

CALAVERAS COUNCIL OF GOVERNMENTS
AGENDA
Wednesday, April 6, 2011 at 6:00 p.m.
Board of Supervisors Chambers – Government Center, San Andreas

Call to Order

CLOSED SESSION

1. **CLOSED SESSION:** Pursuant to Government Code section 54957
 - a. Public Employee Classification & Compensation Study

Call to Order

Pledge of Allegiance

CONSENT AGENDA

Consent agenda items are expected to be routine and non-controversial, and will be acted upon by the Council at one time without discussion. Any Council Member, staff member, or interested parties, may request that an item be removed from the consent agenda for further discussion.

2. Minutes of March 17, 2011 Regular Meeting – ACTION

REGULAR AGENDA

If any member of the audience wishes to address the Council on a regular agenda item, please come to the rostrum, state your name, and give your comments or questions. Please limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair.

3. Report Out of Closed Session, if any reportable action
4. Public Comment
5. Announce the New Executive Director for the Calaveras Council of Governments
6. Authorize Amendment to the Legal Services Contract/Budget Transfer-ACTION
7. Caltrans Report - Oral Report, No Supplemental Materials Included
8. County Report – Oral Report, No Supplemental Materials Included
9. Resolution Approving CCOG as the Fiscal Agent on New Ebbetts Pass National Scenic Byway Projects- ACTION
10. Authorize the Chair to Sign the Program Supplement Agreement for the Foothill Rideshare Program- ACTION
11. Appoint the Calaveras County Public Works Department as the Project Manager on the Wagon Trail Project-DISCUSSION/ACTION
12. Resolution Authorizing the Executive Director as the Signatory on the Master Fund Agreement and Program Supplement Agreements with Caltrans - ACTION
13. City Reports – Oral Report, No Supplemental Materials Included
14. Council Reports – Oral Report, No Supplemental Materials Included
15. ADJOURNMENT – NOTE: THE NEXT SCHEDULED MEETING OF THE CCOG IS May 4th, 2011 @ 6:30 p.m.
Board of Supervisors Chambers, Government Center, San Andreas, CA

If requested, this agenda can be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact Melissa Raggio at 209-754-2094 for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting, should telephone or otherwise contact CCOG as soon as possible.

**MINUTES OF A SPECIAL MEETING OF THE CALAVERAS COUNCIL OF GOVERNMENTS
COUNTY OF CALAVERAS, STATE OF CALIFORNIA
March 17, 2011**

Council Members Present: Gary Tofanelli, Tom Tryon, Elaine Morris, Paul Stein, Jack Boeding, Diane Gray
David Wood

Council Members Absent: None

Alternates Present: None

Staff Present: Matt Boyer – Interim Executive Director
Tyler Summersett – Transportation Planner
Melissa Raggio – Sr. Administrative Analyst
Elle Runyan – Clerical Assistant

REGULAR MEETING WAS CALLED TO ORDER AT 6:31 P.M. BY CHAIR MORRIS

Copies of handouts and meeting videos are available at the CCOG office.

CORRECTIONS AND CLARIFICATIONS TO THE AGENDA:

None

CHAIR MORRIS CLOSED THE REGULAR SESSION AT 6:35 P.M.:

1. **CLOSED SESSION:** Pursuant to Government Code section 54957
 - a. Public Employee Performance Evaluation - Interim Executive Director
 - b. Public Employee Appointment - Possible Extension of Interim Executive Director
 - c. Public Employee Appointment - Executive Director

CHAIR MORRIS RECONVENED TO OPEN SESSION AT 7:30 P.M.

CONSENT AGENDA

2. Minutes of March 2, 2011 Regular Meeting

Approval of the Consent Agenda Items:

Moved: Tryon

Second: Stein

Abstain: Wood

Approved: 6-0-1-0

REGULAR AGENDA

3. **Report Out of Closed Session**

- o Chair Morris stated there was no reportable action.

4. **PUBLIC COMMENTS**

- Julia Costello, member of the public, spoke in support of finishing the Mokelumne Hill Town Hall project.
- Terry Weatherby, structural engineer, wants CCOG approval to continue work on the Mokelumne Hill Town Hall project to keep with the original work schedule.

5. **CALTRANS REPORT**

- John Gedney, Caltrans District 10, gave the following updates:
 - o Caltrans will work with the Executive Director to move the Mokelumne Hill Town Hall project along.
 - o Caltrans is waiting for CCOG's Draft OWP to be submitted.

