

NEWMAN MUNICIPAL SERVICE REVIEW



Prepared for the

Stanislaus Local Agency Commission by the
City of Newman

October 3, 2008
Revised:
January 6, 2009



DESIGN, COMMUNITY & ENVIRONMENT

Adopted January 28, 2009

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INTRODUCTION

This Municipal Service Review (MSR) was prepared by the City of Newman for Stanislaus County Local Agency Formation Commission (LAFCO) in compliance with the 2000 Cortese-Knox-Hertzberg Act, which requires each LAFCO to prepare an MSR for each service provider with a Sphere of Influence (SOI). This MSR will be used by Stanislaus LAFCO when updating the Newman SOI in response to the City's *Newman 2030 General Plan* update, which was adopted in 2007.

As a January 2008, there are six (6) factors the LAFCO must consider. Table 1 below shows these factors and the corresponding chapters that address these factors in the MSR.

Required Factors for Commission Review	MSR Chapter
Growth and population projections for the affected area	Chapter 1
Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies	Chapter 2
Financial ability of agencies to provide services	Chapter 3
Status of, and opportunities for, shared facilities	Chapter 4
Accountability for community service needs, including governmental structure and operational efficiencies	Chapter 5
Other matters related to effective or efficient service delivery	Chapter 6

A. Sphere of Influence

The *Newman 2030 General Plan* identifies land suitable for potential growth during the next 23 years, including areas that lie outside the City limits but in the SOI. To comply with LAFCO regulations, Newman's SOI was divided into a Primary and Secondary SOI. The Primary SOI depicts areas that may develop within the first 10 years of this General Plan, through 2017, while the Secondary SOI includes the remainder of the SOI.

As part of the General Plan update process, the City plans to enlarge its SOI and to annex areas in the SOI to provide for orderly growth and adequate provision of services. Figure 1 depicts the city limits and SOI for Newman, as well as proposed changes to the SOI.

The *Newman 2030 General Plan* identifies extending the southwest portion of Newman's SOI south to Hallowell Road. It also identifies expanding the Primary SOI to include two new Master Plan subareas. One subarea is bounded by Sherman Parkway to the south, the existing Primary SOI to the west, East Stuhr Road to the north, and the envisioned McClintock Road extension to the east. The other subarea is bounded by Jensen Road to the south, the CCID canal to the west, West Stuhr Road to the north, and the existing Primary SOI to the east. A

third subarea, already within the Primary SOI, encompasses all land between these two new subareas, between the City limits and Stuhr Road.

These three Master Plan subareas combined are projected to provide more than an adequate supply of land to accommodate projected growth and it is not anticipated that all three of these subareas will be developed by 2017.

However all three subareas are included to allow flexibility in the location and amount of development that could occur by 2017. The expanded Primary SOI identified in this General Plan encompasses a total of approximately 2,431 acres (including 1,397 acres within the existing City Limits). This accounts for a 482± acre increase in the Primary Area (see Figure 1).

B. LAFCO and the Sphere of Influence

Government Code Section 56076 defines a SOI as a “plan for the probable physical boundaries and service area of a local agency, as determined by the commission”. It is an area within which a city or district may expand, over an undefined period of time, through the annexation process. In simple terms, a SOI is a planning boundary within which a city or district is expected to grow over time.

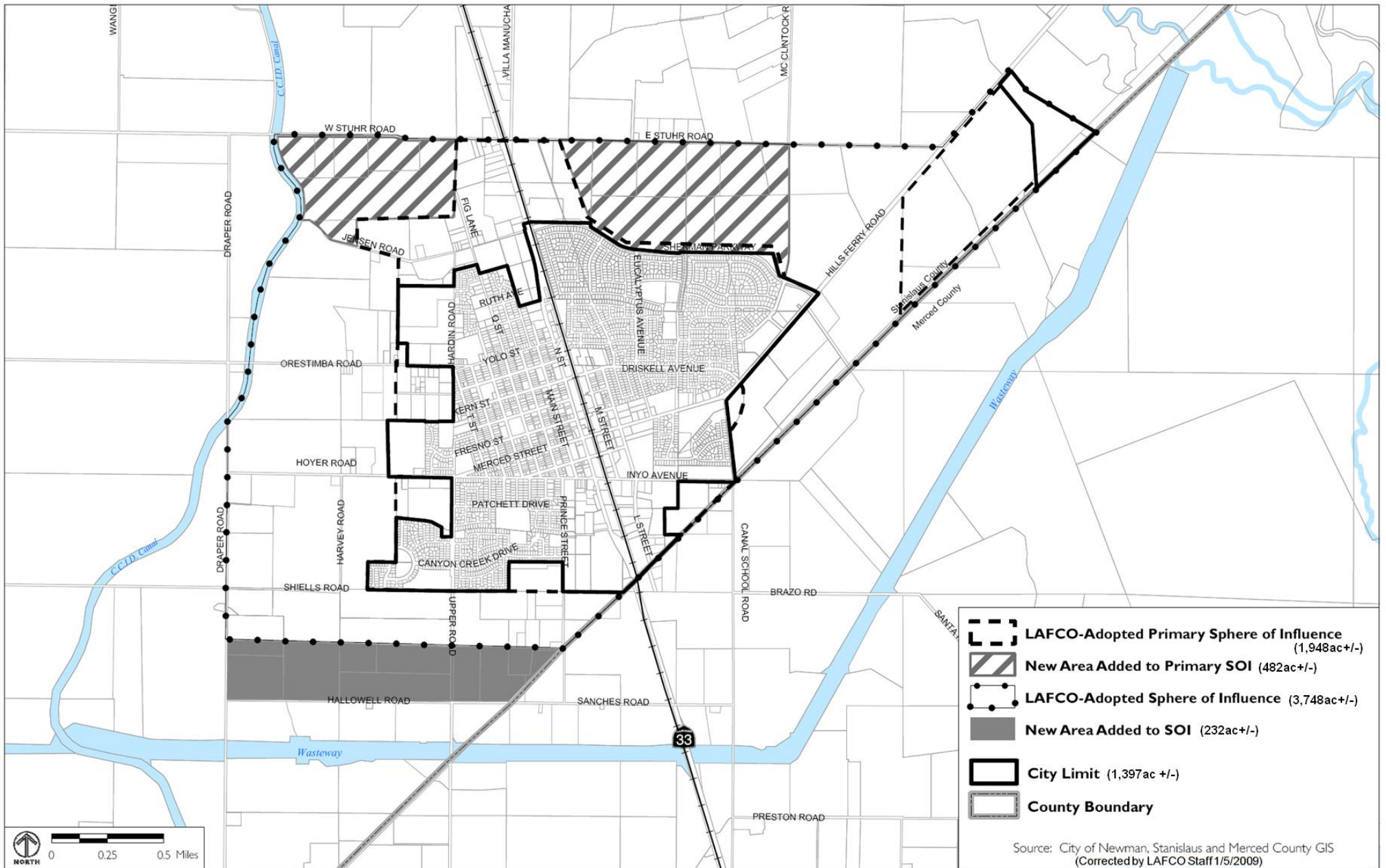
The purpose of a SOI is to encourage “logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities”. A SOI serves a similar function in LAFCO determinations as General Plans do for cities and counties. Consistency with the adopted SOI is critical, and changes to the SOI require careful review.

In order to prepare or update a SOI, a MSR must be conducted which addresses the six factors previously outlined in Table 1. LAFCO must conduct the MSR and adopt written determinations with respect to those six factors either prior to, or in conjunction with, any action to establish or update a SOI. Adopted LAFCO policies emphasize the use of existing plans, data and information currently available rather than requiring the preparation of new service documents.

C. California Environmental Quality Act

Since this MSR is an informational document used for future actions that LAFCO or the City have not approved, adopted or funded, it is considered to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 of the CEQA Guidelines. A notice of exemption pursuant to CEQA will be prepared by LAFCO.

FIGURE 1 – SPHERE OF INFLUENCE BOUNDARY CHANGES



CHAPTER 1 GROWTH & POPULATION PROJECTIONS FOR THE AFFECTED AREA

The purpose of this chapter is to evaluate service needs based on existing anticipated growth patterns and population projections. A detailed discussion on existing and future provision of municipal services to meet the future demand identified in this section is included in Chapter 2 of this MSR.

As discussed in Chapter 2, the City will have plans and policies in place to ensure that if demand increases, as allowed by the *Newman 2030 General Plan*, adequate public services will be provided, while existing service levels are maintained. Some plans, such as the Water Service Master Plan, are being updated to reflect the projections of the *Newman 2030 General Plan* update.

Between 1990 and 2000, the population in Newman increased by an average of 5.5 percent annually to 7,095. Between 2000 and 2005 this growth continued to increase by between 3 and almost 12 percent per year. As of January 1, 2006 there were approximately 10,140 residents in the City of Newman. There were 2,336 residential housing units in Newman in 2003, increasing to an estimated 3,092 units in January 2006. This rapid increase in development is primarily a reflection of the regional growth pressures that are affecting the Central Valley as people living in more expensive regions look for affordable housing in the Valley.

A. General Plan Growth Projections

The City adopted an updated General Plan in April 2007. As part of the planning process, land use designations were identified for land within the city limits and the SOI.

TABLE 1 - CURRENT AND PROJECTED POPULATION

2008	2010	2020	2030
10,585	11,938	21,786	39,759

Development under the proposed General Plan would result in an estimated 8,773 new housing units for a total of 11,865 units at buildout. The estimated population at buildout of the proposed Plan would be 40,341 persons, an increase of 30,201 from 2006.¹ Actual growth rates would depend on a variety of factors including, demographic, economic, and market conditions that could slow growth compared to the buildout projection.

¹ Newman 2030 General Plan EIR, page 4.11-7.

Population growth under the 2030 General Plan buildout scenario would result in an average annual growth rate of approximately 6.2 percent. This rate would be lower than the average 7.4 percent annual growth rate experienced during the past five years, but would be higher than the Stanislaus Council of Governments (StanCOG) projected average annual population increase of about 5.7 percent up to 2025. In reality, actual growth rates will depend on market trends; environmental, site and regulatory limitations; and changes in household size. If population growth rates returned to 1990's levels around 5.5 percent annually the total Newman population in 2030 would be approximately 34,741 persons.

According to the State Department of Finance, the population estimate for the City of Newman since January 1, 2008 is 10,585 people. If the annual growth rate is 6.2 percent, Table 3-1 shows the projected population for the years 2010, 2020, and 2030.

B. Regional Housing Needs Assessment

Housing in Newman is primarily addressed through the Housing Element, which is updated every five years in accordance with State law. As part of the 2003 Housing Element update cycle, StanCOG prepared a Regional Housing Needs Assessment (RHNA) for each jurisdiction in the county and assigned Newman a "Fair Share Allocation" of future housing units. However, the StanCOG allocation was not approved by the California Department of Housing and Community Development (HCD), which has authority over RHNA implementation. Prior to preparation of the City of Newman 2003 Housing Element update, StanCOG published an informational table showing what the housing allocation would have been under the HCD-approved scenario, and the City used that allocation as a basis for the housing objectives in its 2003 Housing Element update.

For the period of 2001 to 2008, the revised StanCOG 2002 Regional Housing Needs Assessment, covering the period of January 2001 to July 2008, assigned Newman 535 total units, consisting of 118 units for very low income AMI, 91 for low income, 112 for moderate income, and 214 for above moderate income. This number revised and replaced the previous number of 904 new housing units.

