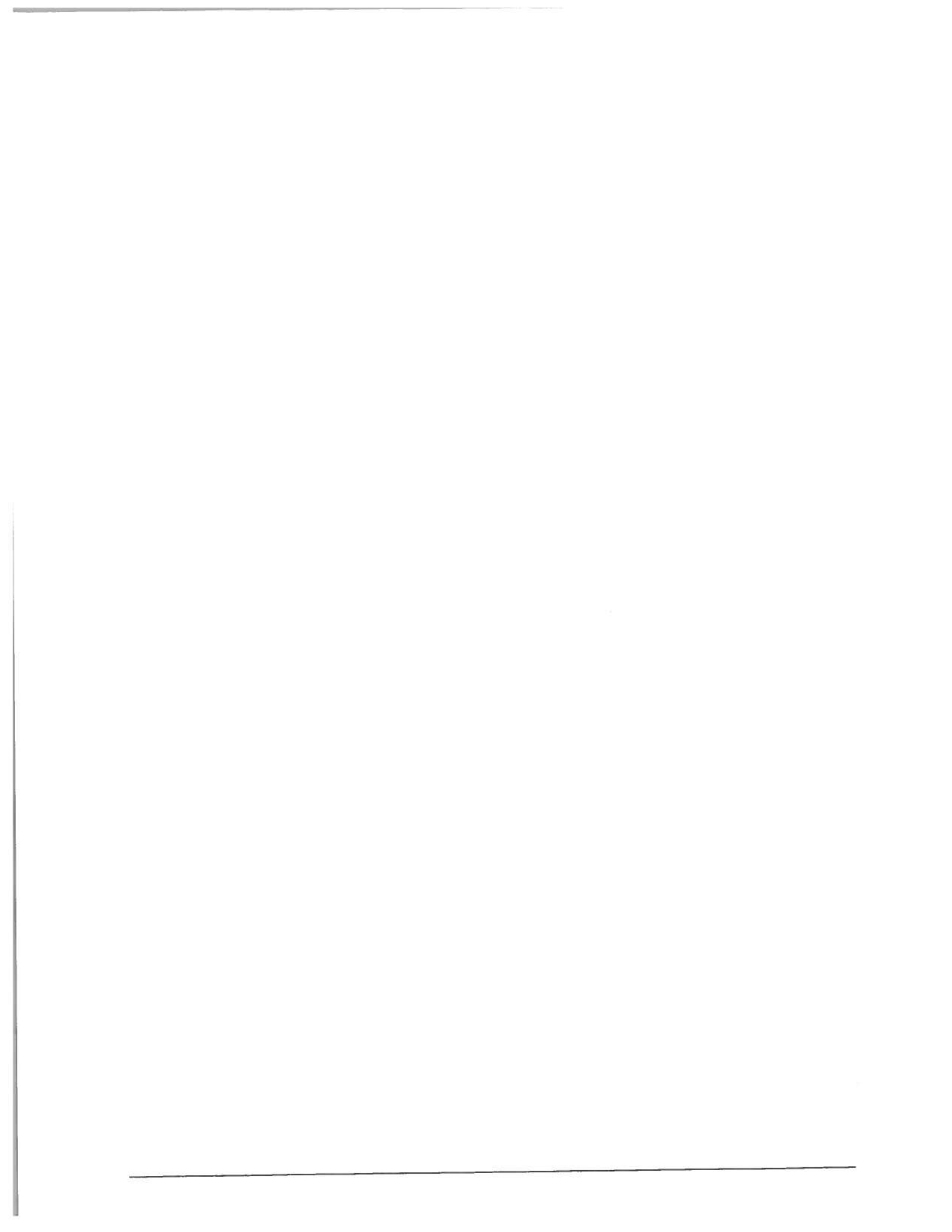


Appendices



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

A



APPENDIX A

FY 2014/2015 FHWA Metropolitan Transportation Planning Process Certification

In accordance with 23 CFR 450.334 and 450.220, Caltrans and Fresno Council of 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, 49 U.S.C. 5303, and this subpart;
- II. In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- 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 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded planning projects (sec. 105(f), Pub. L. 97-424, 96 Stat. 2100; 49 CFR part 23);
- V. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- VI. 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);
- VII. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- VIII. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- IX. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- X. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- XI. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- XII. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

Tony Bow
MPO Authorizing Signature
Ex. Director
Title
5/1/14
Date

Paul Miller
Caltrans District Approval Signature
Deputy District Director Planning & Local Programs
Title
5-1-2014
Date

Appendix B - FTA Certifications and Assurances

B



Appendix B

FEDERAL FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

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

Name of Applicant: _____

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

OR

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

<u>Group</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	<input checked="" type="checkbox"/>
02.	Lobbying.	<input checked="" type="checkbox"/>
03.	Procurement and Procurement Systems.	<input checked="" type="checkbox"/>
04.	Private Section Protections.	<input type="checkbox"/>
05.	Rolling Stock Reviews and Bus Testing.	<input type="checkbox"/>
06.	Demand Responsive Service.	<input type="checkbox"/>
07.	Intelligent Transportation Systems.	<input type="checkbox"/>
08.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	<input type="checkbox"/>
09.	Transit Asset Management Plan and Public Transportation Agency Safety Plan.	<input type="checkbox"/>
10.	Alcohol and Controlled Substances Testing.	<input type="checkbox"/>
11.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21.	<input type="checkbox"/>
12.	State of Good Repair Program.	<input type="checkbox"/>
13.	Fixed Guideway Modernization Grant Program.	<input type="checkbox"/>
14.	Bus and Bus Facilities Formula Grants Program and Bus and Bus Related Equipment and Facilities Grant Program (Discretionary).	<input type="checkbox"/>
15.	Urbanized Area Formula Grants Programs, Passenger Ferry Grants Program, and Job Access and Reverse Commute (JARC) Program.	<input checked="" type="checkbox"/>
16.	Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program.	<input checked="" type="checkbox"/>
17.	Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.	<input type="checkbox"/>
18.	Public Transportation on Indian Reservations Programs (also known as the Tribal Transit Programs).	<input type="checkbox"/>
19.	Low or No Emission/Clean Fuels Grant Programs.	<input type="checkbox"/>
20.	Paul S. Sarbanes Transit in Parks Program.	<input type="checkbox"/>
21.	State Safety Oversight Program.	<input type="checkbox"/>
22.	Public Transportation Emergency Relief Program.	<input type="checkbox"/>
23.	Expedited Project Delivery Pilot Program.	<input type="checkbox"/>
24.	Infrastructure Finance Programs.	<input type="checkbox"/>

FEDERAL FISCAL YEAR 2014 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

AFFIRMATION OF APPLICANT

Name of the Applicant: Fresno Council of Governments

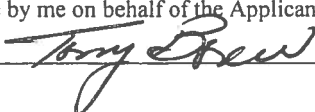
Name and Relationship of the Authorized Representative: Tony Boren, Executive Director

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2014, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2014.

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

Signature  Date: 5/1/14


Name: Tony Boren, Executive Director
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Fresno Council of Governments

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

I further affirm 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 its FTA Project or Projects.

Signature  Date: 5/5/14

Name: Arthur Wille
Attorney for Applicant

Each Applicant for FTA funding 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

Fiscal Year 2014/15 California Department of Transportation

Debarment and Suspension Certification

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.
-

DEPARTMENT OF TRANSPORTATION
DEBARMENT AND SUSPENSION CERTIFICATION

FISCAL YEAR 2014/15

SIGNATURE PAGE

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

Signature Tony Boren Date 5/1/14

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 Fresno Council of Governments (Name of Applicant)

Signature Arthur Wille Date 5/5/14

Printed Name Arthur Wille
of Applicant's Attorney

Appendix D - Planning Funds - Eligible Uses

D



APPENDIX D

Planning Funds – Eligible Uses

As the name indicates, transportation planning funds (FHWA PL and FTA Section 5303) are to be used for activities associated with the Metropolitan planning process (23 CFR 450). A wide variety of regional transportation planning activities are eligible for transportation planning funds. This list is illustrative, not inclusive.

Regional planning studies and activities:

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

Regional planning consensus efforts:

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

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

Regional planning documents, consistent with federal and state requirements:

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

As the name indicates, transportation planning funds (FHWA PL, FTA Section 5303) are to be used for Metropolitan transportation planning process. They cannot be used for project implementation, such as rideshare activities or transit administration, or non-transportation planning Transportation Development Act (TDA) administration. FHWA PL cannot be used for project development such as project initiation documents (PIDs), and project study reports (PSRs) though these activities can be funded with other federal sources. For example, studying whether a traffic impact fee would benefit transportation in the region and even determining appropriate fee levels are acceptable uses, but implementation of the traffic impact fee program goes beyond planning and is not an acceptable use.

In addition, if an agency does not adhere to the Contract and Procurement process outlined in 49 CFR, Part 18.36, federal planning funds cannot be used.