6. **COUNTY REPORT**

- Tom Garcia, Public Works Director, gave the following update:
 - o FSTIP has been amended to include the 13 bridges for the Highway Bridge Program - amounting to \$40 million.

7. AUTHORIZE INTERIM DIRECTOR TO SIGN COUNTY GRANT APPLICATION FOR TRANSIT PLANNING ASSISTANCE - ACTION

Authorization Approved:

Moved: Wood

Second: Stein

Approved: 7-0-0-0

8. AUTHORIZE INTERIM DIRECTOR TO SUBMIT THE DRAFT FY 2011/12 OWP - ACTION

Core responsibilities are shown on this Draft OWP.

Authorization Approved:

Moved: Gray

Second: Tofanelli

Approved: 7-0-0-0

Classification and Compensation Comparison Study to be Performed by County on Existing CCOG Staff:

Moved: Stein

Second: Tryon

Approved: 7-0-0-0

9. PROVIDE DIRECTION TO THE INTERIM DIRECTOR REGARDING TIME SENSITIVE ISSUES ON EXISTING PROJECTS - DISCUSSION/ACTION

Authorize Interim Executive Director to:

- *Sign Program Supplement Agreements and Submit Time Extension Requests to Caltrans and the California Transportation Commission (CTC) for the Arnold Cedar Center Connector and Cosgrove Creek Bikeway projects.*
- *Direct Carlton Engineering to finalize Preliminary Environmental Study on Arnold Cedar Center Connector and Cosgrove Creek Bikeway projects for submittal to Caltrans.*
- *Work with Caltrans and CTC to program FY 2010/11 Reserve for Design of both the City of Angels Sidewalk project and the Mokelumne Hill Town Hall project.*
- *Work with Caltrans and CTC to program FY 2011/12 Reserve for Construction for the Mokelumne Hill Town Hall project.*
- *May Agenda - more details about actions for project delivery of City of Angels Sidewalk and Mokelumne Hill Town Hall projects.*
- *Staff should work with County for project management services on the Arnold Cedar Center Connector, Cosgrove Creek Bikeway, & Mokelumne Hill Town Hall TE projects.*
- *April Agenda - Foothill Commuter Services - CMAQ Funding - pending agreement with San Joaquin COG.*
- *Shay Locomotive - no need for additional funding; cancel existing contract with the Friends of the Logging Museum and have Legal Counsel rewrite. Finalize construction contract with Caltrans.*
- *County requests flexibility to assess CCOG contracts relating to current TE projects.*

Authorization Approved:

Moved: Stein

Second: Boeding

Noes: Wood

Approved: 6-1-0-0

10. INTERIM EXECUTIVE DIRECTOR'S REPORT

None given.

11. CITY REPORT

Dave Hanham, City Planning Director:

- The Angels Creek Master Plan & Trail is moving ahead.
- Thank you to the CCOG council for moving ahead on the City of Angels Sidewalk project.

12. COUNCIL REPORT

Special Meeting will be held on Friday, March 25, 2011. Time and place to be announced.

13. MEETING ADJOURNED

- Chair Morris adjourned the meeting at 10:07 pm.

Elaine Morris, Chair

ATTEST:

Elle Runyan, Recording Secretary



CALAVERAS COUNCIL
of GOVERNMENTS

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Regular Agenda Item 6

TO: Council Members

FROM: Melissa Raggio
Senior Administrative Analyst

DATE: March 31, 2011

SUBJECT: Contract Amendment for Legal Counsel Services

RECOMMENDATION:

Staff recommends that the Calaveras Council of Governments approve a Minute Order authorizing the Chair to execute an amendment to the legal services contract with Miller & Owen, previously Miller, Owen & Trost in an amount not to exceed \$30,000.

DISCUSSION:

The Calaveras Council of Governments retained Miller, Owen & Trost in 2008. Over the last three years services were maintained under the annual contract amount not to exceed \$10,000. With the recent increase in personnel issues and consultation on various issues, we will exceed the \$10,000 cap this fiscal year. The estimated cost through June 2011 is \$30,000.

Staff is recommending upon approval of the amended legal services contract to process a budget transfer in the amount of \$20,000. With the recent staff changes it is anticipated to realize additional budget savings in employee health expenses.

FISCAL IMPACT:

This transfer will not change the Total dollar amount of the approved FY 2010/11 Operating Budget. This action will authorize transferring allocated funds from one Object Code to another.

First Amendment to Professional Services Contract
Between Calaveras Council of Governments
And Miller & Owen
Fiscal Year 2010/11

This First Amendment to the July 1, 2010, Professional Services Agreement (“Contract”) by and between CALAVERAS COUNCIL OF GOVERNMENTS (“CCOG”) and MILLER & OWEN (“Attorney”) for Fiscal Year 2010/11 is entered into effective April 6, 2011.

