

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *ml* BOARD AGENDA # *B-6

Urgent Routine

AGENDA DATE August 24, 2010

CEO Concur with Recommendation YES NO *ph*
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Appoint Board of Supervisor Member and an Alternate to the State Route 165 Policy Advisory Committee

STAFF RECOMMENDATIONS:

Appoint Supervisor Chiesa as the member and Supervisor De Martini as the alternate member to the State Route 165 Policy Advisory Committee.

FISCAL IMPACT:

Merced County Association of Governments has a Federal Earmark grant of \$400,000 and local matching funds of \$100,000 to pay for the Project Study Report for the State Route 99 - State Route 165 improvement project. The Department of Public Works estimates approximately \$5,000 of staff time will be expended in support of the study. Funding for this purpose is included in Public Works Engineering's existing budget.

BOARD ACTION AS FOLLOWS:

No. 2010-526

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, DeMartini, and Vice-Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman Grover

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Appoint a Board of Supervisor Member and an Alternate to the State Route 165 Policy Advisory Committee

DISCUSSION:

The State Route (SR) 99 – State Route (SR) 165 Project Study Report (PSR) project covers three jurisdictions: Merced County, Stanislaus County, and the City of Turlock. Five local agencies agreed to cooperate with Caltrans to implement the PSR. Those agencies include Merced County, Merced County Association of Governments (MCAG), Stanislaus County, Stanislaus Council of Governments (StanCOG), and the City of Turlock. A Memorandum of Understanding (MOU) was approved by the Stanislaus County Board of Supervisors on December 20, 2005. MCAG was identified as the project lead for the PSR.

In the fall of 2006, MCAG awarded a contract to Omni Means to prepare and complete the PSR phase.

Amendment One to the MOU was circulated and approved by the five agencies in November 2007 creating the following committees:

1. Citizens Advisory Committee (CAC) – Participants include community members from Merced County, Stanislaus County, and the City of Turlock. CAC members were selected by their respective governing boards.
2. Project Development Team (PDT) - Participants included technical personnel from each agency.
3. Policy Advisory Committee (PAC) – Participants included up to three persons from each agency including at least one member of the City Council/Board of Supervisors appointed by the City of Turlock, County of Stanislaus, and County of Merced. The California Department of Transportation (CalTrans), District 10 may be represented by the District Director or his/her designee.

In addition, the MOU requires that four major milestones be approved by the CAC, PDT, PAC, and the five jurisdictions included in the MOU. The four major milestones include:

- Traffic Modeling;
- Purpose and Need;
- Alternatives to be Studied; and
- Final Project Study Report.

The Board approved the Traffic Modeling Assumptions on September 9, 2008 and the Purpose and Need Statement on July 14, 2009 and the Alternatives to be studied on July 27, 2010. The other four partner agencies concurrently approved the Traffic Modeling Assumptions in 2008 and the Purpose and Need Statement in 2009.

According to Amendment One of the MOU, the Board is allowed to appoint up to three members to the PAC, at least one of which shall be a member of the Board of Supervisors. Public Works recommends that a Board of Supervisors member and an alternate be appointed as representatives to the SR-165 PAC.

Approval to Appoint a Board of Supervisor Member and an Alternate to the State Route 165 Policy Advisory Committee

The role of the PAC will be to review and comment on the PSR Task Products, and make recommendations to their respective City Councils/Boards of Supervisors and Councils of Governments in major project milestones and final products. The PAC meets approximately every three months and takes approximately 2 hours. The total time commitment including document review would be approximately 2 hours per month, average. The next PAC meeting should be this Fall.

POLICY ISSUES:

Appointment of a Board member and an alternate to the State Route 165 Policy Advisory Committee supports the Board's priorities of A Safe Community, A Healthy Community and A Well Planned Infrastructure System by ensuring that Stanislaus County is represented in discussions regarding this regional transportation effort.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: (209) 525-4130.

DL:jg
L:\USERS\Dave Leamon\BOS 2010\Nominate BOS to PAC

**AMENDMENT ONE TO CONTRACT NO. 2006003
MEMORANDUM OF UNDERSTANDING
AMONG THE
CITY OF TURLOCK,
COUNTY OF STANISLAUS,
STANISLAUS COUNCIL OF GOVERNMENTS,
COUNTY OF MERCED, AND
MERCED COUNTY ASSOCIATION OF GOVERNMENTS**

This Memorandum of Understanding (MOU) is entered into on this 18th day of September, 2007, by and among these parties: City of Turlock, County of Stanislaus, Stanislaus Council of Governments, County of Merced, and Merced County Association of Governments for the purpose of cooperatively preparing a Project Study Report for transportation improvements involving State Route 165 and State Route 99 in and/or proximate to the City of Turlock, the County of Stanislaus and the County of Merced.

