

ORDINANCE NO. 8

SETTING FORTH THE TERMS AND CONDITIONS OF AN AGREEMENT FOR THE ANNEXATION OF THE CITY OF NEWARK TO ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, DECLARING THE INTENTION OF THE BOARD OF DIRECTORS OF CAUSING SAID AGREEMENT TO BE EXECUTED BY THE DISTRICT, FIXING THE TIME AND PLACE OF HEARING THEREON AND DIRECTING NOTICE OF SAID HEARING TO BE GIVEN.

WHEREAS, the City Council of the City of Newark has agreed in writing with the Board of Directors of Alameda-Contra Costa Transit District upon the terms and conditions for the annexation of said City to said District;

NOW, THEREFORE, BE IT ENACTED by the Board of Directors of Alameda-Contra Costa Transit District:

Section 1. The terms and conditions of the agreement for the annexation of the City of Newark hereinafter set forth are satisfactory and agreeable to this Board of Directors and said Board of Directors does hereby declare its intention of causing said agreement to be executed by the District.

Section 2. Said agreement is set forth at length as follows:

Section 3. Wednesday, August 21, 1974, at 4:30 o'clock p.m. (P.D.T.), in the meeting room of the Board of Directors, 322 Latham Square Building, 508 16th Street, Oakland, California, is hereby fixed as the time and place for hearing written objections to the execution of the agreement hereinabove set forth at length in Section 2. The Secretary of District is hereby authorized and directed to publish this Ordinance, which contains the notice fixing the time and place of said hearing, once in the Hayward Review, a newspaper of general circulation published in said District, and such publication shall constitute the notice of said hearing. Notice of said hearing is hereby given as follows:

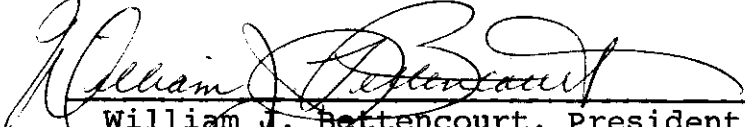
NOTICE FIXING TIME AND PLACE FOR HEARING ON THE
QUESTION OF THE EXECUTION BY ALAMEDA-CONTRA COSTA
TRANSIT DISTRICT OF THE AGREEMENT FOR THE ANNEXATION
OF THE CITY OF NEWARK TO SAID DISTRICT.

NOTICE IS HEREBY GIVEN that the Board of Directors of Alameda-Contra Costa Transit District has fixed Wednesday, August 21, 1974, at the hour of 4:30 o'clock p.m. of said day in the meeting room of the Board of Directors, 322 Latham Square Building, 508 16th Street, Oakland, California, as the time and place for the hearing on the question of the execution by Alameda-Contra Costa Transit District of the agreement for the annexation of the City of Newark to said District set forth in full in Section 2 of this Ordinance.

NOTICE IS FURTHER GIVEN that at the time and place fixed herein, or at such time and place to which such hearing may be adjourned, any person interested may file written objections to the execution of said agreement with the Board of Directors of said District. Failure of any person interested

in said District or in the matter of the proposed execution of said agreement to show cause in writing as aforesaid, shall constitute an assent on his part to a change in the boundaries of the District, and to the execution of the agreement. Upon the hearing the Board of Directors of said District shall determine whether or not said agreement shall be carried into execution and shall hear and determine all objections thereto.

Section 4. This Ordinance shall take effect immediately upon its passage and approval.



William J. Bottencourt, President
Board of Directors of Alameda-
Contra Costa Transit District

Attest:

Lawrence A. Rosenberg, Secretary

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 8 introduced at a regular meeting of the Board of Directors of Alameda-Contra Costa Transit District held on July 10, 1974, and adopted by said Board of Directors at an adjourned regular meeting of said Board held on July 15, 1974.

Lawrence A. Rosenberg, Secretary

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
LAWRENCE A. ROSENBERG, Secretary

By 

Deputy

RESOLUTION NO. 411

FINALLY APPROVING AGREEMENT FOR THE ANNEXATION OF THE CITY OF NEWARK TO ALAMEDA-CONTRA COSTA TRANSIT DISTRICT AND AUTHORIZING SAID AGREEMENT TO BE EXECUTED BY THE DISTRICT.