The City was able to show in its Housing Element that with existing vacant land within the city limits and limited rezoning, Newman would be able to meet its RHNA. The City is currently conducting an assessment to determine its progress in providing affordable housing units, but this assessment is not yet complete. Preliminarily, it appears that the City is on target to meet its allocation for moderate income households but is not on track to meet its targets for housing affordable to low- and very-low income households.

The anticipated RHNA numbers for the 2008 Regional Housing Needs Assessment, covering the period from January 2007 to June 2014, is a total of 422 housing units, consisting of 98 units for very low income, 69 low income, 81 moderate income, and 174 above moderate income, for a total of 422 units.

DETERMINATIONS

- The City's recently adopted 2030 General Plan, provides a framework for future growth. The General Plan will be utilized to plan for the provision of services to accommodate additional (future) growth.
- The estimated population at buildout of the City's General Plan would be approximately 40,341 persons by 2030. Actual growth rates would depend on a variety of factors, including demographic, economic, and market conditions that could slow growth compared to the buildout projection.

CHAPTER 2

PRESENT & PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS OR DEFICIENCIES

The purpose of this chapter is to evaluate the present and planned capacity of public facilities, infrastructure needs and deficiencies of the City of Newman in terms of capacity, condition of facility, service quality, and levels of service; and its relationship to existing and planned service users.

This section of the MSR will address the provision of the following public services, some of which are directly provided by the City and others which are provided through contract or by special district:

- Fire Protection
- Emergency Medical Services
- Law Enforcement
- Water Supply and Treatment
- Wastewater Collection and Treatment
- Stormwater Drainage
- Roadways and Circulation System

In order to approve a change to the SOI and annexation of land into the city, LAFCO must determine that the necessary infrastructure and public services exist to support the new uses at comparable service levels. The information put forward in this Draft MSR is intended to support the City's of Newman's requested SOI boundaries.

A. Fire Protection

Fire protection and emergency medical services in Newman are provided by the Newman Fire Department. Fire protection and emergency medical services in the unincorporated portion of its SOI are provided by the West Stanislaus County Fire Protection District. There is one shared station located at 1162 N Street, from which the Newman Fire Department generally responds to calls within the city limits and the District responds to unincorporated areas. The District and the Newman Fire Department provide mutual aid for each other and the volunteers in the Department also function as volunteers for the District.

The Newman Fire Department is a volunteer fire department, with about 20 volunteers and one part-time, paid position of Fire Chief. The fire station in Newman houses three City pumpers, two District pumpers, a new rescue engine jointly purchased by the Cities of Newman and Patterson and the West Stanislaus County Fire District, and a new City 4,000-gallon water tender. The City Money for new equipment has been raised by the volunteers through barbecues and other activities.

The average response time by the Newman Fire Department is 3 to 5 minutes for locations within the city limits. The current desired ratio for firefighters is 1.5 firefighters per 1,000 population. The City maintains an Insurance Services Office (ISO) rating of 3 on a scale of 1 to 10, with 1 being the best. Given this satisfactory ISO rating, current staffing levels are meeting the fire protection needs of the City.

The *Newman 2030 General Plan* establishes Policy PFS-9.1m, which sets a goal of maintaining Priority 1 emergency response time of five minutes or better, and an ISO rating of five or better. Additionally, the General Plan institutes Policy PFS-9.2 to plan for transitioning the Fire Department to a joint volunteer/full-time paid staffing structure as the City grows, in order to maintain satisfactory fire protection services as the SOI increases. Chapter 5 of this MSR discusses in more detail some possibilities for balancing growth with adequate fire protection.

B. Emergency Medical Services

The Westside Community Healthcare District provides ambulance services to the City of Newman and surrounding areas. The District has four ambulances, two of which are always on duty with the other two used as back-up. While the District previously operated a full service hospital in Newman, this hospital closed in the 1990s. Patients are now transported by District ambulances to hospitals in Turlock, Tracy, Modesto or Los Banos. The nearest hospital is Emanuel Medical Center in Turlock, which is 23 miles away. A family medical clinic is operated by Golden Valley Health Center.

The *Newman 2030 General Plan* establishes Policies PFS-12.2 and -12.3, which direct the City to work with Stanislaus County Health Services, Golden Valley Health Center, and private medical providers to expand available health services in the Newman area. In addition, emergency response may be improved through implementation of Action 12.1, which would explore the need and identify, if needed, a permanent site for medical helicopter to land during emergencies.

Emergency services provided by Westside Healthcare District in Newman are funded through a tax assessed to each property.

C. Law Enforcement

Police services are provided by the Newman Police Department within the city limits, and by the Stanislaus County Sheriff's Department in unincorporated areas. In practice, both the Police Department and Sheriff's Department provide frequent mutual aid and back-up services to each other. Police units are dispatched via the 911 system through the Stanislaus Regional 911 in Modesto.

The Newman police station is located at 1200 Main Street. The department currently has 13 paid, sworn officers including one chief, one detective, one community service officer

responsible for code enforcement within the City limits, one school resource officer, and three full-time and one part-time support staff. There is also one reserve officer and approximately eight people in the VIPS (Volunteer in Police Services) program who volunteer or run errands for community projects.

The Police Department uses five patrol vehicles. There is one patrol beat for the entire city. Staffing is usually one officer per patrol car. The staffing ratio is 1.3 officers per 1,000 residents, and the target staffing ratio is 1.5 officers per 1,000 residents, indicating that the City is not currently meeting its target with current staffing levels. Calls are prioritized so that violent or emergency calls receive priority. The average response time for these priority calls is four minutes. To meet the targeted police protection needs of the City, the Police Department has implemented several programs to increase its revenue and hire more police officers. Specifically, the City has raised the Police Department's fees, created a system of collecting revenue from administrative violations, and is raising revenue from the Police Department's Livescan automated fingerprinting system. The Police Department is also in the process of decreasing overspending in order to free up funds for hiring police officers.²

As discussed in detail in later sections of this MSR, the City receives funding for law enforcement improvements through capital improvement fees, and regular funding of the Police Department occurs through the General Fund.

D. Water Supply and Treatment

The City of Newman operates its own water service with approximately 2,725 single-family residential connections, 49 multi-family residential connections, 106 commercial connections, and 4 industrial connections. The City utilizes groundwater as its sole water source, and static water levels vary from 30 to 50 feet. Currently, there are four wells serving the city, with a maximum pumping capacity of 6,000 gpm, or 8.6 million gallons per day (mgd). Water is stored in a 100,000-gallon elevated storage tank at the northeast corner of Fresno and Q Streets. There are currently 276 fire hydrants and water for fire flow demand is satisfactory.

As is discussed in detail in later sections of this MSR, the City receives funding for water improvements through capital improvement fees, connection fees and user fees. In addition to the City of Newman, CCID provides irrigation services within the City of Newman boundaries and sphere of influence. CCID does not provide drinking water. As annexations occur, the area is usually detached from CCID.

² Police Chief Adam McGill, personal communication with Alejandro Huerta, DC&E, September 23, 2008.

1. Existing Demand and Short-Term Improvements

Average per capita water use in the City is between 250 and 300 gallons per day (gpd), with a peak hour demand of 210,000 gallons. Total current use is approximately 2.4 million gallons per day (MGD). The City anticipates that groundwater sources and distribution infrastructure will be sufficient to supply all currently planned development.

In the short term, ageing water lines along L and M streets, between Merced and Kern, are planned to be replaced.

2. Future Water Demand and Long-Term Improvements

As illustrated by the high water table in Newman and the City's need to reduce water levels by providing and maintaining agricultural irrigation drainage systems, the future growth anticipated by the proposed General Plan will not substantially deplete groundwater supplies even if the City continues to rely on groundwater as its primary source of water in the future. An Urban Water Study has been done to determine if the existing water supplies will be sufficient to supply future demands, and concluded that there is no evidence that the aquifer underlying the City is currently overdrafted.³

Based on the growth projected under implementation of the General Plan, additional water infrastructure would be needed to pump, treat, and distribute water to new development. In addition, a ground-level storage tank may be needed in the future.

According to the City of Newman's 2008 Water Master Plan, the current average daily demand is approximately 1.9 MGD. This average daily demand is anticipated to increase to 9.1 MGD at build-out of the secondary Sphere of Influence.⁴ The maximum pumping capacity of the City's existing system is 9.8 MGD, which is more than sufficient to meet the current maximum day demand.

In order to meet the future demand, the 2008 Master Plan recommends the following improvements:⁵

- Three new water supply wells to increase reliable groundwater pumping capacity to 13.4 MGD:

³ Ernie Garza, Director of Public Works, City of Newman, personal communication with Alejandra Huerta, DC&E, September 22, 2008.

⁴ *Draft City of Newman Water Master Plan*, ECO:LOGIC Engineering, January 2008, page 3-18.

⁵ *Draft City of Newman Water Master Plan*, ECO:LOGIC Engineering, January 2008, page 6-1.

- One well, tank and booster pump station between now and the time the surface water supply is available, and
- Two additional wells as maximum day demand increases above and beyond the reliable capacity of wells and surface water treatment plant.
- Development of surface water supply with a capacity of up to 21 MGD, which provides capacity to meet the maximum 30-day running average.
- Construction of potable water tanks and a booster pump station.
- Treated water transmission and distribution system pipeline extensions as development into new areas occurs.

The General Plan includes policies to ensure that adequate water infrastructure is available to support new growth. Policy PFS-3.2 requires that the City will start planning and implementing additional improvements necessary at least two years in advance of reaching the capacity of existing facilities. To facilitate this planning, the City is nearing completion of its updated Water Master Plan, which will project future water demand.

Additionally, Policy PFS-2.5 states that the City shall develop, maintain, upgrade and replace water wells to ensure an adequate water supply for existing and new development. New water wells and storage facility locations will be determined by additional studies of topography, hydrology and land use patterns. A new well is needed for approximately every 600 new residential units. Recognizing that planned development cannot occur without an adequate supply of water, the *Newman 2030 General Plan* includes Policy PFS-3.1, which states that new development shall only be approved by the City if there is demonstrated to be an adequate water supply.

While the General Plan provides policies to ensure that adequate water infrastructure is provided, it is unknown at this time exactly where new water infrastructure will be placed. Since it will be needed to support new development, water mains will most likely be extended along roadways and other public right-of-ways to ensure easy access for maintenance.

3. Future Water Sources

Despite the understanding that local groundwater supply will be sufficient to serve allowable development, the City is exploring the acquisition of surface water from the Central California Irrigation District (CCID). The water would likely come from the Delta Mendota Canal. If an agreement is not reached with the District and another surface water supply is not identified,

then Newman would still have adequate supplies of groundwater to meet the needs of existing and planned development.⁶

4. Water Conservation

Water use and conservation is also a priority and concern throughout the entire Central Valley. The combination of agricultural production, warm climate and increase in urban landscaping threatens supply and sustainability.

To promote water conservation and reduce the infrastructure needed for water treatment, the proposed General Plan includes Policies PFS-3.8 and PFS-3.9 to require the development for a recycled water conveyance system (“purple pipe”) to serve public facilities, large development projects and Master Plan Subareas.