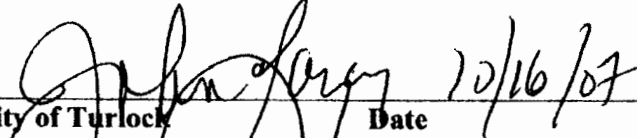
The purpose of this MOU is to set forth the project, respective party roles and responsibilities, schedule, funding, and decision-making process for the preparation of the Project Study Report.

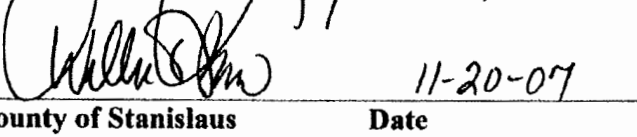
1. **PROJECT.** A project study report consistent with Caltrans guidelines for a new interchange at SR 99 between the existing SR 165 and Bradbury Road interchanges, and a new alignment of SR 165, or equal local major collector route, around the community of Hilmar and serving the southern portion of the City of Turlock, connecting to the new interchange
2. **ROLES AND RESPONSIBILITIES OF EACH PARTY**
 - a. **PROJECT DEVELOPMENT TEAM.** All parties shall be members of the project development team and participate as equals.
 - b. **POLICY ADVISORY COMMITTEE.** The City of Turlock, the County of Stanislaus, and the County of Merced may appoint three persons including at least one member of the city council/board of supervisors to the SR 99/165 PSR Policy Advisory Committee. Caltrans, District 10 may be represented on the Policy Advisory Committee by the District Director or his/her designee. The Policy Advisory Committee will review and comment on PSR Task Products, and make recommendations to their respective city council/boards of supervisors and councils of government on major project milestones and final products in accordance with Section 6 of this agreement.
 - c. **CITIZENS ADVISORY COMMITTEE.** The City of Turlock, the County of Stanislaus, and the County of Merced may appoint five persons each to the Citizens Advisory Committee. The Citizens Advisory Committee will review and comment on PSR Task Products and make recommendations to the Policy Advisory Committee.
 - d. **PROJECT MANAGER AND ADMINISTRATIVE LEAD AGENCY.** The Merced County Association of Governments will serve as the Administrative Lead Agency and Project Manager.
 - e. **Quality Assurance.** Caltrans will provide the quality assurance and approval of the PSR.

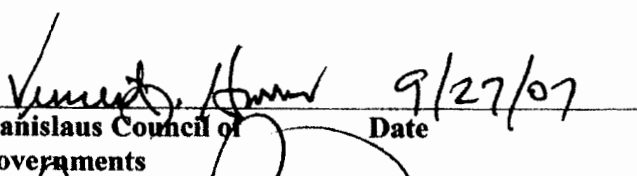
3. **SCHEDULE.** With all deliberate speed.
4. **FUNDING**
 - a. **PROJECT COST ESTIMATE - \$540,000**
 - b. **PUBLIC FUND CONTRIBUTIONS**
 - i. **Federal. \$400,000**
 - ii. **Local.** Each signatory party will contribute Eight Thousand Dollars for a total of Forty Thousand Dollars.
 - c. **PRIVATE FUND CONTRIBUTIONS**
 - i. Match of the Federal funds not less that \$100,000, non reimbursable
5. **DECISION-MAKING PROCESS.** Major project milestones and final product require the unanimous approval of MOU signatory agencies.
 - a. **Major Project Milestones:**
 - i. Traffic Modeling Forecasts
 - ii. Purpose and Need Statement
 - iii. Feasible Project Alternatives Selection
 - b. **Final Product: Final Draft Project Study Report**
6. **CONFLICT RESOLUTION PROCESS.** Should one or more MOU signatory agency not approve and/or amend a "major project milestone" or "final product" as recommended by the Policy Advisory Committee, the following steps will be taken to resolve the conflict:
 - a. The Policy Advisory Committee will convene, hear the concerns of the non-approving party and amend or affirm their previous milestone recommendation. Should the previous milestone recommendation be amended, the amended milestone recommendation will be submitted to all signatory parties for approval. If the previous milestone recommendation is affirmed, then move to step 6.b.
 - b. The elected official members of the Policy Advisory Committee, and the Mayor of the City of Turlock, the Board of Supervisors Chair from Stanislaus County and Merced County, the Chairs from StanCOG and MCOG, and the Caltrans member of the Policy Advisory Committee will convene, hear the concerns of the non-approving party and amend or affirm the previous milestone recommendation. Should the previous milestone recommendation be amended, the amended milestone recommendation will be submitted to all signatory parties for approval. If the previous milestone recommendation is affirmed, then move to step 6.c.
 - c. A milestone recommendation will be submitted to the Caltrans District 10 Director for review with all pertinent documentation. The Caltrans District 10 Director will make a recommendation to be submitted to all signatory parties for approval.
7. **AMENDMENT.** Amendment of this MOU may be proposed by any party. Amendments must be approved by all signatory parties to this MOU.
8. **TERMINATION.** This MOU may be terminated by any party given a 60-day written notice. Any and all financial commitments, should there be any, would be honored by all parties until the date of termination.
9. **EXECUTION.** This Amendment becomes effective upon the approval by the city council, board of supervisors, or governing board of all five parties.




