

**MEMORANDUM OF UNDERSTANDING OF MEMBERS MAKING UP
THE SAN JOAQUIN VALLEY 511**

THIS MEMORANDUM OF THE UNDERSTANDING, which shall be effective upon the Fifth day of August, 2010, between and among Council of Fresno County Governments, the Kings County Association of Governments, the Madera County Transportation Commission, the Merced County Association of Governments, the Stanislaus Council of Governments, and the Tulare County Association of Governments, herein referred to as the San Joaquin Valley 511 (SJV 511), hereby enter into this Memorandum of Understanding. The City of Fresno, Kern Council of Governments, San Joaquin Council of Governments and Caltrans, District 6 are non-voting signers to this agreement and as such are not participants in the financial repercussions to the decisions made by voting members.

WITNESSETH:

WHEREAS, the above listed regional planning agencies first entered into a Memorandum of Understanding on August 5, 2010, agreeing to oversee the SJV 511 system consisting of the 511sjv.org website; and

WHEREAS, the City of Fresno is voluntarily providing web site hosting at their facilities for the SJV 511 website and 10 hours of in-kind technical support per calendar month for the next 36 months starting July 1, 2010. The City of Fresno will provide internet bandwidth limited to an average hourly rate of 250 kb/s shared by all 511 servers, with burst-able speeds up to 5Mbps.

WHEREAS, Caltrans District 6, who funded the initial development and hardware for the 511sjv.org website, will turn over the SJV 511 website and associated hardware running the website to Council of Fresno County Governments (Fresno COG) on behalf of the SJV 511 on June 30, 2010 and shall have no further financial obligation or commitment for said website after that date.

WHEREAS, the functionality of the 511SJV.org website turned over to SJV 511 by Caltrans shall be considered the 'baseline' website, please see Appendix A for what constitutes the 'baseline' SJV 511 system..

WHEREAS participating members wanting to make additional services available to their constituents beyond the baseline conditions may do so at their own expense and with no expense whatsoever being borne by the other participating members. Additional services are defined as those services not included as 'baseline' functionality outlined in Appendix A.

WHEREAS participating members paying for additional services for the benefit of their constituents are considered 'PAYING MEMBERS' and participating members not paying for any services should be considered 'NON-PAYING MEMBERS'.

NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED that the regional planning agencies of the counties of Fresno, Kings, Madera, Merced, Stanislaus and Tulare shall coordinate as the San Joaquin Valley 511 system with respect to the performance of the following tasks pertaining to the San Joaquin Valley 511 system. Caltrans District 6, the City of Fresno and the regional planning agencies of the counties of Kern, and San Joaquin will be participating and non-voting members.

1. The SJV 511 Oversight Committee will oversee and make decisions pertaining to the management and operations of the SJV 511 system.

2. The SJV 511 Oversight Committee intends to seek grants and identify other funding opportunities to pay for long term maintenance and operation of the SJV 511 upon completion of the City of Fresno's commitment on June 30, 2013. In the event that grants or other funding sources can not be identified and secured by the SJV511 Oversight Committee, participating agencies may request to be permanently or temporarily disconnected from the SJV 511 system

with no charges or disconnect fees being levied against said agencies. Any participating agency wishing to remain on the system beyond June 30, 2013 may do so at their own expense.

3. Each participating agency in the SJV 511 Oversight Committee shall assign a member of staff to undertake duties and responsibilities associated with oversight of the SJV 511 system. These duties and responsibilities shall include but are not limited to developing and circulating the agenda, chairing meetings, developing and circulating meeting minutes and other associated activity.

4. The City of Fresno shall provide the SJV 511 Oversight Committee a schedule of baseline costs for monthly operation of the SJV 511 system once these costs are known. In the event that the City of Fresno expects costs for operation of the system to exceed baseline amounts it shall notify the SJV 511 Oversight Committee of the expected overtures before passing any costs on to the agencies participating in the SJV 511 Oversight Committee. In order that charges are not levied against the SJV 511 agencies, unless said agencies agree to the charges, the City of Fresno, at the request of the SJV 511 Oversight Committee, will disconnect services for the agencies when monthly quotas have been met.

5. Participating agencies in the SJV 511 Oversight Committee may elect to purchase additional functionality and services for 511 within their jurisdiction. However, the contractual relationship for this service and functionality will need to be between the SJV 511 member paying for the service and its consultant / service provider. The SJV 511 Oversight Committee or member or agency may not enter into an agreement with a service provider on behalf of the SJV 511 Oversight Committee for paid services unless it is unanimously approved by all SJV 511 Committee members. Additionally, this Memorandum of Understanding will need to be amended to reflect the nature and terms of the relationship entered into and approved by the SJV 511 Oversight Committee.