WHEREAS, CCOG and Attorney wish to amend the Contract to provide for additional legal services, as requested by CCOG.

NOW, THEREFORE, CCOG and Attorney agree as follows:

1. Section 1.B., “General Counsel Specific Tasks,” is modified to add Paragraph xii as follows:

- xii. Attorney shall perform legal services related to the transition to a new CCOG Executive Director including, but not limited to, attendance at CCOG regular and special meetings and legal review of personnel and contract matters, as requested by the Chair or Vice Chair of CCOG.

2. Section 2, “Legal Fees,” is modified to replace the first sentence as follows:

CCOG agrees to pay for legal services at the prevailing hourly rates not to exceed \$30,000, unless amended by the parties.

3. Exhibit A, “Rate Schedule,” is replaced with the attached Rate Schedule to update the listing of Attorney personnel.
4. Except as expressly amended herein, all terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment is made effective as of the date herein above appearing.

**CALAVERAS COUNCIL OF
GOVERNMENTS (CCOG)**

**MILLER & OWEN
A Professional Corporation**

By: _____
Elaine Morris
Chair

By: _____
Nancy C. Miller
President

EXHIBIT A

RATE SCHEDULE

A. CCOG: Calaveras Council of Governments: Serve as General Counsel services shall be provided only as directed by the Executive Director and/or Calaveras Council of Governments.

Matter: Legal Counsel

B. Hourly rates for legal personnel

Hourly rates for legal personnel:

Nancy C. Miller	\$ 275.00
Kirk E. Trost	\$ 275.00
William L. Owen	\$ 275.00
Paul J. Chrisman	\$ 245.00
Christiane E. Layton	\$ 245.00
Madeline E. Miller	\$ 210.00
Jennifer V. Gore	\$ 190.00
Matthew M. McOmber	\$ 180.00
Paralegals	\$ 100.00

In addition, only the following costs will be billed as follows:

In-house photocopying will be billed at \$.05 a copy. Other photocopying, postage, long distance telephone charges, federal express, courier service, court and administrative fees, and all other "out of pocket" costs will be billed at actual costs.

Hourly rates may increase upon thirty days (30) prior written notice. The firm usually adjusts rates annually coinciding with the fiscal year.



CALAVERAS COUNCIL
of GOVERNMENTS

CALAVERAS COUNTY
STATE OF CALIFORNIA

MINUTE ORDER
April 6, 2011

A motion was made authorizing the Chair to execute a contract amendment with Miller & Owen for Legal Services for the 2010/11 fiscal year (see attached contract amendment).

Moved:

Second:

Passed:

AYES:

NOES:

ABSENT:

*Elaine Morris, Chair
Calaveras Council of Government*

ATTEST:

*Melissa Raggio, Clerk to the Council
Calaveras Council of Governments*



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Regular Agenda Item 6
Attachment No. 3

TO: Council Members

FROM: Melissa Raggio
Senior Administrative Analyst

DATE: March 31, 2011

SUBJECT: FY 2010/11 Operating Budget Transfer

RECOMMENDATION

Staff is recommending, upon approval of the amended Legal Services contract, the approval of a budget transfer in the amount of \$20,000.

BACKGROUND/DISCUSSION:

The Council approved the Fiscal Year 2010/11 Operating Budget in the amount of \$487,557 at the July 7, 2010 regular meeting. Staff is recommending a transfer of \$20,000 from Object Code 5055 (Group Health) to Object Code 5272 (Professional and Specialized Services). This action will not affect the Total dollar amount of the approved 2010/11 Operating Budget.

Attached is the Budget to Actual breakdown of expenses by Object Code. As of March 31, 2011 the remaining balance in Object Code 5055 (Group Health) was \$51,141. With the recent staff changes it is anticipated to realize additional budget savings in employee health expenses. Staff is estimating employee health expenses for the last three months of the fiscal year to be approximately \$10,000.

FISCAL IMPACT:

This transfer will not change the Total dollar amount of the approved FY 2010/11 Operating Budget. This action will be to transfer \$20,000 of allocated funds from one Object Code to another.