**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.

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

Part 450, Planning Assistance and Standards:

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

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

Subpart B, § 450.210, Coordination,

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

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

Subpart B, § 450.214, Statewide transportation plan,

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

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

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

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

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

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

(f): The TIP shall include:

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

Guidelines

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

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

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

TRIBAL GOVERNMENT CONSULTATION vs. NATIVE AMERICAN PUBLIC PARTICIPATION

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

Consultation with Tribal Governments

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

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

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

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

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

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

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

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

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

Public Participation

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

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



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

F

APPENDIX F
Indirect Cost Allocation Plan
(ICAP) Definitions and Areas of Particular Importance

Definitions:

Indirect costs – Those costs incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives specifically benefited, e.g. cost of renting the office space/building, audit services, postage, utilities, and misc. supplies.

Direct costs – Any cost that can be specifically identified to a final cost objective, e.g. direct labor costs of engineers, project related travel, photocopies, rental of equipment and consultants.

Central Service Cost Allocation Plan – Documentation identifying, accumulating, and allocating or developing billing rates based on the allowable costs of services provided by a government unit on a centralized basis to its departments and agencies. The costs of these services may be allocated or billed to users.

Public Assistance Cost Allocation Plan – A narrative description of the procedures that will be used in identifying, measuring and allocating all administrative costs to all of the programs administered or supervised by State public assistance.

Indirect Cost Rate Proposal – Documentation prepared by a governmental unit or component thereof to substantiate its request for the establishment of an indirect cost rate.

Cost Allocation Plan – The Central Service Cost Allocation Plan, Public Assistance Cost Allocation Plan, and Indirect Cost Rate Proposal.

Indirect Cost Rate Calculation –

$\frac{\text{Indirect Cost}}{\text{Direct Salaries + Fringe Benefits}}$

Examples:

Allowable Costs – Audit services, communications, compensation for indirect personnel services, depreciation, rent, and travel.

Unallowable Costs – Alcoholic beverages, bad debts, contingencies, contributions and donations, entertainment, lobbying, equipment and other capital expenditures, certain advertising and public relations costs, certain memberships, and general government expenses.

Areas of Particular Importance:

The following items tend to be areas that are of particular importance when reviewing OWPs and its related invoices. If you have any questions regarding a cost on an invoice, please contact HQ Regional Planning staff prior to approval:

- Conflict of Interest
- Inappropriate billings
- Unsupported Direct Labor costs
- Billing of Indirect costs with no approval rate or billing incorrect rate
- Small agencies that share staff and/or accounting systems with other agencies.
- Inaccurate treatment of overtime and the effective hourly rate
- Independent audit-or- (Certified Public Accountant) performing routine accounting functions and providing an opinion on the financial statements.

The following two websites provide additional information about the ICAP procedure and definitions:

CFR Part 225.55:

http://www.whitehouse.gov/omb/fedreg/2005/083105_a87.pdf

2 CFR Part 225.55 has information on definitions, State/Local-Wide Central Service Cost Allocation Plans (Attachment C), Public Assistance Cost Allocation Plans (Attachment D), and the State and Local Indirect Cost Rate Proposals (Attachment E)

Local Assistance Procedures Manual, Chapter 5 Accounting/Invoice Section 5.14 - Obtaining Approval for Indirect Costs:

http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p05accin.pdf

Please contact Caltrans Audits & Investigations staff if there are any questions about the ICAP procedure.

Attachment A1

Council of Fresno County Governments
2014/15 Budget

	Direct Costs	Indirect Costs	Ineligible Costs	Other Program Costs	Total Budget
Salaries	1,418,805	434,096	15,275	528,951	2,397,127
Fringe Benefits	500,330	164,355	4,980	172,729	842,394
Total	1,919,135	598,451	20,255	701,680	3,239,521
	A4a	A3a	A3b	A3c	A4e
Indirect Costs					
Telephone		7,000			7,000
Insurance		14,000			14,000
Postage		9,000			9,000
Printing Supplies		12,000			12,000
Office Supplies		26,000			26,000
Publ. & Subscript.		2,500			2,500
Advertising & Legal Notice		4,000			4,000
Computer Supplies		14,500			14,500
Office Lease		213,075			213,075
Bldg. Operating Expense		22,000			22,000
Copier Lease		24,000			24,000
Repair & Maint.		1,850			1,850
Travel Expenses		39,000			39,000
Audit		20,400			20,400
Total Indirect		409,325		0	409,325
		A5a			
Depreciation		26,117			26,117
		A6e			
Subtotal Indirect Costs		1,033,893			
		A1a			
ICAP Carry Forward		39,931			
		A6c			
Other Direct Costs				9,078,246	9,078,246
				A5b	
Total Budget	1,919,135	1,073,824	20,255	9,779,926	12,793,140
	A1b				A5d

Attachment A2

Council of Fresno County Governments
Cost Carry Forward Provision

Fiscal Year	2011/12	2012/13	2013/14	2014/15
Approved Rate	58.95%	57.48%	55.99%	Proposed Rate 55.95%
Indirect Calculation				
Prior year Carry Forward				39,931
Indirect Costs Per Single Audit Travel Expense Adj.	23,438 907,961	63,731 918,183	24,060 A6b	1,033,893 A1a
Total Indirect Costs	931,399	981,914 A6a		1,073,824
Recovered Costs (Direct Salaries +Benefits) * Approved Rate)	907,339	941,983		1,919,135 A1b
Future Year Carry Forward	24,060	39,931 A6c		
Direct Salaries + Benefits (Per Single Audit)	1,539,167	1,638,801 A6d		

Attachment A3

Council of Fresno County Governments
2014/15 Indirect Cost Plan

Adjustment for Ineligible Activities

	Executive Director	Executive Assistant	
Salary	170,179	71,631	
Benefits	48,308	38,104	
Total Salary & Benefits	218,487	109,735	
 Annual Hours	 1,718	 1,821	
Salary Rate	99.06	39.34	
Benefit Rate	28.12	20.92	
 Ineligible Activities			
One Voice Advocacy	128	66	
Total Ineligible Hrs.	128	66	
	6		
Ineligible Salaries	12,679.23	2,596.18	15,275.41
Ineligible Benefits	3,599.20	1,381.03	4,980.23
Ineligible Costs	\$16,278.43	\$3,977.22	20,255.64

	Professional Staff	FCRTA Staff	FAX Staff	Ineligible Activities	Support Staff	Total Staff
Salaries & Benefits	1,919,135	434,762	266,918		618,706	3,239,521
	A4a	A4b	A4c		A4d	A4e
Executive Director adj.				16,278	(16,278)	0
Executive Assistant adj.				3,977	(3,977)	0
Subtotal	0	0	0	20,255	(20,255)	0
Adj Salaries & Benefits	1,919,135	434,762	266,918	20,255	598,451	3,239,521
				A3b	A3a	
FCRTA Staff		434,762				
FAX Staff		266,918				
Total Other Program Costs		701,680				
		A3c				



Appendix G – Key Federal Contract and Procurement Requirements

G



APPENDIX G
Key Federal Contract and Procurement Requirements

Per 49 Code of Federal Regulations, Part 18.36:

- (1) Grantees and sub grantees 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.
 - (2) Grantees and sub grantees 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 sub grantee 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 sub grantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub agreements. Grantee and sub grantees 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 sub grantee'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.
 - (3) Grantees and sub grantees 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.
 - (4) 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.
 - (5) 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 sub grantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or sub grantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.
 - (6) Grantees and sub grantees 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 sub grantee 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 sub grantee'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 sub grantee.

(7) 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.

**Appendix H – Deputy Directive Complete Streets-
Integrating the Transportation System**

H



APPENDIX H

California Complete Streets & Smart Mobility Framework

New Complete Streets Law:

On September 30, 2008 Governor Arnold Schwarzenegger signed AB 1358, The California Complete Streets Act. AB 1358 impacts local general plans by adding the following language to Government Code Section 65302(b): (2)(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan. (2)(B) For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors. In addition, the signing of the act required the Governor's Office of Planning and Research (OPR) to amend the General Plan Guidelines to provide local jurisdictions with guidance on how they can comply with the new regulatory statutes. In response, OPR has developed the Update to the General Plan Guidelines: Complete Streets and the Circulation Element.

The draft of the Update to the General Plan Guidelines: Complete Streets and the Circulation Element was recently available to the public for a 30 day review comment period. It is anticipated that OPR will finalize the guidelines before the new year. Visit <http://www.opr.ca.gov/> for more information.

Complete Streets at Caltrans:

On October 2, 2008, Caltrans then-Chief Deputy Director Randy Iwasaki signed a deputy (policy) directive to Caltrans employees titled Complete Streets - Integrating the Transportation System. The directive states that "the California Department of Transportation (Department) provides for the needs of travelers of all ages and abilities in all planning, programming, design, construction, operations, and maintenance activities and products on the State highway system. The Department views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system.