5. Water Quality

The City’s potable water source is groundwater, which varies from 30 to 50 feet. Groundwater wells are drilled to the blue clay layer, approximately 500 feet deep. Water quality is an issue because of high salinity; however, this is more of a concern about taste rather than health. While the groundwater is high in salt content, it is in compliance with all federal water requirements. Treating the groundwater to reduce the salinity is an option that the City has explored, however disposal of the byproduct from this treatment process require special handling and disposal. Because of this salinity and the desire of the City and its residents to have better tasting water, the City is exploring opportunities to obtain a surface water supply from the Central California Irrigation District (CCID), as discussed above. However, if an agreement is not reached with the District and another surface water supply is not identified, then Newman would still have adequate supplies of groundwater to meet the needs of existing and planned development.

Currently, there are no sources of surface water within the city limits, although three waterways are located just outside the SOI. The water quality of the new area proposed to be included in the City’s SOI is the same as the water quality within the existing SOI. However, the 2008 Water Master Plan suggests that the City of Newman change to a conjunctive ground/surface water system. The Water Master Plan has identified possible sources including the CCID, and the California Aqueduct/Delta-Mendota Canal.

⁶ Garza, Ernie, Director, Department of Public Works, City of Newman. Personal communication with Michael Brilliot, DC&E. August 25, 2006.

E. Wastewater Collection and Treatment

The City of Newman provides wastewater treatment and collection for the incorporated City and operates a wastewater treatment plant one mile northeast of the City, on Hills Ferry Road. The facility has an operational capacity of 1.37 mgd and a permitted capacity of 1.69 mgd. Treated water is disposed through overland flow irrigation and flood irrigation applied on approximately 239 acres. The irrigation system includes a 29-acre storage reservoir, an irrigation canal, a recovery/circulation ditch, a tailwater collection pond and a return pump station. All new development within the city is required to connect to the wastewater collection system. There are currently approximately 2,805 residential connections, 119 commercial connections, and 5 industrial connections.

As is discussed in detail in later sections of this MSR, the City receives funding for wastewater improvements through capital improvement fees, connection fees and user fees. Developers are also required to install infrastructure improvements.

1. Existing Demand and Short-Term Improvements

In collaboration with an engineering consultant and the Central Valley Regional Water Quality Control Board (CVRWQCB), the City has completed a public review draft 2008 Wastewater Treatment Master Plan. This Plan is currently undergoing a public comment and review period, and the City Council will consider adoption at their October 14, 2008 meeting. This Wastewater Treatment Master Plan concludes that the existing wastewater treatment plant is sufficient to serve development within the existing city limits. However, the wastewater treatment plant is approaching capacity and is a major factor limiting additional growth both inside and outside of Newman's city limits.

Current storage capacity and irrigation acreage should be adequate to handle treated flows from all existing development. The current storage capacity is 29 acres, and the irrigation acreage is 239 acres.

2. Future Demand and Long-Term Improvements

Implementation of *Newman 2030 General Plan* is expected to generate an additional average daily annual flow of 3.11 mgd from residential and commercial development, as well as additional flows generated by industrial uses. New development north of the City can be served by the new wastewater main constructed along Sherman Parkway from Highway 33 to Hills Ferry Road. However, the southwest portion of the City does not have additional capacity to accommodate future demand, and new development would require master plan improvements for conveyance infrastructure. New lift stations would be required to satisfy future demand associated with new development. The City has estimated that an additional 406 total acre-feet of storage pond space, most likely provided in multiple ponds, will be required to handle

projected 2025 wastewater flows of 2.22 mgd average dry weather flow. To date, the City has designed a new 35-acre storage pond and has identified additional irrigation acreage.

Recognizing the need to plan for adequate sewer capacity, the General Plan includes policies addressing the provision of wastewater treatment. Policy PFS-3.1 requires that the City expand and develop wastewater collection and treatment facilities to accommodate the needs of existing and planned development. Recognizing the need to tie growth to the provision of public services and utilities, including wastewater facilities, Policy LU2.2 states that the City shall ensure that growth, through a Citywide Services Master Plan, will occur in pace with the city's ability to provide adequate services.

To meet the future demand for wastewater treatment, additional facilities, including treatment facilities, as well as collection and conveyance infrastructure, will be needed. The improvements to the treatment plant would primarily occur within the existing property, while the conveyance infrastructure would occur wherever new development occurs.

F. Stormwater Drainage

The City of Newman maintains and services all storm drains within the City, and most stormwater drains without treatment into the Wasteway, south and east of the City. In addition to the storm drains, some agricultural ditches used for irrigation supply and tailwater runoff are also located within the proposed SOI. These ditches are maintained by the CCID. Some city storm drains such as the Westside storm drain and the M Street storm drain receive CCID tailwater.

Drainage within the Planning Area generally flows from west to east. Storm runoff is collected in underground pipes and the CCID ditches and piped to a pump station at Inyo Avenue and Canal School Road. A major pipe along Inyo Avenue collects drainage from the City pipe system north of Inyo Avenue. The stormwater system also includes open channel storm drain running from the railroad west to Hills Ferry Road along Sherman Parkway from the northeast area of the City.

There are two tile drain systems in the area, installed to lower groundwater levels by draining agricultural irrigation to the San Joaquin River. The large majority of these tile drains are located within and maintained by the Newman Drainage District (NDD), which is located in the northeastern area of the City. The NDD is an Independent Special District that operates agricultural sub-surface drains to lower the water table within the Newman area. A portion of the City's sphere of influence overlaps the District's boundaries. A smaller tile drain system drains agricultural lands between L Street and Canal School Road. These tile drain systems present a number of constraints to residential development in these areas, and the *Newman 2030 General Plan* establishes a number of policies and actions to address their maintenance and potential upgrade, as well as to ensure that urban runoff does not reach the systems.

As is discussed in detail in later sections of this MSR, the City receives funding for stormwater drainage improvements through capital improvement fees. In addition, developers are required to install infrastructure improvements to ensure adequate project-related stormwater drainage, and are required to submit a grading and drainage plan for review as part of the development approval process.

1. Existing Demand and Short-Term Improvements

The Inyo Avenue pipe collecting stormwater from northern portions of the City is the main bottleneck in the present system, and the City plans on upgrading about 750 to 1,000 feet of the pipe to 60-inch diameter. After this upgrade, the storm drain system will be adequate to serve existing and approved new development.

Historically the City has not been required to obtain NPDES Phase II stormwater discharge permits because it has not met the program's population threshold. As a result a large portion of the City discharges into the Wasteway without water quality treatment. According to Department of Finance statistics, the City's population now exceeds 10,000, the point at which the NPDES Phase II permit program takes effect. As the City transitions into new a drainage regulatory regime, treatment and monitoring may be required. The *Newman 2030 General Plan* institutes Policy PFS-5.2, which mandates that future drainage discharges comply with applicable State and federal pollutant discharge requirements. The General Plan further establishes Action PFS-5.1, which requires the City to obtain a Phase II permit and develop a stormwater management program when the population reaches 10,000 residents.

2. Future Demand and Long-Term Improvements

As the City annexes areas in its SOI, stormwater drainage infrastructure will be extended to existing and new development. New conveyance infrastructure will be connected to existing pipes, and developers will be required to install drainage infrastructure in their projects and to connect to the City's system. In addition, tile drain systems will be subject to ongoing monitoring, and may be upgraded or replaced to accommodate urbanization in these areas, as stated in Action PFS-6.2 of the General Plan. Action PFS-6.1 states that the City will "explore with the Newman Drainage District the possibility of taking over maintenance of the tile drain system within the city limits."

As the City grows beyond 10,000 residents, a Stormwater Drainage Master Plan will be prepared that complies with all regulatory requirements, including any applicable Phase II permit requirements for small storm sewer systems, and will be regularly updated.

G. Roadways and Circulation System

The main mode of transportation in Newman is private automobile, with limited public transit, pedestrian and bicycle opportunities. A branch line of the Union Pacific Railroad passes along

State Route 33, but there are no freight or passenger rail service stops within the City. Additional growth and development requires the continuous review and occasional expansion of the circulation system components. As is discussed in detail in later sections of this MSR, the City receives funding for circulation improvements through capital improvement fees.

1. Roadway Network

The network of roadways in and around Newman consists of arterials, collectors and local streets. The closest major highway, Interstate 5, is located approximately 5 miles west of Newman and is accessed via Stuhr Road. The City of Newman's Roadway System is comprised of arterials, collectors and local streets, all of which are two-lane with one lane in each direction.

Existing arterials serving Newman and its SOI include State Highway 33, Hills Ferry Road, Merced Road, a portion of Hardin Road and Sherman Parkway. Existing collectors include Yolo, Kern, T and Q Streets. The remainder of the streets in Newman are local streets. The local streets located within the downtown and the mature neighborhoods built between World War II and the 1970's are generally built in a grid pattern that provides direct access to surrounding neighborhoods and streets, including collectors and arterials. The more recent residential developments, built since the 1970's, are generally built on a curvilinear street pattern with multiple cul-de-sacs and fewer local streets.

2. Existing Level of Service

The City of Newman uses LOS "C" as the applicable design standard. However, recognizing that there are constraints within the existing circulation system, General Plan Policy TC-1.1 does allow for a LOS lower than C for Merced Street downtown and State Route 33.

As part of the recent General Plan Update, new traffic counts were conducted at locations on the arterial and collector street system in Newman. The current daily traffic volume on most of these roads falls within the LOS C standard, indicating that current traffic conditions in the community are good. AM (7:00 to 9:00 a.m.) and PM (4:00 to 6:00 p.m.) peak hour LOS were also determined for several major intersections in Newman. The overall LOS at each location controlled by an all-way stop or signal is LOS C or better. However, motorists waiting to turn onto State Route 33 experience delays that are indicative of LOS D conditions during the morning peak hour.

3. Future Roadway Improvements

The *Newman 2030 General Plan* identifies a future roadway system and associated improvements that will be needed to support growth that may occur under the Plan. These improvements include the expansion to four lanes of Highway 33 and segments of Prince Street, Jensen/Sherman Parkway, Kern/ Driskell, Merced Street, Inyo Avenue, and Hills Ferry

Road. A new West Parkway is planned, with connections to several arterials and connectors. As areas within the SOI are developed, they will be required to comply with this circulation plan, either through the provision of roadways or improvements, or payment of fees for larger circulation facilities.

As is discussed in detail in later sections of this MSR, the City charges capital improvement fees for roadway improvements. Developers are also required to install certain infrastructure improvements as part of project approval and development.

4. Public Transit

Public transit in the Newman area is provided by Stanislaus Regional Transit's (START) fee-for-service Westside Runabouts. Runabouts are available to the general public and combine designated fixed stops/routes with curb-to-curb service. The Westside Runabouts run along State Route 33 to link Newman with the communities of Crows Landing and Patterson. The line then continues easterly to Turlock. Newman is also served by Stanislaus Regional Transit's Dial-A-Ride Service. This service operates door-to-door from 7:00 a.m. to 6:00 p.m. Monday through Saturday. The *Newman 2030 General Plan* establishes Policy TC-2.1 to require City collaboration with START to maintain and expand transit services.

5. Pedestrian System

Newman's existing pedestrian system is generally comprised of crosswalks and sidewalks along both sides of roadways. In addition, there are two dedicated pedestrian pathways that are located outside of public street right-of-ways. Many of the major destination points in Newman are accessible by pedestrians. Most routes around schools and the Downtown maintain sidewalks in good condition.

There are, however, locations where there are gaps in the sidewalk system, generally adjacent to undeveloped lots or lots that were developed prior annexation to the City. The *Newman 2030 General Plan* requires new development to contribute to pedestrian facility installation and improvement. The Plan also includes Action TC-7.2 to ensure Americans with Disabilities Act (ADA) compliance and Action TC-7.3 to develop a "safe routes to schools" program with the Newman-Crows Landing Unified School District.