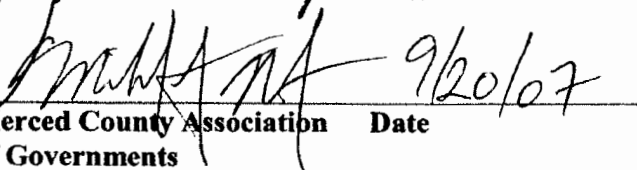
Signatures of Parties this Memorandum of Understanding


City of Turlock Date 10/16/07

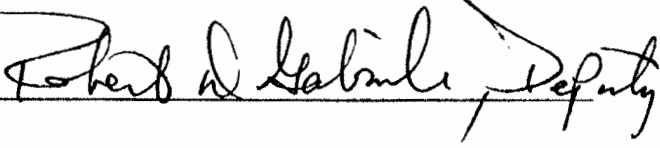

County of Stanislaus Date 11-20-07

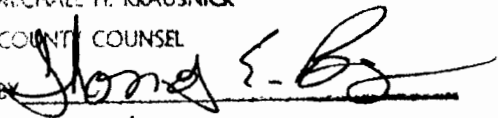

Stanislaus Council of Date 9/27/07
Governments


County of Merced Date SEP 18 2007


Merced County Association Date 9/20/07
of Governments

APPROVED AS TO FORM AND LEGAL EFFECT:
JAMES FINCHER,
MERCED COUNTY COUNSEL

By:  Deputy

APPROVED AS TO FORM
MICHAEL H. KRAUSNICK
COUNTY COUNSEL
By: 
DATE 11-13-07

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: November 20, 2007

No. 2007-910

On motion of Supervisor Mayfield
and approved by the following vote,

Seconded by Supervisor Grover

Ayes: Supervisors: Mayfield, Grover, Monteith, DeMartini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-2

A RESOLUTION APPROVING AMENDMENT ONE TO THE SR 99/165 MEMORANDUM OF UNDERSTANDING WITH THE CITY OF TURLOCK, STANISLAUS COUNCIL OF GOVERNMENTS, COUNTY OF MERCED, AND MERCED COUNTY ASSOCIATION OF GOVERNMENTS

BE IT RESOLVED, that the Board of Supervisors of the County of Stanislaus, State of California, hereby finds and approves as follows:

WHEREAS, Stanislaus County is a participant in the Memorandum of Understanding dated December 15, 2005, to cooperatively prepare a Project Study Report for transportation improvements involving State Route 165 and State Route 99 in and/or proximate to the City of Turlock, the County of Stanislaus, and the County of Merced; and,

WHEREAS, the changes proposed in Amendment One are required to ensure continued cooperation and coordination among the participating agencies and provide for a conflict resolution process that will facilitate timely completion of the Project Study Report.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Stanislaus County does hereby approve Amendment One to the SR 99/165 Memorandum of Understanding with the City of Turlock, Stanislaus Council of Governments, County of Merced, and Merced County Association of Governments.

BE IT FURTHER RESOLVED that the Chair of the Board of Supervisors of Stanislaus County is hereby authorized to execute Amendment One.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California

Christine Ferraro