- Object Code 5055 (Group Health) \$51,141 to \$31,141
- Object Code 5272 (Professional and Specialized Services) \$5,055,225 to \$5,075,225

1:04 PM
03/31/11
Accrual Basis

Calaveras Council of Governments
Profit & Loss Budget vs. Actual
July 2010 through March 2011

	TOTAL			
	Jul '10 - Mar 11	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Expense				
5001 Salaries/Wages	194,699.87	230,251.68	-35,551.81	84.6%
5049 PERS Employer	16,492.64	21,865.26	-5,372.62	75.4%
5050 PERS Employee	12,171.55	16,117.62	-3,946.07	75.5%
5053 Medicare	2,291.51	3,338.65	-1,047.14	68.6%
5054 LTD	2,074.47	2,613.12	-538.65	79.4%
5055 Group Health	19,970.00	71,111.80	-51,141.80	28.1%
5056 Group Life	826.42	1,092.00	-265.58	75.7%
5057 Group Vision	858.90	1,639.00	-780.10	52.4%
5058 Group Dental	2,920.07	6,049.98	-3,129.91	48.3%
5061 Def Comp Employer Contribu	600.00	1,200.00	-600.00	50.0%
5121 Communications	2,887.74	2,000.00	887.74	144.4%
5131 Food	454.33	1,000.00	-545.67	45.4%
5141 Household Expense	101.63	800.00	-698.37	12.7%
5153 Insurance Workers Comp	3,842.00	3,850.00	-8.00	99.8%
5159 UI	1,362.05	1,500.00	-137.95	90.8%
5160 Insurance Liability	0.00	14,000.00	-14,000.00	0.0%
5182 Maint of Equipt Auto	464.50	500.00	-35.50	92.9%
5183 Maint of Equip Other	984.03	1,073.00	-88.97	91.7%
5201 Maint of Bldg Grounds	1,760.00	2,000.00	-240.00	88.0%
5221 Memberships	2,970.00	4,600.00	-1,630.00	64.6%
5241 Office Expense	2,013.33	5,000.00	-2,986.67	40.3%
5243 Office Expense Postage	1,040.53	4,000.00	-2,959.47	26.0%
5245 Office Expense Copies	2,729.70	8,000.00	-5,270.30	34.1%
5257 Office Expense Small Equip	0.00	2,800.00	-2,800.00	0.0%
5272 Prof and Specialized SVC	652,284.69	5,055,225.00	-4,402,940.31	12.9%
5300 CCTV	1,123.78	1,155.00	-31.22	97.3%
5381 Legal Notices	1,825.78	4,000.00	-2,174.22	45.6%
5391 Rents and Leases	1,899.56	2,500.00	-600.44	76.0%
5392 Rents and Leases Other	14,515.00	21,200.00	-6,685.00	68.5%
5411 Special Department Exp	4,000.00	3,500.00	500.00	114.3%
5422 Training	1,420.68	4,000.00	-2,579.32	35.5%
5477 Personal Mileage Reimburse	679.46	2,000.00	-1,320.54	34.0%
5478 Travel Expense	1,544.79	2,500.00	-955.21	61.8%
5480 Gas and Oil	288.73	500.00	-211.27	57.7%
5501 Utilities	88.14	1,000.00	-911.86	8.8%
5503 Utilities PG&E	1,461.60	1,000.00	461.60	146.2%
5704 Capital Assets- Software	675.00	2,500.00	-1,825.00	27.0%
5990 Contingencies	0.00	5,000.00	-5,000.00	0.0%
Reconciliation Discrepancies	100.00			
Total Expense	955,422.48	5,512,482.11	-4,557,059.63	17.3%
Net Ordinary Income	-955,422.48	-5,512,482.11	4,557,059.63	17.3%
Net Income	-955,422.48	-5,512,482.11	4,557,059.63	17.3%