"The Department develops integrated multimodal projects in balance with community goals, plans, and values. Addressing the safety and mobility needs of bicyclists, pedestrians, and transit users in all projects, regardless of funding, is implicit in these objectives. Bicycle, pedestrian, and transit travel is facilitated by creating “complete streets” beginning early in system planning and continuing through project delivery and maintenance and operations. Developing a network of “complete streets” requires collaboration among all Department functional units and stakeholders to establish effective partnerships."

The directive also required Caltrans staff to develop a directive implementation plan. The Complete Streets Implementation Action Plan was adopted in early 2010 and included 73 action items for complete streets implementation. Caltrans staff is in the process of implementing those 73 items.

For more information about the deputy directive and the Complete Streets Implementation Action Plan, visit <http://www.dot.ca.gov/completestreets>. The deputy directive has also been included in Appendix I of this guidance.

Smart Mobility Framework:

In February 2010, Caltrans then-Director Randy Iwasaki released the Smart Mobility Framework: A Call to Action for the New Decade. This report responds to today's transportation challenges with new concepts and tools, presented with a program for putting them into action. Smart Mobility addresses:

- **The State mandate to find solutions to climate change.** Achieving the State's goals for reduction of greenhouse gas (GHG) emissions requires a positive and integrated approach to our transportation future.
- **The need to reduce per capita vehicle miles traveled.** Reduced per capita auto use will lower emissions of GHG gas and conventional pollutants, reduce petroleum consumption and associated household transportation costs, and minimize negative impacts on air quality, water quality, and noise environments.
- **Demand for a safe transportation system that gets people and goods to their destinations.** Smart Mobility must be achieved with vigilant attention to serving the safety and reliability needs of the State's people and businesses. The Call to Action endorses the application of land use strategies and the use of transit, carpool, walk, and bike travel to satisfy travel needs through a shift away from higher-polluting modes.
- **The commitment to create a transportation system that advances social equity and environmental justice.** Caltrans' California Transportation Plan (CTP) already sets forth a commitment to equity, the environment, and the economy. Smart Mobility integrates social equity concerns into transportation decisions and investments.

The contents of the report include:

- Focused attention on Smart Mobility as a response to the State's interrelated challenges of mobility and sustainability.
 - Six principles that shape the Smart Mobility Framework: Location Efficiency, Reliable Mobility, Health and Safety, Environmental Stewardship, Social Equity, and Robust Economy.
 - The concept of place types, a contemporary approach to planning and design. Seven place types are specifically designed as tools for planning and programming that implement Smart Mobility. The place types are: Urban Centers, Close-in Compact Communities, Compact Communities, Suburban areas, Rural and Agricultural Lands, Protected Lands, and Special Use Areas.
 - A set of 17 Smart Mobility performance measures, similar to metrics presently used by Caltrans but redefined to better achieve the Smart Mobility Principles. As a group, the proposed measures facilitate Caltrans' role in context-sensitive solutions, regional blueprints, sustainable communities strategies, corridor system management plans, and interstate commodity movement, and are applicable in a full range of Caltrans studies.
 - Summary comments about moving forward with Smart Mobility.
-

- An extensive Resources section, materials that illustrate best practices and provide research evidence of the benefits of a Smart Mobility approach.

The report can be downloaded at <http://www.dot.ca.gov/hq/tpp/offices/ocp/smf.htm>



Deputy Directive

Number: DD-64-R1

*Refer to
Director's Policy:* DP-22
Context Sensitive
Solutions
DP-05
Multimodal Alternatives
DP-06
Caltrans Partnerships
DP-23-R1
Energy Efficiency,
Conservation and Climate
Change

Effective Date: October 2008

Supersedes: DD-64 (03-26-01)

TITLE Complete Streets - Integrating the Transportation System

POLICY

The California Department of Transportation (Department) provides for the needs of travelers of all ages and abilities in all planning, programming, design, construction, operations, and maintenance activities and products on the State highway system. The Department views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system.

The Department develops integrated multimodal projects in balance with community goals, plans, and values. Addressing the safety and mobility needs of bicyclists, pedestrians, and transit users in all projects, regardless of funding, is implicit in these objectives. Bicycle, pedestrian, and transit travel is facilitated by creating "complete streets" beginning early in system planning and continuing through project delivery and maintenance and operations. Developing a network of "complete streets" requires collaboration among all Department functional units and stakeholders to establish effective partnerships.

DEFINITIONS/BACKGROUND

Complete Street – A transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit riders, and motorists appropriate to the function and context of the facility.

The intent of this directive is to ensure that travelers of all ages and abilities can move safely and efficiently along and across a network of “complete streets.”

State and federal laws require the Department and local agencies to promote and facilitate increased bicycling and walking. California Vehicle Code (CVC) (Sections 21200-21212), and Streets and Highways Code (Sections 890 – 894.2) identify the rights of bicyclists and pedestrians, and establish legislative intent that people of all ages using all types of mobility devices are able to travel on roads. Bicyclists, pedestrians, and nonmotorized traffic are permitted on all State facilities, unless prohibited (CVC, section 21960). Therefore, the Department and local agencies have the duty to provide for the safety and mobility needs of all who have legal access to the transportation system.

Department manuals and guidance outline statutory requirements, planning policy, and project delivery procedures to facilitate multimodal travel, which includes connectivity to public transit for bicyclists and pedestrians. In many instances, roads designed to Department standards provide basic access for bicycling and walking. This directive does not supersede existing laws. To ensure successful implementation of “complete streets,” manuals, guidance, and training will be updated and developed.

RESPONSIBILITIES

Chief Deputy Director:

- Establishes policy consistent with the Department’s objectives to develop a safe and efficient multimodal transportation system for all users.
- Ensures management staff is trained to provide for the needs of bicyclists, pedestrians, and transit users.

Deputy Directors, Planning and Modal Programs and Project Delivery:

- Include bicycle, pedestrian, and transit modes in statewide strategies for safety and mobility, and in system performance measures.
- Provide tools and establish processes to identify and address the needs of bicyclists, pedestrians, and transit users early and continuously throughout planning and project development activities.
- Ensure districts document decisions regarding bicycle, pedestrian, and transit modes in project initiation and scoping activities.
- Ensure Department manuals, guidance, standards, and procedures reflect this directive, and identify and explain the Department’s objectives for multimodal travel.
- Ensure an Implementation Plan for this directive is developed.

Deputy Director, Maintenance and Operations:

- Provides tools and establishes processes that ensure regular maintenance and operations activities meet the safety and mobility needs of bicyclists, pedestrians, and transit users in construction and maintenance work zones, encroachment permit work, and system operations.
- Ensures Department manuals, guidance, standards, and procedures reflect this directive and identifies and explains the Department's objectives for multimodal travel.

District Directors:

- Promote partnerships with local, regional, and State agencies to plan and fund facilities for integrated multimodal travel and to meet the needs of all travelers.
- Identify bicycle and pedestrian coordinator(s) to serve as advisor(s) and external liaison(s) on issues that involve the district, local agencies, and stakeholders.
- Ensure bicycle, pedestrian, and transit needs are identified in district system planning products; addressed during project initiation; and that projects are designed, constructed, operated, and maintained using current standards.
- Ensure bicycle, pedestrian, and transit interests are appropriately represented on interdisciplinary planning and project delivery development teams.
- Provide documentation to support decisions regarding bicycle, pedestrian, and transit modes in project initiation and scoping activities.

Deputy District Directors, Planning, Design, Construction, Maintenance, and Operations:

- Ensure bicycle, pedestrian, and transit user needs are addressed and deficiencies identified during system and corridor planning, project initiation, scoping, and programming.
- Collaborate with local and regional partners to plan, develop, and maintain effective bicycle, pedestrian, and transit networks.
- Consult locally adopted bicycle, pedestrian, and transit plans to ensure that State highway system plans are compatible.
- Ensure projects are planned, designed, constructed, operated, and maintained consistent with project type and funding program to provide for the safety and mobility needs of all users with legal access to a transportation facility.
- Implement current design standards that meet the needs of bicyclists, pedestrians, and transit users in design, construction and maintenance work zones, encroachment permit work, and in system operations.
- Provide information to staff, local agencies, and stakeholders on available funding programs addressing bicycle, pedestrian, and transit travel needs.

Chiefs, Divisions of Aeronautics, Local Assistance, Mass Transportation, Rail, Transportation Planning, Transportation System Information, Research and Innovation, and Transportation Programming:

- Ensure incorporation of bicycle, pedestrian, and transit travel elements in all Department transportation plans and studies.
- Support interdisciplinary participation within and between districts in the project development process to provide for the needs of all users.
- Encourage local agencies to include bicycle, pedestrian, and transit elements in regional and local planning documents, including general plans, transportation plans, and circulation elements.
- Promote land uses that encourage bicycle, pedestrian, and transit travel.
- Advocate, partner, and collaborate with stakeholders to address the needs of bicycle, pedestrian, and transit travelers in all program areas.
- Support the development of new technology to improve safety, mobility, and access for bicyclists, pedestrians, and transit users of all ages and abilities.
- Research, develop, and implement multimodal performance measures.
- Provide information to staff, local agencies, and stakeholders on available funding programs to address the needs of bicycle, pedestrian, and transit travelers.