6. Kern Council of Governments, while operating its own 511 system, agrees to monitor and participate in SJV 511 coordination efforts, up to and including providing website links and references to SJV 511 in Kern's 511 telephone tree.

7. As a member of the Capitol Valley SAFE program managed by the Sacramento Area Council of Governments (SACOG), the San Joaquin Council of Governments (SJCOG) is part of the SACOG 511 telephone system which may be expanded to add additional services for San Joaquin County in FY 10-11. SJCOG agrees to monitor and participate in the SJV 511 coordination efforts.

BE IT FURTHER UNDERSTOOD AND AGREED that to oversee the coordination efforts the following organizational structures shall be established:

1. The SJV 511 Oversight Committee is hereby created consisting of the Executive Director of the participating member or a person appointed to represent them of each agency signing this agreement. The SJV 511 Oversight Committee shall meet at least twice each fiscal year to provide guidance on SJV 511 issues. The SJV 511 Oversight Committee shall also provide direction and guidance to the Regional Planning Agencies Executive Directors Committee on issues pertaining to the SJV 511 system.

a. Nothing herein shall be construed as limiting in any manner the authority and responsibilities of the respective regional planning agencies, and all plans, programs and activities shall at all times be carried out in such manner as to maintain and recognize the separateness and autonomy of the individual regional planning agencies.

2. Each participating member shall have one vote in the SJV 511 Oversight Committee on issues that do not involve financial matters. This applies equally to paying and non-paying members. However, only paying members can vote on issues that involve financial matters. Financial

decisions made by paying members of the SJV 511 Oversight Committee should only benefit paying members and their constituents and not apply to non-paying members and their constituents. Financial decisions that pertain to funds obtained for the benefit of SJV 511 shall be made by both paying and non-paying members equally.

IN WITNESS WHEREOF, the parties hereto into this Agreement as of the Effective Date of August 5, 2010.

AGENCY:

Council of Fresno County Governments



Tony Boren, Executive Director

Kings County Association of Governments



Terri King, Executive Director

Madera County Transportation Commission



Patricia Taylor, Executive Director

Merced County Association of Governments



Jesse Brown, Executive Director

Stanislaus Council of Governments



Vince Harris, Executive Director

Tulare County Association of Governments



Ted Smalley, Executive Director

NON-VOTING SIGNERS

Non-voting signers to this agreement and as such are not participants in the financial repercussions to the decisions made by voting members.

Caltrans, District 6



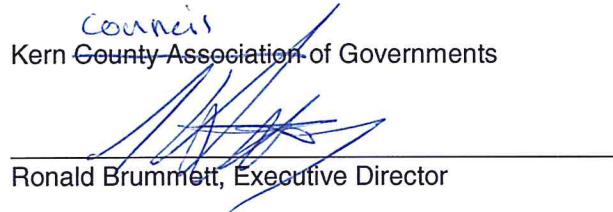
Sharri Bender Ehler, Acting District 6 Director

City of Fresno



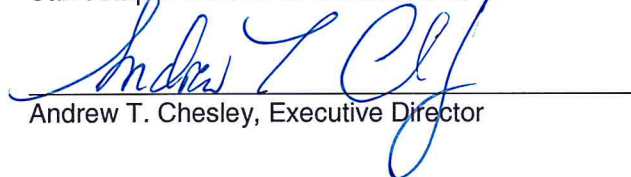
Bruce Rudd, Deputy City Manager

^{Council}
Kern ~~County~~ Association of Governments



Ronald Brummett, Executive Director

San Joaquin Council of Governments



Andrew T. Chesley, Executive Director

APPENDIX A:

Baseline functionality includes the following:

The 511 portal system will serve as the foundation for providing web-based 511 information to the general public. The system will support static information such as transit schedules, reports, and contact lists as well as dynamic data such as real-time traffic information and news articles. The 511 portal will provide the following information either directly on the portal or through linkages to external data providers/web sites.

- * Main traffic page with regional traffic information
 - * Congestion map to be provided by PeMS
 - * Fog visibility information provided by the FDWS project
 - * Dynamic sign information provided by the FDWS project
- (potential)
 - * Text-based interface providing similar information as shown on traffic map
 - * Links to local and regional transit services
 - * Links to local and regional rideshare services
 - * Links to regional airport information/services
 - * Links to bicycling information, as applicable.
 - * Links to tourist information, as applicable.
 - * Frequently asked questions
 - * Links to regional partners
 - * Content provided by approved/authorized regional partners
 - * Regional alert mechanism with ability to manage these alerts
 - * Links and content for approved business services
 - * Links to regional and local camera images