6. Bicycle System

The City's bicycle system is currently limited. However, the *Newman 2030 General Plan* denotes the planned bicycle system to serve the area. The General Plan Bikeway Network identifies both Class I (separated path) and Class II (bicycle lanes) facilities. Class I paths are planned along Jensen Road and Sherman Parkway from the CCID Canal to McClintock Road, along the CCID Canal, along the railroad corridor east of State Route 33 and along Canal School Road south of Hills Ferry Road. On-street bicycle lanes (Class II) are planned along

new collector/arterial streets and along major streets through Newman, including Hoyer Road, Prince Street, Upper Road, Kern Street, Driskell Avenue, Inyo Avenue, Fig Lane, and T Street.

The *Newman 2030 General Plan* includes an action for the City to adopt a Bikeways and Trails Master Plan, which would identify bicycle facility needs in Master Plan Subareas and identify specific improvements needed to implement the General Plan Bikeway Network. The Master Plan would identify potential funding sources for additional bicycle facilities.

H. Waste Management

The Bertolotti Disposal Company is the waste hauler for the City of Newman and serves approximately 3,000 households and businesses in and around Newman. Bertolotti collects recycling once every two weeks as well as normal household waste once a week. The waste is transported and landfilled at the Stanislaus County Fink Road Landfill or burned at the Covanta Stanislaus Transformation Facility. Both facilities are located on Fink Road in Crows Landing. As new development occurs in the City and SOI, the City will update their contract with third-party service providers to maintain adequate levels of solid waste and recycling service throughout the area.

DETERMINATIONS

As Newman continues to grow, there will be the need to expand services. With the *Newman 2030 General Plan* update, the City already began its planning for potential expansion of services. The following is a summary of the major City actions that may be required to ensure adequate provision of services. More detail on financing the expansion of services to the SOI is outlined in the following sections of the MSR.

Fire Protection

- As the City grows, the Fire Department will need to transition from a volunteer organization to a joint paid staff/volunteer structure. The *Newman 2030 General Plan* identifies this need and establishes a policy to plan for the transition.
- The City provides for fire protection through annual budgeting and development fee scheduling and through its long-term *Citywide Services Master Plan* and its *Capital Improvement Program*.

Emergency Medical Services

- The Westside Community Healthcare District operates ambulances in the City of Newman. However, the nearest hospital is in Turlock, and as the City grows, emergency facilities may need to be established closer to Newman residents. The

Newman 2030 General Plan establishes policies that encourage expanded or improved emergency medical service facilities in Newman.

Law Enforcement

- The City provides for law enforcement services through annual budgeting and through its long-term *Citywide Services Master Plan* and *Capital Improvement Program*.
- The City should continue its efforts to improve the staffing levels and response times of its Police Department, as set forth in the *Newman 2030 General Plan*.

Water Supply and Treatment

- Water supply needs for buildout of the City's Sphere of Influence (SOI) can be met through continued use of groundwater sources, though other surface sources may be desirable to meet the expectation of residents with regards to salinity and taste.
- While the General Plan provides policies to ensure that adequate water infrastructure is provided, it is unknown at this time exactly where the new water infrastructure will be planned. Since it will be needed to support new development, water mains will most likely be extended along roadways and other public right-of-ways to ensure easy access for maintenance.
- Infrastructure for pumping, treatment, storage and distribution will necessarily be upgraded as the City of Newman grows and annexes areas within its SOI. This infrastructure will be planned in advance of development through the City's Water Master Plan, in accordance with the Newman General Plan.
- The City provides for water supply and treatment through annual capital improvement fee scheduling and through its long-term *Citywide Services Master Plan* and *Capital Improvement Program*.

Wastewater Collection and Treatment

- The City's Wastewater Treatment Facility can accommodate current demand, but upgrades are needed to serve increased demand in the short-term. The City is currently completing a study to identify necessary improvements.
- Wastewater conveyance and storage infrastructure will need to be expanded to accommodate build out of the City's SOI. These improvements will be planned in advance of development through the City's Wastewater Master Plan, in accordance with the General Plan.

- The City provides for wastewater treatment through annual capital improvement fee scheduling and through its long-term *Citywide Services Master Plan* and *Capital Improvement Program*.

Stormwater Drainage

- The City has identified a constraint in the current storm drainage pipe network at Inyo Avenue, and is planning to upgrade this area of pipe to fully meet demand of existing and currently planned development.
- The General Plan requires compliance with all State and Federal stormwater regulations, and mandates that the City obtain a NPDES Phase II permit and develop a Stormwater Drainage Master Plan as required by Federal regulation.
- The tile drains in the City and SOI present a barrier to growth, and will be monitored and potentially upgraded or replaced to accommodate urban development as the City annexes areas in its SOI.
- The City provides for stormwater drainage through annual capital improvement fee scheduling and through its long-term *Citywide Services Master Plan* and *Capital Improvement Program*.

Roadways and Circulation System

- The City has identified circulation improvements and financing mechanisms necessary for the build-out of its Sphere of Influence (SOI).

Waste Management

- The City will provide for waste management services in areas that are annexed in its Sphere of Influence (SOI). These services will be provided at a reasonable rate through regular renegotiation of contract terms or, less likely, through direct provision of waste management services.

CHAPTER 3 FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

I. FINANCING CONSTRAINTS AND OPPORTUNITIES

This chapter evaluates the factors that affect the financing of needed improvements. As part of this, funding constraints are identified where inadequate funds would be available under existing conditions, as well as efforts that the City is undertaking to correct these shortfalls.

A. Development Fees

The *Newman 2030 General Plan* requires new development to pay for public facilities and utilities needed to support additional growth in the form of capital improvement fees. Fees for new development are collected on a square foot basis for non-residential uses, and a per dwelling unit basis for residential uses. In addition, fees for vested maps are charged per dwelling unit for residential uses. In the case of single-family residential subdivisions, the City typically enters into a Development Agreement that includes development fees. The following provides a brief description of the use of each fee:

- **Public Facilities.** Funds improvements to public facilities, including City Hall, Community Buildings, the Corporation Yard, and the Downtown Plaza.
- **General Plan.** Provides for necessary review, amendments and updates to the General Plan and the Housing Element.
- **Parks.** Used to develop and expand public park facilities.
- **Wildlife Habitat.** Funds restoration of sensitive wildlife habitat areas.
- **Fire Protection.** Funds improvements to Fire Department facilities and equipment necessary to increase service capacity.
- **Law Enforcement.** Used improvements to law enforcement facilities and equipment necessary to increase service capacity.
- **Traffic.** Used for various street improvements and maintenance.
- **Sewer System.** Provides funding to expand the sewer backbone collection, treatment and disposal system to increase capacity to meet needs.
- **Storm Drain.** Used to fund improvements to the storm drainage collection backbone system.

TABLE 2 - NEWMAN NEW DEVELOPMENT FEES, 3/1/08 – 2/28/09

Fee	Low Density (Unit)	Medium Density (Unit)	High Density (Unit)	Downtown Commercial (1,000 sf)	General Commercial (1,000 sf)	Service Industrial (1,000 sf)	Light Industrial (1,000 sf)	Heavy Industrial (1,000 sf)	Business Park (1,000 sf)
Traffic	\$3,480.92	\$3,100.97	\$2,448.14	N/A	\$2,756.43	\$852.33	\$1,396.35	\$580.31	\$1,396.35
Storm Drain	\$1,595.67	\$779.03	\$486.89	\$625.97	\$625.97	\$625.97	\$625.97	\$625.97	\$625.97
Sewer System	\$652.07	\$318.35	\$198.97	\$200.50	\$200.50	\$200.50	\$200.50	\$200.50	\$200.50
Water System	\$959.86	\$468.60	\$292.88	\$523.90	\$523.90	\$523.90	\$523.90	\$523.90	\$523.90
Park Development Fee	\$4,479.69	\$4,425.61	\$4,023.29	N/A	N/A	N/A	N/A	N/A	N/A
Total	\$11,168.21	\$9,092.56	\$7,450.17	\$1,350.37	\$4,106.80	\$2,202.70	\$2,746.72	\$1,930.68	\$2,746.72

- **Water System.** Funds improvements necessary to pump, treat, store and transport potable water.

B. City/County Master Property Tax Agreement

Newman also receives revenue from property taxes from land within the city limits. Newman has a Tax Sharing Agreement with Stanislaus County that addresses the adjustment in allocation of property tax revenue among affected governmental agencies when a jurisdictional change occurs, such as annexation of unincorporated property into the city limits. The Agreement, attached to this MSR as Appendix A, was adopted by the City of Newman on April 23, 1996 and is automatically renewed each year until the event that the County or City request a renegotiation. The City Council reviews the Agreement on a regular basis to determine if any adjustment is necessary.

The Agreement specifies the following property tax sharing for additional land annexed into the city:

- For annexations other than County unincorporated islands, the County will retain the base property tax revenue for the annexed area. Newman will receive a 30 percent share of increases in property tax over the base amount.
- For annexations of unincorporated islands, Newman will receive 34 percent of the County's share of property tax, including the base amount.
- Newman will receive 100 percent of a special district's share of property taxes for any land that is annexed by the City from a special district once the property is detached from a special district or once the special district is dissolved.

C. Connection and Usage Fees

In addition to capital improvement fees and property taxes, Newman receives funds for the on-going provision of water and sewer service through connection fees and usage fees. These are discussed in detail later in this chapter. These fees are reviewed on a regular basis to ensure that they reflect the appropriate levels necessary to provide adequate levels of water and sewer service.

D. Lighting and Landscape Districts

Under the provisions of the Landscape and Lighting Act of 1972, several Lighting and Landscape Districts have been established in Newman to provide ongoing funds for the operation, maintenance and improvement of street lighting, traffic signals, and landscaping. These assessment districts apply to individual residential subdivisions in the City.

II. COST AVOIDANCE OPPORTUNITIES

This section addresses methods that can be applied to minimize the cost of service provision while still maintaining a good level of service.

A. Background

As shown in Table 3, Newman provides a wide range of municipal services, such as general government services, law enforcement, potable water, wastewater collection and disposal, stormwater drainage, roadways and parks. The City contracts with other providers for additional services, such as solid waste, when it is shown to be a more cost effective alternative. Other services, such as fire protection, libraries, schools and mosquito abatement are already provided by separate agencies or districts.

As property from the SOI is annexed into Newman, the service provider will change to the City for services currently provided through the County. With annexation, there may be an overall increase in cost to properties in the SOI related to provision of services; however, residents and businesses in the SOI would be receiving access to services, such as water, sewer and storm drainage that are not currently available in the SOI.

Annexation into the City will occur in an orderly manner based on the inclusion of a Primary SOI, proximate to existing development, where annexations are more likely to occur. By avoiding leapfrog development, the cost of expanding infrastructure will be minimized as new development is able to connect to the existing backbone systems without needing to construct long expanses of infrastructure through agricultural lands.