CALAVERAS COUNCIL
of GOVERNMENTS

2010/2011 Operating Budget

		2010/2011 Final	2010/2011 Proposed Transfer
5000-01	Salaries & Benefits	\$ 355,279.00	\$ 335,279.00
5121	Communications	\$ 2,000.00	\$ 2,000.00
5131	Food	\$ 1,000.00	\$ 1,000.00
5141	Household Expense	\$ 800.00	\$ 800.00
5151	Insurance - Auto	\$ -	\$ -
5153	Work Comp. Insurance	\$ 3,850.00	\$ 3,850.00
5159	Unemployment Insurance	\$ 1,500.00	\$ 1,500.00
5160	Insurance - Liability	\$ 14,000.00	\$ 14,000.00
5182	Maintenance of Equipment - Auto	\$ 500.00	\$ 500.00
5183	Maintenance of Equipment - Other	\$ 1,073.00	\$ 1,073.00
5201	Maintenance of Building & Grounds	\$ 2,000.00	\$ 2,000.00
5221	Memberships	\$ 4,600.00	\$ 4,600.00
5241	Office Expense	\$ 5,000.00	\$ 5,000.00
5257	Office Expense Small Equipment	\$ 2,800.00	\$ 2,800.00
5243	Postage Expense	\$ 4,000.00	\$ 4,000.00
5245	Copy Expense	\$ 8,000.00	\$ 8,000.00
5272	Professional & Specialized Services	\$ 30,300.00	\$ 50,300.00
5300	CCTV	\$ 1,155.00	\$ 1,155.00
5381	News Paper Ads-Legal Notices	\$ 4,000.00	\$ 4,000.00
5391	Rents & Leases - Equipment	\$ 2,500.00	\$ 2,500.00
5392	Rents & Leases	\$ 21,200.00	\$ 21,200.00
5411	SDE - Commissioner's monthly stipend	\$ 3,500.00	\$ 3,500.00
5422	Spec. Dept. Exp.-Training, Conf. Fees, etc.	\$ 4,000.00	\$ 4,000.00
5477	Personal Mileage Reimbursement	\$ 2,000.00	\$ 2,000.00
5478	Travel - Trips, Meals, Lodging, Parking	\$ 2,500.00	\$ 2,500.00
5480	Gas and Oil Expense	\$ 500.00	\$ 500.00
5501	Utilities	\$ 1,000.00	\$ 1,000.00
5503	Utilities - CPPA	\$ 1,000.00	\$ 1,000.00
5704	Software	\$ 2,500.00	\$ 2,500.00
5990	Contingencies	\$ 5,000.00	\$ 5,000.00
Total OWP Expenditures		\$ 487,557.00	\$ 487,557.00

Calaveras Council of Governments
2010-2011 Operating Budget Narrative

5000-01 Salaries and Benefits **Budget Total** **\$335,279**

Increases From Previous Fiscal Year Include:

- Step Increases
- Employee Benefits Increases
- PERS Employer Rate Increase from 9.243% to 9.532%
- 13 Furlough Days

5121 Communication **Budget Total** **\$2,000**

Includes the cost of telephone and internet expenses. Prior expenses related to community networking and advertising which may include but is not limited to newspaper ads, job postings, public announcements, and/or web communications were included in this object code. Such expenditures will be allocated to the 5381 line item.

5131 Food **Budget Total** **\$1,000**

Includes the cost of food for Valley Springs community meetings. All expenses are reimbursed under the Caltrans Community Based Transportation Planning Grant.

5141 Household Expense **Budget Total** **\$800**

Includes, but may not be limited to, costs related to garbage disposal, restroom paper products, and general cleaning supplies. Prior Household expenditures previously included the contract for Pioneer Cleaning Service which is now included in the 5201 line item.

5153 Work Comp Insurance **Budget Total** **\$3,850**

Figure based on the actual insurance rate of \$3,210 with an additional 15% increase for Fiscal Year 10/11.

5159 Unemployment Insurance **Budget Total** **\$1,500**

Standard payroll deduction.

5160 Insurance and Liability **Budget Total** **\$14,000**

Includes both property and liability insurance policies according to SDRMA. Policy paid in full 7/2009.

5182 Maintenance of Equipment – Auto **Budget Total** **\$500**

Includes costs associated with CCOG vehicle maintenance.

5183 Maintenance of Equipment and Repair **Budget Total** **\$1,073**

Includes expenditures for the Lanier Copy Machine. The maintenance contract is estimated at \$1,023.00 per year. Maintenance of fire extinguisher also included, \$50 per year.

5201 Maintenance of Building and Grounds **Budget Total** **\$2,000**

Pioneer Cleaning
Cleaning contract previously included in the 5141 Household expense line item.
Additional funding may be needed for landscape projects.

5221 Memberships **Budget Total** **\$4,600**

Includes subscriptions to local Newspapers, journal subscriptions, as well as professional membership dues. Membership list includes:

Rural Counties Task Force	American Planning Association
CalCOG	CalACT
CalPERS	Local Government Commission
RTPA Group	

5241 Office Expenses **Budget Total** **\$5,000**

Includes all general office supplies with the exception of equipment.

5257 Office Expense –Small Equipment **Budget Total** **\$2,800**

Clerical Assistant Computer	\$ 2,500.00
DeskJet Printer	<u>\$ 300.00</u>
TOTAL	\$ 2,800.00

5243 Postage Expense **Budget Total** **\$4,000**

Increase in cost due to bulk mailing for the Valley Springs community planning efforts. All costs covered under the Caltrans Community Based Transportation Planning Grant are reimbursed.