Chiefs, Divisions of Traffic Operations, Maintenance, Environmental Analysis, Design, Construction, and Project Management:

- Provide guidance on project design, operation, and maintenance of work zones to safely accommodate bicyclists, pedestrians, and transit users.
- Ensure the transportation system and facilities are planned, constructed, operated, and maintained consistent with project type and funding program to maximize safety and mobility for all users with legal access.
- Promote and incorporate, on an ongoing basis, guidance, procedures, and product reviews that maximize bicycle, pedestrian, and transit safety and mobility.
- Support multidisciplinary district participation in the project development process to provide for the needs of all users.

Employees:

- Follow and recommend improvements to manuals, guidance, and procedures that maximize safety and mobility for all users in all transportation products and activities.
- Promote awareness of bicycle, pedestrian, and transit needs to develop an integrated, multimodal transportation system.
- Maximize bicycle, pedestrian, and transit safety and mobility through each project's life cycle.

APPLICABILITY

All departmental employees.

Deputy Directive
Number DD-64-R1
Page 5

Randell H. Iwasaki

RANDELL H. IWASAKI
Chief Deputy Director

October 2, 2008

Date Signed

Appendix I - Certification of Restrictions on Lobbying

I



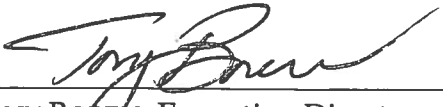
**CERTIFICATION
OF
RESTRICTIONS ON LOBBYING**

I, Tony Boren, Executive Director, hereby certify on behalf of the Fresno Council of 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 1st day of May, 2014.

By: 
TONY BOREN, Executive Director
Fresno Council of Governments

**BEFORE THE
FRESNO COUNCIL OF GOVERNMENTS
RESOLUTION NO. 2014-06**

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

RESOLUTION ADOPTING
THE OVERALL WORK
PROGRAM AND LINE ITEM
BUDGET FOR FISCAL YEAR
2014/15

WHEREAS, the Fresno Council of 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 2014/15 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 FY 2014/15 Overall Work Program and Line Item Budget for 2013/14 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 FY 2013/14 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, 2014

THE FOREGOING RESOLUTION was passed and adopted by the Fresno Council of Governments this 29th day of May, 2014.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: _____
Amarpreet Dhaliwal, Chair

I hereby certify that the foregoing is a true copy of a resolution of the Fresno Council of Governments duly adopted at a regular meeting thereof held on the 29th day of May, 2014.

Signed: _____
Tony Boren, Executive Director

220 Transportation Program Development
 311 COG View Internet Home Page

Fresno Track - Web Based Project Tracker
 Home Page Technical Support
Total Software Support & Maintenance

53,000
 2,500
 143,700

53,000
 2,500 LTF
 43,463

311 Public Participation
 814e SCS Modeling
 814c2 SCS Green Print

Workshops
 Transportation Forum
 SCS Modeling
 SCS Green Print
Total Workshops

5,500
 17,600
 32,000
 55,100

5,500 LTF
 17,600
 32,000
 49,600

212 Measure "C" Carpool/Vanpool
 214 Measure "C" ADA/Seniors
 215 Measure "C" Farm Worker Van Pool
 340 Transportation Demand Management
 820 Valley RTPA Coordination

Promotion/Outreach
 Carpool Promotion
 Taxi Script Promotion
 Grass Roots Promotion
 TDM Promotion
 Valley Wide Outreach
Total Promotion & Outreach

60,000
 50,000
 100,000
 5,000
 5,000
 220,000

60,000 Measure C
 50,000 Measure C
 100,000 Measure C
 5,000 LTF
 573 LTF
 215,573

212 Measure "C" Carpool/Vanpool

Carpool Subsidy

24,000

24,000 Measure C

212 Measure "C" Carpool/Vanpool
 360 One Voice Advocacy

Prizes & Awards
 Carpool Prizes & Awards
 One Voice Awards
Total Prizes & Awards

56,000
 4,113
 60,113

56,000 Measure C
 4,113 Member Dues/Donations
 60,113

212 Measure "C" Carpool/Vanpool
 214 Measure "C" ADA/Seniors
 215 Measure "C" Farm Worker Van Pool

Commuter Van Pool Subsidy
 Taxi Script
Farm Worker Van Pool Subsidy

158,840
 345,000
 280,000

158,840 Measure C
 345,000 Measure C
 280,000 Measure C

111 Regional Transportation Modeling
 220 Transportation Program & Development
 212 Measure "C" Carpool/Vanpool
 214 Measure "C" ADA/Seniors
 340 Transportation Demand Management
 360 One Voice Advocacy
 814a Sustainable Communities
 814e SCS Modeling
 814c2 SCS Green Print
 910 COG Administration

Grant Specific Travel
 Travel & Training
 APTA Conference
 Travel & Training
 Carpool/Van Pool Travel
 Taxi Script Travel
 TDA Travel
 One Voice Trip to DC & Sacramento
 Sustainable Comm. Travel
 SCS Modeling Travel
 SCS Green Print Travel
 Admin. Travel
Total Grant Specific Travel

5,000
 1,500
 3,000
 400
 600
 500
 33,509
 765
 765
 2,295
 5,000
 53,334

574 LTF
 300 FAX Match
 400 Measure C
 600 Measure C
 500 LTF
 33,509 Member Dues/Donations
 765
 765
 2,295
 5,000 LTF
 40,883

5316 JARRC
 " "
 " "
 " "

5316 FTA 5316 JARRC
 FAX Trip Planning Software
 FCEOC 3 Vans
 FCEOC Calworks OP 3 yrs.
 FCRTA Emp. Shuttle
 FAX Transportation needs Research

95,431
 47,125
 690,143
 126,168
 156,507

76,345
 37,700
 548,213
 100,934
 125,206

Total

FTA 5316 Match
 19,086
 9,425
 141,930
 25,234
 31,301

3,000
 1,200
 3,000
 1,200
 3,000

Toll Credit
 3,825
 3,825

"	FAX Bike Racks	32,618	26,094	6,524	
"	FAX Bike Lockers	63,666	51,001	12,665	
"	FCOEC CVRC Op 2 yrs	880,000	440,000	440,000	
"	FAX Trip Planning Software	223,900	223,900		47,800
	Total FTA 5316 JARRC	2,315,558	1,629,393	686,165	

Total	FTA 5317	Match	Toll Credit
	8,190	6,552	1,638
	30,072	15,036	15,036
	85,000	60,340	24,660
	153,000	122,400	30,600
	80,000	40,000	40,000
	21,000	16,800	4,200
	150,000	120,000	30,000
	84,870	67,896	16,974
	80,000	40,000	40,000
	85,000	60,340	24,660
	116,000	79,810	36,190
	223,322	223,322	0
	1,116,454	852,496	263,958

Total	Local	Source
	5,000	5,000 Measure C
	21,000	21,000 LTF
	26,000	26,000

Total	Local	Source
	30,000	30,000 LTF

Total	Local	Source
	8,000	8,000 LTF

Total	Local	Source
	7,500	7,500 LTF
	10,000	10,000 LTF
	17,500	17,500

Total	Local	Source
	19,200	19,200

Total	Local	Source
	4,000	4,000 LTF

Total	Local	Source
	500	500 Measure C
	2,000	2,000 Measure C
	3,802	3,802 Member Dues/Donations
	5,000	5,000 LTF
	11,302	11,302

Total	STATE FSP	Local	Source
	383,830	307,064	76,766 LTF

Total	FHWA PL	FSP	Local	Source

"	FAX Bike Racks	32,618	26,094	6,524	
"	FAX Bike Lockers	63,666	51,001	12,665	
"	FCOEC CVRC Op 2 yrs	880,000	440,000	440,000	
"	FAX Trip Planning Software	223,900	223,900		47,800
	Total FTA 5316 JARRC	2,315,558	1,629,393	686,165	

Total	FTA 5317	Match	Toll Credit
	8,190	6,552	1,638
	30,072	15,036	15,036
	85,000	60,340	24,660
	153,000	122,400	30,600
	80,000	40,000	40,000
	21,000	16,800	4,200
	150,000	120,000	30,000
	84,870	67,896	16,974
	80,000	40,000	40,000
	85,000	60,340	24,660
	116,000	79,810	36,190
	223,322	223,322	0
	1,116,454	852,496	263,958