TABLE 3 - SUMMARY OF SERVICE PROVIDERS FOR THE SOI

Service Provider	Existing	After Annexation
General Government	Stanislaus County	City of Newman
Fire Protection	West Stanislaus Fire Protection District	Newman Fire Department
Law Enforcement	Stanislaus County Sheriff	Newman Police Department
Library	Stanislaus County Library	Stanislaus County Library
Schools	Newman-Crows Landing Unified School District	Newman-Crows Landing Unified School District
Water	CCID (irrigation only)	City of Newman
Wastewater	None - Private Septic Systems	City of Newman
Stormwater Drainage	CCID and NDD	City of Newman with additional CCID and NDD Facilities

Roadways/Circulation	Stanislaus County	City of Newman
Parks and Recreation	Stanislaus County	City of Newman
Solid Waste	Contracted Private Firm	Contracted Private Firm
Mosquito Abatement	Turlock Mosquito Abatement District	Turlock Mosquito Abatement District
Cemetery	Hills Ferry Cemetery District	Hills Ferry Cemetery District
Healthcare	Westside Community Healthcare District	Westside Community Healthcare District

III. RATE RESTRUCTURING

The purpose of this section is to determine the potential for minimizing the rates charged to customers for public services, while maintaining the same or better level of service.

A. Water and Sewer Service

Newman’s requirement that new development connect to the City’s municipal water and sewer system will also apply to new development occurring on property within the SOI as it is annexed into the City. As residential and non-residential uses are connected to the municipal system, they are charged a connection fee. The connection fee for each single-family residential unit is \$1,035 for water and \$2,330 for sewer. The connection fee for multi-family residential and non-residential uses is based on the line size and calculated flow for each use.

The City meters water use for residential and non-residential accounts and structures its rates based on a minimum charge plus charges for use above the minimum. The monthly minimum charge is based on meter size and ranges from \$10.90 to \$65.65. The minimum charge applies for the first 400 cubic feet of monthly water use. Beyond this amount, an additional charge of \$0.55 per 100 cubic feet applies.

B. Solid Waste Collection and Disposal

Newman collects a fee for solid waste collection and disposal for residential and small commercial uses. For residential uses, there is a flat rate fee that ranges from \$11.15 to \$16.33 per month. As part of contract renegotiation with the private solid waste service providers, the City is able to control the fees charged through market competition between companies.

Industrial uses and larger commercial uses contract directly with a private solid waste collection and disposal service provider.

C. Lighting and Landscape District

Under the provisions of the Landscape and Lighting Act of 1972, several Lighting and Landscape Districts have been established in Newman to provide ongoing funds for the operation, maintenance and improvement of street lighting, traffic signals, and landscaping. These assessment districts apply to individual residential subdivisions in the City. Currently property owners pay an annual assessment between \$17.28 and \$229.63.

DETERMINATIONS

- The City's budget process is directed toward avoiding unnecessary costs.
- As annexation occurs, duplication of costs will be avoided by ensuring that any services that will be provided by the City, either directly or through City contract, will be removed from the responsibility of the County.
- Cost-sharing agreements with the County will encourage arrangements that enable services to be provided in a cost-effective manner.
- By phasing development, costs related to the expansion of services will be minimized.
- Newman receives funds for the provision of public services through development fees, property taxes, connection and usage fees, and assessment districts. As land is annexed into the city from the SOI, these fees will apply.
- The City reviews its fee structures on a regular basis to ensure that they provide adequate financing to cover the provision of City services.
- Newman reviews the fees it charges for water, sewer, solid waste, lighting and landscaping maintenance on a regular basis to ensure that adequate services are provided in a cost effective manner.

CHAPTER 4 STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

This chapter evaluates the opportunities for the City of Newman to share facilities and resources to develop more efficient service delivery options.

A. Background

The City has already identified opportunities for sharing facilities with other agencies, or combining uses to maximize recreational opportunities in the community.

1. Combined Stormwater Basins and Parks

Currently stormwater basins comprising approximately 10 acres at Sherman Park and Alfred “Bush” Rose park also serve as playing fields. The *Newman 2030 General Plan* includes Policy RCR-2.2, which requires drainage detention facilities in major new developments to incorporate recreational opportunities.

2. School Sites and Parks

In addition to City-owned parkland, residents of Newman are able to use several Newman-Crows Landing Unified School District (NCLUSD) park facilities through a joint use agreement. Facilities under the agreement include gyms and fields at Hunt Elementary School and Orestimba High School.

3. Fire Protection

The fire station located at 1162 N Street is shared by the Newman Fire Department and the West Stanislaus Fire Protection District. In addition, the Cities of Newman and Patterson and the West Stanislaus Fire Protection District share ownership of a new rescue engine.

Determinations

- The City works with other jurisdictions to find cost-effective solutions to service delivery challenges, including dual-use facilities and inter-jurisdictional sharing of facilities.

CHAPTER 5

ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES

I. LOCAL ACCOUNTABILITY AND GOVERNANCE

This chapter assesses the level of accountability and also evaluates the accessibility and levels of public participation associated with the City of Newman's decision-making and management processes.

A. Background

Incorporated in 1908, the City of Newman is a General Law city that operates under the City Council/City Manager form of municipal government, with 47 full-time and part-time employees. The General Law format allows for citizens to elect a governing body that will set policy, pass ordinances and resolutions, and approve fiscal spending.

Newman has four City Council members who are elected at large to staggered, four-year terms and a Mayor elected every two years. To encourage residents to participate in elections, the City notifies the community through notices in the Westside Index, the local newspaper, as well as notices posted at City Hall. City Council meetings are open to the public and occur once monthly. Agendas are provided to the local newspaper, and meetings are broadcast over local public access television.

The City provides its residents with information on City policy and upcoming opportunities for public involvement, including opportunities to participate in the annual budgeting process and to comment on proposed utility rate changes at public hearings. All public notice information is posted at City Hall, and the City publishes an annual newsletter with local highlights and a schedule of upcoming events and activities. Limited informational bulletins are included in water bills, and the Recreation Department distributes information on its activities through the school. The Westside Index also provides information to the community regarding City activities. In addition, the City of Newman's website provides information on City business hours, PDFs of City forms, links to adopted City documents, contact information for City staff and elected officials, City job openings, and other relevant information.

City Hall is open to the public during business hours, Monday through Friday. Both City Hall and the City administrative offices are located conveniently in downtown Newman.

The City prepares annual reports as required by State and Federal regulations. These include annual reports on General Plan implementation progress, water quality, population growth, consumer confidence, and Community Development Block Grant (CDBG) implementation. These reports are available to the public for review and comment.

II. GOVERNMENT STRUCTURE OPTIONS

This section considers the benefits and constraints of the Newman government structure in regards to the provision of public services.

A. Background

Residents ultimately have oversight for the provision of public services in Newman since the City is run by an elected City Council that answers to the public through the ballot process. This was discussed in more detail in the previous section.

When Newman annexes property in the SOI, the City will provide a wide range of public services, both directly and by contract. In some cases, such as municipal water, sewer and stormwater drainage, annexation will result in the availability of services which are not currently available for the SOI. Currently, individual property owners in the SOI have to provide these services themselves, so there will be an increase in available services with annexation; however, there will also be a corresponding increase in service fees in these areas as well.

As identified in Chapter 3, there are services provided by non-City organizations, but are not focused on in this MSR, which the City could in theory provide. These include solid waste collection and disposal, library services, mosquito abatement and schools.

- Solid waste collection and disposal is typically a contracted service since private firms are able to service a small community like Newman at a more reasonable cost due to the large initial cost associated with the equipment and staffing needed to collect solid waste.
- Library service is provided at a countywide level, thereby accessing greater funds than would be available to the City if it were to have its own facilities.
- Mosquito abatement is a regional issue that crosses municipal boundaries, so it does not make sense to try to address mosquito control within just the city limits.
- Public education is traditionally provided by a school district, and not a municipal government.

Determinations

- The residents of Newman are offered a range of opportunities to oversee the activities of elected, appointed and paid representatives responsible for the provision of public services to the community through elections, publicized meetings and hearings, as well as through the reports completed in compliance with State and federal reporting requirements.

- The City's government structure is a common and well-tested arrangement that has proven effective in its ability to deliver public services.
- The City of Newman will need to continue to consider the relative costs and benefits of contracting out services and providing them directly.

CHAPTER 6 OTHER MATTERS RELATED TO EFFECTIVE OR EFFICIENT SERVICE DELIVERY

I. EVALUATION OF MANAGEMENT EFFECIENCIES

The purpose of this section is to evaluate the ability of Newman to provide public services efficiently in a cost effective manner.

A. Background

Newman provides a wide range of public services to its residents and businesses through collection of developer fees, user fees and taxes, as well as grants and other State and federal funding. As previously mentioned, services provided directly by the City include law enforcement, potable water, fire protection services, wastewater and stormwater collection and disposal, parks and recreation, roadways, as well as general planning and maintenance for the community. Where cost effective, specific services are contracted, while others are provided by specially created districts or agencies.

The City undertakes long-range planning programs to better plan and budget for needed improvements to services and facilities. For example, the City recently adopted an update to its General Plan to identify the potential for growth during the next 23 years. The General Plan growth projections provide a baseline for other planning documents, such as the Citywide Services Master Plan, to allow the City to better estimate future demand for services and improvements needed to meet this demand. In addition, as part of the General Plan update, a circulation study was completed to identify needed improvements to the roadway system to support potential growth.

Using these long-range plans as a basis, the City utilizes an annual budgeting process to balance expenditures for provision of needed services with anticipated income. During this process, the City analyzes the need for City staffing, equipment and facilities for the following year, and department heads are encouraged to explore methods to minimize the cost for services while maintaining a high level of service. The budget for the 2007/2008 fiscal year projects a year-end balance for all funds of \$15,553,395, with revenues \$3,437,559 greater than expenditures.

Determination

- The City will continue to use the budget and long-range planning processes to ensure that it is able to provide for adequate levels of service in a cost-effective manner within its service area.

REFERENCES

A. Documents/GIS Data

City of Newman. April 10, 2007. *Newman 2030 General Plan*.

City of Newman. April 10, 2007. *Newman 2030 General Plan EIR*.

City of Newman. June 6, 2005. *Newman 2030 General Plan Existing Conditions Report*.

City of Newman. December 2003. *2003 Housing Element*.

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City of Newman. April 11, 1978. *Council Resolution 78-33, City/School District Joint Use of Recreational Facilities*.

City of Newman GIS.

Stanislaus County. 1994, 2006. *1994 General Plan*.

State of California, Department of Finance. May 2006. *E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2006, with 2000 Benchmark*.

B. Personal Communications

Garcia, Stephanie. Assistant Planner, City of Newman. Personal communications with Brian Holland, DC&E. April 17, 2007 and May 15, 2007.

Garza, Ernie. Director, Department of Public Works. Personal communication with Brian Holland, DC&E. May 15, 2007.

A P P E N D I X A

AGREEMENT FOR TAX SHARING

.....

RESOLUTION NO. 80-4

A RESOLUTION APPROVING AN AGREEMENT WITH THE COUNTY
OF STANISLAUS AND CITIES OF STANISLAUS COUNTY FOR THE
DISTRIBUTION OF SALES TAX REVENUES

WHEREAS, representatives of the City of Newman and of all other cities of Stanislaus County, and of the County of Stanislaus, have met in a joint effort to provide an equitable and agreeable solution to the distribution of Sales Tax Revenues in Stanislaus County; and,

WHEREAS, a proposed Distribution Plan has been presented to the City Council of the City of Newman for its consideration; and,

WHEREAS, all of the cities of Stanislaus County, and the County of Stanislaus, met in caucus and have expressed their unanimous agreement with the proposed Distribution Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the City Council hereby declares its intention to approve an agreement which provides as follows:

1. The cities of Newman, Patterson, Oakdale, Riverbank, Hughson, Ceres and Waterford shall receive the full net collections of the sales tax (one percent rate) as set forth in the "Bradley-Burns Act" (Section 7200, et seq., R & T Code);

2. At such time as each of the seven cities named above reach a level of One Million Dollars in sales tax net collections, they will commence sharing with the County at the rate of One-half of One Percent of the city net collections at the beginning of the next fiscal year. Agreement as to when cities reach One Million Dollars shall be based upon the actual net collections for the third and fourth quarters of the calendar year and projected collections for the first and second quarters for the succeeding calendar year. Sharing shall commence July 1 and continue to increase at the rate of One-half of One Percent per year

1 up to a maximum sharing rate of Five Percent of net collections.