5245 Copy Expense **Budget Total** **\$8,000**

Includes costs associated with the utilization of County copy/printing equipment and outside printing companies for jobs that exceed the capabilities of the office copy machine.

CCOG has budgeted \$4,000.00. Additional increase in cost (4,000) due to copy expenses for the Valley Springs community planning efforts. All costs covered under the Caltrans Community Based Transportation Planning Grant are reimbursed.

5272 Professional and Specialized Services **Budget Total** **\$ 30,300**

Legal Counsel	\$30,000.00
HStar	\$ 8,800.00
City of Angels	\$10,000.00
DBE	<u>\$ 1,500.00</u>
TOTAL	\$50,300.00

5300 CCTV **Budget Total** **\$1,155**

Includes an expense of \$115.00 per Council meeting for video taping.

5381 News Papers Ads- Legal Notices **Budget Total** **\$4,000**

Includes costs associated with the mandated posting of public notices, newspaper advertising, and job posting.

5391 Rents and Leases- Equipment **Budget Total** **\$2,500**

Includes costs associated with Signal Service alarm system and the CA Redding Lease Contract for the Lanier 4350 Copy Machine for \$1884.00 per year.

5392 Rents and Leases	Budget Total	\$21,200
Includes office space rent- \$1,725 per month		\$20,700.00
Mini Storage rent- \$135 per quarter		\$ 500.00
	TOTAL	\$21,200.00
5411 Commissioner Stipends	Budget Total	\$3,500
Includes a \$50.00 stipend per Council Member, per CCOG meeting attended.		
5422 Conference and Training fees	Budget Total	\$4,000
5477 Personal Mileage Reimbursement	Budget Total	\$2,000
Reimbursable in accordance with County policy.		
5478 Travel, Meals, Lodging, Parking	Budget Total	\$2,500
Rates are in accordance with County reimbursement policies.		
5480 Gas and Oil	Budget Total	\$500
Includes costs associated with CCOG expenditures for the identified line item.		
5501 Utilities	Budget Total	\$1,000
5503 Utilities CPPA	Budget Total	\$1,000
5704 Software	Budget Total	\$2,500
Software License for four computers		\$1,600
Time Star Software Subscription - \$75 per month		\$ 900
		\$2,500
Contingency	Budget Total	\$5,000
	SUB TOTAL	\$487,557.00
	Reimbursable	\$7,500.00
	TOTAL	\$480,057.00



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CALAVERAS COUNCIL
of **GOVERNMENTS**

TO: Council Members

DATE: March 30, 2011

SUBJECT: Resolution in support of CCOG as Fiscal Agent for National Scenic Byway Funds

RECOMMENDATION:

Approve the attached Resolution in support of CCOG as Fiscal Agent for National Scenic Byway Funds.

DISCUSSION:

The CCOG has worked closely with the Ebbetts Pass National Scenic Byway Association (EPNSBA) for many years. State Route 4, a California Scenic Byway received National designation in 2005, with the assistance, support and partnership of the Calaveras Council of Governments. The Corridor Management Plan has served as the guiding document for Ebbetts Pass development over the past five years. The CCOG has continued to play a partnering role for the EPNSBA in two primary ways: help in providing a local match for National Scenic Byway (NSB) funds and serving as the fiscal agent (or both). Scenic Byway funds are administered by the California Department of Transportation (Caltrans) as part of a Federal delegation to the State. The EPNSBA or other requesting entity must have a fiscal agent to be awarded funds. The CCOG has served in this role on behalf of the organization for a number of projects, as reflected on the Overall Work Program. Being the fiscal agent consists of submitting invoices to Caltrans on behalf of the organization and receiving funds from the NSB program on behalf of the organization as a reimbursement of costs incurred.

The CCOG has been requested to serve as fiscal agent for three new projects. For two of these projects our local Association is involved but not the lead. The projects directly or indirectly benefit the EPNSB, making the CCOG an appropriate sponsor for these projects which will further enhance our corridor. These projects are proposed to be included in the DRAFT 2011-2012 Overall Work Program, with accompanying Work Elements describing the projects that have received fiscal awards from the NSB program. The three projects being recommended for your consideration are:

1. Central Sierra Geo-Tourism Map Guide

Project description: This project will complete a Geo-Tourism MapGuide which will include the National and State designated scenic byways located in the Central Sierra Nevada region. The project will take a regional approach to creating a MapGuide that will detail intrinsic scenic byway qualities, tourism attractions, local events and activities, byway visitor services and amenities. This project will implement specific interpretive and marketing portions of the Corridor Management Plan.