Total	Local	Source
	5,000	5,000 Measure C
	21,000	21,000 LTF
	26,000	26,000

Total	Local	Source
	30,000	30,000 LTF

Total	Local	Source
	8,000	8,000 LTF

Total	Local	Source
	7,500	7,500 LTF
	10,000	10,000 LTF
	17,500	17,500

Total	Local	Source
	19,200	19,200

Total	Local	Source
	4,000	4,000 LTF

Total	Local	Source
	500	500 Measure C
	2,000	2,000 Measure C
	3,802	3,802 Member Dues/Donations
	5,000	5,000 LTF
	11,302	11,302

Total	STATE FSP	Local	Source
	383,830	307,064	76,766 LTF

Total	FHWA PL	FSP	Local	Source

121	New Freedom				
"	FCRTA Mini Van	8,190	6,552	1,638	
"	FAX Travel Training	30,072	15,036	15,036	
"	FCRTA Van - Heavy Duty Lift	85,000	60,340	24,660	
"	FAX Bus Station Ramps	153,000	122,400	30,600	
"	FAX Trip Efficiency Program	80,000	40,000	40,000	
"	FAX Support Vehicle	21,000	16,800	4,200	
"	FAX Bus Stop Improvements	150,000	120,000	30,000	
"	FAX Braille Signs	84,870	67,896	16,974	
"	FCRTA Travel Training	80,000	40,000	40,000	
"	FCRTA Van - Heavy Duty Lift	85,000	60,340	24,660	
"	FCRTA 2 Buses	116,000	79,810	36,190	
"	FAX Improve Bus Stops	223,322	223,322	0	44,664
	Total Total 5317 New Freedom	1,116,454	852,496	263,958	

County Counsel				
Legal Advice	5,000	5,000	Measure C	
Legal Advice	21,000	21,000	LTF	
Total County Counsel	26,000	26,000		

Program Audits				
Total	Local	Source		
	30,000	30,000	LTF	

County Auditor Controller				
Total	Local	Source		
	8,000	8,000	LTF	

Membership/Dues				
NAARC	7,500	7,500	LTF	
CALCOG	10,000	10,000	LTF	
Total Membership Dues	17,500	17,500		

Board Renumeration				
Total	Local	Source		
	19,200	19,200		

Temporary Help				
Total	Local	Source		
	4,000	4,000	LTF	

Other Misc Expense				
Committee Meetings	500	500	Measure C	
Taxi Scrip Misc	2,000	2,000	Measure C	
One Voice	3,802	3,802	Member Dues/Donations	
Administrative Misc.	5,000	5,000	LTF	
Total Other Misc. Expense	11,302	11,302		

Freeway Towing Contract				
Total	STATE FSP	Local	Source	
	383,830	307,064	76,766 LTF	

Equipment				
Total	FHWA PL	FSP	Local	Source

211	Measure "C" Oversight Committee				
214	Measure "C" ADA/ Seniors				
360	One Voice Advocacy				
910	COG Administration				

153	Airport Land Use				
912	TDA Administration				

912	TDA Administration				
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912	TDA Administration				
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910	COG Administration				
"	"				
"	"				

910	COG Administration				
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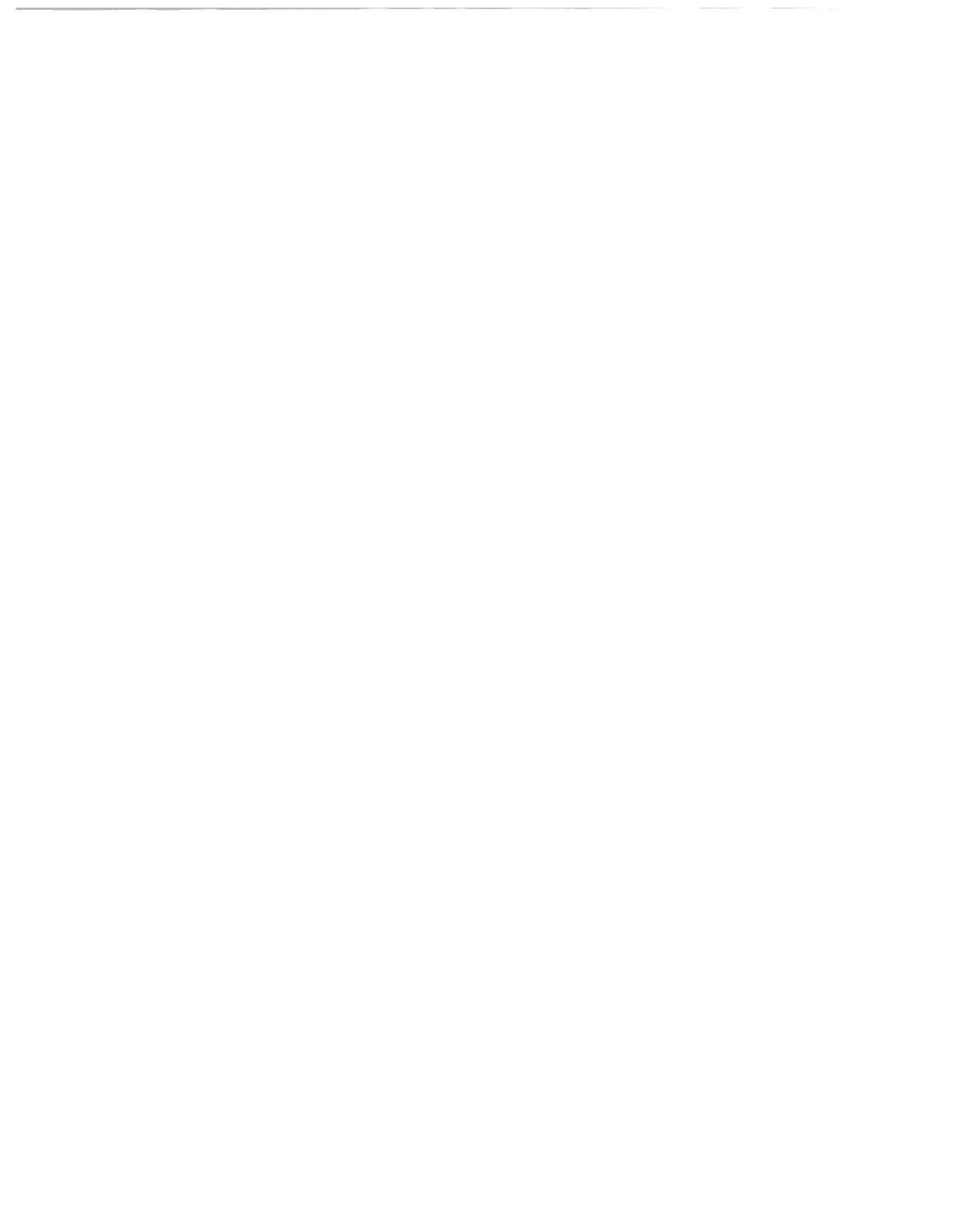
910	COG Administration				
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211	Measure "C" Oversight Committee				
214	Measure "C" ADA/ Seniors				
360	One Voice Advocacy				
910	COG Administration				