WHEREAS, the City of Newark, County of Alameda, has agreed in writing with the Board of Directors of Alameda-Contra Costa Transit District upon the terms and conditions for the annexation of said City to said District; and

WHEREAS, said Board of Directors, by Ordinance No, 8, duly adopted on July 15, 1974, set forth the terms and conditions of said agreement, declared its intention of causing said agreement to be executed by said District and fixed Wednesday, August 21, 1974, at 4:30 p.m., at the meeting room of the Board of Directors, 508 16th Street, Oakland, California, as the time and place for hearing protests or objections to the execution of said agreement; and

WHEREAS, notice of said hearing has been given in the time, form and manner required by law and this Board of Directors so finds and determines; and

WHEREAS, said hearing was duly held by said Board of Directors at said time and place for the hearing of said protests and objections; and

WHEREAS, protests or objections were made by the following persons:

<u>Name</u>	<u>Address</u>
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and said Board of Directors proceeded to hear and pass upon all of said protests and objections, and on motions duly made and seconded, overruled and denied each and all of said protests and objections;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Alameda-Contra Costa Transit District as follows:

1. The terms and conditions of the agreement for the annexation of the City of Newark, in the form of agreement set forth in said Ordinance No. 8, are finally approved.

2. The General Manager and the Secretary of District are hereby authorized to date and execute said agreement and to file an executed copy thereof with the Secretary of District and with the Clerk of the Board of Supervisors of Alameda County.

I hereby certify that the foregoing Resolution No. 411 was duly and regularly adopted by the Board of Directors of Alameda-Contra Costa Transit District at the Adjourned Regular Meeting of said Board held on August 21, 1974, by the following vote:

Ayes: Directors Berk, Copeland, McDonnell,
Rinehart and Nakadegawa
President Bettencourt, Vice President Fujii

Noes: None

Absent: None

I further certify that the passage of said Resolution is recorded on Page 8, Volume XII, of the Minutes of said Board.

Lawrence A. Rosenberg, Secretary

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
LAWRENCE A. ROSENBERG, Secretary

By Susan McKevigan
Deputy

AGREEMENT FOR ANNEXATION
OF
CITY OF NEWARK
COUNTY OF ALAMEDA
TO
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

THIS AGREEMENT made and entered into by and between ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, a body corporate and politic organized and existing under and by virtue of the laws of the State of California, hereinafter referred to as "DISTRICT", and CITY OF NEWARK, a municipal corporation organized and existing under and by virtue of the laws of the State of California, hereinafter referred to as "CITY";

WITNESSETH:

WHEREAS, City seeks to annex to District all territory contained within the incorporated limits and District is agreeable to said annexation in accordance with the provisions of the law authorizing annexation of cities to District upon the following terms and conditions:

1. After annexation all property now or hereafter situate within the City shall be subject to taxes as may be levied by District pursuant to Article 8, Chapter 6, of the Transit District Law of the State of California, but in no case will a tax be levied until the formation of the Special Transit Service District provided for herewith.
2. This agreement shall not take effect unless and until a proposition for the annexation of City is approved by a majority of the voters within City, voting at a special election to be called by City to be held November 5, 1974, in the manner provided by law. City agrees to bear all expenses of such election.

3. District agrees that subsequent to annexation, and prior to the next regular election of Directors, it will make every effort possible to include all of the annexed area in a single ward, in accordance with the Transit District Law and applicable case law.

4. It is understood and agreed by the parties hereto that subsequent to the approval of the annexation by the voters in City, that District will commence proceedings to establish a Special Transit Service District pursuant to Sections 27401 through 27417 of the Transit District Law, Part 1, Division 10, Public Utilities Code of the State of California, consisting of the area contained within City.

District agrees that it will not proceed with the establishment of a Special Transit Service District containing City without the consent of the City Council of City.

5. Upon annexation there shall be created a Transit Advisory Committee composed of four representatives of the City of Fremont, two representatives of the City of Newark, and two representatives of the City of Union City, provided said cities are a part of the annexed area. Advisory committee representatives shall represent the interests of the respective cities and shall serve at the pleasure of the respective City Councils. District agrees to provide staff support to the Transit Advisory Committee, including written staff reports, agendas, minutes, resolutions and other actions of the Committee. District agrees to consult with said Committee with regard to the establishment of a change in routes, service levels, fares, tax rates, or other matters of substance affecting the operation of the transit service in the annexed area. District agrees that at the request of the Transit Advisory Committee it will, from time to time, after consultation with the Committee, set forth

in a letter to City its intent with respect to special operational considerations including, but not limited to, routing, logo, special express runs, publicity, fares, transfers, bus stop locations, and consultant's services.