Project sponsor- **Sierra Business Council (SBC)**

Grant request: \$205,000

Local Match: \$190,000 (provided through SBC)

Total project: \$395,000

2. Bilingual Media Study

Project description: The project will determine the feasibility of establishing a low power radio service with minimal visual and environmental impact to provide travelers interpretive information about the Ebbetts Pass corridor. To investigate this possibility, Self Reliance Foundation, in collaboration with California State Parks, proposes to evaluate the project's possible sites and regional impact and develop a multidimensional presentation of this broadcast system for local community stakeholders to review.

Project sponsor- **Center for South West Culture**

Grant request: \$100,000

Local match: \$30,000 (provided through Hispanic Communications Network)

Total project: \$130,000

3. EPNSB Interpretative Sign/Kiosk Plan

Project description: The plan will allow the Ebbetts Pass National Scenic Byway Association to coordinate an effective interpretative experience utilizing a variety of media. An outdoor interpretative facility will be incorporated into the planned relocation of a Forest Service Ranger Station. In addition, four existing kiosks on the Byway will be restored to maintain their usefulness.

Project sponsor- **Ebbetts Pass National Scenic Byway Association**

Grant request: \$122,000

Local match: \$16,000 Forest Service

Local match: \$14,500 EPNSBA

Total project: \$152,500

FISCAL IMPACT:

The aforementioned project sponsors are providing or exceeding the local match requirement, with no assistance from the CCOG. The fiscal consideration of this proposal consists of staff time to submit invoices to Caltrans and to reimburse the organizations for funds expended when funds are received from the NSB program. It is anticipated that these costs be minimal, and be covered as part of the existing administrative budget.

CALAVERAS COUNCIL OF GOVERNMENTS
COUNTY OF CALAVERAS
State of California
April 6, 2011

RESOLUTION NO. FY 11-20

**A RESOLUTION ESTABLISHING CCOG AS THE FISCAL AGENT ON BEHALF OF THE SIERRA
BUSINESS COUNCIL AND CENTER FOR SOUTHWEST CULTURE FOR APPLICATION TO AND
REIMBURSEMENT FROM THE NATIONAL SCENIC BYWAYS PROGRAM**

WHEREAS, the National Scenic Byways Program is part of the Federal Highway Administration and was established to help recognize, preserve and enhance selected roads throughout the United States. Since 1992, the National Scenic Byways Program has funded a myriad of projects for nationally designated byway routes; and

WHEREAS, the Calaveras Council of Governments (CCOG) has worked closely with the Ebbetts Pass National Scenic Byway Association (EPNSBA) for many years; and

WHEREAS, State Route 4, a California Scenic Byway received National designation in 2005, with the assistance, support and partnership of the CCOG; and

WHEREAS, the Corridor Management Plan (CMP) has served as the guiding document for Ebbetts Pass development over the past five years; and

WHEREAS, the CCOG has been requested to serve as fiscal agent for two new projects which our local Association is involved in but not the lead; and

WHEREAS, the projects directly or indirectly benefit the EPNSB making the CCOG an appropriate sponsor for these projects which will further enhance our corridor; and

WHEREAS, the aforementioned project sponsors are meeting or exceeding the local match requirement, with no assistance from the CCOG.

BE IT RESOLVED, the Calaveras Council of Governments will serve as the fiscal agent for the Sierra Business Council and Center for SouthWest Culture for National Scenic Byway funds.

The foregoing resolution was duly passed and adopted by the Calaveras Council of Governments at a regular meeting thereof, held on the 6th day of April 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elaine Morris, Chair
Calaveras Council of Governments

Attest:

Melissa Raggio, Clerk to the Council
Calaveras Council of Governments



CALAVERAS COUNCIL
of GOVERNMENTS

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Regular Agenda Item 10

TO: Council Members

DATE: March 31, 2011

SUBJECT: Authorize the Chair to Sign the Program Supplement Agreement for Foothill Rideshare Program

RECOMMENDATION:

Authorize the Chair to sign the Program Supplement Agreement for Foothill Rideshare Program.

DISCUSSION:

The Foothill Rideshare Program was approved in the 2010/11 Overall Work Program adopted by the Council at the June 2, 2010 regular meeting. This funding is for the management and oversight of the Foothill Rideshare Program for Amador, Calaveras and Tuolumne Counties. This was a five year program funded through CMAQ, this will be the final year of the program.

FISCAL IMPACT:

This is an administrative contract to support the E-76 authorization dated 08/06/2010 to incur expenditures and receive reimbursements through Caltrans.