940	Freeway Service Patrol				
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TOTAL EXPENSES

	Actual Cost 2012/13	Total Proposed Budget 2013/14	Total Proposed Budget 2014/15	Total Budget Increase (Decrease)	Percent Change
SALARIES					
	27%	16%	19%		
Salaries - COFCG	1,636,694	1,817,785	1,868,185	50,400	3%
Salaries - FCRTA	295,759	293,197	321,048	27,851	9%
Salaries - FAX	193,923	206,672	207,903	1,231	1%
Total Salaries	2,126,376	2,317,654	2,397,136	79,482	3%
BENEFITS					
	9%	6%	7%		
Vehicle Allowance/Parking Permits	32,130	32,598	32,598	0	0%
Retirement	316,245	347,648	359,570	11,922	3%
Health Insurance	253,457	305,603	322,323	16,720	5%
Dental/Optical	36,460	33,855	33,855	0	0%
Life, Disability, & Unemployment Ins.	33,253	35,619	35,763	144	0%
Workers Comp	16,877	24,834	25,680	846	3%
FICA/Medicare	28,547	31,551	32,596	1,045	3%
BENEFITS SUBTOTAL	716,969	811,708	842,385	30,677	4%
INDIRECT OVERHEAD					
	4%	3%	3%		
Telephone	4,308	7,000	7,000	0	0%
Insurance	9,097	14,000	14,000	0	0%
Postage	2,984	9,000	9,000	0	0%
Printing Supplies	7,280	14,000	12,000	(2,000)	-14%
Office Supplies	24,723	24,000	26,000	2,000	8%
Publ. & Subscript.	1,317	2,000	2,500	500	25%
Advertising & Legal Notice	3,090	6,500	4,000	(2,500)	-38%
Computer Supplies	3,851	14,500	14,500	0	0%
Office Lease	213,073	213,075	213,075	0	0%
Bldg. Operating Expense	18,539	22,000	22,000	0	0%
Copier Lease/Service Contracts	23,301	24,000	24,000	0	0%
Repair & Maint.	1,444	1,850	1,850	0	0%
Travel Expenses	25,105	39,000	39,000	0	0%
Single Audit	12,300	12,300	20,400	8,100	66%
INDIRECT OVERHEAD SUBTOTAL	350,412	403,225	409,325	6,100	2%
ICAP -Cost Carry Fwd & Depreciation	89,848	54,110	66,049	11,939	22%
Total Salaries Benefits & Overhead					
	3,283,605	3,586,697	3,714,895	128,198	4%
OTHER DIRECT COSTS					
	58%	75%	71%		
Consultants	1,519,632	3,150,724	2,980,269	(170,455)	-5%
Supplies/Printing	33,926	94,688	70,288	(24,400)	-26%
Software Support/Maint	91,546	162,100	143,700	(18,400)	-11%
Workshops	4,850	60,100	55,100	(5,000)	-8%
Promotion/Outreach	94,730	222,000	220,000	(2,000)	-1%
Carpool Subsidy	12,000	12,000	24,000	12,000	100%
Prizes & Awards	49,135	60,113	60,113	0	0%
Commuter Van Pool Subsidy	119,179	158,840	158,840	0	0%
Taxi Scrip	322,594	315,000	345,000	30,000	10%
Farm Worker Van Pool Subsidy	188,564	130,000	280,000	150,000	115%
Grant Specific Travel	17,640	52,334	53,334	1,000	2%
FTA 5316 JARRC	1,104,979	3,616,257	2,315,558	(1,300,699)	-36%
FTA 5317 New Freedom	0	1,119,966	1,116,454	(3,512)	0%
County Counsel	13,181	26,000	26,000	0	0%
Program Audits	34,670	30,000	30,000	0	0%
County Auditor Controller	5,969	8,000	8,000	0	0%
Membership/Dues	17,021	17,500	17,500	0	0%
Board Renumeration	17,800	19,200	19,200	0	0%
Temporary Help	16,312	4,000	4,000	0	0%
Other Misc Expense	12,615	11,302	11,301	(1)	0%
Freeway Service Patrol	292,535	383,830	383,830	0	0%
Equipment	20,319	48,000	98,000	50,000	104%
Agency Pass Trough	599,125	727,200	527,200	(200,000)	-28%
Grant Administration	0	62,840	130,558	67,718	108%
OTHER DIRECT SUBTOTAL	4,588,322	10,491,994	9,078,245	(1,413,749)	-13%
TOTAL EXPENSES	7,871,927	14,078,691	12,793,140	-1,285,551	-9%



**TOTAL REVENUES
INCLUDING CARRYOVER**

	Actual Cost 2012/13	Total Proposed Budget 2013/14	Total Proposed Budget 2014/15	Total Budget Increase (Decrease)	Percent Change
FEDERAL	37%	45%	46%		
FTA 5303 Apportionment	298,486	298,486	320,000	21,514	7%
FTA 5303 Reserve Draw	90,415	175,581	88,530	(87,051)	-50%
FTA 5304	6,107	213,800	106,900	(106,900)	-50%
FTA JARC 5316	536,421	2,161,173	1,729,393	(431,780)	-20%
FTA NF 5317	0	850,483	852,496	2,013	0%
FTA 5307	196,843	238,335	214,734	(23,601)	-10%
FHWA/PL Apportionment	1,266,003	1,266,003	1,480,000	213,997	17%
FHWA/PL Reserve Draw	481,019	1,101,407	1,112,186	10,779	1%
PARTNER/PLANNING	0			0	N/A
DOE	35,806			0	N/A
FEDERAL SUBTOTAL	2,911,100	6,305,268	5,904,239	(401,029)	-6%
STATE	19%	15%	14%		
STATE STIP PLANNING	351,621	322,000	322,000	0	0%
SPR	144,121	225,000	109,100	(115,900)	-52%
State Blue Print	224,046			0	N/A
STATE FSP	238,350	315,424	315,530	106	0%
STATE Prop. 84	558,597	1,302,250	995,602	(306,648)	-24%
STATE SUBTOTAL	1,516,735	2,164,674	1,742,232	(422,442)	-20%
LOCAL	44%	40%	40%		
LOCAL RESERVE DRAW	0	55,491	0	(55,491)	-100%
LTF ADMIN.	133,000	133,000	100,000	(33,000)	-25%
LTF PLANNING	764,360	764,360	835,107	70,747	9%
MEMBER DUES	40,000	40,000	40,000	0	0%
OUTSIDE SERVICES	7,625	55,000	53,677	(1,323)	-2%
INTEREST EARNINGS	88,201	40,000	40,000	0	0%
TRANS AUTH ADMIN	2,600	2,600	2,600	0	0%
TRANS AUTH PLANNING	995,649	2,022,611	2,437,676	415,065	21%
FCRTA ADMIN.	401,709	396,604	434,707	38,103	10%
VALLEY COGS	196,233	110,820	114,017	3,197	3%
FAX FTA MATCH	344	6,642	16,155	9,513	143%
In Kind/ Cash Match	671,470	1,924,567	950,123	(974,444)	-51%
MISC OTHER	245,150	57,054	122,607	65,553	115%
LOCAL SUBTOTAL	3,546,341	5,608,749	5,146,669	(462,080)	-8%
TOTAL REVENUES	7,974,176	14,078,691	12,793,140	(1,285,551)	-9%



FY 2014/15 OWP Spreadsheet - PY Calculation

<i>Work Element Description</i>	<i>COFCG</i>	<i>County</i>	<i>Fresno</i>	<i>Clovis</i>	<i>FCEOC</i>	<i>Agency Total</i>
111	REGIONAL TRANSPORTATION MODELING	0.09	0.00	0.00	0.00	0.09
112	REGIONAL TRAFFIC MONITORING	0.82	1.48	0.80	0.10	3.20
114	INTELLIGENT TRANSP. SYSTEMS	0.45	0.00	0.00	0.00	0.45
115	REGIONAL TRANS. MITIGATION FEE	0.24	0.00	0.00	0.00	0.24
116	NATIONAL PARKS	0.04	0.00	0.00	0.00	0.04
117	GOLDEN STATE	0.25	0.00	0.00	0.00	0.25
120	PUBLIC TRANSPORTATION - URBAN	1.84	0.00	0.00	0.50	2.34
121	JARC New Freedom	0.18	0.00	0.00	0.00	0.18
125	FCMA TRANS. PLAN	0.00	0.00	0.00	0.00	0.00
150	OTHER MODAL ELEMENTS	0.33	0.00	0.00	0.00	0.33
152	HIGH SPEED RAIL PLANNING	0.09	0.20	1.20	0.00	1.49
153	AIRPORT LAND USE COMMISSION	0.36	0.00	0.00	0.00	0.36
170	REGIONAL TRANSPORTATION PLAN	2.17	0.00	0.00	0.00	2.17
172	CONGESTION MANAGEMENT PROGRAM	0.41	0.00	0.00	0.00	0.41
180	AIR QUALITY/TRANS. PLANNING	1.05	0.00	0.00	0.00	1.05
210	MEASURE "C" - EXTENSION	1.32	0.00	0.00	0.00	1.32
211	MEASURE "C" - OVERSIGHT COMMITTEE	0.10	0.00	0.00	0.00	0.10
212	MEASURE "C" - RIDESHARE/VAN POOL	0.52	0.00	0.00	0.00	0.52
214	MEASURE "C" - ADA/SENIORS	0.67	0.00	0.00	0.00	0.67
215	MEASURE "C" - FARM VANPOOL	0.40	0.00	0.00	0.00	0.40
220	TRANSPORTATION PROG DEVELOPMENT	1.04	0.00	0.00	0.00	1.04
310	INTERGOVERNMENTAL COORDINATION	0.74	0.31	0.04	0.10	1.19
311	PUBLIC INFO. AND PARTICIPATION	0.69	0.00	0.00	0.00	0.69
313	ENVIRONMENTAL JUSTICE	0.23	0.00	0.00	0.00	0.23
314	VENTURAL KINGS CANYON COORD.	0.00	0.00	0.00	0.00	0.00
320	TECHNICAL ASSISTANCE TO MEMBERS	0.38	0.00	0.00	0.00	0.38
340	TDM PROGRAM	0.10	0.00	0.00	0.00	0.10
350	FRESNO REGIONAL DATA CENTER	0.42	0.00	0.00	0.00	0.42
360	ONE VOICE ADVOCACY	0.48	0.00	0.00	0.00	0.48
410	CALIFORNIA BLUE PRINT	0.00	0.00	0.00	0.00	0.00
420	REGIONAL HOUSING NEEDS	0.45	0.00	0.00	0.00	0.45
814	SUBSTAINABLE COMMUNITIES	0.67	0.00	0.00	0.00	0.67
820	VALLEY RTPA COORDINATION	0.57	0.00	0.00	0.00	0.57
910	COFCG ADMINISTRATION	0.21	0.00	0.00	0.00	0.21
911	OWP & BUDGET	0.13	0.00	0.00	0.00	0.13
912	TRANSPORTATION FUNDS ADMIN	0.47	0.00	0.00	0.00	0.47
920	FCRTA ADMINISTRATION	2.67	0.00	0.00	0.00	2.67
930	AUTHORITY ADMINISTRATION	0.02	0.00	0.00	0.00	0.02
940	FREEWAY SERVICE PATROL	0.04	0.00	0.00	0.00	0.04
950	VEHICLE ABATEMENT	0.06	0.00	0.00	0.00	0.06
TOTAL PY		20.70	1.99	2.04	0.20	25.43