6. District intends to provide service within the boundaries of City as set forth in the recommendations of the Tri-City Transit Implementation Project report entitled, "An Integrated Public Transportation System for the Cities of Fremont, Newark and Union City", to the extent that the recommendations contained in the above-entitled report can be implemented within the boundaries of City, taking into consideration the degree of implementation to be carried out in the Cities of Fremont and Union City, and the financial ability of the Special Transit Service District to be created pursuant to this Agreement. District, in any case, will provide an equitable level of service to all parts of the annexed area consistent with the financial ability of the annexed area.

7. District agrees that it will expeditiously process appropriate applications for Federal and State capital assistance for the purchase of new equipment for use in the annexed areas, and that it will purchase all new equipment as soon as practical. It is understood, however, that until such time as new equipment is available, the District will utilize available equipment suitable to the types of service required in order to expedite the commencement of transit service.

8. District agrees that all transit service to be operated by District subsequent to annexation in the area of City shall be appropriately integrated and coordinated with the service operated by District in Special Transit Service District No. 1, and other transit systems.

9. District agrees to provide a completely separate accounting for the Special Transit Service District created to serve the annexed area.

(a) It is understood that direct costs incurred and advanced by the District in the start-up of service are appropriate charges to funds generated by Special Transit Service District, following approval by the voters for annexation.

(b) Subsequent to the commencement of bus service, the District will make appropriate charges to the Special Transit Service District created in the annexed area to pay for all direct costs. In addition, District will make appropriate charges to the Special Transit Service District for the annexed area for indirect costs on the basis that appropriately reflects the proportion of said indirect services applicable to the Special Transit Service District, as compared to the District as a whole, utilizing acceptable accounting procedures.

10. District agrees that Transportation Development Act funds set aside for the area in the Special Transit Service District shall be utilized for that area, and not for other areas of District.

11. District agrees to continue its policy of non-discrimination in hiring practices, and to work with the annexed area to encourage qualified minority residents of the annexed area to seek employment with the District as bus drivers and other employees.

12. City and District reserve the right to amend this agreement from time to time, by mutual consent, to the extent they may legally do so.

Dated: November 27, 1974

CITY OF NEWARK

By *James E. Balentine*
James E. Balentine, Mayor

ATTEST

A. T. Huez
A. T. Huez, City Clerk

APPROVED AS TO FORM

Anthony J. Garcia
Anthony J. Garcia, City Attorney

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

By *Alan L. Bingham*
Alan L. Bingham, General Manager

ATTEST

Lawrence A. Rosenberg
Lawrence A. Rosenberg, Secretary

APPROVED AS TO FORM

Robert E. Nisbet
Robert E. Nisbet, Attorney

Final

RESOLUTION NO. 2625

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWARK AUTHORIZING EXECUTION OF AN
ANNEXATION AGREEMENT BETWEEN THE CITY OF
NEWARK AND THE ALAMEDA-CONTRA COSTA
TRANSIT DISTRICT

WHEREAS, on July 9, 1974 the City Council of the City of Newark by the adoption of its Resolution No. 2576, did declare its intent to enter into an annexation agreement entitled "Agreement for Annexation of the City of Newark, County of Alameda, to Alameda-Contra Costa Transit District", provided that a measure providing for said annexation passed at a special principal election held November 5, 1974, pursuant to said Resolution No. 2576;

WHEREAS, said election held in the City of Newark, County of Alameda, on November 5, 1974 resulted in the approval by the electorate of said annexation measure; said election results being certified to and confirmed by this City Council by the adoption of its Resolution No. 2624;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Newark does hereby authorize and direct the Mayor to execute said annexation agreement on behalf of the City of Newark, and the City Clerk shall thereupon file said duly executed agreement with the Secretary of the Alameda-Contra Costa Transit District.

I HEREBY CERTIFY the foregoing resolution was introduced at a meeting of the City Council of the City of Newark held on November 26, 1974, by who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES:

NOES:

ABSENT:

SECONDED:

APPROVED:

s/ JAMES E. BALENTINE

Mayor

ATTEST:

s/ A. T. HUEZO

City Clerk

APPROVED AS TO FORM:

s/ ANTHONY J. GARCIA

City Attorney

I certify that the foregoing is a correct copy of a resolution adopted by the City Council of the City of Newark, California, on 11/27/74

Attest: _____

by _____

Resolution No. 2625