PROGRAM SUPPLEMENT NO. N016
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 10-6128R

Date: February 8, 2011
Location: 10-CAL-0-CCOG
Project Number: CML-6128(050)
E.A. Number: 10-956978 1000020201
Locode: 6128

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/13/08 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

Maintaining a website and the supporting database to connect commuters to modes and destination. This is a cooperative, regional, effort between Amador, Calaveras and Tuolumne Co.

TYPE OF WORK: Foothill Commuter Services

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	L40E		LOCAL	OTHER
\$20,000.00		\$20,000.00	\$0.00	\$0.00

CALAVERAS COUNCIL OF GOVERNMENTS

STATE OF CALIFORNIA
Department of Transportation

By _____
Title _____
Date _____
Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Francisca Lee Date 2/8/11 \$20,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. The ADMINISTERING AGENCY will be responsible for approving and performing or overseeing the Force Account work.
4. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
5. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award or with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract, whichever is earlier.

Failure to do so will cause a delay in the State processing invoices for the construction phase.

Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

6. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every

SPECIAL COVENANTS OR REMARKS

six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

7. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
8. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).



CALAVERAS COUNCIL
of GOVERNMENTS

CALAVERAS COUNTY
STATE OF CALIFORNIA

MINUTE ORDER
April 6, 2011

A motion was made authorizing the Chair to sign the Program Supplement Agreement with Caltrans for the Foothill Rideshare Program (see attached contract amendment).

Moved:

Second:

Passed:

AYES:

NOES:

ABSENT:

*Elaine Morris, Chair
Calaveras Council of Government*

ATTEST:

*Melissa Raggio, Clerk to the Council
Calaveras Council of Governments*



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Regular Agenda Item 11

TO: Council Members
DATE: March 31, 2011
SUBJECT: Wagon Trail Project

RECOMMENDATION:

Appoint the Calaveras County Public Works Department as the Project Manager for the Wagon Trail Project.

DISCUSSION:

On June 26, 2003 California Transportation Commission (CTC) approved a CCOG request to be designated as lead agency on the Wagon Trail Project. This project encompasses straightening and/or realignment of SR4 between Angels Camp and Copperopolis. The project is in the first phase – known as Project Approval and Environment Document (PA&ED). During this phase of the project some preliminary design work will take place, all of the environmental studies needed under Federal and State laws, and selecting a preferred alternative for the project.

Scott Maas was the consultant and Project Manager for the CCOG on the Wagon Trail Project. Effective March 31, 2011 Maas & Associates terminated its contract with the Calaveras Council of Governments and will no longer be the Project Manager.

CCOG staff and County staff have met to collaborate on how to move forward with the project, CCOG staff is recommending the Calaveras County Public Works Department take the lead as the Project Manager and CCOG staff remain the Fiscal Agents. With this being said, staff will need more time to assess all the specific information and status of the project in regards to the Consultant and the existing Caltrans agreements and seek direction from the Council and Legal Counsel on how to proceed.

FISCAL IMPACT:

None at this time.



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Regular Agenda Item 12

TO: Council Members

DATE: March 31, 2011

SUBJECT: Resolution Authorizing the Executive Director to Execute Agreements with Caltrans

RECOMMENDATION:

It is recommended that the Calaveras Council of Governments adopt a resolution authorizing the Executive Director to enter into and execute various agreements with Caltrans.

DISCUSSION:

As the Regional Transportation Planning Agency designated to receive State and Federal transportation funds, Caltrans requires a resolution authorizing the Executive Director to enter into and execute contracts and agreements.

CALAVERAS COUNCIL OF GOVERNMENTS
COUNTY OF CALAVERAS
State of California
April 6, 2011

RESOLUTION NO. FY 11-21

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE MASTER AGREEMENTS, PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS, AND FUND TRANSFER AGREEMENTS BETWEEN CALAVERAS COUNCIL OF GOVERNMENTS AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

WHEREAS, The Calaveras Council of Governments (CCOG) is eligible to receive Federal/State funding for certain Transportation Projects through the California Department of Transportation and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed and

WHEREAS, the Council wished to delegate authorization to execute these agreements and any amendments thereto to the Executive Director.

NOW THEREFORE BE IT RESOLVED that the Executive Director be authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, and any amendments thereto with the California Department of Transportation.

The foregoing resolution was duly passed and adopted by the Calaveras Council of Governments at a regular meeting thereof, held on the 6th day of April, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Elaine Morris, Chair
Calaveras Council of Governments

Melissa Raggio, Clerk to the Council
Calaveras Council of Governments