FY 2014/15 OWP Spreadsheet
Expenditure by PROGRAM

	Work Element Description	COG	Programs & Services	Agency Total	
110	REGIONAL TRANSPORTATION MODELING	14,316	130,000	144,316	
111	REGIONAL TRANSPORTATION MODELING	344,504	658,200	1,002,704	
112	REGIONAL TRAFFIC MONITORING	133,800	307,200	441,000	
114	INTELLIGENT TRANS. SYSTEMS	73,181	150,000	223,181	
115	REGIONAL TRANS. MITIGATION FEE	39,064	140,000	179,064	
116	NATIONAL PARKS	5,971	0	5,971	
117	GOLDEN STATE	40,348	100,000	140,348	
120	PUBLIC TRANSPORTATION - URBAN	300,488	51,500	351,988	
121	JARC	29,050	3,432,012	3,461,062	
125	FCMA TRANSPORTATION EVALUATION	0	136,605	136,605	
150	OTHER MODAL ELEMENTS	53,090	150,000	203,090	
152	HIGH SPEED RAIL PLANNING	15,436	220,000	235,436	Carry over Balance 06/30/13 1,727,604
153	AIRPORT LAND USE COMMISSION	58,646	5,000	63,646	2013/14 Estimated Allocation 1,266,003
170	REGIONAL TRANSPORTATION PLAN	354,217	50,000	404,217	2013/14 OWP Programmed (2,367,410)
172	CONGESTION MANAGEMENT PROGRAM	66,480	150,000	216,480	2013/14 Estimated Deobligation 487,633
180	AIR QUALITY/TRANS. PLANNING	171,454		171,454	Balance 2013/14 1,113,830
210	MEASURE "C" - EXTENSION	215,802		215,802	2014/15 Estimated Allocation 1,480,000
211	MEASURE "C" - OVERSIGHT COMMITTEE	16,199	500	16,699	2014/15 OWP Programmed (2,592,186)
212	MEASURE "C" - RIDESHARE/VAN POOL	84,740	309,680	394,420	Balance 2015/16 1,644
214	MEASURE "C" - ADA/SENIORS	108,679	416,600	525,279	
215	MEASURE "C" - FARM VANPOOL	64,980	382,000	446,980	
220	TRANSPORTATION PROG DEVELOPMENT	170,303	151,697	322,000	
310	INTERGOVERNMENTAL COORDINATION	120,195	55,000	175,195	FTA 5303 Allocation
311	PUBLIC INFO. AND PARTICIPATION	111,876	12,000	123,876	
313	ENVIRONMENTAL JUSTICE	37,252	100,000	137,252	Carry over Balance 06/30/13 242,738
314	VENTURA KINGS CANYON CORRIDOR	0	120,000	120,000	2013/14 Estimated Allocation 298,486
320	TECHNICAL ASSISTANCE TO MEMBERS	62,203	100,000	162,203	2013/14 OWP Programmed (474,067)
340	TDM PROGRAM	15,634	13,250	28,884	2013/14 Estimated Deobligation 21,373
350	FRESNO REGIONAL DATA CENTER	68,573		68,573	Balance 2013/14 88,530
360	ONE VOICE ADVOCACY	77,730	62,424	140,154	2014/15 Estimated Allocation 320,000
420	REGIONAL HOUSING ELEMENT	73,226		73,226	2014/15 OWP Programmed (408,530)
814	SUSTAINABLE COMMUNITIES	109,052	979,447	1,088,499	Balance 2015/16 0
820	VALLEY RTPA COORDINATION	92,616	170,000	262,616	
910	COG ADMINISTRATION	34,042	75,700	109,742	
911	OWP & BUDGET	21,108		21,108	
912	TRANSPORTATION FUNDS ADMIN	76,975	59,000	135,975	
920	FCRTA ADMINISTRATION	434,707		434,707	
930	AUTHORITY ADMINISTRATION	2,600		2,600	
940	FREEWAY SERVICE PATROL	6,173	390,430	396,603	
950	VEHICLE ABATEMENT	10,185		10,185	
	TOTAL EXPENDITURES	3,714,895	9,078,245	12,793,140	





***Council of Fresno County Governments
2014/15 Member Dues Schedule****

MEMBER	CENSUS POPULATION 01/01/13	PERCENT	Current DUES SCHEDULE	One Voice Federal/State
Clovis	99,983	10.50%	4,200	4,200
Coalinga	16,729	1.76%	703	703
Firebaugh	7,777	0.82%	327	327
Fowler	5,801	0.61%	244	244
Fresno City	508,453	53.40%	21,358	21,358
Huron	6,790	0.71%	285	285
Kerman	14,225	1.49%	598	598
Kingsburg	11,590	1.22%	487	487
Mendota	11,178	1.17%	470	470
Orange Cove	9,353	0.98%	393	393
Parlier	14,873	1.56%	625	625
Reedley	24,965	2.62%	1,049	1,049
Sanger	24,703	2.59%	1,038	1,038
San Joaquin	4,029	0.42%	169	169
Selma	23,799	2.50%	1,000	1,000
Fresno Co.	167,918	17.64%	7,054	7,054
TOTALS	952,166	100%	40,000	40,000
			40,000	40,000

* Updated for DOF population estimates in May.



Appendix L – Intermodal Planning Group Comments

L



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

FHWA Comments

Overall – another well written and detailed Fresno COG OWP.

Section Specific Comments

Products/Tasks discussion/lists – This is my 6th Fresno COG OWP that I’ve reviewed since coming to California in 2007. Each year, the Fresno COG OWP often carries over the same Products in most of the Work Program task areas, but often the actual task bullet lists differ. It is also confusing the way this is written section to section whether past, present, or future planning products are being discussed and some don’t always appear to have a linear relationship to the tasks that are described in many cases. (Sometimes the discussion is inconsistent between various sections of the document – sometimes it is clear we are talking about present, sometimes past, sometimes mixed).

One way to remedy this without modifying the discussion or OWP extensively would be to add another table that lists each task at the head of a column and the products in a row with checkmarks to show what is actually being worked on by Fresno COG staff. It would add a lot of clarity to the work program.

311/312 – These two work items could be combined into a single work program item. EJ/Title VI is a part of the public involvement process, not necessarily a separate element. Where work program tasks/areas have substantial overlap – as they may do in this case – there is no reason to divide them into separate items unless there are high level coordination issues that are best addressed by the MPO in keeping them separate.

Response: Noted. We will address this in next year’s update.

310/820 – In looking ahead to next year’s round of OWPs, there should be a reconsideration of how coordination is reflected within the OWP. Do there really need to be all these separate items on coordination when the coordination should be reflected within the core products of the MPO process (FTIP, Conformity, RTP, modeling, etc.)?

There are a lot of activities that are called “products” when they appear to not be products but primarily staff attending meetings for various activities that regularly take place in the Valley. I would like to see the discussions in these work items to reflect how attending all these meetings actually have contributed to a better RTP, EIR, conformity analysis, CMP (in TMA MPOs), public involvement, etc. – in other words, the core products of the MPO process.

PL should not be used to fund State or Valley initiatives unless there is a direct, tangible linkage between these activities and core MPO requirements and work products. For next year’s round of OWPs - If there is a need for coordination to ensure consistency throughout the Valley, Fresno COG is encouraged to move the coordination into core MPO tasks/work products required by Federal transportation planning regulations rather than creating multiple coordination tasks.

Response: Noted. We will address these comments in next year’s update.

Performance Measures/MAP-21

Additional discussion of the Performance Measures within the preface of the document and upcoming NPRMs to implement MAP-21 would be helpful although these may need to be added via OWP amendment once NPRMs

start hitting the Federal Register, as the changes coming with Performance Based Planning mandated by MAP-21 will likely affect the planning programs of all of California's MPOs.

Noted: We will amend the document once NPRM's are available.

DISTRICT 06 - Planning

General Comments:

1. Throughout the Draft OWP document, the words "state" and "federal" should be "State" and "Federal". These are agencies and therefore should have the first letter capitalized. This change should be made in various other places throughout the document when referencing the agencies.

Response: While we understand that some governmental agencies always capitalize "Federal" and "State" in their documents, we are complying with the "The Gregg Reference Manual" referred to in the FHWA General Editorial Rules. The Gregg Manual states that federal and state are capitalized only when it is part of the official name of an agency, act, or other proper name. Otherwise federal and state should be lowercase.