2 3. The cities of Modesto and Turlock will have their present Seven and
3 One-half Percent sharing rate reduced one-half of One Percent per year of net
4 collections until the Five Percent sharing rate is reached.

5 4. The effective date to start these actions will be July 1, 1980.

6 5. Agreement is subject to review and revision in five years or at an
7 earlier date with the concurrence of all parties.
8

9 The foregoing resolution was introduced at a regular meeting of the
10 City Council of the City of Newman held on the 22d day of January, 1980, by
11 Councilman Bagley, who moved its adoption, which motion was duly
12 seconded, and it was upon roll call carried and the resolution adopted by the
13 following vote:

14 AYES: COUNCILMEN: Bagley, Williams, De Oliveira and Mayor
15 Barrington

16 NOES: COUNCILMEN: None

17 ABSENT: COUNCILMEN: Brunette

18 APPROVED:

19 ATTEST:

20 Hurd Barrington
Mayor of the City of Newman

21 Edwin M. Peterson
22 City Clerk of the City of Newman

23 I hereby certify that the foregoing is a full, correct and true copy of a
24 resolution passed by the City Council of the City of Newman, a municipal cor-
25 poration of the County of Stanislaus, State of California, at a regular meeting
26 held on January 22, 1980, and I further certify that said resolution is in full
27 force and effect and has never been rescinded or modified.
28

29 Dated: January 24, 1980.

30 Edwin M. Peterson
31 City Clerk of the City of Newman

32

3

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

IN RE:

Date: January 15, 1980

PROPOSED DISTRIBUTION OF SALES TAX
REVENUES WITH THE CITIES OF STANISLAUS
COUNTY

R E S O L U T I O N

WHEREAS, this Board has met with the representatives of all of the cities of Stanislaus County in a joint effort to provide an equitable and agreeable solution to the distribution of sales tax revenues in Stanislaus County; and

WHEREAS, a proposed distribution plan has been presented to this Board for its consideration; and

WHEREAS, all of the cities of Stanislaus County met in caucus and have expressed their unanimous agreement with the proposed distribution plan;

NOW, THEREFORE, BE IT RESOLVED that this Board hereby declares its intention to approve an agreement and ordinance amendment which provides as follows:

1. The cities of Newman, Patterson, Oakdale, Riverbank, Hughson, Ceres, and Waterford shall receive the full net collections of the sales tax (one percent rate) as set forth in the Bradley-Burns Act (Section 7200, et seq., R & T Code);
2. At such time as each of the seven cities named above reach a level of One Million Dollars in sales tax net collections, they will commence sharing with the County at the rate of One-half of One Percent of the city net collections at the

beginning of the next fiscal year. Agreement as to when cities reach One Million Dollars shall be based upon the actual net collections for the third and fourth quarters of the calendar year and projected collections for the first and second quarter for the succeeding calendar year. Sharing shall commence July 1 and continue to increase at the rate of One-half of One Percent per year up to a maximum sharing rate of Five Percent of net collections.

3. The cities of Modesto and Turlock will have their present Seven and One-half Per Cent sharing rate reduced One-half of One Percent per year of net collections until the Five Percent sharing rate is reached.

4. The effective date to start these actions will be July 1, 1980.

5. Agreement is subject to review and revision in five years or at an earlier date with the concurrence of all parties.

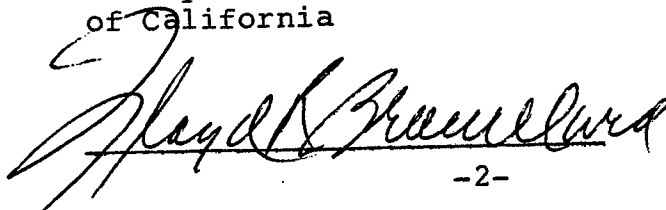
Upon motion by Supervisor Simon, seconded by Supervisor Terry, the foregoing resolution was duly passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 15th day of January, 1980, by the following called vote:

AYES: Supervisors: Terry, Paul, Simon, and Chairman Condit.

NOES: Supervisors: Ulm

ABSENT: Supervisors: None

ATTEST: LLOYD R. BROUILLARD, Clerk,
Board of Supervisors of the
County of Stanislaus, State
of California



RESOLUTION NO. 96-20

A RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER PROPERTY TAX SHARING AGREEMENT BETWEEN STANISLAUS COUNTY AND THE CITY OF NEWMAN

WHEREAS, the County of Stanislaus on January 9, 1996, gave notice of impending cancellation of the current Master Property Tax Sharing Agreements among the County and cities of Stanislaus County; and

WHEREAS, the City of Newman and County Of Stanislaus desire to have a Master Property Tax Sharing Agreement to facilitate annexations pursuant to 56706 of the California Government Code; and

WHEREAS, Stanislaus County City Managers and the County Executive Officer met several times subsequent to the county's Notice Of Cancellation and agreed to a property tax sharing agreement for annexed lands which was acceptable to all parties and is attached as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman authorizes the execution of a Master Property Tax Sharing Agreement between the County and City of Newman pursuant to Section 99 of the California Revenue and Taxation Code which is attached to this resolution as Exhibit "A".

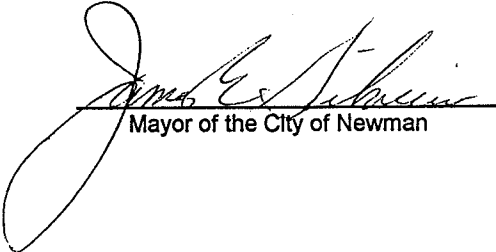
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of April, 1996 by Councilmember Dickey, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES: Marquez, Sheridan, Novoa, Dickey and Mayor Silveira

NOES: None

ABSENT: None

APPROVED:


Mayor of the City of Newman

ATTEST:


City Clerk of the City of Newman

AGREEMENT

SECTION ONE: PARTIES: The parties to this Agreement are the City of Newman, hereafter referred to as "the City", and the County of Stanislaus, hereafter referred to as "the County" acting in its own behalf and on behalf of the special districts in Stanislaus County pursuant to Section 99 of the California Revenue & Taxation Code (Section 99).

SECTION TWO: PURPOSE: The purposes of this Agreement are to provide for:

- a. The adjustment of the allocation of property tax revenue, pursuant to Section 99 of the California Revenue & Taxation Code, among the affected governmental agencies when a jurisdictional change occurs; and,
- b. The adjustment of the appropriation limits of the affected governmental agencies pursuant to Section 3(b) of Article XIII B of the Constitution of the State of California.

SECTION THREE: DEFINITIONS: As used in this agreement, the terms "property tax revenue," "annual tax increment," "jurisdictional change," "affected agency," and "special district" have the same definitions and descriptions as set forth in Sections 95-100 of the California Revenue and Taxation Code. A "certificate of sufficiency" is a certificate issued by the Executive Officer of the Stanislaus County Local Agency Formation Commission pursuant to Section 56706 of the California Government Code.

SECTION FOUR: EFFECTIVE DATE: This agreement shall be effective as of April 23, 1996, and shall apply, except as provided for in Section Eleven to all jurisdictional changes for which a certificate of sufficiency is issued on or after Oct 1, 1996.

SECTION FIVE: TERM: TERMINATION: The term of this Agreement will be for five years starting on the effective date. At the end of the fifth year, the agreement will automatically renew for one-year periods thereafter unless one of the parties requests in writing 60 days prior to the anniversary date for a renegotiation of the terms and conditions of the agreement. If such a request is made, the agreement is terminated on the anniversary date. Notice of renegotiation

shall be sent to the other party, the Stanislaus County Local Agency Formation Commission and the Stanislaus County Auditor.

SECTION SIX: SUBSEQUENT JURISDICTIONAL CHANGES: The parties hereto recognize that the annexation of territory to the City, when done pursuant to the Cortese Knox Local Government Reorganization Act of 1985, as amended, (the "Act") will precipitate the subsequent detachment of the annexation area from a County fire protection district and, in some cases, from other special districts. Consequently, in determining the amount of property tax revenue to be transferred from the County to the City pursuant to Section Seven of this agreement, the Stanislaus County Auditor-Controller shall consider the special districts from which the annexation area will subsequently be detached to be affected agencies. However, no property tax shall be transferred from these districts to the City until the detachments are completed.

SECTION SEVEN: ALLOCATION OF PROPERTY TAX REVENUE: When a jurisdictional change occurs, the property tax revenue attributable to the territory annexed to the City shall be adjusted in the following manner:

a. For annexations other than County unincorporated islands, the County shall retain the property tax revenue from the base assessed valuation for the area to be annexed. After annexation, the annexing city shall receive a 30% share of the County's property tax share that is attributable to an increase in assessed value above the base amount. The County shall continue to receive 100% of the property tax revenue attributable to the base assessed valuation.

b. The City shall receive the entire percentage amount of property tax of any affected special district in the area annexed. However, no transfer of that percentage amount of property tax will occur until either the annexed territory is detached from the special district or the special district is dissolved.

c. For annexations affecting an unincorporated island, the annexing City shall receive 34% of the County's share of property tax including the base amount.

SECTION EIGHT: ADJUSTMENT OF APPROPRIATION LIMIT: Pursuant to Section 3(b) of Article XIII of the Constitution of the State of California, the City shall increase its appropriation limit by the amount of property tax revenue received after the adjustment provided for in Section Seven is completed. The County shall decrease its appropriation limit by the amount of revenue it has had transferred to the City. It is also expected that any special district will decrease its appropriation limit by the amount of revenue it has had transferred to the City.

SECTION NINE: ALLOCATION OF ANNUAL TAX INCREMENT: All future annual tax increment revenue attributable to the annexed territory shall be allocated on the basis of the tax allocation percentage for each affected agency after the adjustment provided for in Section Seven has been completed.

SECTION TEN: EXCEPTIONS: (Modesto Agreement only) Notwithstanding any other provisions of this Agreement, adjustment of the allocation of property tax revenue shall be negotiated independently from this Agreement for any proposed jurisdictional change which includes all or any part of the territories designated as "AREAS EXCEPTED FROM THIS AGREEMENT" on the maps attached hereto and marked Exhibits 1, 2, and 3.

In addition, any area designated as a redevelopment zone in a redevelopment agreement between a City and the County is excluded from the provisions of this Agreement.

SECTION ELEVEN: AMENDMENT OF AGREEMENT: This Agreement can be amended at any time upon the mutual consent of the parties hereto.

SECTION TWELVE: COUNTY OPPOSITION TO ANNEXATION PROPOSALS BEFORE LAFCO: As a result of this Agreement, the County shall not object to a jurisdictional change as a result of an annexation on the grounds of fiscal impacts during the term of this Agreement.

SECTION THIRTEEN: This section is reserved.

