

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

DEPT: Public Works *MEM*

BOARD AGENDA # \*C-2

Urgent

Routine

AGENDA DATE November 20, 2007

CEO Concurs with Recommendation YES  NO

(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of Amendment One to the State Route 99/165 Memorandum of Understanding with the City of Turlock, Stanislaus Council of Governments, County of Merced, and Merced County Association of Governments

STAFF RECOMMENDATIONS:

1. Approve Amendment One to the State Route 99/165 Memorandum of Understanding with the City of Turlock, Stanislaus Council of Governments, County of Merced, and Merced County Association of Governments.
2. Authorize the Chairman of the Board to sign the Amendment.
3. Adopt the proposed resolution approving Amendment One to the State Route 99/165 Memorandum of Understanding.

FISCAL IMPACT:

The Department of Public Works has made an \$8,000.00 contribution as the county's match for the Project Study Report. No additional contribution is required for the Project Study Report.

BOARD ACTION AS FOLLOWS:

No. 2007-910

On motion of Supervisor Mayfield, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2)        Denied

3)        Approved as amended

4)        Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of Amendment One to the State Route 99/165 Memorandum of Understanding with the City of Turlock, Stanislaus Council of Governments, County of Merced, and Merced County Association of Governments

DISCUSSION:

During the December 2005-January 2006 period, each of the five agencies signed a Memorandum of Understanding (MOU) to participate in the preparation of a Project Study Report (PSR) to identify transportation facility improvements for State Route 165 and State Route 99. On December 20, 2005, the Board of Supervisors approved this MOU. The major elements of the MOU include the project description, a description of the roles and responsibilities of each party, a project schedule, the funding commitments by local agencies, a description of the decision-making process, and a description of the processes for amending and terminating the MOU.

In typical California Department of Transportation (Caltrans) PSR processes, the Project Development Team (PDT) exercises technical control over the project and the recommendations. However, due to the multi-jurisdictional nature of the State Route 99/165 project, two additional committees (Policy Advisory Committee-PAC and Citizens Advisory Committee-CAC) have been established to promote public participation and to increase the coordination among the participating agencies. Amendment One clarifies the roles and responsibilities of these two committees.

The Decision-Making Process section of the MOU states that each major project milestone and final product require the unanimous approval of signatory agencies. Unfortunately, those major milestones were not known at the time the MOU was initially prepared. Three major milestones have now been identified and include: 1) Traffic Modeling Forecasts; 2) Purpose and Need Statement; and 3) Feasible Project Alternatives Selection. Under the proposed Amendment, these three milestones and the final draft Project Study Report would be submitted to each of the five signatory agencies for their approval.

In addition, the original MOU had no conflict resolution process. That omission was an oversight that is remedied with the inclusion of the three-step process now included in Amendment One. Staff believes this process would provide all participants in the Project Study Report ample opportunity to present their case should they disagree with the decision of the Policy Advisory Committee.

Participating signatory agency funding in the amount of \$40,000 (\$8,000 each) is necessary to match the Federal funds. This request has been approved by each agency. In January 2007, Stanislaus County provided this funding to the project, and no additional contribution is required for the Project Study Report.

Approval of Amendment One to the State Route 99/165 Memorandum of Understanding with the City of Turlock, Stanislaus Council of Governments, County of Merced, and Merced County Association of Governments

To become effective, each of the five signatory agencies must approve the amendment to the original agreement. The approval of Amendment One will allow the five agencies to move forward on the State Route 99/165 Project Study Report.

POLICY ISSUES:

The Board should determine if this action is consistent with the Board's priority of striving for a well-planned infrastructure system and effective partnerships.

STAFFING IMPACT:

There is no staffing impact associated with this item.

RC:jg  
(L:\TPC\SR 165\APPROVAL OF AMENDMENT ONE TO MOU. BOS.rc)

**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.

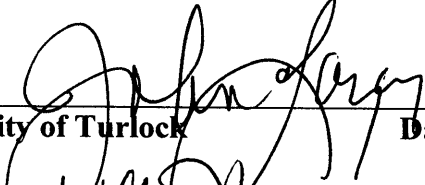
The purpose of this MOU is to set forth the project, respective party roles and responsibilities, schedule, funding, and decision-making process for the preparation of the Project Study Report.


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.

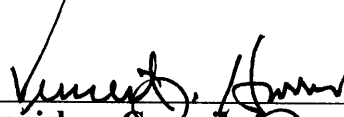
3. **SCHEDULE.** With all deliberate speed.
4. **FUNDING**
  - a. **PROJECT COST ESTIMATE - \$540,000**
  - b. **PUBLIC FUND CONTRIBUTIONS**
    - i. **Federal. \$400,000**
    - ii. **Local.** Each signatory party will contribute Eight Thousand Dollars for a total of Forty Thousand Dollars.
  - c. **PRIVATE FUND CONTRIBUTIONS**
    - i. Match of the Federal funds not less than \$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 MCAG, 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.

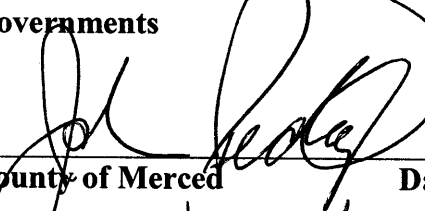


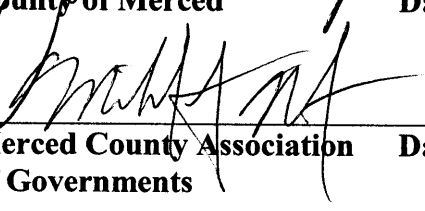
**Signatures of Parties this Memorandum of Understanding**

 10/16/07  
City of Turlock Date


 11-20-07  
County of Stanislaus Date

 9/27/07  
Stanislaus Council of Governments Date

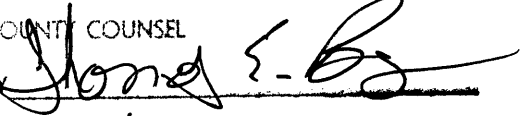
 SEP 18 2007  
County of Merced Date

 9/20/07  
Merced County Association of Governments Date

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 Seconded by Supervisor Grover  
and approved by the following vote,

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