2. Organization and Management, Transportation Policy Committee, Page V: The State Business Transportation and Housing Agency no longer exists. The California State Transportation Agency was created in 2013.

Response: noted and corrected

3. The Draft OWP needs Work Elements for the *City of Sanger Accessibility Master Plan* and *City of Fresno 41 and North Corridor Community Design Plan – West Fresno* projects funded by way of the Caltrans Environment Justice Planning Grant Program.

Response: These are local projects and as such, are not included in our OWP.

4. Caltrans recommends a Work Element to develop an Active Transportation Plan.

Response: Noted. ATP will be addressed in WE 220.

5. Planning Emphasis Areas and Metropolitan Planning, Page xxix: This spreadsheet needs a title and should include two addition work elements. These Work Elements are the following:

- a. City of Sanger Accessibility Master Plan (2013/2014)
- b. City of Fresno 41 and North Corridor Community Design Plan – West Fresno (2013/2014)

Response: These are local projects and as such, are not included in our OWP.

6. MAP-21 Metropolitan Planning Factors, xxxi: This spreadsheet needs a title and should include the following:

- a. City of Sanger Accessibility Master Pan
- b. City of Fresno 41 and North Corridor Community Design Plan– West Fresno

Response: These are local projects and as such, are not included in our OWP.

7. *110 Regional Streets and Highways Planning*, First Paragraph, Page 3: A sentence should be added to state, consultation and coordination will be accomplished with the Santa Rosa Tachi Yokuts Tribe and will also be part of the partnership in development of the SR 198 Corridor Preservation and Implementation Strategic Plan.

Response: Reference made

8. *110 Regional Streets and Highways Planning*, Fifth Paragraph, Page 3: The research company should also work with Caltrans to develop the litter survey/questionnaire.

Response: WE 110 has been revised with more current information. Following discussions held with the Transportation Technical Committee, the Policy Advisory Committee and Policy Board, the Measure "C" Oversight Committee and the Fresno County Transportation Authority the overall consensus was that it is not the appropriate time to amend the Measure for this purpose. In order to address the litter situation Caltrans has added crews from California Department of Corrections and Rehabilitation, In order to address the litter issue Fresno COG is working to raise awareness, enforcement, education, and has become the only MPO in California to become a Keep America Beautiful Affiliate.

9. Environmental Justice Activities, Previous Work Completed, Page 93: The Environmental Justice Plan (2009) should be added to the list of accomplishments.

Response: Done

10. Environmental Justice Activities , Tasks, Page 93: This Work Element could add the Tasks following:

- a. Environmental Justice Task Force Quarterly meetings could be added to the list of Tasks;
- b. Coordination of 420 Fresno Regional Housing Needs Plan/Consolidated Housing Element with the Environmental Justice Task Force; and
- c. Environmental Justice Plan Update (2014)

Response: a. and b. Done

c. Environmental Justice Plan Update (2014) is not added as a task because the Environmental Justice Report, which is the update of the 2009 Environmental Justice Plan, was completed in the prior FY and is shown as an accomplishment

Traffic Engineering Comments:

11. On page 1, it is indicated that activities include "working with member agencies on methods of preserving rights-of-way." Caltrans recommends FCOG should elaborate the methods in working with member agencies in preserving right-of-way.

Response: This particular activity has been removed from WE 110

12. On page 4, it is indicated that "FCOG has continued to monitor Caltrans Management activities including bridge and guardrail replacement projects." Caltrans recommends FCOG to explain why guardrail replacement projects are monitored.

Response: This activity has been removed from WE 110 as we do not monitor bridge and guardrail replacement projects.

Mass Transit Comments:

13. FCOG is commended for a thorough OWP and providing ongoing efforts to satisfy Unmet Needs process through the Fresno County Rural Transit Agency (FCRTA) which is responsible for the county's rural transit operations. FCRTA is also commended for providing exceptional transit services to the County of Fresno and its rural communities.
-

Response: Thank you.

Headquarters Office of Regional and Interagency Planning Branch

FCOG is commended on:

- A well organized and well written OWP.
- Including MAP-21 in the planning process and work elements.
- Incorporating Planning Emphasis Areas in the planning process and work elements.
- Coordinating on goods movement activities
- Including previous comments

General OWP Comments:

14. Federal Funding Sources: FTA Section 5313b is now referred to as FTA Section 5304.

Response: Spreadsheets reflect this change.

15. All SAFETEA-LU references should be changed to MAP-21.

Response: References to SAFETEA-LU are comments related to the earlier program.

Appendix M – Fresno COG Joint Powers Agreement

M

FRESNO COUNCIL OF 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 Fresno Council of 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 transcend 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 Fresno Council of 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 the agreement as of the date of execution.

(Amendment No. 3)

1.2 COUNCIL; QUORUM; VOTING:

1.2.1 Council: The Council shall be the governing body of the Fresno Council of Governments. The Council shall be composed of one member 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. 8)

1.2.2 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)

1.2.3 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 Fresno Council of Governments as a cooperating member.

(Amendment No. 4)

1.5.1 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)

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

(Amendment No. 4)

CHAPTER 2

POWERS AND DUTIES

2.1 INTERGOVERNMENTAL COOPERATION: The Fresno Council of 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 Fresno Council of Governments may establish committees and execute memoranda of understanding with local, regional, state and federal agencies to facilitate coordination and cooperation. The Fresno Council of 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 Fresno Council of 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:

2.2.1 Land Use

2.2.4 Transportation

2.2.2 Housing

2.2.5 Water Quality Management

2.2.3 Open Space

2.2.6 Air Quality Management

The Fresno Council of 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 Fresno Council of 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 service 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 Fresno Council of 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 Fresno Council of 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 Fresno Council of 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 Fresno Council of 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 Fresno Council of 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 Fresno Council of 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)

2.9 REGIONAL VANPOOL SERVICES: The Fresno Council of Governments may operate vanpool services within the County of Fresno and enter into a Joint Exercise of Powers Agreement to operate regional van pool services and related activities, including, but not limited to, obtaining grant funds and borrowing funds for purchasing and leasing vans.

(Amendment No. 6)

2.10 PARTICIPATION IN SAN JOAQUIN JOINT POWERS AUTHORITY:

The San Joaquin Joint Powers Authority will be responsible for the following:

- Working with state and federal agencies to plan, program, and secure funding for improvements for intercity rail passenger services and facilities in the San Joaquin Rail Corridor, including the acquisition or leasing, or use by agreement of right-of-way, stations, and station sites; the leasing or acquisition of or use by agreement of equipment, and related activities.
- Negotiate for and accept funds to be expended for the purpose of providing and improving intercity rail passenger services and activities.
- Develop policy, plan and implement improvements, administer and manage the operations and marketing for the San Joaquin Rail Service as part of the California Passenger Rail System.
- Review and comment on facility, service, and operational plans and programs of the agency or agencies planning potential commuter rail service in the San Joaquin Rail Corridor.
- Coordinate facility, service, and operational plans and programs with other organizations, providing rail service in the San Joaquin Corridor or whom the SJJPA may share common facilities, including Caltrain, Capitol Corridor, the BNSF Railway and Union Pacific or their successor agencies or corporations.
- Advocate before local, regional, state, and federal officials and agencies for improvements to services and facilities for the San Joaquin Rail Corridor.

(Amendment No. 7)

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 for 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 Fresno Council of Governments. Such withdrawal shall be accomplished in the following manner:

(Amendment No. 3)

4.3.1 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)

4.3.2 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 herein above set fourth in 4.31.

(Amendment No. 3)

4.3.3 EFFECTIVE DATE OF WITHDRAWAL: No withdrawal shall be come 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 Fresno Council of Governments shall be dissolved in accordance with the procedures hereinafter set forth.

(Amendment No. 5)

4.5 DISSOLUTION: Should the Fresno Council of 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 Fresno Council of 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 Fresno Council of 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 Fresno Council of Governments shall be shared on a proportionate basis in the following manner:

5.1.1 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)

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

(Amendment No. 3)

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

(Amendment No. 3)

5.1.4 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 Fresno Council of 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 Fresno Council of 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, of 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 Fresno Council of Governments. The Auditor-Controller of the County of Fresno shall draw warrants to pay demands against the Fresno Council of Governments when approved by the Executive Director. All funds received by the Fresno Council of Governments shall be strictly accounted for and the Auditor0Controlle shall cause to be made and annual audit of the accounts and records of the Fresno Council of 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 Fresno Council of 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 Fresno Council of 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 Fresno Council of 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 offices 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

Amendment No. 6, dated September 10, 2010, renamed to Fresno Council of Governments from Council of Fresno County Governments

Amendment No. 7, dated December, 2012, added San Joaquin Joint Powers Authority participation (approved by each member agency)

Amendment No. 8, dated December 2013, changed section 1.2.1 (approved by each member agency)



**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, 1983, no formal amendment to By-Laws
JPA Amendment No. 5, dated April 27, 1989, with formal amendment to By-Laws**