SECTION FOURTEEN: CHANGE IN LAW: In the event that either Section 99 or the Act are repealed or amended in any way by the Legislature of the State of California so that the requirement for a negotiated exchange of property tax revenues is changed or no longer exists, then within ten (10) days after the effective date of such a legislative act the parties shall immediately enter into good faith negotiations to modify the agreement for the purpose of conforming it to state law. In the event the parties do not reach agreement within thirty (30) days thereafter this agreement shall thereupon be null and void and state law prevails.

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

By Reagan M. Wilson
Reagan M. Wilson, Chief Executive Officer
of the County of Stanislaus, State of California

ATTEST:

REAGAN M. WILSON, Clerk to the Board
of Supervisors of the County of Stanislaus,
State of California

By Christine Ferraro

APPROVED AS TO FORM:

E. Vernon Seely
County Counsel

CITY OF NEWMAN
a municipal corporation,

By Steve Hollister
Steve Hollister
City Manager

ATTEST:

City Clerk

By Steve Hollister

APPROVED AS TO FORM:

Carl D. Wagner
City Attorney

RESOLUTION NO. 2006-15

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE STANISLAUS COUNTY MASTER PROPERTY TAX SHARING AGREEMENT BETWEEN STANISLAUS COUNTY AND THE CITY OF NEWMAN

WHEREAS, the City Council on April 23, 1996 adopted Resolution No. 96-20 executing a Property Tax Sharing Agreement with Stanislaus County; and

WHEREAS, following a series of meetings among county and city representatives, it was determined that the allocation methodology used by the County Auditor-Controller did not appear to reflect the intent of the original agreement; and

WHEREAS, the Stanislaus County Board of Supervisors, at their April 11, 2006 meeting, took the following actions:

1. Authorized the Chief Executive Officer To sign Amendment No. 1 to the Master Property Tax Agreement with each of the nine cities; and
2. Authorized the Auditor Controller to make payment for the corrected property tax allocations upon signing by the respective cities of Amendment No. 1 to the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby authorizes the City Manager to sign Amendment No. 1 to the Master Property Tax Agreement which is attached to this resolution as Exhibit "A".

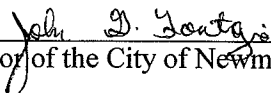
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 25th day of April , 2006 by Councilmember Martina, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES: Parker, Marquez, Martina, Crinklaw and Mayor Fantazia

NOES: None


ABSENT: None

APPROVED:



Mayor of the City of Newman

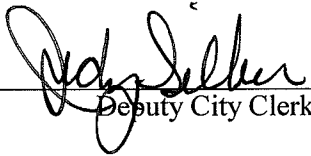
ATTEST:



Deputy City Clerk of the City of Newman

I hereby certify that the foregoing resolution is a full, correct and true copy of a resolution of the City Manager of the City of Newman a municipal corporation of the County of Stanislaus, State of California, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED: 4-26-06


Deputy City Clerk

AMENDMENT # 1 TO AGREEMENT

The County of Stanislaus and the City of Newman, entered into an Agreement dated April 23, 1996 Under Section Eleven of this Agreement, parties agree to the following amendments in order to clarify the intent of the Agreement and these amendments are not to be construed as a "new" Agreement. Amendment No. 1 to the Agreement and the Agreement together constitute the Master Property Tax Exchange Agreement pursuant to the Revenue and Taxation Code Section 99.

The following sections in the Agreement are revised as follows:

SECTION THREE: DEFINITIONS: As used in this Agreement, the terms "property tax revenue", "annual tax increment", "jurisdictional change," and "special district" have the same definitions and descriptions as set forth in Sections 95-100 of the California Revenue & Taxation Code. The "base year" is the tax year immediately preceding the year in which the State Board of Equalization recognizes and notifies the County Auditor-Controller of the annexation. A "certificate of filing" is a certificate issued by the Executive Officer of the Stanislaus County Local Agency Formation Commission pursuant to Section 56658 of the California Government Code.

SECTION FOUR: EFFECTIVE DATE: The Agreement shall be effective as of _____, and shall apply, except as provided for in Section Ten, to all jurisdictional changes for which a certificate of filing is issued on or after _____.

SECTION SIX: SUBSEQUENT JURISDICTIONAL CHANGES: The parties hereto recognize that the annexation of territory to the City, when done pursuant to the Cortese Knox Local Government Reorganization Act of 1985, as amended, (the "ACT") may precipitate the detachment of a County fire protection district and, in some cases, other special districts from the area of annexation. Consequently, in determining the amount of property tax revenue to be

transferred from the County to the City pursuant to Section Seven of this Agreement, the Stanislaus County Auditor-Controller shall consider those special districts detached or dissolved as a result of the annexation. However, no property tax shall be transferred from these districts to the City until the detachments are completed and the Auditor-Controller has received such notification from the State Board of Equalization.

SECTION SEVEN: ALLOCATION OF PROPERTY TAX REVENUE: When a jurisdictional change occurs, the property tax revenue attributable to the territory annexed to the City shall be adjusted in the following manner:

a. For annexations other than County unincorporated islands, the County shall retain its share of the property tax revenue attributable to the base year assessed valuation of the area being annexed. After annexation, the annexing city shall receive a 30% share of the County's property tax share that is attributable to an increase in assessed value above the base year amount. The County shall continue to receive 100% of the property tax revenue attributable to the County's share of the lower of the current year's assessed valuation or the base year assessed valuation and 70% of its share of property taxes attributable to increases of assessed valuation in the annexed area over the base year assessed valuation.

b. The City shall receive the entire amount of property tax attributable to the base year and the annual tax increment or decrement of any affected special district in the area annexed. However, no transfer of property tax attributable to the base year assessed value and annual tax increment or decrement will occur until those special districts are either detached from the annexed area or dissolved.

c. For annexations affecting an entire unincorporated island, the annexing City shall receive 34% of the County's share of property tax including the base year amount or as otherwise separately negotiated. The City shall receive the base year tax and annual tax increments attributable to detached or dissolved special districts.

SECTION NINE: ALLOCATION OF ANNUAL TAX INCREMENT: This section deleted.

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

CITY OF
a municipal corporation,

By _____
Richard Robinson, Chief Executive Officer
of the County of Stanislaus, State of California

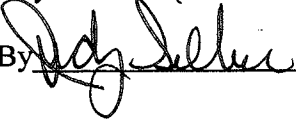


City Manager

ATTEST:

ATTEST:

Christine Ferraro-Tallman, Clerk of the Board
of Supervisors of the County of Stanislaus,
State of California


City Clerk
By 

By _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

County Counsel



City Attorney

A P P E N D I X B

WATER SERVICE RATE
RESOLUTIONS



RESOLUTION NO. 2008-6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA, DECLARING THE RESULTS OF A NOTICED PROTEST PROCEEDING AND APPROVING CERTAIN ACTIONS FOR RATES, FEES AND CHARGES FOR WATER AND SEWER SERVICE(S)

The City Council of the City of Newman (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council called and duly held a noticed protest proceeding for the purpose of presenting to the qualified property owners and rate payers the proposition of increasing rates, fees and charges for water and sewer service(s) pursuant to Section 6, of Article XII D of the California Constitution; and,

WHEREAS, a mailed notice was distributed to the property owners and rate payers of record within the City as of the County's last equalized roll and the City latest rate payer database. The property owners and rate payers as of the close of the Public Hearing held on February 12, 2008 consented to the increase of rates, fees and charges for water and sewer service(s); and,

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE CITY, AS FOLLOWS:

Section 1 The above recitals are true and correct.

Section 2 The canvass of the written protests cast at the noticed protest proceeding held on February 12, 2008, is hereby approved and confirmed.

Section 3 The proposition, presented to qualified property owners and rate payers for receipt by the City Clerk on February 12, 2008, each has received a notice. Of the qualified property owners and rate payers filing written protests at said noticed protest proceeding, the proposition has carried. The City Council is hereby authorized to take the necessary steps to effect the increased rates, fees and charges for water and sewer services(s) as authorized by the proposition.

Section 4 The City Clerk is hereby directed to enter this Resolution on the minutes of the City Council which shall constitute the official declaration of the result of such noticed protest proceeding.

Section 5 This Resolution shall become effective immediately upon its adoption.

Section 6 The City Clerk shall certify the adoption of this Resolution.

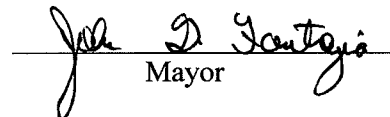
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of February 2008 by Council Member Katen, who moved its adoption, which motion was duly seconded and it was upon roll call vote adopted.

AYES: Katen, Kelly, Crinklaw, Martina and Mayor Fantazia
NOES: None
ABSENT: None

ATTEST:

APPROVED:


Deputy City Clerk


Mayor

ORDINANCE NO. 2008-3

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 11 PUBLIC WAYS AND PROPERTY - OF THE NEWMAN CITY CODE - SETTING
WATER AND SEWER RATES, FEES AND RELATED SERVICE CHARGES EFFECTIVE
MAY 1, 2008**

WHEREAS, the City of Newman, in compliance with Article XIID of the California State Constitution and the Proposition 218 Omnibus Implementation Act, notified all affected property owners and rate payers of the proposed Water and Wastewater Rate Increases; and

WHEREAS, the City of Newman held a Public Hearing on February 12, 2008 as noticed, to allow the City Council to hear and consider all protests and objections concerning the proposed Water and Wastewater Rate Increases; and

WHEREAS, the City of Newman determined a majority protest did not occur; and

WHEREAS, the City Council of the City of Newman adopted Resolution No. 2008-6 accepting the results of the noticed protest proceeding and approving certain actions for rates, fees and charges for water and sewer service(s).

The City Council of the City of Newman does hereby ordain as follows:

SECTION 1

Monthly water and sewer service charges for residential users, commercial users, industrial users, schools and churches, both inside and outside the City, and all other users, shall be in accordance with the following rates in Attachment "A" amending Title 11, Section 11.05.040 Water Rates and Section 11.06.080.2a Establishment of Rates.

SECTION 2

All other sections and provisions of Title 11 shall remain in full force and effect.

SECTION 3

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

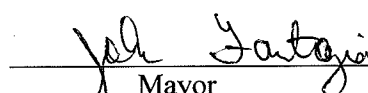
Introduced at a regular meeting of the City Council of the City of Newman held on the 11th day of March, 2008 by Council Member Crinklaw, and adopted at a regular meeting of said City Council held on the 25th day of March, 2008 by the following vote:

AYES:	Katen, Kelly, Crinklaw, Mayor Pro Tem Martina and Mayor Fantazia
NOES:	None
ABSENT:	None

ATTEST:

APPROVED:


Deputy City Clerk


Mayor

Attachment "A"

Water Rates

Customer Category	Class	Size	Basis of Charge	Proposed Base Rates	Proposed Usage Rates	Basis of Usage Rate	Current Base Rates	Proposed Usage Rates
<u>Residential</u>								
1" Meter	01	01	Per Unit + Usage	\$10.90	\$0.55	Each 100 cu ft above 400	\$8.65	\$0.41
2" Meter	01	02	Per Unit + Usage	30.62	0.55	Each 100 cu ft above 1,100	24.30	0.41
3/4" Meter	01	34	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter	01	58	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter x 2 connections (con)	01	59	Per Unit + Usage	21.80	0.55	Each 100 cu ft above 400	17.30	0.41
5/8" Meter x 3 con	01	65	Per Unit + Usage	32.70	0.55	Each 100 cu ft above 400	25.95	0.41
<u>Multiple Dwelling</u>								
1" Meter	01	01	Per Unit	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
2" Meter	04	02	Per Unit	30.62	0.55	Each 100 cu ft above 1,100	24.30	0.41
1" Meter x 2 con	04	05	Per Unit	51.80	0.55	Each 100 cu ft above 400	17.30	0.41
6" up to 2,700 units	04	12	Per Unit	294.27	0.55	Each 100 cu ft above 6,000	233.55	0.41
1 1/2" Meter	04	15	Per Unit	20.41	0.55	Each 100 cu ft above 400	16.20	0.41
5/8" Meter	04	58	Per Unit	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter x 2 con	04	59	Per Unit	21.80	0.55	Each 100 cu ft above 400	17.30	0.41
5/8" Meter x 4 Apts	04	61	Per Unit	43.60	0.55	Each 100 cu ft above 500	34.60	0.41
5/8" Meter x 3 con	04	65	Per Unit	32.70	0.55	Each 100 cu ft above 800	25.95	0.41
<u>Commercial</u>								
1" Meter	02	01	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
2" Meter	02	02	Per Unit + Usage	30.62	0.55	Each 100 cu ft above 1,100	24.30	0.41
5/8" Meter min	02	03	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
4" Meter	02	04	Per Unit + Usage	65.65	0.55	Each 100 cu ft above 3,000	52.10	0.41
1" Meter x 2 con	02	05	Per Unit + Usage	21.80	0.55	Each 100 cu ft above 400	17.30	0.41
3/4" Meter with 4" Meter	02	06	Per Unit + Usage	0.00	0.55	Each 100 cu ft above 0	0.00	0.41
3" Meter	02	07	Per Unit + Usage	43.72	0.55	Each 100 cu ft above 3,000	34.70	0.41
1" Meter x 4 con	02	10	Per Unit + Usage	43.60	0.55	Each 100 cu ft above 400	34.60	0.41
6" Meter up to 2,700 units	02	12	Per Unit + Usage	294.27	0.55	Each 100 cu ft above 6,000	233.55	0.41
1 1/2" Meter	02	15	Per Unit + Usage	20.41	0.55	Each 100 cu ft above 400	16.20	0.41
3/4" Meter	02	34	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter	02	58	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter x 2 con	02	59	Per Unit + Usage	21.80	0.55	Each 100 cu ft above 400	17.30	0.41
5/8" Meter x 3 con	02	65	Per Unit + Usage	32.70	0.55	Each 100 cu ft above 800	25.95	0.41
5/8" Meter up to 7,000 cu ft	02	70	Per Unit + Usage	76.29	0.55	Each 100 cu ft above 400	60.55	0.41
<u>Industrial</u>								
1" Meter	03	01	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
2" Meter	03	02	Per Unit + Usage	30.62	0.55	Each 100 cu ft above 1,100	24.30	0.41
4" Meter	03	04	Per Unit + Usage	65.65	0.55	Each 100 cu ft above 3,000	52.10	0.41
3/4" Meter with 4" Meter	03	06	Per Unit + Usage	0.00	0.55	Each 100 cu ft above 0	0.00	0.41
5/8" Meter x 2 con	03	59	Per Unit + Usage	21.80	0.55	Each 100 cu ft above 400	17.30	0.41

The water rates are effective as of May 1, 2008.

A P P E N D I X C

SEWER SERVICE RATE
RESOLUTION



RESOLUTION NO. 2008-6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA, DECLARING THE RESULTS OF A NOTICED PROTEST PROCEEDING AND APPROVING CERTAIN ACTIONS FOR RATES, FEES AND CHARGES FOR WATER AND SEWER SERVICE(S)

The City Council of the City of Newman (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council called and duly held a noticed protest proceeding for the purpose of presenting to the qualified property owners and rate payers the proposition of increasing rates, fees and charges for water and sewer service(s) pursuant to Section 6, of Article XII D of the California Constitution; and,

WHEREAS, a mailed notice was distributed to the property owners and rate payers of record within the City as of the County's last equalized roll and the City latest rate payer database. The property owners and rate payers as of the close of the Public Hearing held on February 12, 2008 consented to the increase of rates, fees and charges for water and sewer service(s); and,

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE CITY, AS FOLLOWS:

Section 1 The above recitals are true and correct.

Section 2 The canvass of the written protests cast at the noticed protest proceeding held on February 12, 2008, is hereby approved and confirmed.

Section 3 The proposition, presented to qualified property owners and rate payers for receipt by the City Clerk on February 12, 2008, each has received a notice. Of the qualified property owners and rate payers filing written protests at said noticed protest proceeding, the proposition has carried. The City Council is hereby authorized to take the necessary steps to effect the increased rates, fees and charges for water and sewer services(s) as authorized by the proposition.

Section 4 The City Clerk is hereby directed to enter this Resolution on the minutes of the City Council which shall constitute the official declaration of the result of such noticed protest proceeding.

Section 5 This Resolution shall become effective immediately upon its adoption.

Section 6 The City Clerk shall certify the adoption of this Resolution.

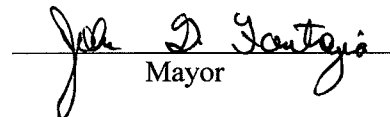
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of February 2008 by Council Member Katen, who moved its adoption, which motion was duly seconded and it was upon roll call vote adopted.

AYES: Katen, Kelly, Crinklaw, Martina and Mayor Fantazia
NOES: None
ABSENT: None

ATTEST:

APPROVED:


Deputy City Clerk


Mayor

ORDINANCE NO. 2008-3

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 11 PUBLIC WAYS AND PROPERTY - OF THE NEWMAN CITY CODE - SETTING
WATER AND SEWER RATES, FEES AND RELATED SERVICE CHARGES EFFECTIVE
MAY 1, 2008**

WHEREAS, the City of Newman, in compliance with Article XIID of the California State Constitution and the Proposition 218 Omnibus Implementation Act, notified all affected property owners and rate payers of the proposed Water and Wastewater Rate Increases; and

WHEREAS, the City of Newman held a Public Hearing on February 12, 2008 as noticed, to allow the City Council to hear and consider all protests and objections concerning the proposed Water and Wastewater Rate Increases; and

WHEREAS, the City of Newman determined a majority protest did not occur; and

WHEREAS, the City Council of the City of Newman adopted Resolution No. 2008-6 accepting the results of the noticed protest proceeding and approving certain actions for rates, fees and charges for water and sewer service(s).

The City Council of the City of Newman does hereby ordain as follows:

SECTION 1

Monthly water and sewer service charges for residential users, commercial users, industrial users, schools and churches, both inside and outside the City, and all other users, shall be in accordance with the following rates in Attachment "A" amending Title 11, Section 11.05.040 Water Rates and Section 11.06.080.2a Establishment of Rates.

SECTION 2

All other sections and provisions of Title 11 shall remain in full force and effect.

SECTION 3

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

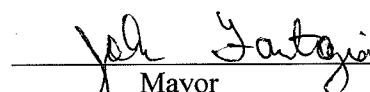
Introduced at a regular meeting of the City Council of the City of Newman held on the 11th day of March, 2008 by Council Member Crinklaw, and adopted at a regular meeting of said City Council held on the 25th day of March, 2008 by the following vote:

AYES:	Katen, Kelly, Crinklaw, Mayor Pro Tem Martina and Mayor Fantazia
NOES:	None
ABSENT:	None

ATTEST:

APPROVED:


Deputy City Clerk


Mayor

Attachment "A"

Wastewater Rates

Customer Category	Class	Proposed Monthly Rate	Proposed Excess Usage Charge 100 cubic feet	Basis of Charge	Current Monthly Rates	Current Excess Usage Charge 100 Cubic Feet
Residential						
Single Family (SF)	01	\$30.58	N/A	Per Unit	\$24.43	N/A
Multi-Family	02	27.52	N/A	Per Unit	21.79	N/A
SF Low Income	08	30.58	N/A	Per Unit	19.55	N/A
MF Low Income	09	27.62	N/A	Per Unit	17.43	N/A
House + 1 Apt	23	58.09	N/A	Per Unit	46.22	N/A
Schools						
Yolo Schools	04	1.27	N/A	Per Student	1.11	N/A
Von Renner	05	1.27	N/A	Per Student	1.11	N/A
Other	06	1.27	N/A	Per Student	1.11	N/A
Commercial						
1 Com + 1 SF	19	61.15	N/A	Per Account	48.86	N/A
Commercial (Com)	20	30.58	N/A	Per Account	24.43	N/A
Commercial	21	30.58	2.74	Per Account + each 100 cu ft above 1,000 cu ft	24.43	2.41
Com + 1 Apt	22	58.09	2.74	Per Account + each 100 cu ft above 2,000 cu ft	46.22	2.41
Com + 1 SF	24	61.15	2.74	Per Account + each 100 cu ft above 2,000 cu ft	48.86	2.41
Com + 3 Apt	25	113.13	2.74	Per Account + each 100 cu ft above 4,000 cu ft	89.80	2.41
3 Com + 1 SF	26	122.30	2.74	Per Account + each 100 cu ft above 4,000 cu ft	97.72	2.41
2 Com + 1 SF	27	91.73	2.74	Per Account + each 100 cu ft above 3,000 cu ft	73.29	2.41
3 Com	28	91.73	2.74	Per Account + each 100 cu ft above 3,000 cu ft	73.29	2.41
4 Com	30	122.30	2.74	Per Account + each 100 cu ft above 4,000 cu ft	97.72	2.41
2 Com	31	61.15	2.74	Per Account + each 100 cu ft above 4,000 cu ft	48.86	2.41
2 SF	32	61.15	N/A	Per Account	48.86	N/A
1 Com + 2 Apt	33	85.61	2.74	Per Account + each 100 cu ft above 3,000 cu ft	68.01	2.41
Com to 7,000 CF	70	214.03	2.74	Per Account + each 100 cu ft above 7,000 cu ft	171.01	2.41
1 SF + 2 Apt	71	116.19	N/A	Per Account	68.01	N/A
Commercial Res/Food Processing						
Res/Food Proc	07	54.05	5.17	Per Account + each 100 cu ft above 1,000 cu ft	43.70	2.61
Restaurant (Res)	10	54.05	5.17	Per Account	43.70	N/A
Com + Res	29	84.63	5.17	Per Account + each 100 cu ft above 2,000 cu ft	68.13	2.61
4 Com + 2 Res	35	230.41	5.17	Per Account + each 100 cu ft above 7,000 cu ft	185.12	2.61
Industrial						
F&A Dairy	Flow	21,332.50	0.01799	Base Rate for 265,000 gal/day + Average gal/day	18,550.00	0.00524
F&A Dairy	BOD	6,436.05	2.55	Base Rate for 4,010 lbs/day + Average lbs/day	4,290.70	1.85
Hi-West Foods		70.35	2.31	Per Account	43.70	N/A
DiMare - 1		70.35	2.31	Per Account + each 100 cu ft above 1,000 cu ft	43.70	2.61
DiMare - 2		70.35	2.31	Per Account + each 100 cu ft above 1,000 cu ft	43.70	2.61
Foster Farms		70.35	2.31	Per Account + each 100 cu ft above 1,000 cu ft	43.70	2.6

The wastewater rates are effective as of May 1, 2008. These rates would increase by 15% on July 1, 2009. They would increase by another 3% on July 1, 2010 and by another 3% on July 1, 2011.